



## PCC Review – Response from West Midlands Police and Crime Commissioner

### **Introduction**

Thank you for the opportunity to respond to this informal consultation. Policing, services for victims, community safety and the criminal justice system are all important to the public, civic society and our way of life. Police and Crime Commissioners (PCCs) are a novel addition to our democratic landscape and are still, in many ways, developing their role. PCCs bring a local focus and accountability that was not present before. Our democracy may be suffering from reduced public confidence, and PCCs are not immune to this trend. It is important, however, not to conflate these more general patterns with the very real successes PCCs have achieved in bringing energy and direction to issues the public care deeply about. These successes have come about from giving PCCs the mandate and agency to devote themselves to a coherent set of governance and policy questions concerning policing, crime, community safety and criminal justice. There is evidently a temptation to assume that making policing governance and the other elements just one part of an even broader agenda in local government will see these successes multiply. This assumption should be made with caution; it could easily be the case that too diffuse an approach spreads too thinly the capacity of a directly elected individual to achieve change at the local level and makes less clear the responsibilities and accountabilities that the directly elected individual holds.

### **Responses to research questions**

- 1. How to reinforce and sharpen the accountability of PCCs to the communities they serve, including how to raise the profile of the PCC model and improve the ease with which the public can access information about their PCC.*
  - i. How effectively do PCCs engage the public?*
  - ii. How do we ensure the public can more easily hold their PCC to account at the ballot box?*

The potential for PCCs to engage with the public is significant based on the high levels of public interest associated with policing, crime and community safety. The public wants to feel safe, have confidence in the police, see offenders brought to justice, and reoffending reduce. There is a genuine public appetite to see policing scrutinised, held to account and responsive to public expectations. Services for which the PCC has more direct responsibility, such as commissioning of victim services, matter to the public generally and service recipients specifically. Complaints oversight and casework are staple business processes for meeting these expectations, for example, both of which support the wider statutory functions.

The requirement is for PCCs to deliberately and thoughtfully consider how they publicly demonstrate the exercise of the strategic direction and holding to account functions.

In the West Midlands there is a Strategic Policing and Crime Board, which on a monthly basis meets in public to scrutinise and support the Chief Constable, as well as other members of his senior team. The Board, chaired by the PCC, offers a structured, transparent and responsive mechanism to demonstrate holding to account, delivery against the PCC's strategic direction, and addressing contemporaneous issues, all right across the totality of policing. Board meetings are webcast and continued during the COVID crisis. In addition to a direct audience larger than many local public sector governance meetings, the Board and its reports receive significant media attention and as such are an excellent way of communicating with the region's large and diverse population. The Board work plan is based on the thematic priorities in the Police and Crime Plan and the recently added Emergency Chapter, and includes performance reporting. Agendas include public questions and emerging issue questions. Board members are recruited with diverse skills and experience.

A Board is not the only way to publicly demonstrate strategic direction and holding to account. However, it is a thoughtful and structured approach - a governance "shop window" of sorts - that merits wider consideration. Its effectiveness rests on the ability to use the Police and Crime Plan ("the Plan") as a document that supports strategic direction and, hence, holding to account. The existing West Midlands Plan offers some instructive lessons in this regard. It sets out specific commitments (rather than general themes) and is written in the first person ("I will..."), and includes performance measures. The rigour of future Plans is worth exploring; future guidance could support Plans to adopt a methodology closer to that in the Treasury "Green Book". A Plan could seek to identify net benefits, resources required, clear outcome measures and an adopt an approach based on the commissioning of police services. It is notable that successive Home Secretaries have not exercised their power to issue Plan guidance.

It is worth noting that in response to the COVID crisis, the Commissioner agreed an emergency update to the original plan. This set priorities for the Force and OPCC, from extra resources and campaigns to support increased domestic abuse workloads, to increasing the capacity of the Special Constabulary through making one off payments to Special Constables, to ensuring that the force had the new IT infrastructure it needed to get through the crisis. The emergency update emphasised and demonstrated the Commissioner's role in strategic direction, holding to account and ensuring that the OPCC plays its role appropriately.

