

# Police and crime panels: the first year



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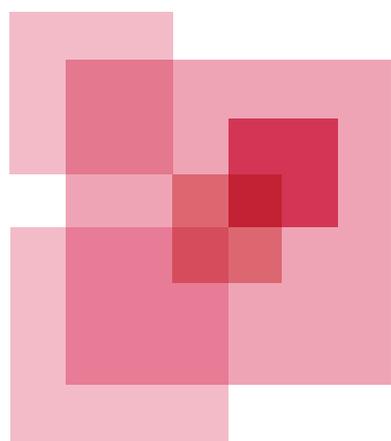
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## **CfPS**

The Centre for Public Scrutiny is an independent charity, focused on ideas, thinking and the application and development of policy and practice for accountable public services. CfPS believes that accountability, transparency and involvement are strong principles that protect the public interest. We publish research and practical guides, provide training and leadership development, support on-line and off-line networks, and facilitate shared learning and innovation.



# Introduction

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In November 2012, the landscape of policing underwent its biggest change certainly since the creation of police authorities in 1964, and possibly since the creation of watch committees to oversee policing in 1835. This change was the creation of the post of directly elected Police and Crime Commissioner (PCC) – someone to be elected every four years with a mandate to direct the strategic priorities of the police force in a given area.

The Police Reform and Social Responsibility Act 2011, which brought in this change, also created Police and Crime Panels (PCC's) – bodies made up of local elected councillors and independent members with the responsibility to scrutinise and support the work of the Police and Crime Commissioner. These Panels are not local government committees, but they are obliged to meet in public, to publish their agendas and minutes, and to fulfil certain key statutory responsibilities.

The main responsibilities are:

- To consider the PCC's Police and Crime Plan ("the Plan") in draft. The Plan is a document setting out the PCC's priorities for a three year period, and how those priorities will be delivered
- To consider the draft policing budget and draft policing precept. The precept is the amount of money that the PCC proposes to levy on council taxpayers for the local force. The budget will set out how both the money raised from the precept will be spent, and also how other funds will be spent for which the PCC has overall responsibility
- To consider the PCC's annual report, setting out their activities in the previous year
- To carry out hearings when the PCC proposes to appoint a new chief constable, a deputy PCC, a chief of staff/chief executive or a chief finance officer
- To work to resolve (but not investigate) non-criminal complaints made about the PCC.

More detail on these responsibilities can be found in three sets of guidance produced jointly by CfPS and the LGA in 2011 and 2012. With a year having now passed since the creation of PCCs and Panels, this research aims to establish how PCPs have delivered their statutory duties, and how they have carried out their work more generally.



[http://www.legislation.gov.uk/  
ukpga/2011/13/contents](http://www.legislation.gov.uk/ukpga/2011/13/contents)

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## The law

There are a number of statutory instruments, laid in Parliament further to the Police Reform and Social Responsibility Act, which directly refer to Panels and their powers. They are:

- Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012, SI No. 2271 (laid before Parliament 6 September 2012)
- Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012, SI No. 2734 (laid before Parliament 1 November 2012)
- Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, SI No. 62 (made 10 January 2012)
- Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012, SI No. 1433 (laid before Parliament 7 June 2012)
- Police and Crime Panels (Modification of Functions) Regulations 2012 SI No. 2504 (made 2 October 2012).

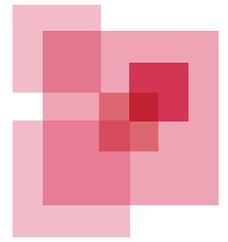
## Note on the text

References in the text to “officers” should be interpreted as local government officers or employees of associated institutions, not to police officers.

We have referred throughout to Police and Crime Panels as “Panels” and to Police and Crime Commissioners as “PCCs”.

We have used the words “hold to account” and “scrutinise” interchangeably in this research. We are aware that some in the sector consider that the two words/phrases have different meanings and that there is some discomfort about Panels being seen as bodies which hold Commissioners to account. However, we consider that this is the practical effect of the legislation, even if the specific words are not present in the Act itself.

We refer to “a few”, “a number of”, “some” Panels or Panel members to make comments about practice. There are two reasons for this. Firstly, more specificity would reveal the identity of individual Panels, and secondly, we have not carried out a quantitative analysis of Panel operations because the sample size is only 41, and giving percentages or proportions of this figure would more likely than not be misleading to the reader.



Rather than investigate the duties of Panels in turn, the report draws out some key themes from the experiences of those working with, and sitting on, Panels, and from a desktop study of publicly-available information on each of the 41 Panels. It uses this evidence to make suggestions on how Panels, and those with whom they work, can plan their business in future.

This research is based on a number of evidence sources:

## Telephone interviews

We have carried out phone interviews with Panel support officers in 39 of the 41 affected police areas in England and Wales. We have also spoken to eight PCP Chairs and to six independent Panel members. Interviewees were asked a standard list of questions, but supplemental questions were also asked to explore the context of their answers.

## Desktop analysis of information available online about Panel activities

CfPS has looked at meeting minutes and agendas to form a picture of typical Panel activity in each of the 41 areas affected. This has involved making an assessment of the online visibility of Panels.

## Surveys

CfPS submitted a number of questions to a survey being carried out by the Association of Police and Crime Commissioners (APCC) of its members, with thirteen detailed responses having been received. A survey of members of APACE (the Association of Police and Crime Commissioner Chief Executives) was also carried out, resulting in a similar number of responses.

## Meetings, events and online discussion

CfPS has attended meetings in March, July and November 2013 organised by the LGA, and an event in October 2013 organised by CoPaCC, which involved around fifty face-to-face conversations with Panel members and Panel chairs, which were recorded and used to form part of the evidence base for this research. CfPS has also been involved in delivering training, development and support to seven English Panel areas, funded by the LGA. Information from these events has been fed into the research as well.

The LGA curates discussion spaces on the Knowledge Hub where Panel issues are discussed, which we have looked at.

## The wider debate about Panels and PCCs

CfPS has looked at research in this area carried out by a range of other people. We have had discussions with doctorate candidates engaged in work in this area, with the National Audit Office, with the Association of Police and Crime Commissioners, the Association of Police and Crime Commissioner Chief Executives and the Home Office. We are also grateful to Bernard Rix and CoPACC for assistance in understanding the transparency and information issues relating to PCCs.



[www.apccs.police.uk](http://www.apccs.police.uk)



[www.apace.org.uk](http://www.apace.org.uk)



[www.copacc.org.uk](http://www.copacc.org.uk)



<https://knowledgehub.local.gov.uk/>

# Main findings

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**The success or failure of Police and Crime Panels owes itself, in every area, to the quality of the relationship between the Police and Crime Panel, the Police and Crime Commissioner and the Office of the Police and Crime Commissioner.**

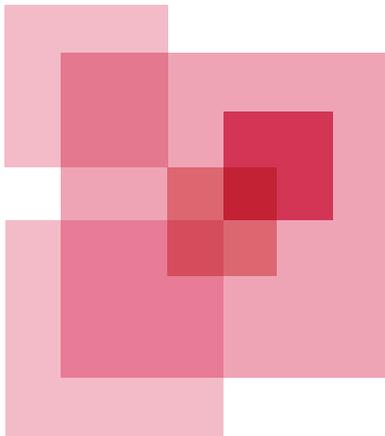
Where flaws or shortcomings in this relationship exist it is not impossible for the Panel's duties to be carried out, but it is significantly more difficult. Importantly, these shortcomings have a significant impact on the Panel's effectiveness. In many areas, relationships do not appear to be at a level where the Panel is able to make a positive contribution – often because of disagreements relating to the kind of information about Commissioners' activities which they are entitled to see. We think that a first step to resolving such issues would be for the Home Office to strengthen the statutory instrument setting out what information Commissioners are required to produce around decision-making – subject to what we also say about local agreement on mutual responsibilities (see below).

**Shortcomings in the relationship between Panels, Commissioners and PCCs' offices often seem to stem from mutual misunderstandings about the Panel's role.**

A key factor in the early PCC-Panel relationships in many areas was disagreement over role and remit. In some areas, these initial difficulties have been overcome, but elsewhere, poor relationships persist. We think that the Home Office should provide clarity to Panels and Commissioners on their mutual role in ensuring accountability, transparency and good governance. The statutory duties of the Panel do not go far enough in providing this clarity. A lack of certainty has led in some areas to fundamental confusion and disagreement about what the Panel is for.

