

DYFED-POWYS POLICE AND CRIME PANEL

Report of the Performance sub-group.

How the Police and Crime Commissioner holds the Chief Constable to account.

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1. Aim of this Panel Review.

1.1 The aim of the Panel review is to ensure that the Police and Crime Commissioner (PCC) is holding the Chief Constable (CC) to account in a way that is thorough, effective and fair. A Performance sub-group of the Panel was therefore set the objective of reviewing the work of the Dyfed Powys Policing Accountability Board (PAB) as well as the Policing Board.

1.2 The intended outcome is to establish clear evidence of the Commissioner holding the Chief Constable to account in a robust and fair way.

2. Legal Context

2.1 Section 1(7) of the Police Reform and Anti-Social Behaviour Act 2011 ('the 2011 Act') provides that the Police and Crime Commissioner must hold the Chief Constable to account for the exercise of:

1. The functions of the Chief Constable and
2. The functions of persons under the direction and control of the Chief Constable.

2.2 Section 1(8) of the 2011 Act lists certain specific functions of the Chief Constable which the Commissioner is required to hold the Chief Constable to account for. These are

- (a) the exercise of the duty under section 8(2) (duty to have regard to police and crime plan);
- (b) the exercise of the duty under section 37A(2) of the Police Act 1996 (duty to have regard to strategic policing requirement);

(c) the exercise of the duty under section 39A(7) of the Police Act 1996 (duty to have regard to codes of practice issued by Secretary of State);

(d) the effectiveness and efficiency of the chief constable's arrangements for co-operating with other persons in the exercise of the chief constable's functions (whether under section 22A of the Police Act 1996 or otherwise);

(e) the effectiveness and efficiency of the chief constable's arrangements under section 34 (engagement with local people);

(f) the extent to which the chief constable has complied with section 35 (value for money);

(g) the exercise of duties relating to equality and diversity that are imposed on the chief constable by any enactment;

(h) the exercise of duties in relation to the safeguarding of children and the promotion of child welfare that are imposed on the chief constable by sections 10 and 11 of the Children Act 2004.

2.3 Although the Commissioner appoints the Chief Constable it must be recognised that the Chief Constable is a Corporation sole with independent control of and responsibility for operational policing within the force area. The respective roles and responsibilities of the Commissioner and Chief Constable

are prescribed in legislation, namely the Policing Protocol Order 2011. It is necessary to stress that the Commissioner has no direct control over or responsibility for operational policing and should not seek to interfere with the operational independence of the Chief Constable.

3. Panel Subgroup

3.1 Members of the Police and Crime Panel identified reviewing the accountability function as one of their four key priorities for 2022-2023 and established a subgroup of 7 members to carry out a review of the proposed precept.

3.2 The subgroup consists of the following Panel Members

Professor Ian Roffe (Independent co-opted member and Chair of the Panel)

Mrs Helen Thomas (Independent co-opted member)

Councillor Elizabeth Evans of Ceredigion County Council

Councillor Jonathan Grimes of Pembrokeshire County Council

Councillor Ken Howell of Carmarthenshire County Council

Councillor Liz Rijnenberg of Powys County Council

Councillor William Powell of Powys County Council

4. Panel Approach

4.1 In performing this function, the Subgroup has

1. Attended meetings of the Commissioner's Policing Accountability Board and observed how the Commissioner holds the Chief Constable to account at those meetings.
2. Reviewed the published minutes of the Commissioner's Policing Board meetings with the Chief Constable
3. Observed the interaction between the Commissioner and Chief Constable at other events and through the medium of their public statements and press releases.
4. Considered the commissioner's most recent Annual Report.
5. Considered particular lines of enquiry.
6. Undertaken desk top research on the practices of accountability exercised in other Force areas.
7. Challenged the Commissioner on specific issues that arose during the year.

5. Policing Accountability Board.

5.1 Owing to the delay in appointing Panel Members by the Home Office following the May 2022 elections, Panel Members have only been able to attend and observe the Accountability

Board meetings in October 2022 and February 2023. Members however also reviewed the agenda and minutes for the July 2022 meeting.

