

Policing and fire governance

Guidance for police
and crime panels

Contents

Foreword	4
Section one: Overview of governance arrangements in policing and crime	5
Commissioners' responsibilities	5
Policing protocol and panel responsibilities	6
Mayoral arrangements	7
Police, fire and crime functions	8
Other collaboration	9
Section two: Panels' statutory powers and duties	10
Reviewing the precept	10
Reviewing the police and crime plan	12
Reviewing the annual report	14
Holding confirmation hearings	15
Handling complaints	18
Wider activity to support panels' functions	21
Section three: Key stakeholders in undertaking the panel's functions	23
The relationship with the commissioner	25
Operational independence	26
The relationship with the chief constable	26
Relationships with other local stakeholders	27
Panel scrutiny of collaboration	28
HMICFRS	28

Section four: Running the panel	30
Funding arrangements	31
Panel arrangements	32
Composition	32
Rules of procedure	34
Chairing	34
Panel meetings	34
Communications and panel reporting	36
Panel training and development	36
Work programming	37
Using evidence and information	37
Member champions	38
Panels and public engagement	39
Task and finish working	41
Responses to recommendations	41
Panel effectiveness	41
Sources of information	42
Key legislation	42
Panel websites	43
Examples of activity by panels	45

Foreword

This guidance has been produced for police (fire) and crime panel chairs, members and support officers and those with whom they work. It is intended to provide information about the statutory roles of panels and to highlight good practice that has been developed over the years since panels were first established.

Since 2012, panels have shown that they are able to play a constructive role in providing challenge and support to police and crime commissioners. They are an intrinsic part of a network of relationships and processes, and integral to the governance arrangements for policing - and more recently, for some fire and rescue services.

Good governance, robust scrutiny and strong supportive partnerships are essential for communities who rely on excellent police and fire and rescue services, a fair criminal justice system and effective blue light collaboration. They are also important for a vibrant local democracy. Panels have an important role to play in these arrangements.

This is an informal guide which the Local Government Association (LGA) commissioned in order to provide information on the legislation and regulations affecting panels and their statutory functions, as well as examples of good practice by panels.

Different sections of the document provide an overview of policing and fire governance; outline panels' specific functions; and provide ideas on how they can work with key stakeholders and manage their work in a way that adds value and builds capacity and effectiveness. In short, it sets out their diverse roles and opportunities within the context of policing and crime accountabilities.

It will be for panels, in consultation with their commissioner and commissioner's office, to work out their most effective local ways of working, but we hope this guidance will assist with the prioritisation of their work and in choosing the most appropriate approaches to their varied tasks.

Councillor Simon Blackburn

Chair, LGA Safer and Stronger Communities Board

Section one: Overview of governance arrangements in policing and crime

Following enactment of the Police Reform and Social Responsibility Act 2011 (the Act), the election of the first police and crime commissioners (PCCs/commissioners) took place in 41 police force areas in England and Wales in November 2012.

Commissioners' responsibilities

Commissioners are required to:

- Secure the maintenance of the police force for that area and ensure that the police force is efficient and effective.
- Set the budget and precept for the force.
- Establish local priorities for the force through a police and crime plan which must have regard for the strategic policing requirement set by the Home Secretary, and to which the chief constable must also have regard.
- Hold the chief constable to account for the exercise of her/his functions and those under her/his direction and control, including performance against the police and crime plan and a number of specific functions, such as equalities, the force's engagement with local people, force collaboration arrangements and, most recently, police complaints.
- Use their powers to appoint, reappoint and/or dismiss the chief constable.
- Publish information specified by the Secretary of State and information that the commissioner considers necessary to enable the people who live in the force areas to assess the performance of the commissioner and the chief constable.

- Monitor complaints made against police officers and staff, whilst having responsibility for complaints made against the chief constable.
- Commission victims' services.
- Enter into collaboration agreements (in consultation with the chief constable) between other commissioners and forces where it would improve the efficiency and effectiveness of one or more forces.
- Use their powers to make crime and disorder reduction grants
- Use their powers in England to bring local community safety partnerships and local criminal justice board partners together to enhance criminal justice in the area. In Wales, commissioners do not have this power; however, they may work through local public service boards to encourage collective partnership working to improve the delivery of community safety and criminal justice services.

These responsibilities were clarified through the policing protocol, produced by the Home Office, which defined the relationship between the commissioner, the panel and the chief constable and affirms that the commissioner:

- has responsibility for setting the 'strategic direction and objectives of the force' and monitoring performance including against the priorities in the police and crime plan
- has responsibility for holding the chief constable to account, but must not fetter the chief constable's operational independence or that of the force
- will provide the local link between the police and the public, working to translate

the legitimate desires and aspirations of the public into action

- must comply with all reasonable formal requests from the panel to attend its meetings
- must prepare and issue an annual report to the panel covering delivery against the objectives in the police and crime plan.

A head of paid service is a designated post in an office of the police and crime commissioner (OPCC) and under the Act is specified as the commissioner's chief executive.

Strategic policing requirement

As well as understanding local need, carrying out local risk assessments and responding to local priorities, a commissioner will need to be aware of and support activity to address threats that require a national policing response. This is set out in the strategic policing requirement (SPR).

The SPR covers the national capabilities that police forces in England and Wales are expected to have in place to address cross-boundary threats such as civil emergencies, organised crime, public disorder and terrorism. Commissioners must take account of the SPR when setting their police and crime plan and hold their chief constables to account for their compliance with it.

Policing protocol and panel responsibilities

'The public accountability for the delivery and performance of the police service is placed into the hands of the PCC on behalf of their electorate. The PCC draws on their mandate to set and shape the strategic objectives of their force area in consultation with the Chief Constable. They are accountable to the electorate; the Chief Constable is accountable to their PCC. The [Police and Crime] Panel within each force area is empowered to maintain a regular check and balance on the performance of the PCC in that context.'

Section 14 of the Policing Protocol 2011¹

As directly elected office holders, commissioners are held to account by the electorate in the police force area through elections every four years. However, during their term of office, their police and crime panels (PCPs/panels) perform roles of challenge/scrutiny, for example to review the proposed precept, and support; for example, to assist the commissioner to deliver the police and crime plan or to submit evidence from reviews to inform the commissioner's work.

These roles collectively relate to the 'special functions' which panels are required by the Act to undertake. These are explained more fully in section two, but in summary relate to:

- scrutiny of:
 - the police and crime plan
 - the annual report
 - the precept
 - senior appointments (through a process of confirmation hearings) – these

¹ www.legislation.gov.uk/ukSI/2011/2744/schedule/made

duties are known as a panel's 'special functions'

- complaints handling
- discharge of the commissioner's functions.

All panel activity should be justified with reference to undertaking these core duties. Panels are required to establish panel arrangements, dealing with their composition, the role of the panel and support to be provided to it; and rules of procedure, setting out how they will be chaired, make decisions and manage any sub-committees.

The legislation requires that panels' activity generally should be informed by the need to support the PCC, so it should be expected that the challenge brought by formal scrutiny activity will be driven by the need to make a positive impact on the delivery by the PCC of their own duties and priorities.

The twin roles of 'challenge' and 'support' are important ones for panels, but there have sometimes been challenges where panels have taken a different view of the scope of their role than the local PCC or office of the Commissioner, who have perceived this to be more limited. Understanding and agreeing these roles and what they mean is essential if panels and commissioners are to have a positive working relationship, and some areas have found it helpful to agree a memorandum of understanding for this. In practice, it means that panels have a role of oversight over commissioners' activities, which involves:

- seeking to understand the strategic needs for policing in the area the commissioner serves
- using that insight and understanding to support the commissioner to carry out her/his statutory duties
- reviewing key activities and priorities including the delivery and resourcing of the plan.

In summary, panels are therefore an integral part of the governance structures for policing and crime in England and Wales outside of London. In England, panels are joint

committees, formed of representatives of the local authorities within the police force area and at least two independent members who are co-opted onto the panel. The four panels in Wales (Dyfed Powys, Gwent, North Wales and South Wales) are 'Part 3 panels', established by and answerable to the Home Secretary.

Mayoral arrangements

The functions of the commissioner may be taken on by the directly elected (executive) mayor in an area with a combined authority. Bringing a commissioner's responsibilities alongside those of a combined authority mayor are intended to lead to greater opportunities for alignment between strategic policing and other public functions. Provision is made for scrutiny of the mayor through a police and crime panel formed from constituent authorities, in relation to specific responsibilities for policing and crime.

The Mayor for Greater Manchester acts as the police and crime commissioner and has appointed a Deputy Mayor for Policing and Crime to support the discharge of functions. In the West Midlands in early 2019, the combined authority decided against seeking to merge the role of commissioner and mayor. At the time of writing, no formal plans were in train in other combined authority areas for similar mergers.

In London, the elected mayor is the equivalent of the PCC and responsible for policing (outside of the City of London, which has its own police force). The Mayor delegates authority to the Deputy Mayor for Policing and Crime and works through the Mayor's Office for Policing and Crime (MOPAC). MOPAC has strategic oversight of devising a police and crime plan and ensuring it is delivered over the term of office. The Police and Crime Committee of the London Assembly examines the work of MOPAC and conducts thematic investigations on key issues such as serious violence, frontline policing and counter-terrorism.

Every month the committee publicly questions senior representatives from the Metropolitan Police and MOPAC, including the Metropolitan Police Commissioner and the Deputy Mayor for Policing and Crime.

Police, fire and crime functions

The Policing and Crime Act 2017 (the 2017 Act) included provisions intended to enhance collaboration between the emergency services in England and Wales. It:

- Introduced a high-level duty on police, fire and rescue and emergency ambulance services across England and Wales to keep collaboration opportunities under review and to enter into them where it is in the interests of their efficiency or effectiveness.
- Enables commissioners in England to take on the functions and duties of their local fire and rescue authority ('the governance model'), where the Home Secretary agrees that a local case has been made to demonstrate how the transfer is in the interests of economy, efficiency and effectiveness, or is in the interest of public safety.
- Further enables commissioners in England who have taken on responsibility for fire and rescue, and mayors of combined authorities who exercise both police and fire functions, to delegate fire and rescue functions to a single chief officer for police and fire, where a local case is made ('the single employer model').
- In areas in England where a commissioner has not become responsible for fire and rescue, enables commissioners to have representation on their local fire and rescue authority with voting rights, where the fire and rescue authority agrees.

In Wales, the four commissioners have neither the option nor the power to take on direct responsibility for fire and rescue

services which, unlike policing, have been devolved. Fire and rescue authorities remain as separate bodies with their own governance and funding arrangements. option nor power.

Where a commissioner takes on governance of fire and rescue services, the commissioner replaces the fire and rescue authority which previously controlled the management of the fire and rescue service and which, depending on the precise form of the authority, had been comprised of councillors from county, unitary and district councils and lay members including magistrates. The chief fire officer subsequently manages the service in agreement with the commissioner.

The additional powers of a PFCC are to:

- implement a fire and rescue plan
- set fire and rescue service budgets
- dismiss and appoint a chief fire officer.

The expanded powers of police, fire and crime commissioners are reflected in the broader responsibilities of the police, fire and crime panels (PFCCPs), which have also assumed further statutory roles.