PCCs are accountable to populations numbering at least in the hundreds of thousands - the population of the West Midlands is nearly three million. Approaches to engagement and accountability have to reflect the realities of these large populations. Thematic rather than generalist methodologies would seem more likely to reach key audiences. For example, the West Midlands Gangs and Violence Commission is built on a community led and owned approach, which works alongside the broader remit of the West Midlands Violence Reduction Unit. We also have a Youth Commission, with peer elected Youth Commissioners. These young people have access to the Force and Office and are encouraged run campaigns and drive change on the issues that mean most to them as young people and there is an annual Question Time evening with the Youth Commissioners, PCC and Chief Constable and the local press. The Commission was responsible for the reintroduction of Police Cadets in the West Midlands after a nearly 20 year absence. Youth Commissioners help to make the PCC aware of and responsive to issues affecting young people. "Summits" on a variety of topics, from unauthorised traveller encampments, to dangerous delays on the trains to motorway incidents, engage the public on key issues, bringing together partners under the "convening" role of the PCC. Online public and youth panels provided an effective channel for COVID-period engagement on issues associated with confidence in policing, racism, inequality and the Black Lives Matter movement.

Structured engagement processes at local and Force level support activity relating to:

- Stop and Search / Use of Force (including local panels and a Force-level commission)
- Community safety (including a Force-level Community Safety Partnership responsible for, among other things, commissioning service capabilities across the Force area)
- Ensuring ethical use of police data for predictive analytics and other purposes (including consideration of operational use cases)
- Support for victims of crime
- An efficient and effective criminal justice system

There is merit in exploring the use of Citizens Assemblies and how they can support the public decision making across a region, including the PCC role. A pilot across the public sector in the West Midlands would be very welcome in helping to address systemic issues that impact across and need the buy in of the wider public sector.

The reference to the "sharpness" of accountability is of interest. PCCs are clearly and directly held to account at the ballot box. As a statutory construct, PCCs are largely single purpose entities, tasked (in the most general terms) with the governance of a police Force, the commissioning of services for victims of crime, ensuring an efficient response to community safety issues and securing efficiency in the criminal justice system. These responsibilities present a largely coherent and linked set of issues. A PCC's Police and Crime Plan should offer a comprehensive sense of what the PCC wants their police Force to achieve, what services should be available to victims, the partnership response to community safety matters, and the effectiveness of the criminal justice system in their area. Latterly, the expectation has arisen that PCCs lead on the reduction of violence in society. This is a significant expansion in the PCC role, given that policing is only part of what is a public health question. However, the significant overlap between violence reduction and policing, combined with a PCC's convening role and flexible governance arrangements, have enabled this work to proceed apace. "Sharpening" accountability would therefore come from offering PCCs guidance on the structure of their Plans so they give the interested voter a comparable mechanism to see what a PCC sought to achieve.

Given this, it is surprising that the consultation emphasises an intent to transfer more policing governance duties to Combined Authorities, which are general purpose local government bodies, responsible, to a greater or lesser extent, for a range of functions including spatial planning, public transport, capital developments, aspects of the road network, and adult education, among others. The links between these and policing are tenuous, making accountability more blurry rather than sharper. A would-be voter, instead of merely being focused on the intrinsically linked issues of police governance, victim services, community safety and the criminal justice system, would instead be required to balance these against a range of other, largely unconnected issues. The requirement for a Deputy Mayor for Policing further muddies the position.

*2. How to ensure that PCCs have sufficient resilience in the event that they cannot undertake their role, by considering existing arrangements for appointing Deputies.  
(is the current model resilient enough to hold up when things go wrong?)*

The phrase "when things go wrong" is assumed to refer to:

- The PCC is unable to fulfil the functions of the role
- The PCC is suspended
- The PCC leaves office for some other reason

In all cases, the following elements are required:

- An effective Scheme of Governance ("the Scheme"). The Scheme must ensure that delegations are in place that allow for the delivery of statutory functions, including those to the Chief Executive and Chief Finance Officer, and others as appropriate. This does not, in itself, create a requirement for a Deputy PCC, but it does mean that if there is a Deputy, their role is described in the Scheme. The Scheme needs periodic review, and in the West Midlands we have a Joint Corporate Governance Working Group, led by the OPCC but with the Force fully engaged. The Working Group signs off the Annual Governance Statement, which also needs to consider whether the Scheme remains fit for purpose.
- An OPCC with appropriate resources and trained staff that has the capacity and capability to respond appropriately to when "things go wrong". Sources of advice available to the Chief Executive and Chief Finance Officer need to be in place (independent legal advice, Home Office contacts etc). The employment protections available to the Chief Executive and Chief Monitoring Officer when exercising their Monitoring Officer and Section 151 roles respectively may be worth reviewing.