**Resourcing is a further constraint, but only where Panels are seeking to be more ambitious about their role. Authorities should give serious thought to making more money available to provide additional support to Panels where there are particular concerns, and to reduce the pressure on lead authorities, who are in many instances providing "in kind" support which exceeds the £53,000 provided centrally.**

It is difficult for Panels who wish to bolster their "supportive" role by carrying out their own research and gathering evidence to influence Police and Crime Plans and budgets to do so within the financial envelope set out by the Home Office. This reflects the fact that the Home Office figure was reached on the basis of bodies which would meet infrequently and only to carry out a narrow range of roles. However, it is becoming increasingly apparent that this minimal vision of how Panels should work is unsustainable. In order to carry out their statutory duties effectively, Panels need a broader understanding of policing and crime issues across the Force area, which requires more work and an increased level of resourcing. A contribution, in many areas, of £2,000 per authority in addition to the funding already committed would make a significant positive difference. We recognise that in many areas the commitment of this extra funding will prove a challenge.



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**Panels should come together with PCCs, Community Safety Partnerships (CSPs), CSP scrutiny committees and Chief Constables to agree ways of working that go beyond the Policing Protocol.**

Fundamental issues about the transparency of decision-making, expectations around information sharing and the ability of Panels to transact their statutory duties can only be resolved by discussion and agreement, locally, about the mutual roles and responsibilities of the various individuals, bodies and partnerships with a stake in partnership policing. Such agreement need not be bureaucratic and should focus on values, attitudes, behaviours and culture more than on arbitrary deadlines and time limits. This will also provide a means to resolve common areas of friction around the “balance” between supportive work and scrutiny, and the meaning of the operational/strategic division. This will also help to resolve concerns where PCCs themselves have set up their own “policy development” groups which seem to duplicate the roles and functions of Panels.

**Panels should consider how they can carry out their role with more proactive work, where proportionate and where such work relates directly to their statutory role.**

Proactive work – investigations of key strategic priorities with a view to supporting the PCC’s work – will be one key way for the Panel to demonstrate its effectiveness. This work will need to be planned carefully to reflect the PCC’s own work, to minimise duplication and to ensure that the focus is on those areas where the Panel’s intervention can add the most value.

In some areas, Panels may be unwilling or unable to carry out work in this way. We should emphasise that although we consider the transaction of such work as highly productive, Panels may wish to think about other methodologies to achieve the same ends – for example, seeking to review the priorities in the Police and Crime Plan across the year, through the use of themed meetings.

**Panels should consider how they can better engage the public.**

A more consistent approach to how Panels present themselves to the public should address many Panels’ low visibility, on the internet in particular.

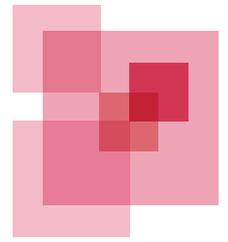
# What does “good” look like?

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## **On the basis of our research, good Panels:**

- Have sought to engage constructively with their PCC from the outset, and usually have some kind of agreement in place with the PCC about information-sharing and joint working which goes beyond the terms of the Policing Protocol
- Use information from a range of sources intelligently, bringing that knowledge and understanding to bear on their strategic, statutory duties
- Have a clear idea of their role and responsibilities, which translates into a focused approach to work programming
- Are well resourced – but more than that, use what resources they have proportionately, using the individual skills and expertise of Panel members to drive its work forward
- Are visible – usually by having a dedicated web presence, and having plans in place to understand the public’s views, and to bring those views to bear on the scrutiny process
- Work well with others, usually CSPs and CSP scrutiny committees but also with a range of other partners where appropriate
- Where relevant, appropriate, and where resources permit, carry out proactive work to actively support the PCC, and to challenge their assumptions and priorities as they develop policy.

The job of ensuring Panels’ effectiveness sits with Panels and PCCs. While we think that there are a couple of practical policy contributions that the Home Office can make, the fact that the new arrangements work in a number of areas demonstrates that they can and should be made to work everywhere without significant Government intervention. We consider that the tools and resources already exist to make Panels effective.



## Preparation: getting ready for November 2012

Panels reported varying success in getting ready for 22 November 2012, when the new structural arrangements in policing took effect. While some were putting plans in place two years in advance (following the publication of the policing consultation in July 2010 that subsequently led to legislation) others did little work before June 2012. Wrangles around responsibility for taking the lead authority role and disagreements over composition led to problems in some areas. Of greater significance was the delay in laying in Parliament statutory instruments which clarified the legal position of Panels, and made clear various points fundamental to the agreement of Panel arrangements. Only available in October and November 2012, the late preparation of this material led to entirely avoidable last minute activity, causing authorities significant expense and inconvenience.

While all Panels met the statutory deadlines and were in a position to meet formally for the first time shortly after the election, there were elements of preparation that may have been overlooked. Principal amongst these was the need for member induction. A large number of Panels took no steps to formally induct members into their new roles. There seem to have been a number of reasons for this:

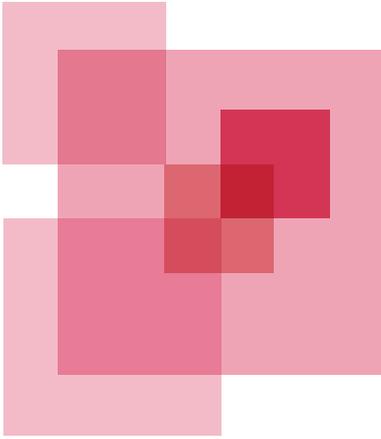
- Logistical reasons (Some Panels only agreed final membership in July and had to spend time transacting business in shadow form, such as refining their panel arrangements. This made a more reflective induction exercise difficult)
- Financial reasons (with there being no money in budgets for training and development)
- Practical reasons (principally a feeling that most Panel members – especially those who previously sat on Police Authorities - would have a comprehensive understanding of the local policing landscape, and that further induction and training was not necessary).

## The transition from police authorities to PCCs and Panels

The successor bodies to Police Authorities are Police and Crime Commissioners. However, a significant number of former police authority members now sit on the Police and Crime Panel. We were interested to see how they had made the transition to the new role.

In a few instances it seems to be the case that former police authority members are finding it difficult to adjust to their new role. Their expectations of their power, responsibilities and the kind of work they should be doing (particularly as seen through the minutes of meetings) suggests a desire to focus on Force performance - which is more properly the business of the Commissioner. We discuss this confusion around the Panel's role in more depth later in this report.

This is not the case in all areas. In many parts of the country former police authority members have adapted to their role, and are using the skills and expertise they gained from having sat on those bodies to good effect in their scrutiny of the PCC. However, some ambivalence remains from those former Police Authority members who opposed the introduction of elected Commissioners in the first place. While this is partly an inevitable result of the transition process, and a theme that is likely to recede in the coming months, it is still likely that more effective training and induction, and more Governmental clarity, prior to last November would have resolved any confusion about the Panel's role and remit.



Later in this report, we note the experience of some who have resigned from their position on Panels, either because they have felt that it is not as effective as the old system or because the Panel has a different role to that which they were expecting.

## **Powers, resourcing, capacity and composition**

### **Powers and the role**

#### **The role in general**

In many instances, there has been mutual confusion between Panel members, Panel support officers, Commissioners and Commissioners' offices about what the role of the Panel actually is.

This has coalesced into disagreement on a number of areas:

- Disagreements over the balance between the Panel's supportive role versus its scrutiny role. Panel members and support officers have advised us that some PCCs, and some PCCs' offices, have expressed concern that the Panel is not being sufficiently supportive, or have stated that its principal role is one of support. We don't consider that there is a "balance" to be reached between scrutiny and support. The two are not different ends of a spectrum, but a single concept – Panels should be critical friends to their PCC, acting as an independent voice to constructively challenge their plans in order to deliver strategic and operational improvements.
- Concern over the strategic/operational split. In some areas, there has been concern that Panels are seeking to focus on operational issues, or seeking information about operational matters. However, there is no easy distinction between the two concepts. In order to understand whether the PCC has succeeded in fulfilling his objectives under the Police and Crime Plan, and to assess whether previous budgets have been value for money in terms of outcomes (an assessment that will be critical when it comes to looking at the following year's budget) there must be consideration of operational outcomes. Experience suggests that this evidence must be used to support scrutiny of the PCC's strategic role, rather than looking at operational issues for their own sake. As a matter of practice, this might be resolved by Panel members having access to a range of operational performance information, but using that information as background for its strategic work, rather than bringing such data to Panel meetings to ask the PCC direct questions on it. This detailed accountability around Force performance is the core element of the PCC-Chief Constable relationship.