A panel's special functions and wider role remain the same in providing challenge to and support for the commissioner but expand to include scrutiny of its commissioner in relation to her/his fire and rescue service functions as well. As such, PFCCPs will be expected to:

- scrutinise an additional fire plan as well as a police and crime plan (the plans may be amalgamated into a single police, fire and crime plan)
- agree precept levels for both fire and police (which are considered separately)
- scrutinise the appointment, suspension and removal process of the chief fire officer.

The panel is also under a duty to review its membership to ensure it has the necessary skills, expertise and knowledge to fulfil its

functions in relation to fire and rescue. New PFCPs will need to consider whether the existing membership includes those with expertise not only of policing and crime, but also of fire and rescue services or whether changes need to be made through additional co-options or new appointments.

When panel members are being selected for representation on a police, fire and crime panel, local authorities should have regard to the need to appoint members who may have existing experience in oversight and governance in the fire and rescue landscape as well as policing and criminal justice.

Other collaboration

Modern policing depends upon multi-agency approaches to tackle crime and address its causes, and under the 2011 Act the commissioner plays a significant role in bringing relevant bodies together to work in partnership to deliver her/his priorities. This will include providers of services the PCC is required to commission eg victims' services.

Given this multi-agency approach, panels should be aware of their commissioner's range of partnership contributions when scrutinising their role. This might require informal information sharing between panels and organisations and between a number of panels whose respective commissioners collaborate. However, formal multi-panel scrutiny of commissioners has the potential to be unwieldy and to risk panels acting beyond their formal powers, as explained further below.

Section two: Panels' statutory powers and duties

The five statutory duties of panels are the core element of their work and referred to as special functions.

Reviewing the precept

The commissioner is responsible for setting the budget and the precept for the police force. The precept and budget should be based on the priorities set out in the police and crime plan and reflect the resources available to deliver them.

The legislative requirement is for the panel to review the precept proposed by the commissioner. Each year, before 1 February, the commissioner is required to notify the panel of the precept that s/he is proposing to issue for the following financial year. The panel must review the precept and make a report, including recommendations, which could include the exercise of a veto (as detailed below). Although panels do not have a role in setting the budget, their scrutiny of the precept will need some awareness of the budget and a report will inevitably accompany the precept proposals to give background.

At a time of unprecedented financial challenge, significant changes in the nature, type, scale and complexity of crime and increasing public expectations of policing, panels will need to be familiar with the range of challenges and pressures on the commissioner and the diversity of responses to those by the commissioner, her/his office and the wider public sector. In reviewing the proposed budget and precept, panels will also need to be aware of the priorities and objectives in the police and crime plan,

in order to consider whether resources are being made available to deliver the plan.

To ensure they are sufficiently informed and able to provide effective scrutiny of the precept, panels will need to gather information in advance of the meetings and carry out in-year monitoring of the budget eg spend against the plan and strategy and in-year variance.

In scrutinising the commissioner's precept, the panel could review:

- the budget
- the police and crime plan and the resources required for delivery
- the medium-term financial strategy
- the overall police settlement
- reserves
- capital spend
- options available
- specific issues, for example reductions in grant, cost recovery from policing large events, transparency regarding the use of resources and the procurement strategy, possibly with other forces.

Scrutiny of the precept will have to be carefully planned and carried out in a fair and transparent manner, especially as the panel has the power to issue one veto over the policing precept in each year (see below). Panels will need to understand budget material to be able to offer effective challenge and support of the commissioner on the proposed precept. Panels could therefore hold briefings potentially provided by the commissioner and

her/his chief finance officer, and/or training that might be supported by the host authority's finance officer.

The provision by the commissioner of background information explaining the budget and precept proposals will help the panel to direct its scrutiny effectively. Informal liaison, in advance of the formal panel meeting where the budget is to be discussed, will allow members of the panel to deal with general, exploratory questions and will ensure that the formal session itself can be focused and forensic. It will allow potential points of disagreement to be identified and highlighted and plans to be developed to deal with those issues constructively when the panel meets formally.

Precept scrutiny

A panel's questioning plan in relation to the commissioner's precept should focus on strategy, not numerical details and be used to seek clarification, test evidence and assumptions and explore options best able to deliver the police and crime plan through the proposed precept. Questions panels might ask their commissioner could include whether the precept enables funding to follow priorities; whether value for money is being secured; and whether there is a robust monitoring framework. Examples include:

- Is the police and crime plan integrated with budget setting and monitoring?
- Is scrutiny adequately built in to challenge how resources are allocated, to monitor how they are used and to examine their impact?
- Are resources delivering value for money?
- What are the risks?
- How will the increase in the precept enable you to deliver specific objectives in your plan?

One panel has designated a member champion for finance and resources to lead on precept scrutiny; it has a member champion for each of the commissioner's five priorities in his plan. In 2018/19 and 2019/20, the precept setting process was much improved as the member champion was in close dialogue with the commissioner's chief finance officer/S151 officer. They met on a regular basis throughout November, December and January. In the pre-meeting to the precept meeting, the member champion updated panel members and answered their questions, addressed their concerns and provided clarity where required. Consequently, the panel was much more efficient and effective in transacting business at the main precept meeting.

Although some panels establish budget working groups or designate a member to lead on this, the panel must meet formally to consider the proposed figure of the precept: this cannot be delegated to a sub-committee of the panel. The commissioner must be invited to attend this formal meeting of the panel at which the precept is to be discussed. Once this has occurred the panel will be able to make recommendations – in particular, whether it wishes to:

- support the precept without qualification or comment
- support the precept and make recommendations
- veto the proposed precept. This requires a majority of at least two thirds of the membership of the panel at that time, not just of those attending the meeting. A lack of a quorum would prevent the panel from using the veto, even if it wanted to do so.

The commissioner must have regard to the panel's report (including any recommendations) and must give the panel (and publish) a response to its report and recommendations.

The commissioner may then publish and put in place the precept if the panel does not use the veto. If the panel does exercise the veto, the commissioner will need to demonstrate that further consideration has been given to this decision before bringing a second proposal. As noted above, the panel may not veto a second proposal.

Exercising the veto

Panels have the power of veto over the precept. However, this a longstop, use of which should be very rare and needs to be justified. Panels should also recognise that the veto can only act as a delay; it will not prevent the commissioner from being able to re-present, and enact, a precept that is not materially different from that to which the veto has been applied.

In reality, close liaison between the panel and its commissioner in the run-up to the budget and precept being presented will limit the scope and reason for its use. Where the panel considers that the use of the veto is in prospect, professional advice should be taken from the host authority and prior engagement with the commissioner should be sought.

If the veto is used, the panel should be prepared to provide detailed reasoning to back up why; for example, the panel considers that the precept is:

- not supported by the evidence and information that the commissioner has provided
- too high, in which case the revised precept shall be lower than the previously proposed precept
- too low, in which case the revised precept shall be higher than the previously proposed precept.

It is useful to keep a reserve date in the panel's calendar in case a veto is agreed, because the precept needs to be reconsidered by the panel and a response by the commissioner issued before 15 February.

Following this, if the panel fails to make a second report to the commissioner by 22 February, the commissioner may issue the revised precept. Rejection of the revised precept by the panel does not prevent the commissioner from issuing it as the panel is unable to veto a further proposal.

Timeline for the panel's statutory responsibility as a consultee on the commissioner's precept

- ▶ **By 1 February**
Commissioner must notify the panel of her/his proposed precept.
- ▶ **By 8 February**
Panel must review it and make a report to the commissioner on the proposed precept, whether it vetoes the precept or not.
- ▶ **By 15 February**
Where the panel vetoes the precept, the commissioner must have regard to and respond to the panel's report and publish her/his response, including the revised precept.
- ▶ **By 22 February**
Panel, on receipt of a response from the commissioner notifying it of her/his revised precept, must review the revised precept and make a second report to the commissioner.
- ▶ **By 1 March**
Commissioner must have regard to and respond to the panel's second report and publish her/his response and the final precept.

Reviewing the police and crime plan

Following her/his election, a commissioner must issue a police and crime plan within the financial year in which each ordinary election is held. The plan is a high level, strategic document – not one that covers the detail of operational policing. The plan provides a means by which the chief constable can be held to account by the commissioner for

delivery against those objectives. The police and crime plan can be reviewed at any time – not just on an annual basis – although in practice most commissioners review them annually.

The plan should set out the following:

- the commissioner’s police and crime objectives
- the policing that the chief constable is to provide
- the financial and other resources which the commissioner is to provide to the chief constable to exercise their functions
- the means by which the chief constable will report to the commissioner on the provision of policing
- the means by which the chief constable’s performance in providing policing will be measured
- the crime and disorder reduction grants which the commissioner is to make, and the conditions (if any) to which such grants are to be made.

The Home Secretary may also give guidance to commissioners about issues to be included in the plan. For example, the plan will need to reflect local priorities in relation to the strategic policing requirements.

Themes for the panel to consider in scrutinising the plan

The panel has a statutory duty to be consulted on, and scrutinise, the plan and should be consulted by the commissioner when the plan is being reviewed. The panel might explore how the draft plan reflects assessments of local needs and could expect to be able to access, review and understand background information and evidence that has informed the plan in a timely way. The panel will also want to consider the commissioner’s local police and crime objectives and the resourcing that will be put in place to deliver them.

Consideration should be given to the commissioner’s grant-making for crime and disorder reduction and the commissioning of victims’ services.

The panel may also be interested in whether the commissioner makes provision for collaboration with other commissioners or other forms of partnership working. However, its scrutiny role should only relate to its commissioner’s governance role in relation to the force’s local contribution to delivery of regional or national arrangements. Panels should not scrutinise activity which has taken place in other force areas or has been coordinated on behalf of other areas, other than where it affects delivery of the police and crime plan or proposed precept and reflects a decision of its own commissioner within the force area.

The panel might also scrutinise the commissioner’s consultation on the plan and the communication strategies to promote it, as well as the partnerships that the commissioner develops to ensure delivery of the plan. As the panel’s work sits within a wider consultation process by the commissioner on the plan, it might want to test the views of the public against the perceptions of the commissioner. In this, members may draw on their experiences as local councillors, within the community or within the public sector.

The panel will need to request the commissioner’s attendance to present the police and crime plan at a formal meeting which is held in public, and subsequent revisions to it, in its role as a statutory consultee. It will be able to ask questions of the commissioner and to make a report on the plan.

Panels are also able to make recommendations for priorities in the plan, on performance measures to be used around delivery of the plan and for improvements in services to meet the commissioner’s objectives. Scrutiny of the police and crime plan should not therefore merely be a ‘sign off’ by the panel for publication, but instead an opportunity to scrutinise the commissioner

and to discuss key issues and options. This approach, when also informed by in-year briefings and proactive work, will enable the panel to more effectively add value to consideration of the plan, rather than come late to a debate that has already concluded.

In 2017, a commissioner presented a new plan with four priorities. The panel was concerned about a lack of focus and priority for neighbourhood policing and following lengthy discussions and deliberations, the commissioner agreed to add neighbourhood policing as a fifth priority. It remains as a priority following a review and variation of the plan in 2019.

Over the course of the term, the panel should see the plan in the context of the commissioner's annual reports and how s/he is delivering on the priorities, as well as in relation to the annual accounts and level of the precept(s). This allows the panel to assess priorities against need and resource projections and to review performance against priorities and resource allocations. It also should provide a mechanism by which the panel can define and develop its own annual work programme.