- Protocols in place for liaison with the Police and Crime Panel ("the Panel"). It is reasonable to suggest that a PCC could, in the event that they cease to be able to fulfil their role, designate beforehand who automatically assumes the Acting PCC position (rather than leaving this decision to the Panel). This would remove the interregnum period before Panel convenes.

*3. How to improve the current scrutiny model for PCCs, including the provision of common quality standards and considering the role of Panel Chairs.*

- *Are the right checks and balances in place to make PCC-led accountability work?*
- *Do PCPs have the right tools and skills to hold PCCs to account?*
- *Should a system of recall be introduced for PCCs and if so what should be the trigger mechanism?*

The effectiveness of a Panel is a product of:

- The capacity and capability of the Panel membership
- The capacity and capability of the Officer support available to the Panel

The selection process for membership, training for members and Officers, and other resources, are therefore relevant.

Panel workplans could be focused on support and scrutiny of the PCC in relation to the delivery of their statutory functions. This could include, for example:

- Is the PCC providing effective strategic direction i.e. is the Police and Crime Plan effective?
- Is the PCC delivering the objectives set out in the Police and Crime Plan?
- Is the PCC holding the Force to account effectively?
- Is the PCC ensuring efficient and effective services for victims?
- Is the PCC supporting improved community safety?
- Is the PCC ensuring an efficient and effective criminal justice system?
- Is the PCC having regard to the Strategic Policing Requirement?
- Is the PCC fulfilling their duties to collaborate?
- Are the PCC's decisions reasonable?

Panels have access to sufficient information concerning the PCC to answer these questions. In the West Midlands we support our Panel with regular briefings, visits, tours of police buildings and full responses to requests from the Panel for briefings and background information/materials. There is a close and regular dialogue between Officers who support the PCP and OPCC staff. Panel members observed the recruitment of the Chief Constable.

It is not recommended that Panels are given additional powers to block or overturn PCC decisions. While PCCs are directly elected, the accountability of Panel members is tenuous given that the large majority are selected and appointed by their host local authority via processes that are opaque to the public. The accountability they carry for their decisions appears slight and it is possible that some of their actions are driven by wider imperatives than the efficiency and effectiveness of the policing governance function. However, it is possible to imagine Panels being given a clearer statutory route to raise their concerns both with PCCs and the Home Secretary. The former can, of course, decide to change a decision based on a Panel's recommendation, and not only does the latter have reserve powers to direct a PCC, but is subject to a high degree of accountability and scrutiny in Parliament. The referral route to the Home Secretary would be analogous to that available to local authority health scrutiny committees in matters pertaining to the NHS in their area.

The proposal for a PCC recall mechanism is not supported at this time. Recall for MPs was introduced in 2015, over 180 years after the first steps of reform of the franchise for MPs, by which time the role and expectations for MPs was well understood. The PCC role is less well established with the public, creating the risk of recalls driven more by the model than the actions of a particular PCC. The eligibility requirements for PCCs are already more strict than exist for other elected positions, and the actions of PCCs are more tightly understood and enforced - thanks, for example to the oath of office, the close monitoring officer and s151 oversight and the Policing Protocol - than other local elected roles.

*4. The effectiveness of the current PCC and Chief Constable oversight dynamic, including consideration of the process for the suspension/dismissal of Chief Constables and reviewing the Policing Protocol.*

*i. Are PCC powers around the removal and appointment of chief constables correctly calibrated?*

Removal

A PCC is the Appropriate Authority for the Chief Constable, responsible for misconduct matters. A PCC's scope for flexibility is limited however; if a PCC reaches the view that a Chief's conduct could potentially merit a written warning or worse, then automatic referral to the IOPC for investigation follows. The IOPC can override a non-referral too. While the provisions relating to "reflective practice" are relatively untested, they offer the potential to provide a mechanism for dealing with other matters relating to a Chief Constable's actions in a positive, auditable and transparent manner.

The power to suspend, dismiss or require the retirement of a Chief Constable extends beyond disciplinary matters. A PCC may consider that a Chief has failed to fulfil statutory duties for example, or achieve satisfactory performance in role. A PCC might conclude, for example, that a Chief Constable:

- Is failing to have regard to a PCC's Police and Crime Plan
- Has had regard to the Plan but is failing to deliver strategic objectives therein that are reasonably in their gift
- Is responsible for poor performance by the Force, as identified by HMICFRS, external audit, or other inspectorates
- Is failing to fulfil some other statutory duty, such as having regard to the Strategic Policing Requirement or considering collaboration opportunities with other Forces and agencies.

