

DYFED-POWYS POLICE AND CRIME PANEL

Performance sub-group.

Dyfed Police and Crime Commissioner & the Policing Protocol
Order.

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1. Aim of this Panel Review of the Policing Control Order.

1.1 The aim of the Panel review is to scrutinise the Police and Crime Commissioner's performance against the Policing Protocol Order to ensure that the Police and Crime Commissioner (PCC) is performing the statutory functions prescribed in the Order to the highest possible standard.

2. Legal Context

2.1 The Policing Protocol Order 2011 was made by the (then) Home Secretary Theresa May in November 2011 under powers contained in Section 79 of the Police Reform and Social Responsibility Act 2011.

2.2 Paragraph 1 of the Protocol states the following

“This Protocol is issued in accordance with the requirements of the Police Reform and Social Responsibility Act 2011 (the 2011 Act). It sets out to all Police and Crime Commissioners (PCCs) and the Mayor’s Office for Policing and Crime (MOPC), Chief Constables, Police and Crime Panels and the London Assembly Police and Crime Panel how their functions will be exercised in relation to each other. An effective, constructive working relationship is more likely to be achieved where communication and clarity of understanding are at their highest. Mutual understanding of, and respect for, each party’s statutory functions will serve to enhance policing for local communities”

2.3 Paragraph 17 of the Protocol lists the legal powers and duties of Police and Crime Commissioners as

(a) set the strategic direction and objectives of the force through the Police and Crime Plan (the Plan), which must have regard to the Strategic Policing Requirement set by the Home Secretary;

(b) scrutinise, support and challenge the overall performance of the force including against the priorities agreed within the Plan;

(c) hold the Chief Constable to account for the performance of the force’s officers and staff;

(d) decide the budget, allocating assets and funds to the Chief Constable; and set the precept for the force area;

(e) appoint the Chief Constable (except in London where the appointment is made by the Queen on the recommendation of the Home Secretary);

(f) remove the Chief Constable subject to following the process set out in Part 2 of Schedule 8 to the 2011 Act and regulations made under section 50 of the Police Act 1996;

(g) maintain an efficient and effective police force for the police area;

(h) enter into collaboration agreements with other PCCs, other policing bodies and partners that improve the efficiency or effectiveness of policing for one or more policing bodies or police forces in consultation with the Chief Constable (where this relates to the functions of the police force, then it must be with the agreement of the Chief Constable);

(i) provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action;

(j) hold the Chief Constable to account for the exercise of the functions of the office of Chief Constable and the functions of the persons under the direction and control of the Chief Constable;

(k) publish information specified by the Secretary of State and information that the PCC considers necessary to enable the people who live in the force area to assess the performance of the PCC and Chief Constable;

(l) comply with all reasonable formal requests from the Panel to attend their meetings;

(m) prepare and issue an annual report to the Panel on the PCC's delivery against the objectives set within the Plan;

(n) monitor all complaints made against officers and staff, whilst having responsibility for complaints against the Chief Constable.

2.4 The Home Secretary held consultations in 2021/ 2022 on a PCC Review around a wider functioning power of competence for PCCs and a refreshing of the Policing Protocol. The outcome of the Policing Protocol review is still awaited.

3. Panel Subgroup

3.1 Members of the Police and Crime Panel identified the scrutiny of the Commissioner's performance against the Protocol as one of its key priorities for 2022-23 and established a subgroup of 7 members to carry out this task.

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

The panel has taken the following approach:

4.1 Monitor the Commissioner's performance against the order on a quarterly basis.

4.2 Challenge the Commissioner in relation to specific performance issues that arose during the year 2022/23.

4.3 Establish whether there is clear evidence that the Commissioner is performing his functions to the highest possible standard.