#### **An increase in powers?**

Over the past year it has been suggested by numerous people that Police and Crime Panels should have more powers, or should use their existing powers "more effectively". The Home Affairs Select Committee has been especially forthright on this point, having taken evidence from three Panel chairs in May, reporting that, "All three of the PCP chairs we heard from believed that their Panels did not have strong powers to hold a PCC to account" (although Cllr Peter Box, one of the three Panel chairs in question, gave evidence to the committee stating that he did *not*, in fact, believe that powers needed to be increased).



<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/69/6910.htm>

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Overwhelmingly, Panel support officers felt that no further powers were necessary, and that the challenge lies in Panels using their existing statutory powers (particularly around the Police and Crime Plan and the budget/precept) more effectively. The feedback from Panel members themselves has been more mixed. Many of those to whom we have spoken have expressed strong opinions in favour of more powers – particularly a strengthening of the powers of veto over the precept, and also increased powers to direct PCCs’ policies. However, others have been more equivocal.

With more powers, Panels would risk becoming mini-Police Authorities, bodies with the power to veto more of the PCC’s decisions, and to direct PCCs’ work, but with arguably less democratic legitimacy than PCCs themselves. Panels are scrutiny bodies, which exist to hold the PCC to account, not to make decisions in concert with the PCC or to overturn decisions made by a democratically elected individual. Their supportive role (further to the definition of the Panel’s responsibilities in the Act) means that – ideally – they will provide constructive challenge which supports the Commissioner’s development of policy, and to help to deliver the priorities in the Police and Crime Plan. The Panel’s principal power lies in its ability to influence, on the basis of evidence, rather than to direct. There is of course a challenge here for Panels to have the resource to gather and analyse evidence in such a way to make a positive contribution.

We consider that an enthusiasm for increased powers arises from a misapprehension about what the role of the Panel should be, and the difficulty that some former Police Authority members are finding in making the transition between that body and the Panel. This misapprehension arises, in part, from the lack of clarity from the Home Office themselves about the broad role that they consider Panels should be playing in the new landscape.

There are two areas where increased powers could be seen as sitting within the terms of the existing role of the Panel:

- Powers to “call in” the purported suspension or dismissal of the Chief Constable by the PCC, as a check on the PCC’s power to do this unilaterally. The PCC’s chief of staff / chief executive will have a role in assuring that does not occur, and HR and legal advice from within the Force should mean that, when the PCC does choose to exercise his or her powers to fire or suspend the Chief Constable, this will be on the basis of clear professional advice. Under these circumstances, it is difficult to see what the Panel could do, other than delay the implementation of the PCC’s decision. In such a circumstance the working relationship between the PCC and the Chief Constable would have irretrievably broken down. It is possible however that the existence of such a long-stop power for the Panel could dissuade PCC’s from taking such serious action without first considering what other options might be available to resolve the situation
- Powers to refer particular issues to the Home Secretary. Under the Health and Social Care Act 2012, a health overview and scrutiny committee may make a reference to the Secretary of State where the committee feels that a consultation into a substantial variation in local NHS services has not been adequate. This is a tightly defined exemption. It is possible that this could be introduced as a secondary step to the Panel’s veto on the policing precept, or as a possibility where the Panel feels that the Police and Crime Plan is inadequate. However, rules for the operation of such a power would need to be tightly circumscribed for the purposes of certainty.

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Both of these possible powers would need to be treated as “long stops”. Although both have been raised as options by practitioners there would be substantial legal and technical hurdles to jump for them to be feasible – particularly reference of matters to the Home Secretary. However, if attempts were made to fit these new powers in with the existing role, they could be made to work.

We consider that any attempt to increase powers would be a medium to long term ambition. It is too early to make accurate judgments about whether new powers would fit comfortably within Panels’ existing role, and what the impacts of this would be on the wider accountability and decision-making structures within which Panels operate. We have considered the issue here only insofar as it has been raised by those we’ve interviewed, and do not consider that a change in powers is necessary for Panels to be successful or effective.

### **A reduction in powers?**

Conversely, it is possible that Panels’ powers could be reduced.

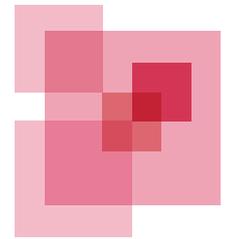
The Panel’s principal role sits around the budget and policy cycle for the PCC’s strategic activities. There are two Panel roles which sit outside this cycle – confirmation hearings, and the resolution of non-criminal complaints against the PCC.

We explore some of the practical difficulties that Panels have experienced around both of these issues later in the research.

Given the resource constraints under which some Panels find themselves, there may be sense in Panels relinquishing their complaints role – with complaints being dealt with at initial stage by the PCC’s office, and if unresolved by the Independent Police Complaints Commission. The Panel could retain strategic oversight of the process, rather than being responsible for resolving individual complaints (i.e., it would be responsible for assuring the inherent fairness of the complaints system). In doing so, the Panel would also be able to identify whether any broad patterns were emerging from complaints being submitted.

Confirmation hearings have presented a challenge for many Panels. Their purpose is unclear, although it could be argued that they represent a high-profile way for the Panel to act as a check on the PCC, and while many Panels have struggled to find a way to carry them out so that they add value, they are still seen as an important part of the role.

It is difficult to understand, in practical terms, how the Panel is being expected to contribute to the appointments process for the selection of a new Chief Executive, Finance Officer or Deputy PCC. For the appointment of the Chief Constable, the Home Office have recognised that the process is more critical, giving the Panel a veto. But it is difficult to envisage a circumstance in which such a veto – which would be potentially career-ending for any Chief Constable against which it was exercised – would be used, and a number of the Panel support officers and Panel members to whom we spoke expressed scepticism as to whether it would ever be a realistic option. It would suggest that the PCC’s and the Force’s appointment system for senior officers was fundamentally flawed, which would arguably be a systemic matter, only soluble through the intervention of Her Majesty’s Inspectorate of Constabularies.



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While we do consider that these are the parts of the Panel's role that use up disproportionate amounts of resource for the impact they have on strategic policing in the area, for the reasons set out above we consider that such a reduction might be something for policymakers to consider in the medium to long term only. Such a change in powers is not required in order to secure the effectiveness of Panels in the short term.

### **Resourcing and capacity – councillors and independent members**

Councillors and independent members sitting on Panels have been expected to engage with a significant amount of work over the course of the past year.

Most Panels have met more frequently than the four times envisaged by the Home Office. In some respects this reflects a need to do so to meet statutory requirements (in the case of large numbers of confirmation hearings, for example) and a determination to carry out their statutory duties effectively (for example, those Panels who have held multiple meetings to consider the PCC's budget). As such it may be that in 2014, the number of meetings will reduce. However, among the Panel members and chairs to whom we have spoken there is a strong view that four meetings per year will be insufficient, and that the Panel will need to meet more frequently to conduct its business effectively. This is reflected in the views of Panel support officers as well. This is an issue to which we will return later, but it has an obvious implication for members' time commitment.

This time commitment has led the membership of some Panels to change over the course of the past year. It is not a consistent national trend, but around a dozen council leaders have stood down from Panels. This may be because of a lack of capacity to engage fully with Panels' work. In some instances, this has also been driven by a disenchantment with Panels, which are seen as ineffective as a means to effect change. Leaders tend to have other, more informal, "routes in" to liaise with and influence the PCC. We are aware of a number of leaders who have stepped down from Panels because of a feeling that they are "toothless", and/or who have stepped down because they consider attending Panel meetings to be less important than they had expected.

For independent members, resourcing and capacity constraints are different. Independent members are brought on to Panels to provide valuable expertise and a different perspective to elected members. Many independent members to whom we've spoken talk positively about their experiences, and what they've been able to bring to the Panel. However, in some areas they do not receive support from the lead authority to enable them to transact their role properly. In some areas little thought seems to have been given to the particular needs of independent members – who will not have access to the range of background information which might be available to elected members, certainly when those elected members on the Panel are predominantly Cabinet members and/or Leaders. For example, it is the practice for many such members to receive briefings from their authority's community safety manager in advance of Panel meetings, but this approach tacitly excludes independent members, who are not tied to a single authority. Assumptions are also made about independent members' familiarity with the broader local government context in which Panels sit (for example, the way in which community safety, and broad strategic policing priorities, engage with local government policymaking in issues such as health, children's services, environmental services and so on).

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Independent members may need more support. But the availability of such support will continue to be subject to constraints itself, as we will go on to see in the next section.

### **Allowances/expenses**

Currently, there is provision for Panels to make £920 available to cover expenses for Panel members.

Many Panels have not supplemented this by putting in place an allowances scheme for members, but some have done so (with levels of allowances having been set by Independent Remuneration Panels). Levels of allowances vary considerably – from nothing at all to as much as £10,000. This variation does reflect the significant regional differences on allowances for local government committees.