In such matters, the specificity and reasonableness of the Police and Crime Plan becomes critical (noting the suggestion above that the Plan utilises "Green Book" derived methodologies). The PCC's statutory responses to HMICFRS recommendations also become central to the "reasonableness" of a PCC decision to suspend, dismiss or require retirement. Similarly, a PCC should find a mechanism via which they can be assured that other Chief Constable duties are fulfilled (in the West Midlands, the Force brings a report on the Strategic Policing Requirement annually to the PCC's Board, for example). The PCC should ensure that they have in place mechanisms - such as regular, minuted meetings with the Chief Constable, which are routine in the West Midlands - at which such matters can be raised in the first instance, so that the Chief can respond and, if necessary, take remedial action, rather than the PCC "saving up" their concerns. Other, informal channels, such as meetings between the Deputy Chief Constable and the OPCC Chief Executive, can also be of value.

Case law is assisting PCCs in understanding the power to suspend, dismiss and require retirement. As a generality, while Chief Constables are operationally independent, they are fully accountable for their operational decisions. Case law suggests that where a PCC has concerns about an operational decision that a Chief Constable is about to make, their duty is to make the Chief aware

of their concern and any likely action that could follow. Any such action, pending or completed, must have a clear statutory footing and be reasonable and proportionate. As previously, a thorough and up-to-date scheme of corporate governance is critical to understanding who is the decision-maker in a given circumstance, and who is accountable to whom.

It would seem reasonable to accept that judgements by a PCC concerning a Chief Constable's performance must be contemporaneous and not retrospective. A newly elected PCC should not, for example, suspend, dismiss or require the retirement of a Chief Constable because of how they "had regard" to a Police and Crime Plan, acted operationally in the past, responded to historic HMICFRS findings, or fulfilled their other statutory functions during the time of a previous PCC incumbent.

### Appointments

There is clear and usable guidance from the College of Policing concerning the appointment of Chief Constables; it would be valuable to understand the extent to which this guidance is followed by all PCCs. Procedural mechanisms such as the use of Stakeholder Panels (routine practice in the West Midlands for all Chief Officer appointments) increase the rigour and legitimacy of the appointment process.

It has been suggested that the introduction of PCCs has cooled the "market" for Chief Constable appointments, and advantaged internal candidates. Evidence for this thesis is anecdotal. It is accepted that the introduction of PCCs has sharpened the accountability of Chief Constables, and some have expressed unease as a result. It is not accepted that this is the sole cause of the changes. Counterproductive pension regulations, relaxation of the requirement for Chief Officers to serve in more than one Force, and changed family dynamics have also been significant.

#### *ii. Is the balance right in the PCC/CC relationship? And what changes might be needed to the Policing Protocol?*

It is not possible to generalise about the PCC / CC relationship, not only because it is in each case the product of the eighty-six individuals who hold these roles, because the operational day-to-day manifestation of that relationship varies in each police area, and there has been no real attempt to map the local variations.

There is insufficient evidence to say what "way of working" yields the best outcomes. However, we do not have a clear sense of the variations in governance practice that exist across the country. We therefore recommend that Home Office supports a review of how all the OPCCs / local policing bodies approach these processes, so that an average can be determined. We believe that a collaboration between Home Office, APCC, NPCC, CPOSA, PACCTS and APACE could support the data gathering and the dissemination of information. Essentially, this would allow PCCs and OPCCs to see whether they are outliers in some regard, and make an assessment as to whether this is sustainable. It also offers new PCCs a menu of "ways of working" from which they can pick.

An initial, and certainly partial list of processes subject to potential variation follows, with some additional descriptors:

- Financial delegations in the scheme of governance and associated consents, approach to signing off contracts. There is variation in contract thresholds for where a PCC signature is required.
- The definition of what constitutes a PCC "decision", and hence activates the statutory publication duties
- Local interpretations of "operational independence"
- Chief Constable's engagement with external partners – MPs, Leaders, visiting dignitaries. There is variation in the freedom given to Chiefs to have meetings with external parties, and requirements for notification.