4.4 Review practice in other force areas to identify good practice.

4.5 Undertake a specific review of particular RAG ratings.

5. Activities review

5.1 The PCC presents a report to the Panel on a quarterly basis assessing the activities of the PCC against the Policing Protocol Order. The Office of the Police and Crime Commissioner (OPCC) for Dyfed-Powys has developed a health-check template which covers all the areas in the protocol which the PCC has legal power and duty over. This covers 21 functions, further broken down into 54 areas of action. Four of these areas of action are permanently marked as N/A which leaves 50 action areas to consider.

5.2 Areas identified in the PCC's report are assigned a Red/ Amber/ Green (RAG) rating, according to whether the areas are performing well or require improvement.

Green - Fully compliant, no additional work necessary;

Amber - Partially compliant, some additional work necessary;

Red - Not compliant, duty not currently being met.

5.3 Reasons for these coding arrangements are explained in the PCC's report, with particular emphasis accorded to those assigned a Red rating. These are completed on a quarterly basis to show continuous progress. These health-check reports and executive summary are reviewed by the Panel and the Commissioner challenged upon aspects of them by Panel members.

5.4 Desk top research and email enquiries regarding practices in other force areas were undertaken by the sub group

6. Key Lines of Enquiry

6.1 KLOE 1 Is the Commissioner performing the statutory functions described in the Order to the highest possible standard?

During the year under review, the Panel received two such reports from the PCC. Each report presented had a clear format. The reports covered the totality of the Order, with an accompanying detailed, concise narrative on work undertaken against each action. The report and subsequent attendance by the PCC at Panel Meetings does enable the Panel to monitor the Commissioner's performance against the Order on a quarterly basis.

6.2 The narrative is a self-assessment by the PCC, but the Panel members are able to enquire on each and every facet of the report. Minutes of Panel meetings are necessarily concise and brief, but do

demonstrate a direct link between the PCC's Report and Member questions, for example in relation to the Red RAG rating regarding recruitment issues in the Office of the Police and Crime Commissioner (OPCC).

6.3 KLOE 2 What specifically do the Quarterly Reports show?

The Quarterly reports over the 2022/23 period present a self-assessment and a RAG rating against the perceived compliance with the Order. The Chief Executive of the OPCC has said that the Order is a key document guiding the work of the organisation and that it is viewed as highly important.

6.4 An analysis of the reports presented during 2022/23 show Small changes between quarters, as shown in Table 1.

| | July 2022 | October 2022 | January 2023 |
|--------------|------------------|---------------------|---------------------|
| Red | 0 | 1 | 1 |
| Amber | 25 | 22 | 26 |
| Green | 25 | 27 | 23 |

Table 1: Changes in the RAG categorisation of 50 action areas.

The PCC has explained the presentation of some of these categories as reflecting the continuous nature of work on specific actions, with the result that they will never be marked as green. However, it does not mean that they are not compliant. Further, the

benefit of the reports is as a tool to demonstrate continuous progress and in serving as a health-check.

6.5 Analysis of the sole Red rated action shows that it relates to the issue of external funding and sponsorship within the function specified in the Order 17g “Maintain an efficient and effective police force for the force area”.

This Red rating arises because the OPCC has been unable to find a suitable candidate to fill a key post after two recruitment exercises. The explanation provided is rational and the position recoverable in the short term with a suitable appointment. However, it does flag the sensitivity of performance to having competent and experienced staff in key roles. This is something that ought to be reflected in the PCCs Risk Register.

6.6 Both reports contain Amber ratings against a number of headings, although as indicated above, this may in some instances be because the particular action is continuing in nature. For example, an Amber rating appeared in the January 2023 Quarterly Report for the category of Implementing and Maintaining a risk register for the PCC and Force. The sub group notes however that there was an agenda item in the Nov 22 Joint Audit Committee on this issue.

6.7 KLOE 3 Are the coded ratings realistic?

The performance report covers 50 action points and addressing the specific actions across the totality of the spectrum of points falls beyond the scope of this current work.