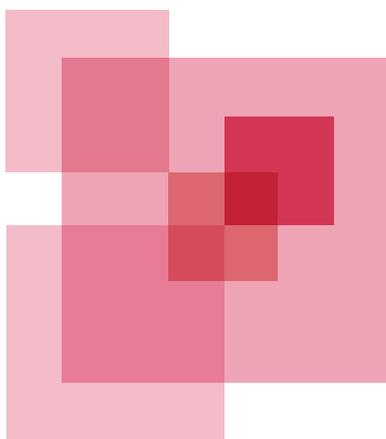
It has been suggested to us that the provision of allowances would help to support councillors and independent members who are subject to considerable pressures on their time and both attending, and travelling to, meetings. There is not enough evidence to determine whether Panels making provision for allowances are more effective than those who do not (or whether, if that is the case, such effectiveness is down to other factors). As with other aspects of resourcing, this is an area where Panels and their constituent authorities will have to make an appropriate local determination.

### **Resourcing and capacity – support from councils**

Most Panels have made use of the £53,000 made available by the Home Office to backfill existing posts in Democratic Services, rather than to appoint a new dedicated officer to support the Panel. We have been told that this is because lead authorities are unwilling to commit to a permanent member of staff when there is no guarantee that Home Office funding will continue indefinitely. There is significant worry that the Home Office will withdraw Panel funding imminently, leaving lead authorities with the responsibility to develop local agreements on funding themselves. We do not think that local authorities will be in any position to commit a substantial resource to supporting PCPs indefinitely, although a handful of PCPs have managed to secure the agreement of their constituent authorities to supplement the £53,000 with additional contributions from councils in the area. Such an approach seems to be most prevalent in areas with pre-existing positive working relationships between the councils in the area. On the other hand, in some areas, the suggestion that an additional contribution might be made by authorities has been explicitly rejected.

Those areas under the most pressing resource constraints are those where minimal provision has been made for officer support for the Panel. Home Office funding is not ring-fenced, and it is for the lead authority to decide how to finance the Panel. But this situation has caused some challenges – particularly around the requirement to resolve non-criminal complaints against the PCC, which take up a disproportionate amount of time.

There are a range of different approaches that have been taken by lead authorities to resource Panels. Broadly speaking they fall into one of the following options:



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- A dedicated officer, or officers, who have a responsibility to provide support to the Panel. This is a person who has been recruited specifically for the role on a permanent contract
  - Backfilling of the lead authority's Democratic Services function to fund existing officers to provide support to the Panel, alongside other duties
  - Support from the lead authority's Community Safety team, with the community safety manager (or similar) providing the primary means of support
  - No single focus for support, with assistance being drawn in from Democratic Services, a scrutiny team (if there is one), community safety and other places, with arrangements being overseen by a Head of Legal Services or similar.

Under all of these arrangements, there have been challenges around the range of skillsets required by officers providing support to Panels. A mixture of officers provide support –community safety managers, democratic services officers and scrutiny officers being most common. High level HR, legal and financial support has also been needed. The wide range of professional expertise which this implies suggests that it will be difficult to continue to provide adequate support to Panels within the existing funding envelope. Lead authorities are not generally keeping detailed records, but it seems likely from what we have heard that lead authorities are expending resources in excess of the £53,000 grant to provide this wider range of support. This bears out the reasoning behind the unwillingness of many authorities to commit to taking on “lead authority” status when Panels were set up.

Resourcing issues have an impact wider than just the Panel. We've been advised that an increase in resources to Panels will have a knock on impact on OPCCs, as the quantity of requests for information from Panels increases with their workload. We will discuss information sharing later in this report, but we consider that more resourcing for Panels could actually result in a decrease in the call on the time of OPCCs. Better resourced Panels will be more able to directly access information and will not have to rely on the OPCC for it.

At the outset, we hypothesised that the resource issue would be felt most acutely by those lead authorities which were shire districts, but this is not the case. This may be because community safety responsibility in two-tier areas sits formally with district councils, meaning that community safety officers can provide some support to Panels in a cost-effective way.

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### **How can resourcing be managed better?**

- **Authorities could make available additional discretionary resources where there seem to be concerns about the level of funds available. In many areas, even a commitment of an additional £2,000 per council would, for the average Panel with seven to ten authorities represented on it, work to defray some of the additional costs to lead authorities, and make it more easy for Panels to take a more forensic, strategic and proportionate approach to their activities. It is important that this money should not be seen as a transfer from local scrutiny functions to the PCP, because well-resourced local scrutiny (as we will note below) in the form of strong and effective community safety scrutiny committees provides a key means to ensure the Panel's**

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effectiveness. We recognise that this option has been specifically excluded in many areas, and that for other Panels any further financial commitment would be exceptionally difficult to negotiate, but it is an issue that is worth raising in advance of the 2014/15 budget

- More business could be transacted in smaller work groups. We do not recommend the creation of large numbers of standing sub-committees but giving responsibility to focus on particular issues or areas to smaller groups of Panel members, or individual Panel members, might afford a more proportionate way to prepare for major set-piece meetings. This will work against what may otherwise be a natural tendency to schedule more full Panel meetings
- Clearer prioritisation and a focus on core tasks may be necessary. We look in more detail into this issue later in the research
- As a matter of some urgency, the Home Office should provide some clarity over the financial commitment it proposes to make to the support of Panels. We are aware that an ongoing commitment has been given to the extent that this is possible within central Government accounting rules, and taking into consideration inherent political uncertainty, but the resourcing and powers of the Panel should be seen as going hand in hand.

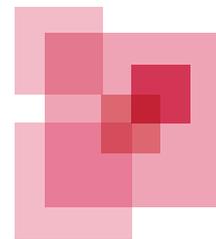
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### **Capacity and ability to carry out effective financial scrutiny**

Many Panels found scrutiny of the budget and precept especially challenging in early 2013. With Panels only having been in operation for a couple of months, and with Commissioners themselves only having had a few weeks to develop fully costed proposals for 2013/14 to support their planned precept, it is unsurprising that many told us that they felt that their scrutiny of the budget was only superficial.

Some Panels have carried out no further financial or budget scrutiny other than that specified in the Act, but some have tried to take and analyse quarterly budget information produced by the PCC. In most cases, thoughts are turning to the budget for 2014/15. Most are aware that this will be the first year in which the PCC is able to stamp his or her personality on policing plans.

While some Panels are planning to undertake budget scrutiny training, many are not, and a substantial number of Panels have yet to engage substantively with their PCC to decide how budget scrutiny will be carried out. While some now expect to have relevant information on options, budget outlines and priorities provided to them in November 2013, and while most expect to have at least some information by the New Year, others have assumed that no information will be shared until late January 2014, in line with the statutory requirements. This is likely to place a significant constraint on a Panel's ability to carry out their statutory duties properly in January and February 2014. What contribution these Panels are, in the end, able to make is likely to be minimal. However, we do consider that the majority of Panels will, for the 2014/15 financial year, be able to make a tangible, practical contribution to the budget and precept-setting process.



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It is unfortunate, however, that in a number of instances PCCs and their officers seem to be taking a doctrinaire approach with regard to the sharing of financial information with the Panel. This actively hinders the Panel's scrutiny role. It is based on an erroneous view of the strategic/operational split in the PCC's, and the Panel's, role. It is also based on an unreasonably restrictive interpretation of the Panel's statutory duties. We will return to the issue of information – sharing later.

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### **How can Panels carry out financial scrutiny most effectively?**

- **Meaningful early engagement is critical. PCCs cannot expect Panels to be able to engage constructively with the budget and precept if key information is not shared until the end of January 2014**
- **Panel members should receive quarterly finance, performance and risk monitoring reports against the PCC's priorities. This information should not be tabled at a Panel meeting, but should form a source of background evidence for Panel activity**
- **Panels should engage more closely with CSPs, and CSP scrutiny committees, to better understand how the PCC's budget is allocated to deliver against community safety priorities. We explain more on this later**
- **Panels should think seriously about training on police and community safety budgeting, even if they have some experience on this issue.**

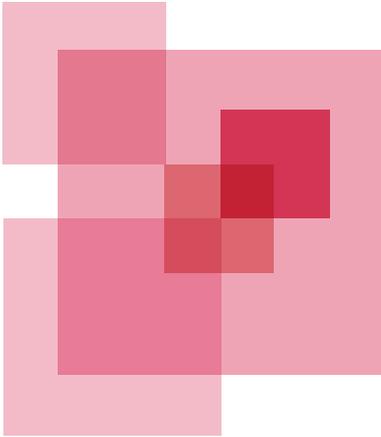
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### **Capacity, ability and willingness to carry out “proactive” scrutiny and investigative work**

Just over half of Panels are now actively planning to engage in what some call “proactive” scrutiny work. This is detailed work investigating issues of priority to both the local area and the PCC. This work can be seen as supportive of the PCC's policy development process. Of the remainder, only a handful have been categorical in saying that they do not plan to undertake such work. The main reason given for this is that Panel chairs in those areas hold the view that investigations into specific policy issues are not the role of the Panel, but should be for the PCC to lead on, with the Panel holding the PCC to account on concrete plans being implemented. Such Panels are focusing their work on post-hoc scrutiny of PCC decisions and their core statutory duties.