5.2 Issues covered in the July 2022 meeting included

1. Force performance on supporting victims.
2. Chief Constable's performance appraisal.
3. Review of the force financial position.
4. Concerns regarding the force governance structure.
5. Stalking and harassment.

5.3 Issues covered in the Aberystwyth October 2022 meeting included:

1. Stalking and harassment.
2. Police budget review.
3. National Crime and Policing Measures.
4. Force performance on supporting victims.
5. Hate Crime.

5.4 Issues covered in the Haverfordwest February 2023 meeting included:

1. Misogyny & institutionalised racism in DPP.
2. Cyber crime & DPP response.

3. Drugs enforcement.
4. Crime reduction.
5. Sustainability.
6. Professional standards.

5.5 PAB meetings have a formal agenda, but members of the public are invited to pose questions to the PCC and CC and these are forthcoming on relevant and topical issues in policing.

5.6 For example topics such as public confidence and trust in the policing service have been raised by members of the public. These were answered by the PCC and CC, with both recognising that this is a priority. Issues such as Violence against Women is described as a high priority by the CC as is the issue of professional standards for police officers. There were 20,000 crimes recorded by DPP in 2016 increasing to 42,000 in 2022; attributed to the proliferation in crime categories, such as the creation of a specific crime of coercive control.

5.7 A PAB presents as split in style between answering questions posed by the public, as well as the more formal policing performance responses to questioning by the Commissioner. The response on policing performance is data heavy, arguably it is too detailed and all encompassing an update on performance for the public to follow. There is also a

lot of technical language and police jargon which can be difficult for those not involved in policing to understand. As the PCC is likely to know the detailed content due to the more frequent Policing Board meetings, there may be more added value if the content and presentation of Policing Accountability Board meetings is more aligned to the public and their viewing and understanding of policing governance in action.

6 Key Lines of Enquiry

The sub group has considered the following key lines of enquiry when preparing this report

6.1 KLOE 1 - Do Police Accountability Boards demonstrate the PCC holding the Chief Constable to Account?

6.2 The PAB is an ideal opportunity for the public and Panel members to observe the performance of the PCC in holding the CC to account.

6.3 Over the years different venues have hosted a PAB, and a disappointing feature is the relative lack of attendance by the public.

6.4 The choice of venues is determined to an extent by the requirement to host the Chief Constable and certain support

staff as well as the Commissioner and his staff. Also, suitable facilities are needed. Recently, the PCC has been staging the event at Colleges. These venues have encouraged groups of students and a reasonable number of the public to attend as well as representatives of the Panel.

6.5 Colleges and schools vary in type and age of the student population. A Further Education campus has certain advantages in that the students attending are local, are adults, are voters and also most likely to remain through living and working in the local area. Events at the heart of an educational institution, achieves a strong level of attendance, not only from students and educators, but also a good mix of stakeholders from the wider locality. The presence of Dyfed-Powys Police recruitment stand during lunch time demonstrated a joined-up approach.

6.6 The practical value from attendance for a member of the public is the ample opportunity to ask the CC searching questions, as well as getting a better understanding of the relationship and boundaries that operate between the PCC and CC. The presence of the public creates a good spread of topical questions, often from students. However, there are also a range of people who identify themselves as victims of crime, both Anti-Social Behaviour and Domestic Abuse. The

Commissioner and Chief Constable clearly ensure that their questions were handled sensitively, and time made for private engagement with the Commissioner and officer colleagues in the margins of meetings. These participants feel their concerns were heard and engaged.

6.7 Observations by Panel Members concluded that it was easy to recognise the healthy dynamics that exist between the PCC and CC. Both are high performing individuals. The PCC established his role as a critical friend with constructive challenge and scrutiny and this was demonstrated consistently and clearly.

6.8 Meetings of the PAB are organised throughout the year, but aperiodically. Potential meeting dates are changed and that can create difficulties in attending for Panel Members as well as members of the public. It is desirable that PAB meetings be held more regularly with sufficient notice being given to the public and stakeholders.