However, the PCC interacts with the Panel in a transparent and engaging way, with the result that the Panel can see and monitor how the PCC performs at least some his functions. This enables the Panel to carry out a reality check on some of the RAG ratings in the reports. For example, the Panel has during the last year closely monitored how the Chief Constable is held to account by the PCC and reported separately upon his performance in that regard.

The PCC could consider developing other means of conducting reality checks on the ratings to reassure the Panel and the public as to their accuracy.

Ultimately, these reports are primarily a management tool of the PCC, but as the Panel has direct knowledge of the commissioner's actions in certain areas it can say with confidence that those ratings that is able to validate are realistic.

6.8 KLOE 4 Do other force areas monitor compliance with the Policing Protocol Order in this way?

Desk top research undertaken by the sub group and direct enquiries of other Panels have not indicated any comparable actions in other force areas. Therefore the approach presented by the Dyfed Powys PCC appears novel and merits commendation for its transparency.

6.9 KLOE 5 What is the impact of the Quarterly Report ?

The current arrangements of quarterly review accompanied by verbal briefing and a question and answer session provide benefits to both the PCC and the Panel. For the PCC, it provides a governance platform offered by local expertise from Members. For the Panel, it provides a distillation of performance and as such is a cost-effective and efficient way of reviewing performance against the Order without overstraining resources. It does require implicit trust that the responses provided are accurate and contemporary, but the Panel can scrutinise further based on the RAG ratings presented should it wish to do so.

6.11 There is a network of PCC's and their Chief Executives across England and Wales as well as a flow of staff and circulation of information. This is a route through which innovative practices can diffuse through organisations as a means of continuous quality improvement. In this respect, the PCC's practice of reporting on his compliance with the Order has the potential for wider replication.

7. Conclusions

7.1 This review did not identify any similar practice by other PCCs to their respective Panels elsewhere in Wales and England. Hence, the PCC is commended in adopting this approach, which in our

view presents as a case of good practice. This has the potential to be shared as good practice across force areas.

7.2 The report and attendance by the PCC at Panel Meetings does enable the Panel to monitor the Commissioner's performance against the order on a quarterly basis. The scope of the reports are relevant and assist the Panel to perform its functions. However, the reports often appear late in the Panel agenda leaving little time for detailed consideration. Therefore, the order of business on the agenda of the Panel could be adapted to present these reports earlier in the proceedings.

7.3 There is clear evidence that the Commissioner is performing his functions across the scope of the Order. Actions where Panel Members have observed the PCC's performance themselves indicates that he does so to a high standard.

7.4 The quarterly reports therefore provide a benefit to both the PCC and the Panel

7.5 The quarterly report indicates assessment across 50 action fields, with only 1 appearing as Red flagged over the course of the year, with the reasons for this category made clear. As indicated above, this flags up the sensitivity of performance to personnel recruitment and retention.

7.6 The outcome of the Home Office review of the Policing Protocol Order is awaited. To what extent it will impact upon the functions of PCCs is unclear as the focus may be upon addressing the trust issues facing the police nationally due to the distressingly high number of cases involving criminal and other inappropriate activities by a small number of serving officers across the country.

8. Recommendations

8.1 The Panel recognises that it is concerned with the scrutiny of the elected PCC not the OPCC or the Chief Constable. The quarterly reports are informative and provide assurance that the PCC is complying with the legislative requirements of the Order . **As such it is recommended that the PCC continue to provide performance reports to the Panel on a quarterly basis.**

8.2 The quarterly reports appear to be unique to Dyfed Powys and there is the potential for disseminating this good practice elsewhere. This will have the added benefit of enabling benchmarking. **It is therefore recommended that the PCC and the Panel seek to use their influence to have this approach adopted in other force areas**

8.3 It is recommended that these report appear higher on the agendas of Panel meetings to allow more time for their consideration.

8.4 It is recommended that the Panel review aspects of the Reports in more detail either in Panel meetings or via Panel sub groups

8.5 It is recommended that the Panel adopt a similar approach to rating and reviewing its operations against the span of its responsibilities.