Where it is being carried out, such proactive work is only getting under way now because of the high pressure and pace of statutory work being conducted in the early part of the year. Many sitting on, and supporting, Panels feel that there have been two distinct phases of operation for them:

- a first phase, running from November 2012 to early summer 2013 dominated by statutory activity
- a second phase running from summer 2013 onwards, where the Panel is able to take a more strategic approach to its work.



There seem to be three principal mechanisms of carrying out “proactive” scrutiny work:

- **Thematic Panel meetings.** Each meeting of the Panel (other than the meeting to consider the budget, precept, plan and so on) will be themed to a single priority in the PCC’s Police and Crime Plan, allowing for in-depth discussion. This is a low-cost means of ensuring that the Panel can carry out more proactive work, but the thematic approach means that the Panel’s scrutiny may be quite broadbrush in nature
- **Task and finish working.** This will be familiar to those officers and councillors who work with local government scrutiny committees. Small time-limited working groups are established to investigate particular policy issues, and to make recommendations. This can be a focused and effective means of working, but is resource-intensive. Around ten Panels are planning to operate in this way, or have already set up T&F groups
- **Setting up a small number of standing subgroups to look at specific issues.** A few Panels have set up standing groups to look at the Police and Crime Plan and the budget as they are developed.

These approaches to proactive scrutiny are not mutually exclusive.

Given the fact that many Panels are only now beginning to undertake this proactive work, we have been able to find out little about planned topics, and it is too early to talk about outcomes. However, PCCs have on the whole seemed to be positive about this work, and its potential to support the way they develop their plans and policies. It has significant potential to bolster both the profile and effectiveness of Panels as they enter their second year in operation. However, from our experience and research on local government scrutiny, it will be critical that Panel’s programmes for such proactive work link closely with PCCs’ own plans. Where relationships between Panels and PCCs are less well developed, it has been suggested to us that such work might constitute a “pinch point” in that relationship, on account of the potential for Panels’ proactive work to overlap with that of the PCC. It will be important to resolve any of these wider issues relating to the PCC-Panel relationship before more proactive work is undertaken.

Panels’ proactive work will be undertaken by support officers within the lead authority, being financed for the most part through the £53,000 made available by the Home Office for Panel support more generally. This will provide a constraint, and where authorities in a given area find themselves unable to make further funding available Panels will have to be extremely discriminating about how, when and why they undertake such work.

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### Using proactive scrutiny work to make Panels more effective

- **Proactive scrutiny has the potential of bolstering the Panel’s conduct of its core statutory duties, and should be carried out with this primary objective in mind. It will be important that the Panel does not, in carrying out this work, create an “industry” that sees it straying away from its core statutory duties**

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- Effective work programming and close liaison with the PCC will make proactive work easier to manage and resource, and will enhance its ability to support PCC decision-making
  - A focus on the content of the Police and Crime Plan will ensure that proactive work feeds directly into the Panels statutory duties, but must be undertaken in such a way that it focuses on those areas where the Panel can add most value
  - Work programming should involve a robust approach to prioritising work, defined by the Police and Crime Plan and by background data to which the Panel might have access. Having a way to transparently determine the Panels priorities will help to manage limited resources.
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## Composition

In our guidance on composition in October 2011 we suggested that Panels should be comprised only of non-executive councillors (i.e. the Cabinet members or Leaders should not be included). We made this suggestion because of a feeling that Panels would be involved in investigating decisions made by the PCC that related to community safety funding. Because many community safety Cabinet members, and council Leaders, sit on and in some cases chair Community Safety Partnerships, we were concerned that if those people also held the PCC to account, it might constitute a conflict of interest.

We note that most Panels still have at least some executive members sitting on them. However, there is a distinct trend towards more non-executive members, as some Cabinet members and Leaders have stepped down from Panels and been replaced by others. We commented on this trend in more detail in the section above on member capacity.

Most Panels have “top up” members – multiple members from a single authority, selected to meet the objective of balanced representation in terms of political parties, geography and population. Although this makes most Panels quite large, there is no evidence that their size makes them less effective (supported by findings from our annual survey of overview and scrutiny in local government, which looked in detail at the effects of committee size on the effectiveness of scrutiny bodies in local councils). However, as Panels seek to engage in more detailed and proactive work, the logistical limitations in conducting “whole Panel” work may become more apparent. Some Panels have already sought to circumvent this problem by doing some work in task and finish groups (see section above), or setting up informal sub-panels – for example, a smaller group to prepare for the scrutiny of the PCC’s budget. A couple have also used the opportunity to assign specific responsibility for various subject areas to individual Panel members, bringing this knowledge to bear on Panel discussions in plenary. This represents a pragmatic approach to using the skills and time of all on the Panel effectively. Again, however, it is too early to say what the broader impact of this will be on the Panels overall effectiveness, and it is important to note that some Panels feel that resourcing considerations make work of this kind impossible, or will at least severely limit it.

As well as councillor members, all Panels have two independent members. Open recruitment processes were carried out for these over the course of summer 2012

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in most instances. For some Panels, this process was quite rushed. However, Panels have attracted a high calibre of independent member. We have only been able to speak directly to a handful, but most do seem to be fully engaged in the business of the Panel, and are able to deploy their particular skills and experience effectively. However, in a minority of instances this does not appear to be the case, and Panels might do more to understand what their independent members can contribute, and the additional support that they may need over and above the information and advice all members of Panels receive.

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### Using Panel composition to make the Panel more effective

- Although we recognise that having Leaders and Cabinet Members sitting on Panels helps to ensure that strong links are made between them and councils, experience continues to suggest that non-executive members are more likely to have the time and capacity to commit to making Panels a success as scrutiny bodies
- Larger Panels should take the opportunity to consider how they can conduct proactive scrutiny in task and finish groups, and also carry out preparatory work for their statutory duties in smaller groups (recognising the fact that some of those duties must be carried out by the Panel as a full body)
- The use of “rapporteurs” – individual members of Panel who can be tasked to keep a watching brief on key areas of PCC policy and performance – will help to ensure that all members play an active role. It will also reduce the need for the submission of reports to the Panel “for information”. Again, this is a step that has already been undertaken in a minority of areas.

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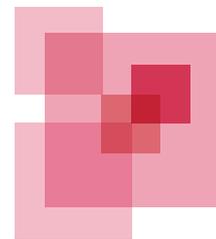
## Relationships between the Panel and other bodies

### Relationships with the PCC

In many areas, relationships with PCCs are positive and productive. In these areas, significant work has been undertaken to ensure that PCCs and Panels do work well together. Some areas have formal protocols to define how the relationship will operate – for most, however, arrangements are based on close liaison between the OPCC, PCC and the Panel.

While relationships are now settling down, at the start and for some time after there were some instances where difficulties occurred. In some areas, these difficulties continue. Some include:

- A PCC and most members of a Panel being from the same party, with a number of councillors on the Panel knowing the PCC socially, leading to a perception that they might be “getting an easy ride” (although the situation in many areas appears more complex than this, and some Panels who share their dominant political affiliation with their PCC have been able to be robust, challenging and supportive)



- A PCC and most members of a Panel being from different parties, with the Panel using meetings as a political platform (although in some instances this may derive from conflicting priorities between the PCC and the CSPs in the area, rather than exclusively a party political disagreement)
- Panel members in some areas being opposed to the concept of PCCs, and using their role to try to obstruct the work of the PCC
- PCCs being unused to public sector accountability “norms” (such as reporting to boards and committees) and seeing the Panels work as interference
- Particular issues causing flashpoints – especially confirmation hearings
- Misunderstandings and disagreements about the Panel’s role
- Circular and legalistic arguments about what information the Panel is “entitled” to have access to, and which areas they should and shouldn’t look at, based on a restrictive interpretation of the division between strategic and operational policing.