- One to one meetings between Chief and PCC. These vary significantly. Some PCCs are almost co-located with their Chiefs and have informal 1 to 1 meetings, others have structured meetings with agendas, minutes and support staff, and unsupported 1to1s are rare.
- PCC approach to reaching into their Force – PCC approach to contact with Officers and staff. Variation here stretches from PCCs directly contacting more junior Officers during operational activity, while others have more formal protocols that include seeking information only from Command Team members except in the most exceptional circumstances.
- Engagement between OPCC and Force communications teams. Wide variation here, from shared teams to separate teams. Protocols for sharing of communications activity also vary.
- Approach to PCC public engagement – PCCs vary from intensive and ongoing public engagement in face to face meetings, extensive use of surgeries and public meetings, to much more online, media focused activity.
- Approach to CC performance assessment – some PCCs don't do PDRs with their CC, while others have formal, externally facilitated processes. Performance criteria may vary.
- Police and Crime Plans – style and content vary. CC role in drafting varies. Uses to which Police and Crime Plans are put vary, whether in the OPCC or in the Force. Approaches to the “have regard” duty vary. Use of targets and assessment of the resources required to deliver the Plan also varies.
- OPCC business planning – some much more structured than others
- Embedded governance models – role of OPCC staff and NED equivalents in Force processes and structures
- Delivery of holding to account function – wide variation in practice
- OPCC functions (e.g. aware of OPCC's having responsibility for estates etc) – variations in what functions are directly delivered by OPCCs
- Understanding of meaning of “operational independence”, and the implementation of this meaning
- Breadth of Commissioning, in terms of values, areas covered and methodologies
- PCC's involvement in case work
- Delivery of Internal Audit (in house or external)

It is not clear that there is a "right way" to deliver any of these functions, and a PCC has the latitude to set the style of the manner in which they exercise their functions. Local context matters. However, decisions about local practice are being made largely blind to whether they are at distance from the norm, or indeed missing examples of effective ways of working becoming established elsewhere.

*5. Whether any steps are needed to strengthen accountability or clarity of roles within the mayoral PCC model, learning from the transfer of PCC and Fire & Rescue Authority (FRA) functions to mayors. This will lay the foundations for our longer-term ambition to increase the number of mayors with responsibility for public safety, which will be outlined in the forthcoming Local Recovery and Devolution White Paper.*

- i. What do you see as the strategic benefits of having a single, elected and accountable leader, who is responsible for a range of public safety functions?*
- ii. What are the opportunities and issues with transferring PCC and FRA functions to mayors?*
- iii. What are the lessons learned to date from transferring PCC and FRA functions to mayoral models?*

This consultation rests on two aims. First, to "sharpen" accountability for police governance. Second, to facilitate the transfer of the policing governance function to Mayoral Combined

Authorities. These aims are contradictory. Passing responsibility for policing governance to an elected Mayor who is responsible for lots of things besides policing, and who will pass *parts* of the function to an appointed Deputy, makes accountability more diffuse, not sharper. Not only this, but Combined Authority Mayors are enmeshed in a local government-style committee of Local Authority Leaders who are well placed to exert strong influence across all the Mayoral policing governance functions, further eroding confidence in who, precisely, is responsible for decisions.

It is at times asserted that the Mayoral Combined Authority model offers some advantages for partnership working. This proposition is unevidenced. The functions for which Mayoral Combined Authorities are responsible are generally only tangentially connected to policing - matters such as spatial planning, public transport, capital developments, some elements of the road network, and adult education. Our local experience has been that Local Authorities and others can guard their functions from Combined Authority influence, and progress on public service reform has been modest at best. It is the existing OPCC that has made progress on partnership responses relating to violence reduction, addressing gang violence, the criminal justice system, harm reduction approaches to drugs, predictive analytics, and police collaboration, among others.

Conversely, a Mayor's other responsibilities will mean that they will only be able to give a portion of their time to policing. The Police and Crime Commissioner role is specifically focused on the interrelated areas of policing, victims, community safety and the criminal justice system and is therefore able to concentrate fully on them. Transfer to a Mayor could mean policing gets less in depth scrutiny, less holding to account, and less strategic leadership. A Mayor will be accountable not only for how they fulfil their policing role, but a range of other things too. It could be less clear to the public what the Mayor's policing role is. It is proposed that a Mayor will delegate the day-to-day policing function to a Deputy Mayor, who will be appointed, not elected. These changes make a Mayor's personal accountability for policing even less clear. It is a surprising conclusion that policing is the subordinate function for a Mayoral Combined Authority, appropriate to delegate, when the police Force concerned will almost certainly be the highest value, highest risk function for which the Combined Authority will be responsible. By such a calculation, it would seem more appropriate that a Mayor's other service areas, such as adult education or public transport, are delegated, so as to allow a Mayor the time to focus on the high value, high risk responsibilities they have assumed as the local policing body for a police force. Without this focus, strategic, long-term issues such as disproportionality (and how this affects, for example, recruitment, public confidence and criminal justice outcomes) could be neglected until they become acute issues. In essence, governing a police force is a full-time, not a part-time job.