Reviewing the annual report

The commissioner is required to publish an annual report. This should provide details of activity and achievements throughout the previous year against the priorities set out in the police and crime plan. The panel has a statutory role in scrutinising this report at a meeting held in public.

It is helpful for the panel to discuss its expectations of the annual report and the arrangements for how it might be considered with the commissioner and her/his office. For the annual report to be constructive and the panel's scrutiny of it effective, there needs to be recognition of the role the report and the public meeting can play in development and improvement.

It should not be viewed merely as a tick box exercise to comply with statutory requirements, but as a valuable tool, focused on outcomes, that benefits from collaboration between the panel, the commissioner and her/his office in the interests of improving policing, increasing community safety and reducing crime.

The annual report should have enough detail to allow the panel to have a detailed discussion of:

- the state of the force (and service) and the state of policing and crime (and fire and rescue) in the area
- performance and outcomes against priorities and budgets
- the role carried out by the commissioner.

The panel will need to have enough detail to fulfil its role and to ensure that the time available is used to best effect for the panel, the commissioner, her/his office and the public. The public meeting should come at the end of this process of exploration and should not be the first time that a panel sees the commissioner's annual report.

The public meeting of the panel to carry out this scrutiny of the annual report will need to be convened as soon as possible after it has been published. Panels might need to consider the best time to hold the review of the annual report in the final year of a commissioner's term of office. The March meeting may be too early because the annual report may not be available then, or it could be too close to the election period. However, reviewing the annual report after the election could be difficult if a new commissioner has been elected.

Scrutiny of the annual report should focus on:

- understanding whether the objectives set out in the police and crime plan have been met
- using panel members' own insight and independently gathered evidence to evaluate whether the commissioner's conclusions on this matter are robust and
- supporting the commissioner to hold the

chief constable to account on operational delivery.

An effective panel annual report session should use the report as a tool to carry out an annual review of the commissioner's activities, looking back at the last year's successes and challenges, and forward to the next year's opportunities and priorities.

A less beneficial session could involve the panel highlighting apparent factual inaccuracies in the annual report, asking for additional narrative information on details or pointing out typographical or grammatical errors. None of these would add value to the effective scrutiny of the commissioner and all of them would represent a poor use of time for everyone involved.

Scrutiny café-style meeting on the annual report

The panel is responsible for holding this public meeting to receive and discuss the commissioner's annual report each year and might use this for more creative ways to engage the public. It helps to publicise the meetings more widely and to explain the contribution a member of the public might make – and how.

Those familiar with local authority scrutiny might find a scrutiny café-style activity helpful. This enables a range of stakeholders to meet in an informal setting using group work to test opinion and share experience and insights. Using such an approach would enable a panel to better involve the public, for example, by inviting them to:

- comment on matters in the annual report
- express concerns about policing and crime (and fire and rescue services) in the presence of the commissioner
- provide ideas to inform the panel's work programme.

Holding confirmation hearings

Panel role in senior appointments

The panel has powers to review the commissioner's proposed appointment of senior staff before they are confirmed in post.² Under schedule 1 of the Act, the panel's role begins once the formal appointment process has concluded, but is limited to confirming an appointment. However, the panel also has powers to appoint an acting commissioner from among the deputy commissioner or the commissioner's staff, where the commissioner resigns or is incapacitated or is suspended from office by the panel. Arrangements for such an appointment are set out in legislation.

The senior appointments to be confirmed by the panel are:

- deputy commissioner, where appointed
- chief constable
- chief executive of the commissioner's office
- chief finance officer of the commissioner's office
- chief fire officer, in the case of a police, fire and crime commissioner.

The panel is required to hold confirmation hearings for these posts (regardless of how robust they consider the appointment process to have been), and make a report to the commissioner. This must include a recommendation as to whether or not the candidate should be appointed. The panel must also respond to and make a recommendation relating to any proposal by the commissioner to call upon the chief constable or chief fire officer to retire or resign.

Preparing for and holding a confirmation hearing

Panels should aim to complement the internal systems for appointing staff rather than duplicate or restage the interviews. The panel will need to be satisfied with the integrity and independence of the appointments process,

² The procedure differs where mayoral arrangements are in place and the executive mayor is also the commissioner.

and its role might also be to ensure that the procedure has been fair and properly conducted. The panel might take an interest in whether there has been more than one candidate for the post and if not, the reasons why. However, the panel's responsibility is only to hold a confirmation hearing for the nominee to the post.

One panel invited the Independent Member from the College of Policing to attend a hearing to explain how the commissioner and his office conducted the recruitment process for a chief constable; this provided much added value and triangulation. Other panels have sent a member as an informal observer of the recruitment process to give reassurance on appropriate practice by the commissioner and her/his office.

Professional advice might need to be taken by panels on how hearings will be managed. As well as the support officer, the panel might benefit from the advice of a monitoring officer or senior human resources officer in relation to specialist or technical information about recruitment, appointment and other employment issues, subject to resources being available to support additional officer time. This would ensure that panels conduct a fair process.

The panel must undertake its role in relation to confirmation hearings for the chief constable³ within three weeks, including notice of the need to meet, the hearing and the presentation of a report and possible recommendations. Usually no other business should be undertaken within that meeting. The confirmation hearing should not be another agenda item tacked on to an existing meeting, although the panel might choose to meet on the same day to conduct ordinary business with a separate agenda. The convening of a separate meeting will mean that proper time and preparation will be put in to the exercise and panel members will be able to approach the session with the right mindset.

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/117480/pcp-chief-constable-scrutiny.pdf

Part of the preparation for the hearing will involve the panel's support officer liaising with the candidate around the logistics of attendance at the meeting and to provide general information about what the panel will expect from her/him on the day.

The way that candidates are questioned will need especially careful preparation. This is a public meeting and a candidate's appointment to a post with a public profile, involving significant responsibility, is at stake. Questions and questioning themes should be discussed in advance. There will be scope for supplementary questions, but the process and format will need to be more rigid than for a standard item on an agenda.

Preparing for confirmation hearings

As with all 'special functions', the panel will need to be fully prepared, in terms of the procedures to be followed; the approach to take; the reason for its involvement; information to be provided by others such as the commissioner and the commissioner's office; evidence to be gathered; liaison to be undertaken with the commissioner and others; and questions to be asked by the panel at the formal public session.

Legislation provides for panels to have access to:

- the name of the person whom the commissioner is proposing to appoint ('the candidate')
- the criteria used to assess the suitability of the candidate for the appointment
- the reasons the candidate satisfies those criteria
- the terms and conditions on which the candidate is to be appointed.

Panel members will be able to draw on this information in order to prepare their key lines of enquiry for the confirmation hearing and make a report. Preparation for the hearing could best be undertaken in a pre-

meeting for the panel to be briefed about and agree the process, and to develop the questioning strategy with key lines of enquiry.

The panel might become aware of additional information to that which is provided by the commissioner about the candidate, but must take care when researching, analysing and using other evidence that is in the public domain. An early pre-meeting would enable panels to address unexpected issues, for example, adverse, though not necessarily accurate, media coverage or identify any gaps in information that need to be covered.

Panels should follow a narrow set of key lines of enquiry. These should focus on the individual's capability and expertise, her/his professional competence and personal independence and her/his understanding of the commissioner's police and crime plan. Suitable questions should test the candidate's professional judgement and insights and whether s/he would feel able to act in a manner that is operationally independent of the commissioner but under her/his strategic direction.

The panel also will need to have regard to the police and crime plan and the suitability and expertise of the candidate in relation to delivery of these strategic objectives. The panel will need to assure itself that the candidate would be able to advise the commissioner effectively and understand the need to be held to account by the commissioner for the conduct of the role.

The panel might test the understanding of the candidate of the separation of the commissioner from operational responsibility. The panel also might scrutinise the candidate's understanding of the various stakeholders with whom s/he and the commissioner would need to work and demonstrate an ability to engage with them to develop and deliver the major strategy and outcomes sought.

Reviewing the appointment and making a recommendation

Following the hearing, the panel is required to review the proposed appointment; this deliberation takes place in private. The outcome is reported at the end of the confirmation hearing and the panel is required to publish the report of the confirmation hearing on its website and send copies to each of the local authorities. The panel chair is then required to write to the commissioner to report whether it recommends appointment or not.

In the case of the appointment of the chief constable (and chief fire officer) only, the panel has the power to veto the appointment, on the basis of a majority of two thirds of the membership of the whole panel (not only those present at the hearing). If the panel exercises its veto, the commissioner must not appoint that candidate for chief constable (or chief fire officer).

Therefore, such a veto would need to be accompanied by very clear reasons, on which the panel should take advice. The panel will need to realise that the exercise of a veto, in such an instance, could be potentially career-ending for the selected candidate; an exceptionally high bar should be assumed for the use of the veto to be appropriate.

For other appointments, the commissioner is required to notify the panel if s/he accepts or rejects its recommendation(s) but does not have to give reasons.

Deputy commissioner

The role of a deputy commissioner differs from the other appointments in that it is likely to be a political appointment and therefore less able to be tested in terms of professional judgement and expertise. It may also be an unpaid position, so further outside the scope of employment procedures.

However, the panel still need to assure themselves of the understanding by the candidate of her/his role, the position of

the commissioner and the operational independence of the chief constable (and chief fire officer).

Key lines of enquiry of the panel for a deputy commissioner might focus around her/his understanding of the commissioner's vision and priorities and the role that the deputy would play in support of the commissioner's strategy and delivery of the plan. The panel might also ask questions in relation to public engagement or other significant requirements to fulfil the role profile in the more political context of the deputy commissioner post.

Handling complaints

Panels have two roles in relation to complaints handling:

- scrutinising and supporting commissioners on their oversight of force complaints and the handling of a chief constable complaint, following reforms to the police complaints and disciplinary system, and
- a direct role in dealing with non-criminal complaints about the commissioner, one of their special functions.

Reform of complaints handling

The Policing and Crime Act 2017 provides for the overhaul of the police complaints and discipline systems, in line with the Home Office's stated view that 'PCC oversight and direct involvement in complaints handling provides an opportunity to gain powerful insights in how a local force operates and key concerns for members of the public'. When fully implemented, the reforms will see commissioners take on an enhanced role in the complaints system.

All commissioners will have an explicit statutory duty to hold the chief constable to account for the efficient and effective handling of complaints locally, and

they will take on responsibility for complaints' reviews (appeals), which are currently handled internally by forces. Commissioners will also be able to give notice to their chief constable that they will take on 'front-end' initial complaints handling, ie receiving and recording complaints (optional model 2), or take on initial complaints handling together with maintaining contact with the complainant throughout the process (optional model 3).

It is a decision of the commissioner in consultation with the chief constable whether to take one of the optional models – and if so, which one. Regulations will specify the steps a commissioner must take before giving notice to take on optional functions (including consultation on the proposed optional model) and to whom s/he can delegate her/his functions. Formal resolution of complaints will remain the responsibility of the chief constable as the head of the organisation about which complaints have been received.

The 2017 Act also provides for a system of police super-complaints. This reform came into effect on 1 November 2018 and enables organisations designated by the Home Secretary to raise concerns that a feature, or combination of features, of policing in England and Wales is, or appears to be, significantly harming the interests of the public. The super-complaint system is designed to bring systemic issues in policing to light that are not otherwise captured by the existing complaints system based around individual complaints. Super-complaints will be considered by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) the College of Policing and the Independent Office for Police Complaints who, together, will consider the matters raised and make recommendations as to what (if anything) needs to happen as a result of the super-complaint. The role of panels will be limited to scrutinising any national recommendations for the commissioner that come out of these.