We should make it clear that, in many areas, most of these issues have been resolved. Where disagreements occurred, they seemed to be as the result of early misunderstandings about function and role, and a byproduct of the necessary speed of PCC and Panel activity in the early days. However, problems relating to the above points do persist in a minority of areas, and suggest the existence of fundamental differences of opinion over the Panels role and remit.

### **Political issues**

Political affiliation appears to make little difference on its own to the PCC/Panel dynamic. Relationships seen as “cosy” may owe themselves more to personal relationships between the PCC and Panel members (for example, where some members were previously on the Police Authority, or the same council, as the PCC) as they are owing to political affiliation. More fractious relationships may come down to reasons other than political disagreement – in some instances, clashes in personal style (see below) are more obvious causes.

Difficulties have also occurred with the engagement of PCCs and Panels in the new arrangements in an ideological sense. A minority of PCCs and a number of Panel members and chairs appear to remain opposed to the whole concept of directly elected police commissioners and a number of Panel members bemoan the demise of the Police Authority. There is a sense, in some areas, that participants are biding their time until the structures are either fundamentally redesigned or abolished by Government. As a consequence, there is an unwillingness to put efforts into making those structures work. The perceived ineffectiveness of Panels has, in some areas, become a self-fulfilling prophecy, as members and PCCs who regard them as “toothless” have not sought to think creatively about their role, instead becoming disengaged from the arrangements as they cannot achieve with them that which they had originally hoped.

Some of those to whom we spoke – officers, councillors and other stakeholders - felt that the new arrangements for strategic policing are fundamentally flawed, which has limited their willingness to engage more fully in the work of Panels over the past year.

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A majority of officers supporting Panels have expressed the view that Panels are effective only insofar as they are complying with their statutory duties, but that they have yet to prove themselves in terms of making a clear difference on the ground. However, a substantial minority do consider that the Panels they support have been effective in bringing about real local change (for example, bringing about changes to the Police and Crime Plan or helping the PCC to engage more effectively with partners).

### ***Getting hold of information from the PCC***

Commissioners are required to publish information in line with the Elected Policing Bodies (Specified Information) Order 2011.

### ***Information on PCC decision-making***

A minority of Panels have found it difficult to get hold of even basic information about PCC decision-making. For these Panels, there have been two principal problems.

Firstly, Panels have been unable to find out about planned decisions. This may be because of the lack in some cases of a published forward plan of such decisions by the Commissioner and an unwillingness on the part of the Commissioner, or the Commissioner's office, to engage the Panel in policy development. The Commissioner is obliged to publish information on decisions which are of a "significant public interest", but the legislation does not define what this means. Some Commissioners themselves have not sought to decide what the definition of such a decision might be. There is no national consistency on this matter.

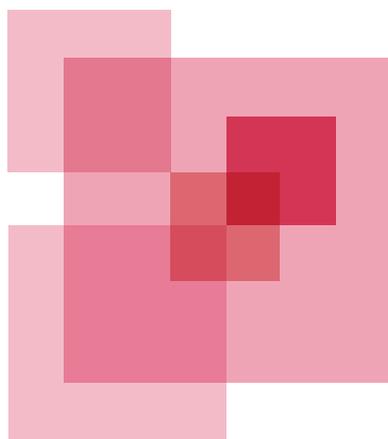
Secondly, Panels are unable to find out detail of decisions once they are made. The guidance notes issued further to the 2011 Order did suggest that background papers should be made available (following guidance previously issued on this subject by the Information Commissioner for public authorities). However, there is no legal requirement to do this and we have been told that in a number of instances requests for such information has been refused.

### ***Information on the budget and precept***

The timescales in place for the setting of the 2013/14 budget were exceptionally challenging. PCCs had around six weeks (including the Christmas and New Year period) to put their plans in place and to develop a credible and implementable budget and plan for 2013/14. As such, most plans and budgets bore a close resemblance to plans and budgets adopted by the Police Authority.

In almost all instances Panels had to wait until the deadline, or very shortly before the deadline, before seeing any information from the Commissioner. In a few instances all Panels knew before the meeting when they had to examine the precept itself was the level of that precept. There does not seem to have been any consistency in the way that background papers have been provided to Panels to allow them to conduct this important work effectively.

We hope that most of these difficulties relate to the exceptionally short timescales which were imposed upon PCCs to develop their budget and precept plans around the New Year of 2013. A small number of Panels were in fact able to conduct constructive scrutiny of the budget, but such an approach required foresight and



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a quick commitment from the newly elected PCC to make it happen. In a few areas, liaison over the future budget started as soon as the PCC was elected (and in one or two instances, shadow Panels liaised with the Police Authority on plans before November), which led to much more productive experiences when the formal meeting on the precept came around in January or February.

There is a risk that this year's experience, where it has been less than positive, may influence attitudes and behaviours in future years. While in a majority of areas conscious efforts are being taken by Panels and PCCs to carry out more work in advance of formal meetings next January and February, a substantial minority of Panels have resigned themselves to seeing partial information very late in the day. Where this has happened, PCCs and their offices have justified their decision not to share information earlier on the basis of the legislation. This reflects the legalistic approach to some PCCs' engagement to which we referred earlier, which is serving to actively harm the Panel/PCC relationship and to diminish Panels effectiveness.

#### ***Information to support confirmation hearings***

Informal guidance issued by the LGA and CfPS to support confirmation hearings suggested that key information would need to be shared with the Panel by the Commissioner to ensure that confirmation hearings would complement the internal assessment processes being used to select a preferred candidate for appointment. In most instances, the information that we suggested be shared – relevant CV and biographical information of the candidate, questions asked at interview – has been shared. However, there have been some instances where PCCs have refused to share this information, making it very difficult for confirmation hearings to be carried out properly.

We are particularly aware that information to support the confirmation hearings of deputy PCCs has been difficult to come by. In some instances PCCs have even been unable to furnish the Panel with information about the job description for their deputy, because the role is ill-defined and/or has not been through the usual process of job design and evaluation. It is of course the case that the position of Deputy PCC does not need to be advertised and is, effectively, in the gift of the PCC.

Many Deputy PCC positions have been overtly political appointments – which is unsurprising, given that this is allowed for in the legislation and that a PCC may want to delegate some of their powers to people who they know, trust and who share their political outlook.

However, the essential informality of such arrangements makes confirmation hearings exceptionally difficult. For the most part, confirmation hearings for deputies have been described to us as unproductive. A number of Panel support officers, and members to whom we spoke, described the exercise as “tick-box” or “going through the motions”.

A number of Panels have asked PCCs to share with them questions that appointees have been asked during the final interview process. However, in some instances PCCs have refused to comply with these requests. This raises the significant likelihood that the same questions will be asked in both forums unnecessarily. There is no legal justification for such a refusal to share information, as demonstrated by the experience of PCCs who willingly share such information, and a couple where a Panel member has even been invited to shadow the recruitment process as an observer.

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### ***General issues around information sharing***

Research carried out by CoPACC has found that, at the time of their research (November 2013) none of the 41 Police and Crime Commissioners fully published the primary and secondary information they were required to by law.

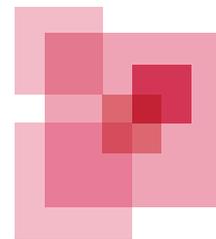
A minority of Panels have found it difficult to get information from the PCC following direct requests. For some, information is only provided after repeated requests, and is incomplete. In some instances the PCC has refused to publish information about forthcoming decisions until after the decision has been made. This reflects a lack of consistency nationwide in the way that PCCs publish information about decisions they have made, or the background information that informs those decisions.

This makes it more difficult for the Panel to support the PCC's decision-making activities.

Where Panels are able to consider PCC decision-making, the results of such work are ambiguous. In many cases the lack of supporting information has made it difficult to discern where PCC decisions do, or don't, relate to the Police and Crime Plan, which makes it difficult for Panels to prioritise their work.

A consideration of decisions made by the PCC should form the background of the Panel's work ( i.e. it should help the Panel to direct which areas it should and should not focus on), but the inadequacy of information being provided on a wide range of issues (not just decision-making) has pushed it to the foreground as the only way many Panels feel that can have a concrete influence on PCC activity. Inevitably, this has the potential to produce tension and frustration on the PCC side, as the Panel's objectives for wishing to look at certain decisions is therefore unclear. There has been a tendency in some areas for Panels to undertake regular post-hoc scrutiny of PCC decisions, which is not an effective use of time and which has little impact. A lack of information about the context in which PCC decisions sit exacerbates this problem. Even if more information were to be available, we do not consider that regular consideration of PCC decisions, without any discrimination as to which are or are not tabled at the Panel's meetings, will be anything other than a superficial exercise. More advance warning of decisions will allow the Panel to select issues (rather than decisions) where they feel they can seek to influence what the PCC eventually decides to do.