6.9 Overall, these are successful sessions and demonstrate a strong level of constructive challenge from the Commissioner – and candid responses from the Chief Constable.

6.10 KLOE 2 Does a PAB have a practical accountability function, or is it an exercise in marketing?

6.11 The PAB shows the PCC acting as the voice of the electorate in holding the Chief Constable to account. Through the questioning to which he has been exposed the CC demonstrated that has clear enthusiasm for embracing peoples views. He also demonstrates a role in driving forward improvements in the Police service, eg encouraging victims to be involved in training.

6.12 At this difficult time of criticism of the Police and lack of trust, the PAB has also demonstrated its value by enabling these issues to be addressed reassuringly by the CC and the PCC who wants to "ensure the culture in DP Police was healthy". The CC recognised the importance of the improved vetting system and he ensured it was being operated. The PCC understands how important it is that faith is maintained in the police service. He stressed he was investing in services to support victims.

6.12 The PAB serves to evidence that the PCC has command of his role and a personality, knowledge and experience that gives him an appropriate approach to deal with the challenges faced by the service and being able to robustly and fairly hold the CC to account.

6.13 The sub group is therefore satisfied that the PAB does have practical value and is not just a marketing exercise

6.14 KLOE 3 Does the agenda of a PAB reflect accountability for the Police & Crime Plan?

6.15 The agenda for a PAB is formulated by the PCC and follows up on business developments from previous PAB meetings and generally reflect the priorities within the current Plan. Questions from the public are diverse and are handled appropriately. The more specific policing matters posed by the PCC are also handled in a relevant and detailed way. This challenge is clear and demonstrable. However, as mentioned in paragraph 5.7 the level of detail in the information provided and the terminology has the potential to be difficult for the lay person to follow and comprehend as it does require a degree of familiarity with policing terms and data.

6.14 There are themes in the PAB agenda that reflect objectives in the Police and Crime Plan. But, the minutes and governance could highlight in a more structured way the links with the current plan as it would not necessarily be clear to a lay person attending a PAB how they tied together.

6.15 The operation of the PAB with its mix of public questions and more detailed enquiries by the PCC on police performance

presents as a public demonstration of accountability in action. Police performance has a skew towards the objectives of the Policing Plan, but in view of the Policing Board meeting on a fortnightly basis this appears a subsidiary role to the opportunity for the public to observe governance taking place and have questions answered. Responses gained from the public show an appreciation of the time and interest offered by the PCC and the CC to their concerns.

6.16 KLOE 4 Does the Commissioner's approach evidence suitable actions against the requirements of Section 1(8) of the 2011 Act?

6.17 The PCC has capable Officers to give him necessary support and as such the reports from the Policing Board are informative and evidence the PCCs performance in relation to scrutiny of the Chief Constable. Overall, the PABs provide a partial insight into actions of the PCC in relation to the requirements of Section 1(8) the 2011 Act.

6.18 However, a member of the public may struggle to determine from attendance at PAB meetings and consideration of Policing Board minutes whether the PCC has addressed all those matters specified in section 1(8).

6.19 KLOE 5 Does the practice of accountability operating in Dyfed Powys match implementation in other Force areas?

6.20 Desktop research undertaken in March 2023 is summarised in Table 1 and shows the position in six other Force areas as gleaned from their websites

FORCE AREA	WHAT THEY DO
SOUTH WALES	Scrutiny & Accountability Board held regularly. Chaired by Deputy PCC at which CC and other officers attend. There was reference to a 'Strategic Board' also but no detail could be found on the website relating to it. It was unclear to what extent (if any) the public have access to the meetings.
GWENT	Strategy & Performance Board – Held quarterly and chaired by PCC. Public able to attend
NORTH WALES	Strategic Executive Board – Chaired by the PCC. Again held quarterly. It was not possible to tell from the website whether the public could attend the meetings.
CUMBRIA	Public Accountability Conferences – Chaired by PCC – Held quarterly and open to the public.
NORFOLK	PCC Accountability Meetings – Held 'regularly' and appear to be webcast.