Panels will need to be aware of the impact of changes effected by the 2017 Act. When complaints reforms are in place, this will include scrutinising the commissioner on the discharge of her/his functions in respect of complaints and super-complaints, the notification of them, her/his capacity to fulfil this new duty and any potential consultation on and extension of the commissioner's role to include either of the optional models. They will not have this role until the reforms are in place.

Panel complaints handling

Type of complaints

In terms of their own specific responsibility for complaints, regulations⁴ require panels to consider non-criminal complaints about the conduct of a commissioner and/or deputy commissioner, where appointed.

Complaints may refer to conduct matters including actions and omissions, statements or procedures, including the way decisions are taken. They do not include the merits of a decision with which a complainant may disagree, but only whether the decision was taken properly in accordance with procedures. Regulations divide complaints into:

- complaints – conduct of the commissioner or deputy commissioner
- serious complaints – allegation the commissioner or deputy commissioner has committed a criminal offence
- conduct matter – indication that the commissioner or deputy commissioner may have committed a criminal offence, which has come to light other than through a complaint.

Panels must refer serious complaints and conduct matters to the Independent Office for Police Conduct.

Options for dealing with complaints

It is for panels to decide how to handle their complaints function. Options include:

- work undertaken by a complaints sub-committee of the panel that reports to the panel
- delegation of the first sift of the complaint by the chief executive of the commissioner's office, possibly in the presence of a representative of the panel
- delegation of the informal resolution of the complaint.

There should be clear procedures illustrated by a flowchart with clear timescales, a form for submitting and outlining a complaint, definitions of complaints including vexatious complaints and information about routes for complaints that are not the responsibility of panels. These should be accessible to the public, including on the panel's website. These procedures should reassure the public that complaints against the commissioner or deputy are handled fairly and appropriately by the panel or referred to the proper body.

Complaints should where possible be acknowledged within five working days and conducted within forty working days (eight weeks) if dealt with through the informal resolution process.

There is a duty to record the complaint or to state reasons why it was not recorded, or other action taken, and to obtain and preserve evidence. If a complaint is recorded, the complainant and the commissioner or deputy commissioner will be provided with a copy of the record of the complaint, if necessary with redaction to protect the identity of the complainant or any other person, unless this might prejudice a criminal investigation or not be in the public interest.

4 www.legislation.gov.uk/uksi/2012/62/contents/made

Three options are then available to the panel:

- to refer a serious complaint or conduct matter to the IOPC
- to refer the complaint to the panel or its complaints sub-committee for informal resolution
- to take no action.

A panel may choose not to refer the complaint for resolution nor take action if:

- it does not relate to the actions or statutory responsibilities of the commissioner or deputy commissioner
- the complaint is by a member of the commissioner or deputy commissioner's staff arising from their work
- it is more than 12 months old and there is no apparent good reason for the delay or the delay would cause injustice
- it is already the subject of another complaint
- it is anonymous
- it is vexatious or another abuse of the procedures for complaints
- it is repetitious
- it has been resolved before it comes to the panel's attention.

A complainant can withdraw or discontinue their complaint at any time by notifying the panel in writing with the person's signature and the commissioner or deputy commissioner must be informed. A record of all complaints received should be kept until 12 months after the commissioner or deputy commissioner leaves the post.

Managing complaints and challenge for panels

Many panels (and their host authorities especially) have found complaints handling to be very difficult because they are not responsible for and cannot investigate complaints, yet are expected to encourage

or facilitate informal resolution. Informal resolution is intended to enable the matter to be solved or explained directly with the complainant without an investigation or formal proceeding, and there are no sanctions available. As a result, there has been a seemingly disproportionate amount of time and resources spent on complaints handling.

The panel needs to have information in order to come to a judgement about the action to take. This could require clarification through a meeting with the commissioner, or deputy commissioner if the subject of the complaint.

The support officer or another officer (eg the local authority's monitoring officer) must write to the complainant setting out the procedure and timescales and giving the complainant and the commissioner or deputy commissioner the opportunity to make further written comments about the complaint within a set timescale. The panel has the power to require the commissioner or deputy commissioner to provide information and documents and to answer questions, but not to conduct an investigation by taking statements from others.

The complainant and the commissioner or deputy commissioner with the chief executive or another member of her/his office may be invited to a meeting in private but may only speak at the discretion of the chair.

The panel will consider whether the complaint has been dealt with satisfactorily and been resolved or what course of action is required. This might be an explanation or agreement on how to move forward after mediation. The decision of the panel is to be recorded and notified to the complainant, the commissioner or deputy commissioner, the support officer and the chief executive of the commissioner's office.

There is no right of appeal, but complaints about the process may be submitted to the

support officer or chair of the panel with the option to refer the matter to the Local Government Ombudsman if a satisfactory answer is not considered to have been made.

In reporting about complaints about the commissioner or deputy commissioner, it is appropriate for the panel to report on the number of such complaints and how they have been dealt with, but not provide details of the resolution of individual complaints, for example, in order to protect personal information.

Wider activity to support panels' functions around the discharge of the commissioner's functions

Whilst there is no statutory duty to undertake proactive work, panels may choose to undertake activity in addition to their special functions in order to consider more fully how the commissioner discharges her/his functions, and to inform their statutory work. Panels which undertake such proactive work and additional research are likely to provide more effective challenge and support for their commissioner because they are able to gain greater insight and understanding of the strategic policing landscape in the local area.

What 'proactive' work will look and feel like

The precise nature of this proactive work and how it engages with the commissioner's decision-making and policy cycle is best decided at local level and subject to discussion between the commissioner and the panel. However, it needs to focus on the work of the commissioner, reflect the capacity of members and officers and enhance the effectiveness of the panel in meeting its statutory duties.

Proactive work is likely to look and feel different from the scrutiny, and constructive challenge, of commissioner performance and decisions that have already been made. Whilst it is important to learn lessons through

reviewing how decisions have been made or the impact of policies and actions, proactive work connects more to a panel's supportive role and should be seen by panels and commissioners as an opportunity to liaise in order to expand and develop the evidence base that feeds into the decision-making process.

Building a broader evidence base to support the panel's 'special functions'

This exploratory work of evidence-gathering and thematic investigations enables members to build their knowledge of complex, cross-cutting issues in a way that would be impossible solely through a report submitted by the commissioner or her/his office or background research by an officer supporting the panel. This broader evidence base, once at the panel's disposal, ensures that when a panel considers the draft precept or is consulted about a refresh of the plan(s), it has a better understanding of the policing (and fire and rescue) needs of the area, the opportunities afforded by partners to deliver services and the impact of the plans of the commissioner. The greater knowledge of the panel also allows its members to ask more reasonable and searching questions of the commissioner and to provide meaningful feedback as part of any of the consultation processes, or formal consideration of key agenda items. This information may provide additional insight to the commissioner during meetings with the panel and/or the chief constable.

Understanding issues in her/his local area, including crime and disorder matters, is already part of the role of a councillor and these insights could constructively feed into the panel's deliberations. However, it is important to balance the risk around members of the public and complainants seeking to abuse the trust of councillors in attempts to circumvent normal operational policing arrangements in respect of individual concerns.

An explanation of what this proactive activity by a panel will mean for the commissioner/panel relationship (and potentially, the

relationship with other partners) should be a feature of any memorandum of understanding/protocol that is developed locally.

Given the panel's specific power to make recommendations to the commissioner on matters relating to the discharge of her/his functions, it is helpful for the panel to be well informed and better able to ask pertinent questions, evaluate the information received and formulate suggestions. The detail of how the commissioner should respond to these recommendations will be subject to local agreement, and based on similar principles for overview and scrutiny in local government with respect to events at committee, inquiry days or task and finish groups. This is expanded on in section four on running the panel.

Without effective prioritisation and a sense of focus and direction, not least from chairs and support officers, there is a risk that proactive work could be resource-intensive and add little value. However, panels that are using their resources fully, making effective use of their Home Office grant and which have clear procedures and criteria for prioritisation of their workload, should be able to undertake the routine challenge and support of the commissioner at panel meetings, fulfil their special functions and undertake more proactive work better to inform their work. This is considered in more detail in section four below.

Section three: Key stakeholders in undertaking the panel's functions

As outlined in section one, the policing protocol sets out the relationships between the commissioner, the panel and the chief constable. In fulfilling its remit, a panel will need to build relationships with the commissioner and her/his office. Commissioners and their offices will need to understand and commit to their role in facilitating panels' activities, and for this reason a memorandum of understanding or protocol between these two partners may be helpful.

A panel might also need to liaise with a wide range of stakeholders across policing and crime (fire and rescue) to inform its work. Depending on capacity and the approach taken by the panel, this could involve briefings and evidence gathering with and from a wide range of organisations to support the work of the panel in providing challenge and support of the commissioner.

The table below summarises the respective roles of panels, commissioners and chief constables in relation to their key functions.

Commissioner	Panel	Chief Constable
Secures the maintenance of the police force for that area and ensures that the police force is efficient and effective	Scrutinises the commissioner and supports the commissioner in the effective exercise of her/his functions	Responsible for maintaining the Queen's Peace; held to account by the PCC Has regard to the strategic policing requirement when exercising and planning policing functions in respect of their force's national and international policing responsibilities
Sets the budget and precept for the force	Reviews the precept (and by extension considers the budget)	Has direction and control over the force's officers and staff, and associated budgets
Establishes local priorities for the force through a police and crime plan	Contributes to the development of the commissioner's police and crime plan	Is accountable to the law for the exercise of police powers, and to the commissioner for the delivery of efficient and effective policing, management of resources and expenditure by the police force

Commissioner	Panel	Chief Constable
Holds the chief constable to account for the exercise of her/his functions and those under her/his direction and control	Scrutinises, challenges and supports the PCC	Supports the commissioner in the delivery of the strategy and objectives set out in the plan; assists the commissioner in planning the force's budget; and provides the commissioner with access to information, officers and staff as required
Uses her/his powers to appoint, reappoint and/or dismiss the chief constable	Carries out confirmation hearings for chief constables (and other key roles) Scrutinises the PCC, and receives evidence from the chief constable (by invitation), at 'set piece' events at certain points in the year	
Publishes information specified by the Secretary of State and information that the commissioner considers necessary to enable the people who live in the force areas to assess the performance of the commissioner and the chief constable	Promotes openness in the transaction of police business Uses information to carry out its special functions (the statutory requirements around the precept, police and crime plan, annual report, confirmation hearings and complaints)	Is the operational voice of policing in the force area and regularly explains to the public the operational actions of officers and staff under her/his command
Monitors complaints made against police officers and staff, whilst having responsibility for complaints made against the chief constable	Uses insight from complaints data to inform how its special functions are carried out	Responsible for professional standards for police officers and staff
May enter into collaboration agreements (in consultation with the chief constable) between other commissioners and forces where it would improve the efficiency and effectiveness of one or more forces	May consider such collaboration agreements given that they are likely to intersect with the panel's functions, and may work with other panels to carry out these responsibilities where proportionate and necessary to scrutinise the relevant commissioner	Enters into collaboration agreements with other chief constables, other policing bodies and partners that improve the efficiency or effectiveness of policing, and with the agreement of their respective policing bodies

The relationship with the commissioner

The panel's relationship with the commissioner is its principal relationship. It is defined by the statutory responsibility to provide both 'challenge' of and 'support' to the commissioner. The panel has a strategic role in relation to the totality of policing in the force area.