The inconsistent approach to provision of information has wider consequences. Without easy access to information it is very difficult for the Panel to decide where it directs its resources. Some PCCs and their offices have resisted requests to access information on Force performance, and quarterly performance and financial information – with such attempts being interpreted as an attempt by Panels to carry out the role of the Police Authority. But without this background information, Panels will be unable to understand how the Police and Crime Plan is being implemented and how operational delivery is having an impact on the strategic context of the budget (and area-wide community safety priorities). Again, this is derived from a mutual misunderstanding about what the role is, and about what kind of information and support is required for the Panel to transact that role. A more open approach – whereby a core set of information is provided by PCCs as a matter of course – will decrease the call on the time of OPCCs (because they will not be responding to individual requests for information) and Panels (because they will not have to waste their own time making such requests).



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Where these problems are present, they have at their core a risk aversion which has infected the whole PCC-Panel relationship. PCCs are unwilling to provide Panels with more information than they feel they are obliged to do by law. It is difficult for Panels to then use what information is provided to draw strategic conclusions about the PCC's work, which makes it more likely that they will look at scorecards and primary operational data in isolation – further fuelling PCC scepticism about their effectiveness and a feeling that they have misunderstood their role in the new structures.

Where it exists, this vicious cycle must be broken for the new arrangements to work. There is no intrinsic fault in the system that makes such problems inevitable, but the requirements of trust and understanding on both sides are challenging. A substantial number of Panels have been able to successfully build relationships with their PCC that have seen information provided on request, and used in a proportionate and timely way. For example, some Panels have been provided with financial information and projections which is allowing them to conduct work in advance of their formal consideration of the budget and precept in early 2014. In these areas, the dispute over the difference between strategic and operational issues has been sidestepped – there is an understanding that the Panel needs access to operational data in order to carry out its strategic role.

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### **Managing decision-making and the sharing of information more effectively**

There are a number of steps that we believe can be taken to build and maintain better relations between the PCC and the Panel, with a view to strengthening decision-making and information sharing arrangements.

1. An undertaking of openness (going beyond the existing legislation) in the way that PCCs make decisions. For example, an undertaking would take the form of a presumption that all information held by the PCC would be made public unless there were a clear and overriding reason not to do so.
2. Agreements, supplementing the undertakings in the Policing Protocol (as defined in the Policing Protocol Order 2011), to establish how and when various kinds of information may or may not be shared between the PCC, Panel and other partners, with a view to reducing duplication and the burdens inherent on OPCCs and Panels from the making of ad hoc requests for information at different times of the year. This will be particularly valuable for the Panel's statutory duties, such as confirmation hearings and scrutiny of the precept.
3. A move, by Panels, away from direct monitoring of individual PCC decisions, towards using PCC decisions as background for more detailed scrutiny of a smaller number of strategic issues.
4. The development of a presumption (further to the agreement mentioned in the second bullet point) that Panels should be able to access operational information to provide background to their strategic role – both from the Force and the PCC's office. This would need to take account of the fact that the Panel would not necessarily be able to expect the PCC to provide narrative reports (in writing) to the Panel prepared for its specific use.

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**5. The use of the process of coming to such an agreement to iron out any lingering misapprehensions or misunderstandings about the mutual roles of the PCC and the Panel.**

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Discussions focusing on improved information-sharing have taken place in a number of Force areas, but in many others agreement is badly needed. It has been suggested that a change in the legislation is required to impose further information publication duties on PCCs. While we can see the value in this as a limited approach – for example, in obliging PCCs to publish a forward plan of key decisions (the definition of which should be set out formally), what information is available to the Panel should be subject to local discussion and agreement, depending on how the Panel plans to support and scrutinise the PCC in practice. This may demand a slightly different approach from area to area, which a detailed national scheme may not be able to provide on its own. However, we do think that a national, consistent scheme providing for the publication of a wider range of information by PCCs – which goes beyond the existing statutory instrument – would form an important framework for such further work.

### **Relationships with Community Safety Partnerships and CSP scrutiny committees**

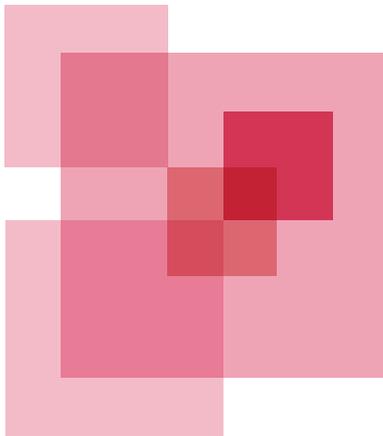
#### **CSPs**

For 2013/14, Commissioners have provided funding to Community Safety Partnerships to deliver on a number of their priorities. From next year, this will change – but for the moment, CSPs in all areas remain fundamental to the success of PCCs.

There is one CSP for every local authority area in England and Wales. CSPs are usually chaired by the council's Portfolio Holder for community safety, although sometimes the council's leader acts as the chair. They are held to account by local overview and scrutiny committees using powers given by the Police and Justice Act 2006.

Relations between Panels and CSPs, and CSP scrutiny committees, appear to be sporadic and ad hoc. There is often not an effective mechanism for intelligence and data to be shared between Panels, CSPs and their corresponding scrutiny committees. In many instances, the fact that many Panel members sit on CSPs is the only reason that any liaison does occur. For example, a number of authorities have systems in place whereby the Community Safety Manager (or similar officer) will brief their Panel member on CSP activity prior to the Panel meeting. However, this does not occur for every Panel and every authority. Even where it does occur, it can lead councillors sitting on the Panel to focus unduly on operational matters that are specific to the geographical area which they represent.

Where Panel members are also senior members of CSPs, they have in a couple of isolated instances used the Panel to argue for more CSP funding for their own areas. In the vast majority of areas, however, Panel members clearly understand



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the need for the Panel to work more strategically. But even in these areas, more formal arrangements for the sharing of information do not exist.

This will be a difficult challenge for Panels to overcome. On the one hand, Panels' investigations of the Commissioner's work will involve a focus on CSPs, as (for the moment) they are a key delivery agent. On the other hand, a focus on the operational business of CSPs – rather than how their work contributes to the fulfilment of the PCC's election promises – will risk the Panel straying onto business that it has no legal role in considering. We consider that the reticence in engaging with CSPs may be due in part to this concern. There are also difficulties around the question of ownership of CSP policies and priorities, given the transition between protected funding, pre-PCCs, and the new situation whereby PCCs will have far more freedom to disburse money to CSPs, or not, at their discretion.

However, in many areas, the primary reason for the lack of engagement so far has been, we think, more prosaic – it is simply an issue of the availability of time and resources.

### **CSP scrutiny**

Community Safety Partnerships are held to account locally by CSP scrutiny committees under the Police and Justice Act 2006. A committee must be designated to carry out this role in unitary and lower-tier authorities. In two-tier areas (i.e., those areas for which there is a county and a district council) there is often a county-wide CSP, which is sometimes shadowed by a scrutiny committee of the county council. CSP scrutiny, and scrutiny by the Panel, needs to be well integrated. This is because PCCs' principal means of tackling broader priorities around crime is the funding which, currently, is transferred to community safety partners.

Few Panels have had any kind of meaningful contact with the CSP scrutiny committees in their area. Where discussions had taken place there were usually two reasons:

- The officer supporting the Panel also supported the CSP scrutiny committee in the host authority, and as such was aware of issues under discussion by their committee, and others in the area, and to plan accordingly, or
- The Force area shares the same boundaries as the county council, and there is a county CSP scrutiny committee, meaning a single point of contact on both sides. There are a few instances of quite close integration following this model
- Most PCCs do recognise the need to engage with CSP scrutiny in the future. Most of those we spoke to were planning to develop more formal mechanisms for information sharing with these bodies, or were in the process of doing so. A minority, however, have no clear plans. Usually this is down to a lack of resources, although it has been suggested to us that a lack of interest amongst some Panel members, and from some CSP scrutiny committees, is a factor as well
- Building meaningful relationships between CSP scrutiny committees and Panels will be critical in ensuring that the right kind of scrutiny is undertaken at the right level. Where Panel members might feel that there is a reason to undertake work into operational matters, effective links with CSP scrutiny committees will mean that those matters can be passed down for them to consider instead. Equally, where Panels are aware of the work programmes of CSP scrutiny committees,

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they will be able to draw links between operational matters which may help to identify broader strategic issues.