LINCOLNSHIRE

Public Assurance Meetings – Held quarterly and seem to be open to the public.

Table 1: Force Comparisons of Accountability Conferences.

6.21 From Table 1, it is clear that although there are variations between the force areas overall there seems to be a similar approach being taken. The only obvious outlier being South Wales where the meeting is chaired by the Deputy PCC not the PCC himself. Overall, it is reasonable to conclude that the approach taken by the Dyfed Powys PCC is certainly comparable to that of peers.

7. The Dyfed Powys Policing Board

7.1 Policing Board meetings were held fortnightly throughout 2022/23. These are not public meetings although certain information about them is published on the PCC's website. Sub Group Members have reviewed the agenda and minutes of all the meetings that have taken place since the start of the municipal year (April 2022).

7.2 The issues covered in these meetings included

1. Use of Stop and Search powers
2. Future use of police buildings

3. Crime data integrity
4. Collaboration with other police forces
5. Supporting Victims
6. Forensic services
7. Safeguarding of vulnerable children and adults
8. Stalking and domestic abuse
9. Counter terrorism
10. Force finances

7.3 Members have undertaken longitudinal tracking of certain issues arising from the Policing Board minutes. These issues include: (a) a thread on consulting with survivors of rape; (b) the flu vaccine; and (c) VFM and reduction in absence due to flu related illnesses.

7.4 Early in the year there was a proposal to provide stalking training for Sergeant ranks. However the follow-on thread appears to have been omitted from the minutes. Therefore, it would be informative to indicate when the thread of activity has been completed.

7.4 Overall, it seems that the Policing Board plays an important part in ensuring the accountability of the CC and policing service to the PCC.

8. Conclusion

8.1 PAB meetings have clear benefits in ensuring the transparency of the governance by the PCC of the CC and police service of Dyfed Powys.

8.2 The Policing Board minutes serve to present information on the accountability of specific actions of the policing service to the PCC.

8.3 Comparability with governance practices exercised by other PCCs is clear. It is reasonable to conclude that the approach taken by the Dyfed Powys PCC is certainly comparable to that of peers.

8.4 The minutes of the Policing Accountability Board and Policing Board do not show clearly that the Commissioner is addressing all the matters that s.8(2) of the 2011 Act particularly require him to hold the CC to account in relation to. That is not to suggest that the PCC is failing to address those matters, rather that more should be done to demonstrate that those matters are being addressed.

8.5 Overall the PCC holds the CC to account in a robust and positive way and the dynamic of their relationship appears to be a healthy one.

9. Recommendations

9.1 The PABs provide a clear demonstration of the appropriate governance of Dyfed Powys Police Service by the elected Police and Crime Commissioner. Venues at Colleges provide an insight to groups of young people as well as interested member of the public. **The Panel recommends that the PCC continue with his approach of holding PAB meetings in local colleges.**

9.2 Meetings of the Police Accountability Board are arranged aperiodically and often subject to postponement, which creates difficulties for stakeholders and the public. It also implies a relatively low priority compared with other commitments for the two principals. **It is therefore recommended that the PCC and CC reflect on the relative importance of public accountability and secure the dates in their diaries for these meetings.**

9.3 The PAB meetings are a public demonstration of the accountability of the CC to the PCC. **It is therefore recommended that meetings should be held regularly and clearly promoted to the public and stakeholders. Dates of PAB meeting should be publicised on the PCP website well in advance.**

9.4 The terminology used by police in answering questions posed by the PCC at the PAB is often abbreviated and the information provided detailed and technical in nature. **It is recommended that steps be taken to ensure that the way information is presented at the PAB takes into account the public nature of the meeting and its audience as this would be beneficial in helping the public in fully understanding the replies.**

9.4 **It is recommended that the PCC should aim to more clearly demonstrate how he has held the CC to account in relation to those matters specified in section 1(8) of the 2011 Act.**