This relationship will be reflected in the terms of reference and rules of procedure of the panel. However, the panel and commissioner may consider that a memorandum of understanding or protocol to set out mutual expectations would be useful to clarify their ways of working together. This provides a way to reflect the legislative duties and value-added activity and to set out in more detail how these duties will be undertaken locally.

Such a protocol may form part of the panel arrangements, which are likely to contain detail on the above, as set out in section four. It might include:

- The general principles that the panel will adopt in carrying out its work including the Nolan Principles of public life and the mutual expectations in terms of behaviour that will define the relationship; the commissioner and members of the panel all have obligations to comply with the code of conduct and the register and declaration of interests.
- The principal tasks that the panel expects to carry out.
- The way that the panel's work will provide both challenge and support to the commissioner.
- The way that the panel will carry out its proactive work, including work programming arrangements.
- The way that the panel and commissioner will manage the making of recommendations and the submission of responses to recommendations.
- Arrangements for attendance at meetings and the timely provision on request of information held by the commissioner.

- Expectations around the panel's engagement with other partners and organisations, particularly insofar as this is necessary for the panel to conduct its statutory duties.

A strong and well-understood explanation of what 'challenge' and 'support' mean will be an important element of any protocol. These words, and the associated word, 'scrutiny', have particular meanings in respect of the work of panels, informed by the way those words are used in legislation. Together, they encompass the panel's statutory scrutiny tasks (relating to the precept, the budget, the police and crime plan and so on) as well as the wider duties of panels to contribute to PCCs' work by contributing to policy development and understanding the context in which PCCs operate, the better to conduct their statutory tasks.

Scrutiny practitioners with a background in local government, officers and councillors included, will need to be aware that they and OPCCs (and other relevant partners) will need to have a very clear expectation of exactly what 'challenge', 'scrutiny' and 'support' mean in this context, and in particular that colleagues in strategic policing may use or understand the word 'scrutiny' differently to those with a local government background. This is about more than semantics; as well as ensuring that panels demonstrate that they are having due regard to the legislation in how they explain and plan their work, it is also about ensuring that the opportunity for confusion and misunderstanding is minimised, and about PCCs having an associated clarity about their specific duties and responsibilities with regard to panel operations

The panel should be recognised as having significant influence through these roles of challenge and support and in particular the scrutiny activities relating to the 'special functions'. This may be enhanced significantly where the right culture exists and where commissioners are open to effective working with their panels and where members focus their activity on the commissioner's strategic priorities.

Operational independence

The separation of strategic and operational matters is fundamental to policing governance but is not always clear or understood (nor easy to apply). Operational independence has been and continues to be safeguarded for policing professionals and reduces the risk of the politicisation of policing, whatever the model of governance.

Commissioners do not manage the day to day operations of the force (nor the fire service in the case of PFCCs). The chief constable (and chief fire officer) retain(s) the direction and control of the officers and staff of the force (and service). The chief constable (and chief fire officer) are responsible for the deployment of officers and operational decisions within the context of the commissioner's plan(s), for the delivery of which they are held to account by the commissioner.

Knowing what is, and what is not, operational will impact on the way that the panel engages with the commissioner and the chief constable. This is expanded on in the section below.

The relationship with the chief constable

The policing protocol makes clear that the panel does not scrutinise the chief constable, but the commissioner. It is the role of the commissioner to hold to account the chief constable for the delivery of her/his functions. It will be important for the panel to have regard to that activity as this work is carried out, but the panel itself may not scrutinise nor seek to hold to account the chief constable.

The Home Office protocol envisages that panels may seek to scrutinise the commissioner on an operational matter that is relevant to their challenge and support of the commissioner and that under those circumstances the commissioner may ask the chief constable to attend alongside the commissioner to offer information and clarify issues. It is for the commissioner to decide whether the chief constable is 'needed' at a meeting, but on

occasion it may be decided that it would be valuable for the chief constable to attend and support the commissioner, including potentially answering questions. In the interests of clarity of role and function, such sessions will need careful planning.

Discussion of operational matters will be relevant as background information only insofar as they inform challenge and support on a specific, strategic issue into which the panel is looking in order to fulfil its statutory role. The first port of call when the panel thinks that understanding operational matters is necessary in order for it fully to fulfil its statutory role is to engage with the commissioner's office. There could be informal briefings and discussions as well as the formal meetings of the panel. Inevitably different panels, commissioners and others have different takes on the definition and scope of operational matters. The following examples are intended to be illustrative to guide local judgements.

The commissioner may ask the chief constable and the panel may invite but cannot require a relevant partner to give evidence on:

- how they are helping the commissioner to secure her/his strategic priorities
- how work that they are planning or delivering might impact on the commissioner's performance
- how decisions they are making or plan to make on resources may impact upon future iterations of the police and crime plan and the future police precept
- how they are delivering on funding or delivery agreements made with the commissioner.

In respect of operational matters, however, as we have noted above, scrutiny and questioning of the chief constable will be inappropriate. This will include:

- a decision whether, or whether not, to deploy police officers
- absolute discretion to investigate crimes and individuals
- the decision to make an arrest

- a decision taken with the purpose of balancing competing operational needs within the framework of priorities and objectives set by the commissioner
- a tactical operational decision to reallocate resources to meet immediate demand
- the allocation of officers' specific duties and responsibilities within the force area to meet the objectives set by the commissioner.

Examples of inappropriate questions that a panel should not ask a chief constable through the commissioner might be:

- Do you think that the strategic objectives in the police and crime plan are sensible?
- Why did you not deploy more officers to deal with the disorder experienced in the town at the end of last month?
- Why has the force been focusing so much of its attention on anti-social behaviour at the expense of issues such as domestic violence?

With rephrasing, these concerns could be addressed through questions to a commissioner in the context of plan priorities and the allocation of resources among different priorities.

Examples of more appropriate questions to the chief constable through the commissioner would be:

- How has the force taken steps to amend the way it works to help achieve the strategic objectives in the police and crime plan?
- Will the increase in the precept enable you and the chief constable to increase the capacity and capability of the force?
- What resources are available to you to deal with unexpected public order demands?
- What do you think the impact will be on the delivery of priorities in the plan of the decision to shift more operational resources towards dealing with anti-social behaviour?

Relationships with other local stakeholders

Panels will need to engage with local authorities in the force area, community safety partnerships, health bodies and others to inform their challenge of and support for their commissioners regarding the discharge of their functions, especially when reviewing the commissioner's precept, plan and annual report. This will include working closely with local authority committees⁵, including those that have the power to hold partners to account, for the panel to gather evidence and avoid duplication.

There is a wide range of partners that might help to build the knowledge base of the panel. These organisations and people must not be the subject of scrutiny by the panel but sources of evidence to support the panel's statutory functions.

Relevant partners for panels to engage with:

- chief constable and the force (chief fire officer and the service)
- office of the commissioner
- HMICFRS for force and service inspection data
- organisations in the criminal justice system
- other blue light services
- safer neighbourhood partnerships
- community safety partnerships
- local authority overview and scrutiny committees that cover crime and disorder
- health and wellbeing boards and public health teams in local authorities
- other local authority services including trading standards, youth offending service, highways, children's services and safeguarding boards

⁵ Or whatever committees at local level are designated by the authority concerned to carry out those duties, in authorities operating under committee system arrangements.

- in Wales, public services boards
- clinical commissioning groups and health trusts
- third sector organisations which deliver services commissioned by the commissioner
- residents and community groups
- users of services
- subject experts
- other panels for bench-marking and good practice.

Panels might consult these partners as witnesses at meetings, at site visits or through surveys. Panels might draw on their reports and research. There may be other ways for panels to engage with partners in order to be better informed and better able to fulfil their roles, and to use a broader evidence base in scrutinising the commissioner.

Panel scrutiny of collaboration

It is the stated ambition of the Government for force to force and multi-agency collaboration to increase. A panel will need to have an overview of the commissioner's collaboration in policing and crime and the criminal justice system, as well as in some cases with other blue light services, although they must remember that their legal remit relates only to their own commissioner.

Developing an overview of the commissioner's work may involve panels working with other panels in order to scrutinise collaborative work across forces. In doing so, care will need to be taken to ensure this does not result in quasi-formal joint panel activities, which could risk diluting individual panel's specific roles with respect to their own commissioner or be unwieldy and disproportionate. Panels may collaborate, but this should be focused on information sharing and enabling a panel to better scrutinise its own commissioner for her/his strategy and

around the cost, risks, benefits and outcomes from collaboration.

Effective liaison

Given this web of accountability within which the panels are located, in working with other people, agencies and organisations panels need to ensure their activity complements, rather than duplicates, that of others. Panels therefore need to ensure effective liaison and relationship building not only with their constituent local authorities, the commissioner and commissioner's office, but also with partners across the public sector and in the criminal justice system.

HMICFRS

Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) is an important partner in the governance landscape for strategic policing. HMICFRS is charged with carrying out independent assessment of the effectiveness, efficiency and leadership of police forces and fire and rescue services in the public interest. By gathering information, it promotes improvements in policing and fire and rescue services to make everyone safer.

As an inspectorate, not a regulator, the HMICFRS does not have powers of intervention, direction and enforcement. However, commissioners and chief constables are required to take action as a result of HMICFRS's recommendations. Commissioners are required to publish comments on each HMICFRS report within 56 days of its publication and to explain the steps to be taken in response to each HMICFRS recommendation or why no action has been or is to be taken in that respect.

Reports of the HMICFRS with regard to their force's area will be of interest to every panel in carrying out its roles of challenge and support of its commissioner. It is helpful for panels to work with their force's inspector and some panels invite her/him to meet with their members from time to time to inform their understanding and assist their scrutiny of the commissioner.

Section four: Running the panel

Effective panel operation rests on clarity of role, proper prioritisation and sound use of resources. Panels' statutory duties require careful planning to fulfil. They rest on panel members carrying out work and background research in order to ensure that those statutory tasks are effectively managed. For these reasons, panel activities should in all events be justified by reference to those statutory duties, alongside a clear articulation of how the activity in question will directly contribute to those activities.

Panels have a grant at their disposal from the Home Office, the level of which has been set to match the commitment of resources necessary for panels to successfully carry out their statutory duties. Operating properly within this financial envelope requires panel members to challenge themselves and make choices about the priority and value of their work.

From inception, there was an expectation that panels could fulfil their roles within four meetings a year. Practice varies between panels but as a minimum, panels need to meet as often as required to fulfil the statutory duties of reviewing the proposed precept, the annual report and any refresh of the plan, as well as confirmation hearings and complaints handling as required. Where panels undertake further work in their roles of challenge and support, for example, through more proactive scrutiny of the discharge of any of the commissioner's functions, additional meetings may be held or work undertaken through informal task and finish groups.

Certain panel functions can be delegated (for example, the determination of complaints), but by and large formal activity must be conducted in panel meetings. However, panels may establish working groups and use other informal systems for information sharing and analysis to support their formal activity.