It remains a concern that policing resources and assets could be diverted away from policing. Instead of being owned by a separate legal entity, they are (in the Manchester model) owned by the wider Combined Authority. There are particular concerns about how a Combined Authority's "borrowing cap" works, which could limit both a Force's modernisation plans, and the investment plans of a Combined Authority. Operational independence concerning use of the police estate could be jeopardised. Given that Combined Authority boundaries do not always align with policing boundaries, further confusion could arise as to the police force(s) for which the Mayor is responsible.

In a Combined Authority, Mayoral decisions are subject to control and influence by a committee made up of Local Authority Leaders. There is a risk that the Mayor's policing functions become subject to influence by this committee, again diluting accountability. While the Police and Crime Commissioner role is designed to protect the operational independence of policing by having clarity about the roles of both the Commissioner and Chief Constable, the Mayoral model is not only more generalist, but is part of a complex network made up of multiple organisations and stakeholders, many of which can influence the Mayor. There is a risk that the operational independence and strategic direction of policing could be affected in the proposed arrangements. It is notable that, in the West Midlands, the Mayor has been unable to set a Mayoral Precept because of opposition from the Leaders. The loss of a separate corporation sole, with attendant monitoring and Section 151

officers, further weakens the autonomy of the policing governance function, while analysis from West Midlands Combined Authority could identify no significant cost savings arising from a transfer.

It is recommended instead that Home Office gives consideration to clarifying the role of PCCs in relation to emergency planning and emergency response. In a manner analogous to the "have regard" duties of criminal justice agencies and "Responsible Authorities" in relation to a PCC, it is proposed that statutory Civil Contingency Act responders have a duty to provide the PCC with such information as they may require to assure the PCC that, a) appropriate arrangements are in place for the planning for major and critical incidents, and b) the response to any major or critical incident is efficient and effective. Given that the police routinely convene and support Local Resilience Forums and Strategic Co-ordination Groups on behalf diverse partnerships - even where the emergency relates to public health or flooding, for example - the addition of this responsibility to PCCs is a natural "fit".

## *6. Fire governance and collaboration*

In the West Midlands, we have made progress on operational collaboration between West Midlands Fire Service and West Midlands Police, without seeking the transfer of the fire governance function to the PCC. Most notably, neighbourhood policing teams are increasingly based in fire stations. The Commissioner sends an observer to Fire Authority meetings, though (perversely) is not allowed to delegate his voting rights.

West Midlands Fire Authority for a time sought transfer to the Mayoral Combined Authority, though for complex reasons this proposal, though well advanced, did not proceed. Issues with the governance model were not the sole cause of this *volte face*, but were a contributory factor. Notable issues included:

- The Chief Fire Officer lacks the statutory and operational autonomy afforded by corporation sole status and an equivalent to the Policing Protocol, making their upward line of accountability, whether to the Mayor or the Chief Executive of the Combined Authority, unclear
- The purpose and authorship of the Integrated Risk Management Plan straddles the operational / strategic boundary
- The proposal included a "Fire Committee" - in reality a rump of the Fire Authority, with associated allowances - the purpose and powers of which were uncertain
- The proposal did not include a Deputy Mayor post for the Fire Service, meaning that no-one had a full-time mandate to govern the Fire Service

## *7. The PCC Review also asks: In helping us prepare for Part Two, we are also interested in understanding if the levers currently available to PCCs are sufficient to allow them to cut crime effectively in their force areas.*

### Road Safety

We recommend implementation of the recommendations in the HMICFRS report, *Roads Policing: Not Optional* and the proposals concerning devolution of transport powers set out in the Department for Transport *Cycling and Walking Plan for England*. We recommend changes to the operation of Road Safety Camera Partnerships so as to improve their effectiveness and consistency.

### Community resilience

We recommend giving PCCs a clear role in relation to the overall efficiency and effectiveness of the LRF / SCG in their area, requiring them to be assured as to the efficiency and effectiveness of the arrangements in the planning, response and recovery phases.