### **Relationships between Panels themselves – collaboration arrangements**

Not many Panels have thought in depth about how they might work together with Panels in neighbouring areas.

There are an increasing number of police forces entering into arrangements for the sharing of services with their neighbours. These arrangements are often expressed in terms of collaboration on operational matters – sharing back office functions, for example. However, they will usually have strategic implications, in terms of the freedom available to the PCC to design services that fit around such joint arrangements, and the necessity to work together with the PCCs of neighbouring areas to define the scope and nature of those agreements.

This may mean that Panels themselves need to co-ordinate some of their work with their neighbours. We are not aware of any consistent approach being taken to the scrutiny of such joint arrangements, even where they are significant. This is worrying, because collaborations are expected to become more widespread, having been promoted strongly by both HMIC and the Home Office, and being seen as a key means of identifying more efficiencies in the face of shrinking budgets.

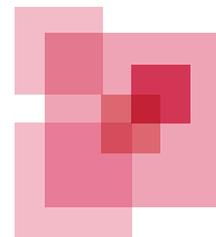
Joint work between Panels would be difficult to arrange. Physical joint meetings would be cumbersome and logistically complex. It is likely that informal co-operation in areas of mutual interest will be a more proportionate approach. Information sharing could take a similar form to that which we have proposed for CSPs above. Where such informal co-operation takes place, the Panel should probably take steps to make public its processes and outcomes.

Certainly, there is a case for co-operation and discussion of mutual interests where collaboration arrangements are being proposed and developed. Panels' input into this exercise – which will presumably be led by the PCC – will help to challenge the assumptions that PCCs might make about such arrangements, along with helping to identify, discuss and mitigate any risks.

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### **Building relations between Panels, CSPs and CSP scrutiny**

- Joint work between Panels in different areas – where required because of joint arrangements between neighbouring forces – can be carried out informally rather than through the establishment of formal joint structures
- Practical information sharing between Panels and CSP scrutiny committee should be undertaken, which could be as straightforward as ensuring that the Panel chair and support officer are on the agenda distribution list for CSP scrutiny committees in the area
- The agreement between the PCC and Panel mentioned in the previous section should include sections on the division in accountability between Panels and CSP scrutiny committees, and covering the ways in which Panels will engage in CSP-related issues (given the high likelihood of overlap, further to the PCC's funding responsibilities)



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- Where the Panel proposes to look at issues relating to the CSP, such matters should relate back to the PCC's strategic priorities, to the Police and Crime Plan, and to the budget, rather than to local concerns best dealt with by CSP scrutiny committees
  - Arrangements for briefing members on community safety issues in advance of Panel meetings should be more consistent and formalised, rather than (as occurs in a few instances) relying on individual community safety officers in separate councils to provide this advice to their representative(s) on the Panel.
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## Making a difference

It is difficult to demonstrate the effectiveness of Police and Crime Panels after just one year. Commissioners themselves are only now able to stamp their individual personalities on their planned budgets, plans and precepts for 2014/15. We're of the view that it's as part of this planning exercise – between now and March 2014, and beyond – that Panels will come into their own as a strong, challenging and supportive voice to Commissioners – where Commissioners choose to listen and bring them on board.

## Visibility, and representing the public voice

### Visibility

In order to establish Panels' visibility to the public we have looked at their web presence. Doing so tells us something about how easy it is to find out information about their work. Of course, the amount of information available online about Panels cannot tell us a definitive story about how well they engage with the public, as it does not take into account any wider public engagement work which Panels might choose to undertake.

A number of Panels have no distinct web presence. Most do have a dedicated page on the website of their lead authority, setting out their role, remit, membership and responsibilities. For some, however, the only public evidence of the Panel's existence is the presence of its agendas and minutes in the public agenda management system of the lead authority.

The majority of meetings are not webcast. Given that many Panels cover wide geographical areas, the presumption in favour of webcasting might be seen as higher than with standard council meetings. We recognise that some lead authorities still have no facilities in place for webcasting and that the financial outlay for this is significant. We are also aware that some Panels move around, holding meetings in different locations, some of which do not have webcasting facilities.

We are aware of instances where members of the public have sought to record and broadcast footage of the Panel in session, something that ought to be encouraged in the absence of official facilities to do this.

It is vital that Panels are visible to those in the local community. The Panel must have a relatively high profile in order to provide local people with the information they will need in order to make an informed choice at the ballot box – quite apart from the role in assuring the public that the PCC is being effectively held to account between elections.

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### Getting the views of the public

Up to this point, most Panels have focused on formal set-piece meetings. As we have seen, this is likely to change. With this change will come, we expect, a more focused approach to public engagement. A number of the Panels aiming to carry out more “proactive scrutiny” are specifically planning to carry out such work in the coming months. It goes without saying that such work should be complementary to similar work being undertaken by the PCC, and that the justification for carrying out such work should directly reflect the Panel’s core role in holding the PCC to account. Panels should, as we highlighted earlier, be wary of creating an “industry” around their responsibilities that uses up a disproportionate amount of resource.

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### How can Panels go about engaging with, and representing, the public voice?

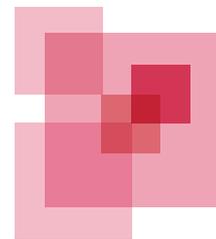
- It is likely that the PCC will receive digests of issues raised at neighbourhood beat meetings; the Panel could use this information to help to direct some of its work
- When the PCC proposes to formally consult or engage the public, the Panel could be directly involved in this work as part of its supportive role
- Steps – such as webcasting and better engagement with the media – could be taken around major set piece meetings (such as debates around the budget and precept, and the police and crime plan)
- As a matter of course, the web presence of Panels and their general “accessibility” to the public, both physically and virtually, must be addressed
- Where Panels plan to undertake “proactive scrutiny”, the subjects chosen should reflect both the Commissioner’s priorities and the priorities of local people (which are likely to be very similar). Such proactive scrutiny needs to be planned so as to actively seek the involvement of the public
- Steps to involve the public need to take account of the fact that Panels cover large geographical areas, making traditional public meetings and face-to-face contact difficult to achieve (and costly for Panels with resource constraints). Use of social media, and contact with representative groups (such as residents’ association) might provide a more targeted approach.

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### Securing meaningful change

The question, “are Panels effective?” is a difficult one to answer. Here, we will judge effectiveness in two ways:

1. Successfully fulfilling the statutory duties of the Panel (a minimal description of effectiveness).
2. Securing a tangible, positive impact for local people – bringing about, through their work, change that would not have occurred but for their involvement (a maximal description of effectiveness).



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Most Commissioners have yet to make their mark on the policing landscape, and most Panels have recently come to the end of a six to eight month period dominated by frequent meetings to review the Police and Crime Plan, proposed Chief Constable appointments, senior OPCC appointments, the appointments of Deputies, and budget and precept setting. This work, driven by necessity, has led to some early positive outcomes. We are aware, for example, of the content of several Police and Crime Plans being changed as a direct result of Panel suggestions – but by and large it is still too early to say if Panels are effective, mainly because it is too early to say whether PCC's themselves are effective.

Many Panel chairs, independent members and Panel members are very positive about the future of Panels and their successes to date, and have a general desire to make things work, and to make them work well. However, there are a substantial number of dissenting voices. A number of Panel members and chairs to whom we have spoken, from all parties, have expressed cynicism about the likelihood of Panels having a long term effect. Some support officers, too, are dubious about how much Panels will be able to achieve in the future.

We think that a clear focus on mutually-agreed core tasks for Panels will help to secure their success. As we have noted previously, in some areas there is too much of a tendency to look at decisions after they have been made, and to focus on PCC decision-making as the central component of Panel's work. We don't consider that this presents the most effective and value for money use of the Panels time. A clearer focus on the Panels statutory duties – and the undertaking of work designed to directly feed into those duties – will, we consider, make Panels more effective within their existing financial constraints. But this will itself require close co-ordination with PCCs.

**Ultimately, effectiveness comes down to making a difference on the ground. All the Panels in England and Wales are effective in that they have successfully concluded their statutory duties over the course of 2013. But few can yet demonstrate a tangible impact on the local community. We think that it is too early to expect this, but it should be Panels' ultimate aim to make a difference – to result in positive things happening that would not have happened but for their involvement. We do think that most Panels are on this trajectory, as they begin to undertake more proactive scrutiny and as relationships bed in. We are, therefore, confident that when researchers return to this issue in future years, they will see concrete examples of Panels bringing about this positive change. But it is not guaranteed, and in some areas more work will be required to make this happen.**

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