Calendar of meetings to fulfil the panel's statutory duties

Function	Timetable (if known)
Review precept(s)	Between 1-22 February
Review of police and crime plan (fire and rescue plan)	
Review of statement of assurance and integrated risk management plan (for PFCPs)	
Annual report	As soon as practicable after the panel receives it
Panel annual meeting, including the election of chair and vice chair	Annually
Confirmation hearings	Within three weeks of notification of a proposed appointment
Complaints (may be delegated)	Ideally to be resolved within 40 working days but acknowledged within five

Funding arrangements

The Home Office provides a grant for the purposes of maintaining a panel for each police force area, to enable it to carry out the functions and responsibilities set out in the Act. For the early PFCPs, in light of the additional responsibilities, the Home Office has increased the grant for panels that had previously been spending their full grant. The amount available to panels is calculated to reflect the amount that panels are considered to need in order to be able to undertake their work effectively. The LGA encourages panels to draw on the funding available to enhance their effectiveness.

The grant is widely used mainly to cover the cost of a support officer plus the on-costs of the post. The Centre for Public Scrutiny's annual surveys of overview and scrutiny in local government (carried out regularly since 2007) have consistently demonstrated that the provision of dedicated scrutiny officer support is likely to offer the best opportunity for panels to use the grant to maximise their effectiveness. CfPS's 2015 annual survey provides the most comprehensive recent dataset to support this argument.⁶

Dedicated officers support enables panels to fulfil constructive roles in addition to the 'special functions' and to add greater value to policing, promoting community safety and tackling crime in the area in more proactive and evidenced ways.

Other uses of the grant are for ad hoc support from specialist officers, allowances (for independent members and in some panels the chair and members), travel costs, conferences and networking for learning and development.

The Home Office has been clear that the grant must not be spent by panels to:

- lobby the Government about panels, their roles and activities
- influence the award or renewal of contracts or grants, nor to

- attempt to influence legislation or regulation.

It is sensible for a panel to consider and agree its budget and to monitor the spend in-year, in consultation with the support officer, under the oversight of the host authority's s151 officer and monitoring officer. Comprehensive rules of procedure that set out arrangements for issues such as work programming and typical methods of panel operation, will provide assurance that spend and impact can be monitored properly.

Grant funds are paid in arrears and are distributed to the host authority in each force area, which must give an account of expenditure in claiming the funding. The monitoring officer and chief financial officer of the panel's host authority must satisfy themselves as to the accuracy of this account and should assure themselves that the Home Office's requirements and expectations are met (as notified in a letter to host authorities as part of the funding arrangements).

In England, there is provision in the Act for constituent local authorities to agree joint funding mechanisms to supplement this central resource with a joint pooled budget. Depending on the work programme of the panel (for example, the number of scrutiny investigations it carries out and in what depth it conducts its challenge and support of the commissioner), it may be helpful for the constituent councils to provide further support for the panel, although resource constraints may prevent this. In Wales, joint funding mechanisms are not allowed. Also, as policing is not devolved, host authorities in Wales cannot call on the other local authorities in their force area to 'top-up' the budget of the panel.

Panels and their constituent local authorities may also decide the remuneration that may be given to its members. This varies from panel to panel with some chairs being paid a special responsibility allowance and others not and with some panel members (in addition to independent members) being paid a basic allowance.

⁶ www.cfps.org.uk/wp-content/uploads/Annual-Survey-2014-2015.pdf

These payments are at the discretion of the panel and its member local authorities but should reflect the work of members in comparison with other representative duties. The grant also covers expenses for members of the panel, for example, for travel.

Typical uses of the grant to support panels are to:

- Appoint a support officer for the panel to manage the function, carry out research and ensure there is effective liaison with the commissioner's office and others.
- Cover the time of specialist officers to support the panel from time to time such as committee clerks, communications officers, finance officers, human resources officers and legal officers from the host or other member authorities.
- Provide learning and development for the panel including through attendance at conferences and networks and in-house training.

Typical tasks of a panel support officer are to:

- help the panel to plan work
- prepare for meetings including agenda setting
- liaise with relevant colleagues
- assist the panel to carry out its statutory duties
- gather evidence in support of its duties
- help the panel to review information and carry out inquiries
- liaise with key partners including the commissioner's office
- support panel members' learning and development needs
- ensure the panel has a public profile

- maintain a dedicated panel website and use social media or liaise with the relevant communications officer for this
- ensure compliance with freedom of information requirements and general data protection regulations.

These tasks will vary according to capacity, for example, the number of hours worked and the other commitments the officer might have in the authority.

Panel arrangements

There are specific legislative provisions for how panels are constituted and run as set out in the 'panel arrangements' and 'rules of procedure' in schedule six of the Act. The following sections set out how these, and other factors, can contribute to the successful working of a panel.

Composition

Councillor membership

Each local authority in the force area is required to send a councillor to serve on the panel. Where there are ten or fewer local authorities, the number of councillors on the panel will be ten, plus two independent co-opted members. Where there are more than ten, there will be as many councillors as there are councils, plus the co-opted members. Additional councillors and lay members may be co-opted with Secretary of State approval, but the size of the panel must not exceed 20.

Composition should meet the balanced representation objective. Account should be taken of geographical and political balance in agreeing representation on the panel and according to the size of each local authority, some councils may have more than one representative.

Provision should be made for substitution and for the replacement of members, for example, when there is a change of political control in an authority that affects the political balance of the panel, or if there is a resignation. A few members changing across the local authorities within the police force area can necessitate change. It therefore is good practice proactively to review membership once a year as well as to be reactive to large-scale changes. Where a resignation takes place, the new member should be drawn from the same political group to maintain political balance; in the case of one or more changes in representation that affects political balance, membership of the panel overall needs to be reviewed to fulfil the political balance requirement.

In Wales, councils propose nominations to the host authority of the panel, who in turn submit details of the nominees to the Home Secretary to approve and appoint. In England, the appointment to the panel may be made at each council's Annual Meeting.

In mayoral and leader/cabinet authorities respectively the mayor or an executive member may be designated as an authority's representative on the panel. In practice, councils have tended to designate non-executive members to be their representatives. This gets round the potential problems around conflicts of interest where panels might be scrutinising strategic decision-making relating to local crime and disorder grant-making and decision-making in which the executive member has a direct stake. However, it is for the council to decide its representative.

Consideration should be given to appointing members for a four-year term unless there is a valid reason to review the appointments more frequently. This enables members to develop knowledge and build up expertise, and would address a significant challenge for panels in terms of the regular turnover of membership. However, local authorities that have a cycle of all out elections every four years or have

a stable political control may be better placed than other councils to appoint for four years.

Skills and expertise

It is helpful for the councillors nominated to serve on the panel to have relevant knowledge or experience and to make a commitment to participating fully in the panel's work. The panel might find it helpful to set out its expectations of local authority representatives in order to maximise the commitment, expertise and networking of its membership.

A skills audit helps a support officer to identify the knowledge, skills and experience of members that are relevant to the work of a panel and an annual refresh of the panel helps members to consider its priorities and capacity.

Given the additional responsibility of police, fire and crime panels for scrutiny of their police, fire and crime commissioner, the Home Office expects those panels to ensure they include the necessary expertise on fire and rescue services. This could be achieved by additional learning and development for existing members and/or through co-options from the outgoing fire authority or a refresh of membership where essential.

Independent members

Panels also benefit from the insights of at least two independent members, who are co-opted to bring skills, expertise and experience as lay members to assist the panel in the discharge of its functions. Widespread publicity and an information pack clearly setting out the role and the profile of people who could assist the panel can assist recruitment and create a larger pool from which to select the co-opted members. The recruitment procedures should be fair and transparent with a role profile being made available, public advertisement of the role and interviews.

The Home Secretary has reserve powers if the composition of the panel cannot be agreed at the force level.

Rules of procedure

Rules of procedure must comprise arrangements relating to panel chairing and may additionally comprise:

- a memorandum of understanding and protocol between the commissioner and panel
- information on resourcing, allowances and funding arrangements
- communications and arrangements for panel members to report back to their own local authorities
- arrangements for training and development for panel members
- detailed provisions covering:
 - how the panel will undertake its 'special functions'
 - work programming
 - running meetings (including arrangements for quorums)
 - responses by the commissioner to recommendations from the panel
 - methods available to carry out scrutiny work such as task and finish groups
 - evidence gathering and use of information
 - engagement with the public.

It makes sense for panels to take the opportunity in their rules of procedure to lay out information about their methods of operation because:

- this clarity will help the commissioner/panel relationship
- it will assist panels themselves to discuss and agree their methods of day-to-day operation
- it will make it more straightforward for panels, and other bodies, to assure themselves that they are undertaking their statutory duties effectively
- it will make it easier for panels to provide assurance to themselves (and to the Home Office) that their grants are being used appropriately.

Chairing

The panel will need to appoint a chair and vice-chair. It is a local decision as to whether to draw from its full membership rather than only from councillors on the panel in appointing a chair, but it would be a more open system to appoint either a councillor or an independent member.

The chair has an important role in the effective operation of the panel and will need to work closely with the support officer and build sound relationships with the commissioner. The chair might share responsibility for agenda setting and for assisting with arrangements for the special functions as well as driving the work programme. The chair will need to manage meetings effectively and provide leadership to the work of the panel, including potentially acting as its spokesperson and public face.

Panel meetings

The main activity of the panel will be at its formal calendared meetings, summarised above, although other methods also exist for panels to provide challenge of and support to commissioners, as set out below.

Panel meetings checklist:

- always set objectives and seek to achieve outcomes, including potential recommendations to the commissioner
- enable effective liaison and communication with the commissioner and her/his office
- always enable scrutiny of the commissioner
- enable the panel to stay informed and focused on timely and significant matters around local policing (and fire and safety)
- include the transaction of statutory business as required or within a separate agenda on the same day if a confirmation hearing
- enable the gathering of insights and evidence from partners, the public and other witnesses as appropriate

- always include the development or refresh of the work programme of the panel.

Agenda setting

Agenda setting is usually undertaken by the chair, vice-chair and support officer in consultation with the commissioner's office. This should form an integral part of the wider work programming process. It allows the chair and others to prepare for meetings by considering how an issue or discussion ought to be framed and by identifying questioning themes in order to ensure that the panel engages properly with its statutory duties. It will usually be appropriate for this preparation to involve the commissioner and/or her/his office, to ensure that s/he is prepared to address the points that the panel wishes to raise. The commissioner might take this opportunity to suggest refinements or changes to the panel's approach in order to ensure that the discussion adds as much value as possible. Of course, the final decision on how to proceed sits with the panel itself.

Pre-meetings

Many panels find a pre-meeting before the panel meeting to be helpful. Members are encouraged to attend and as they rarely see each other, it is a good opportunity for the chair or support officer to share information and air issues, as well as for the panel to review the agenda papers and prepare for the meeting. Without debating matters to be the subject of the meeting, it ensures that members do not go into a panel meeting 'cold'; have been briefed about logistics including anticipated attendees; have identified shared objectives and perceived outcomes; and are able to discuss and co-ordinate key lines of enquiry into a questioning plan for more effective challenge and support of the commissioner.

Each panel session – whether it is considering a general policy matter, a specific performance issue or one of the panel's statutory functions – will need to be undertaken with the objective of making substantive recommendations on issues. It should also add tangible value to the delivery of the commissioner's plan(s) across

the force (and service) area. The notion of adding value must be central to all the panel's activities.