Each Civil Contingencies Act responder is subject to a separate governance mechanism that is narrowly concerned with their particular role in the crisis. No elected representative is tasked with having oversight of the *system effect* that the LRF / SCG is achieving in their area. Thus one is left with the unhappy prospect that each CCA responder might fulfil their individual statutory obligations - thereby fulfilling their obligations to their own governing body - but the overall system effect is flawed or inefficient. PCCs are well placed to remedy this problem. Just as the police routinely chair SCGs on matters ostensibly unrelated to policing, simply because the police have the training and organisational processes readily to hand (examples such as dam collapses and pandemics spring easily to mind), PCCs are not just the governing bodies for the police but are comfortable operating as system leaders, whether in the context of community safety or criminal justice. Planning and response to major incidents would merely be a new partnership environment in which they would have to learn to operate. If PCCs were given a wider statutory duty to ensure the efficiency and effectiveness of the local preparedness for and response to major incidents, many of the concerns regarding their role in LRFs and SCGs evaporate. First, Chief Constables would be unburdened of the unease at a PCC or their representative being on an LRF or SCG when the only organisation they are overseeing is the police. Second, with the PCC's duty statutorily defined, concerns about the infringement of operational independence would recede. Third, the duty to provide information to the PCC would rest on all the CCA responders rather than the just police, obviating any worries about providing information on matters outside of the police's operational response. Fourth, the current national emergency has exposed LRFs / SCGs as too separate from democratic governance (which in part explains the concerns about where legal liability rests in the context of SCG decision making). PCCs have a direct democratic mandate and are accountable to the electorate for the exercise of their duties. If PCCs become responsible for securing the efficiency and effectiveness of LRF / SCG arrangements in their area, then it is the PCC who accepts increased liability and a responsibility for ensuring stakeholders are appropriately briefed and engaged.

### Victims

We recommend:

- Guidance to police forces concerning the disclosure of information for the purposes of preventing domestic abuse. We seek to support partners to proactively safeguard to prevent crime in innovative and supportive ways, rather than requiring victims to come forward.
- Flexibility to use MoJ victims funding for awareness raising where new services are launched, rather than just service delivery. The West Midlands found this criterion to be limiting when commissioning a service/s that offered direct support to victims of hate crime. From our findings, many victims do not recognise abuse aimed at them when the 5 protected characteristics are targeted as hate crime, therefore the crime remains under-reported. By enabling PCCs to include awareness raising, this enables more victims to seek and be provided support entitled to them. The same will apply in the future to 'emerging and hidden crime'.
- Flexibility to support the very limited provision in place for victims of crime that have no recourse to public funds. This is particularly challenging for smaller/ specialist organisations supporting victims of trafficking, Modern Slavery, Honour-based Abuse, Forced Marriage and FGM. Through our partnership engagement, we are aware that the more complex cases with language barriers and no recourse are often referred on to smaller/specialist organisations as more generic services often lack those specialities.
- Greater powers or forums to lobby on national issues such as the recent issue with the COVID-19 funding for victims of DA and SV from the MoJ. In addition, there is need for further linking in the system, this could be facilitated through PCC's,

Commissioners' Offices for (Victims, DA and Modern Slavery) for either sub-regional or national work.

### Criminal Justice

We recommend:

- PCCs should have a greater role in the co-commissioning of services aimed to reduce reoffending, tackle the causes of crime and support rehabilitation. The new probation model provides an opportunity for closer working between agencies and for PCCs to take a leading role. A clearer relationship between PCCs and the Prison Service would be welcome.
- Reviewing the mechanisms and opportunities for liaison, partnership and joint working between PCCs, the Court Service and the judiciary more widely, focused on a shared duty to reduce reoffending and support victims and witnesses.

### Intervention and Prevention

We recommend:

- DWP, MHCLG and Department of Health examine whether PCCs should have a more prominent role in Family Support and Early Intervention
- A review of the role of PCCs on Health and Wellbeing Boards
- PCCs should be given joint responsibility and funding for improving the treatment of mentally ill offenders
- Devolution of responsibilities to PCCs for the commissioning of services for young people in the criminal justice system and female offenders
- PCCs should be given responsibility and funding to commission interventions linked with conditional cautions
- PCCs should be given responsibility for commissioning early intervention, crime reduction and reducing reoffending programmes. Appropriate budgets should be agreed and given to PCCs