Opportunities from formal panel meetings that are open to the public are to:

- receive an update from the commissioner in public
- scrutinise the commissioner through questioning and comment
- receive written reports or verbal updates, usually from the commissioner or her/his office
- receive written or oral evidence from partners and the public, possibly through public question time.

Commissioner attendance

A commissioner may be summoned by the panel to present a regular report, to speak about substantive policy issues or to answer questions on a specific agenda item. The commissioner (but not the chief constable) is required to attend. However, the commissioner is not obliged to attend for all the meeting but may wish to do so, according to the agenda.

Areas of interest that are informed by panel members experience or expertise might include:

- the commissioner's specific priorities under one or more aspects of the police and crime plan (and fire and rescue strategy)
- the way in which a commissioner is, or is not, working with partners to deliver the strategy, the plan, resources, a specific policy or a national initiative
- the volume, trends and prevalence of a specific crime across the force area or within certain parts of the area.

Where the panel undertakes work that a commissioner has suggested, it needs to be carried out in an independent, timely and constructive manner with clear objectives and achievable outcomes.

Specific considerations for police, fire and crime panels

Agendas for police, fire and crime panels need additional consideration. Policing and fire and rescue business may form distinct sections of the agenda for specific purposes, but there will also be a need for agenda items that scrutinise the PFCC's roles across the force and service, given that the combined role is designed to enhance blue light collaboration. Agenda items for a police, fire and crime panel may also include a review of the statement of assurance and the integrated risk management plan.

Communications and panel reporting

It is important for panels to establish mechanisms for members to report back to the councils that they represent. This could be in the form of verbal reports at full council meetings on a regular basis or only when there are specific matters to share. Alternatively, a panel could prepare a written report to be submitted to each council for wider communication.

A successful practice is for a panel to communicate 'key messages' immediately after each meeting and in advance of the minutes, so that partners and the public are immediately made aware of the outcomes of a meeting.

Annual or occasional attendance by a panel chair or other representative at meetings of the community safety partnerships or crime and disorder scrutiny in the force area are another effective way to share information and receive feedback and insights about policing and crime (and fire and rescue). Equally it is important for member councils and community safety partnerships to feed in their activity or concerns to inform the panel about matters for scrutiny or to provide evidence to use in its work.

Panel training and development

Panels need to be clear about the purpose of their role and the objectives of each activity so that they can identify and if necessary build their capacity. As noted, a short skills audit can help to identify existing expertise and experience, enabling a support officer to identify any gaps among the membership that might be addressed through learning and development.

It is essential that new members receive induction and, possibly, a mentor or buddy to support them in the early days of their roles on the panel. Panels should also undergo ongoing training to keep up to date with developments at a national, regional and force (service) level. This includes annual reviews and a refresh on their powers and responsibilities. This enables panels to look at their ways of working and the potential development of their activity and resourcing.

Panels may seek briefings from time to time on aspects of the force's strategies. Panels whose commissioner has taken on the fire and rescue service, will have briefings on the fire and rescue service, given the Panel will have new responsibilities relating to the commissioner's expanded role.

Panel chairs, support officers and other members of panels may find it helpful to attend national conferences and workshops, regional networks and/or occasional thematic seminars to broaden their outlook, compare their work with other panels and draw on good practice. The National Association of Police, Fire and Crime Panels has been established as a special interest group (SIG) of the LGA to provide sector-led development support for panels. It will provide learning and development and networking opportunities for panels to share good practice, address challenges and solve problems.

Work programming

Given the breadth of responsibilities of a commissioner, the number of policies within a police and crime plan, and the complexity of policing and criminal justice systems (and fire and rescue services), panels may often feel there is a long list of agenda items but not enough time to do anything in detail or as well as they would choose. A work programme helps a panel to plan its work to reflect the resources available and its capacity. It can be drawn up at the start of each municipal year and kept under review at panel meetings in order to improve prioritisation.

A work programme helps a panel to:

- evaluate issues which are and are not priorities
- manage its limited time and resources more effectively
- plan its routine business in the calendared cycle of meetings
- prepare for its regular special functions
- enable it to carry out value-added proactive activity such as evidence sessions and task and finish groups from time to time as capacity allows.

The work programme should be managed by the support officer of the panel in consultation with the chair and members. It needs to be flexible enough to provide time for ad hoc statutory meetings to fulfil special functions as required. For matters which arise during the year, the chair (in consultation) will need to decide whether topics raised for discussion by members of the panel and others should go on the agenda.

The use of relevant criteria should help a panel to prioritise topics. This could include how the investigation of certain topics will assist it in delivering its special functions and how such an investigation will provide challenge and support⁷ to the commissioner.

⁷ www.cfps.org.uk/wp-content/uploads/CfPS-Good-Scrutiny-Guidev2.pdf

Working with the commissioner's office

It is important for the panel to develop its work programme in conjunction with the commissioner's office, drawing on the commissioner's forward plan. This liaison enables the panel to focus on key matters in more timely ways with access to the necessary briefings and reports. It also ensures that enough time is built in for the panel to add value to its work through more in-depth scrutiny in addition to the special functions, if capacity allows.

Panels should communicate with the commissioner and her/his office to find out if there are any areas where assistance and support might be helpful. They also need to notify the commissioner's office of matters that will be on the agenda of a panel meeting where the commissioner's attendance would be required.

Work programming can add value by:

- Promoting openness and transparency to demonstrate what the panel is likely to be doing, allowing others to engage in that process.
- Ensuring that the panel keeps to strategic issues and focuses on the commissioner's activities and priorities in the plan.
- Providing the commissioner with a level of certainty and assurance, as s/he will know which issues the panel would like to raise with her/him and the topics it will be likely to investigate – why, how, where and when.
- Making it easier for the panel and other bodies to work together, minimising the duplication of work and providing a stronger evidence base for the panel.

Using evidence and information

To be more effective in their roles, panels will need to develop a detailed understanding of a range of issues connected to policing and crime (and fire and rescue if applicable) in the local area, drawing on their insights

as elected councillors or in the case of independent members, their expertise or experience in the field. This additional work, as background briefing or proactive activity, should focus on key issues or areas of particular concern or significance but should avoid duplication of the commissioner's own scrutiny and investigation work with the force.

Throughout the year the panel will need to be kept updated on the commissioner's performance in delivering, resourcing and achieving her/his priorities under the plan(s). This will support the panel in scrutinising the commissioner's annual report(s), enable it to better understand the strategic policing and crime (and fire and rescue) landscape, and ensure that it is able to offer the best possible informed support to the commissioner.

It will usually be unproductive for panels to spend time in formal meetings taking reports purely to note, instead they should gather information to explore a topic, perhaps a specific item in the police and crime plan. Information should also be shared outside meetings, perhaps in a digest prepared by the support officer and the commissioner's office, to allow issues of specific concern to be escalated to the panel for more rigorous study where the panel can most clearly exercise its challenge and support functions.

As well as reports from the commissioner and her/his office, panels might hear from organisations that may be funded by, or whose services are, commissioned by the commissioner as well as from members of the public. Relying exclusively on information produced by the commissioner is likely to be inadequate as panels will want to test ('triangulate') that information with other sources.

Gathering evidence and preparing for meetings will ensure that commissioner attendance will be targeted; that the commissioner can prepare in advance for items of which s/he has already been notified; and that substantive recommendations and actions can come out of each session.

Key sources of information for panels:

- police and crime plan
- delivery plans
- performance management information
- data analytics reports
- HMIRCS Integrated PEEL Assessments.

Other forms of evidence for panels:

- regular monitoring reports on the delivery of the police and crime plan (and fire safety plan), for example, by theme or plan objective
- regular financial and performance monitoring reports
- progress reports on key strategies of the commissioner, for example, estates, change programmes, victims' services commissioning
- one-off briefing on specific matters
- proactive in-depth research through evidence sessions, inquiry days, task and finish groups and site visits
- stakeholder events to meet with and hear from partners, providers, service users and the public
- regular training to better enable a panel to fulfil its statutory commitments and develop scrutiny activity
- learning and development for a panel when it takes on new duties relating to fire and rescue services or the new complaints procedures.

Member champions

One way in which some panels have increased capacity, developed expertise and spread the workload of information gathering amongst members is to agree member champion or rapporteur roles. These involve individual members of a panel having different responsibilities for developing and

maintaining a subject expertise in respect of specific areas of the commissioner's responsibility and the broader local policing landscape. This approach better supports the panel in fulfilling its statutory duties, particularly the duties relating to the precept and the police and crime plan.

For example, each member champion might hold responsibility for keeping up to date on a topic reflecting a specific issue or priority in the plan; this member may then lead on liaison with the commissioner's office and evidence gathering from relevant partner organisations, for example, those who are responsible for delivering services on behalf of the commissioner. The panel's support officer would of course need to facilitate this process in order to ensure that information and other requests were proportionate and not managed in an ad hoc or scattergun way.

Several commissioner's offices similarly spread the workload and identify a relevant link officer, for example, who covers an aspect of the police and crime plan, to liaise with a member champion to improve liaison, briefing, ideas for work planning and the timely sharing of information. This does not compromise or dilute the challenge to the commissioner but may enhance the support and scrutiny by ensuring better-informed panels and improving the focus and work planning of their activity.

This is one approach to building capacity which many panels have commended. Its adoption will depend upon local decisions about resourcing and ways of working to fulfil the panel's statutory functions most effectively. It is presented here as an illustration of one potential model for the management of information and insight available to panel members.

Benefits of member champions and link officers from the commissioner's office:

- to enable both to keep up to date with the commissioner's forward plan and the panel's work programme
- to prepare for meetings and evidence sessions

- to share and gather information
- to avoid surprises at meetings or through the media
- to monitor performance to identify items by exception for review and recommendation
- to keep the panel up to date with developments to feed in to its work
- to undertake horizon scanning.

Panels and public engagement

As councillors, most members of the panel are likely to already be active in their communities, seeking to understand the concerns and needs of their residents and listening to the public, whether users of a service or not. It is important to feed these insights into the panel's evidence sessions in order to paint a bigger picture of policing in the area, thus presenting trends and highlighting issues of significance across the force area.

There are two needs here – firstly, assurance that the business of the panel itself is visible to the public in general terms, and secondly ensuring that substantive panel work benefits, where appropriate, from public input and insight.

General visibility of panels and their business

The primary responsibility for engaging with the public over policing matters lies with the commissioner. As such it would be useful for the panel to discuss any potential public involvement with the commissioner or her/his office to ensure that the panel complements rather than duplicates existing or planned public engagement.

Given that panels are an integral part of the policing (and in some areas, fire and rescue) governance and accountability framework, it is important that they are visible. There has been mixed practice across panels in

terms of their public profile. Many rely on a page on the host authority's website and make documentation available through that council's committee management system. Others have developed their own website. All of the panels' websites are listed in the appendix to enable panels to review each other's communications tools, documentation, procedures and meetings.

It would be helpful for panels to develop a communications strategy encompassing public engagement, reporting, websites and social media. This might be carried out with assistance from specialist officers from the host authority, funded where necessary from the grant. This will enable panels to develop a higher public profile, which in turn could lead to greater engagement with, and awareness among, the public.

Good practice in the interests of transparency suggests that panels should develop their own websites with links from and to constituent authorities and the commissioner's site; web cast and/or audio-record their meetings; and have a social media presence including a twitter feed. These would alert members of the public to the panel's activities and encourage engagement in diverse ways, whether by giving evidence to inquiries or attending public meetings.

Some panels have published their own annual reports and many hold annual reviews for self-assessment and development of their work, which can serve to make that work more visible. They track recommendations in-year, evaluate the outcomes from the work programme and identify what has gone well and what they might usefully develop – and how.

Substantive involvement of the public in panels' activities

Panel meetings are held in public (though are not public meetings). Some panel meetings are for formal business, for example, to undertake special functions and may not necessarily be appropriate settings for public involvement and participation, though provision may be made for public questions and, at the discretion of chair, to allow others to participate.

However, as panel meetings must be held in public, properly managed, they could be opportunities for wider engagement. From time to time it could be appropriate for meetings of the panel to be more obviously public-facing, for example, the panel meeting held in public to review the annual report of the commissioner. Such meetings are more likely to be of public interest and active public engagement could be worked into them.

Panels might need to think about how best to encourage attendance and participation in their meetings, for example, through a fixed time on the agenda for public questions. Many panels have developed a protocol for questions from members of the public and publicise this provision on their websites. More appropriate opportunities for public engagement are likely to be through more proactive scrutiny such as 'task and finish' working and the review of the annual report.

Panel activity held away from a traditional formal setting could enable members to listen to witnesses and enable members of the public to play a more active part by making comments, answering questions or providing their reflections on issues of local concern. These insights might be particularly useful to inform a panel's consideration of the police and crime plan or delivery of aspects of it or when reviewing the proposed precept.

That said, it is essential that the panel remains strategic and not be diverted by more parochial issues. The intention of public involvement should not give rise to an undesirable focus on individual incidents or allow very parochial issues to be considered. These are better resolved by members raising matters as case work in their roles as councillors, rather than being discussed in a meeting. Although the panel is not empowered to resolve local policing matters, it could have a role in signposting issues to the relevant policing departments or the commissioner's office.

Task and finish working

Although they are not explicitly provided for in legislation, panels may set up informal task and finish groups to investigate a specific issue. This may involve a course of several informal meetings, undertaking site visits, convening and facilitating workshops and focus groups, or any other form of evidence gathering. These enable a panel to define the scope of a detailed investigation, to commission a small group of councillors to gather evidence, to investigate a specific issue and to prepare a report for the panel to approve, with recommendations for the commissioner.

Evidence sessions also may enable panels to hear from a wide range of witnesses in order to prepare the panel for meetings with the commissioner or to scrutinise a topic. Such investigations can prove particularly useful for the panel's support function – gathering local insights into issues of concern and contention which would be useful for the commissioner.

Task and finish groups should be brief, targeted, proportionate and focused. Their objectives and approach should be clearly set out in a project scope. A task group might only meet two or three times to consider evidence and maybe once more to agree recommendations. This will enable evidence to be gathered from a wide range of sources, focusing on the role and functions of the commissioner in specific areas.

At task and finish group meetings, evidence may be taken in person, but no one (including the commissioner) is under any obligation to attend. As with all meetings, the panel will have to demonstrate that giving evidence will be a useful and constructive experience and ensure that questioning is inquisitorial, not combative.

Care will have to be taken to ensure that when scoping a review and carrying it out, there will be a return on investment from the activity; that members will be willing and able to give adequate time; and that unreasonable demands are not placed on

the support officer, the commissioner or the commissioner's staff.

Responses to recommendations

Whether meeting in a public panel meeting or having conducted more in-depth scrutiny, the panel will need to seek outcomes. These could include the publishing of reports with recommendations for the commissioner.

Panel arrangements such as a memorandum of understanding could include the following:

- The panel should notify the commissioner of any reports and recommendations in writing, making the process for responding to those recommendations clear.
- The commissioner should respond to the panel's recommendations within two months of being notified of them, unless the panel has agreed to a longer timescale.
- The commissioner's response should set out whether the recommendations are accepted or are rejected.
- Where a recommendation is, or recommendations are, rejected, the commissioner should provide reasons.
- Where a recommendation is, or recommendations are accepted, the panel should return to the topic at a pre-arranged time (usually six months or a year later) to check that the recommendations have been implemented.

Panel effectiveness

Panels are required to fulfil the statutory requirements, but also may go beyond those special functions. Through proactive activity, research and evidence gathering, panels may be better informed and thus more able to provide challenge and support. In all its work, a panel needs to have regard to legislation and regulations, to its commissioner's priorities and plan and to its capacity.

Section five:

Sources of information

Other organisations	
Home Office	www.gov.uk/government/organisations/home-office
Parliamentary Home Affairs Select Committee	www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee
Local Government Association (LGA)	www.local.gov.uk/topics/community-safety www.local.gov.uk/topics/fire-and-rescue
Welsh Local Government Association	www.wlga.wales/home www.wlga.wales/policing
Centre for Public Scrutiny (CfPS)	www.cfps.org.uk/?s=police
National Association of Police (Fire) and Crime Panels (NAPFCP)	www.local.gov.uk/topics/community-safety/policing-and-crime
Association of Police (Fire) and Crime Commissioners (APCC)	www.apccs.police.uk
Association of Policing and Crime Chief Executives (APACE)	www.pace.org.uk
National Police Chiefs' Council (NPCC)	www.npcc.police.uk
National Fire Chiefs' Council (NFCC)	www.nationalfirechiefs.org.uk
Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services	www.justiceinspectores.gov.uk/hmicfrs/about-us/
Key legislation	
Police Reform and Social Responsibility Act 2011 [15th September 2011]	www.legislation.gov.uk/ukpga/2011/13/contents/enacted www.legislation.gov.uk/changes/affected/ukpga/2011/13
Policing and Crime Act 2017 [31 January 2017]	www.legislation.gov.uk/ukpga/2017/3/section/38/enacted www.legislation.gov.uk/changes/affected/ukpga/2017/3
Police and Crime Panels (Precepts and Chief Constable Appoints) Regulations 2012	www.legislation.gov.uk/uksi/2012/2271/contents/made
The Policing Protocol Order 2011	www.gov.uk/government/publications/policing-protocol-order-2011-statutory-instrument

Elected Local Policing Bodies (Specified Information) Order 2011	www.legislation.gov.uk/uksi/2011/3050/contents/made
Fire and Rescue Services Act 2004	www.legislation.gov.uk/ukpga/2004/21/contents
Fire and Rescue National Framework for England	www.gov.uk/government/publications/fire-and-rescue-national-framework-for-england--2
Fire and Rescue National Framework for Wales	https://law.gov.wales/publicservices/fire-rescue-services/faire-rescue-national-framework/?lang=en#/publicservices/fire-rescue-services/faire-rescue-national-framework/?tab=overview&lang=en
Panel websites	
Avon and Somerset	www.avonandsomersetpoliceandcrimepanel.org.uk
Bedfordshire	www.bedford.gov.uk/council-and-democracy/beds-police-crime-panel
Cambridgeshire	https://democracy.peterborough.gov.uk/mgCommitteeDetails.aspx?ID=543
Cheshire	www.cheshireeast.gov.uk/council_and_democracy/your_council/cheshire-police-and-crime-panel.aspx
Cleveland	www.stockton.gov.uk/community-safety/police-and-crime-panel
Cumbria	http://cumbriapcp.org.uk
Derbyshire	www.derbyshire.gov.uk/community/community-safety/derbyshire-police-and-crime-panel/derbyshire-police-and-crime-panel.aspx
Devon and Cornwall	www.web.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fdemocracy.plymouth.gov.uk%2FmgCommitteeDetails.aspx%3FID%3D1051
Dorset	www.dorsetcouncil.gov.uk/your-council/about-your-council/partnerships/dorset-police-and-crime-panel.aspx
Durham	www.durham.gov.uk/policeandcrimepanel
Dyfed Powys	www.dppoliceandcrimepanel.wales/home
Essex	https://cmis.essexcc.gov.uk/Essexcmis5/Committees/tabid/94/ctl/ViewCMIS_CommitteeDetails/mid/483/id/127/Default.aspx
Gloucestershire	www.gloucestershire.gov.uk/council-and-democracy/joint-ventures/gloucestershire-police-and-crime-panel
Greater Manchester	www.greatermanchester-ca.gov.uk/what-we-do/police-plus-fire
Gwent	www.gwentpcp.org.uk

Hampshire	www.hants.gov.uk/aboutthecouncil/governmentinhampshire/police-crime-panel
Hertfordshire	www.hertspcp.org.uk
Humberside	www.northlincs.gov.uk/your-council/about-your-council/council-committees/humberside-police-and-crime-panel
Kent and Medway	www.kent.gov.uk/about-the-council/partnerships/kent-and-medway-police-and-crime-panel
Lancashire	www.blackburn.gov.uk/Pages/Police-and-crime-panel-for-Lancashire.aspx
Leicester, Leicestershire and Rutland	www.leicestershire.gov.uk/about-the-council/how-the-council-works/other-bodies/the-police-and-crime-panel
Lincolnshire	www.e-lindsey.gov.uk/lpcp
Merseyside	www.knowsley.gov.uk/your-council/decision-making-and-governance/merseyside-police-and-crime-panel
Norfolk	www.norfolk.gov.uk/what-we-do-and-how-we-work/policy-performance-and-partnerships/partnerships/crime-and-disorder-partnerships/police-and-crime-panel
North Wales	www.nwpcp.org.uk/en/Home/home.aspx
North Yorkshire	www.nypartnerships.org.uk/pcp
Northamptonshire	https://cmis.northamptonshire.gov.uk/cm5live/Committees/tabid/1110/ctl/ViewCMIS_CommitteeDetails/mid/558/id/440/Default.aspx
Northumbria	www.gateshead.gov.uk/article/3627/Northumbria-Police-and-Crime-Panel
Nottinghamshire	www.nottinghamshire.gov.uk/council-and-democracy/meetings-and-committees/nottinghamshire-police-and-crime-panel
South Wales	www.merthyr.gov.uk/council/councillors-and-committees/south-wales-police-and-crime-panel
South Yorkshire	www.southyorks.gov.uk/webcomponents/jsecSYPCP.aspx
Staffordshire	www.staffordshire.gov.uk/yourcouncil/staffordshire-police-and-crime-panel/introductiontothestaffordshirepolicefireandcrimepanel.aspx
Suffolk	www.suffolk.gov.uk/community-and-safety/crime-and-public-safety/police-and-crime-panel-and-the-police-and-crime-commissioner/police-and-crime-panel

Surrey	www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/surrey-police-and-crime-panel
Sussex	www.westsussex.gov.uk/about-the-council/how-the-council-works/committees-and-decision-making/joint-arrangements/sussex-police-and-crime-panel
Thames Valley	www.southbucks.gov.uk/article/8102/Thames-Valley-Police-and-Crime-Panel
Warwickshire	https://democratic.warwickshire.gov.uk/cm5/CurrentCommittees/tabid/122/ctl/ViewCMIS_CommitteeDetails/mid/600/id/543/Default.aspx
West Mercia	www.worcestershire.moderngov.co.uk/mgCommitteeDetails.aspx?ID=147
West Midlands	www.westmidlandspcp.co.uk
West Yorkshire	www.westyorkshire-pcp.gov.uk
Wiltshire	www.wiltshire.gov.uk/council-democracy-pcp

Examples of activity by Panels

Reviewing other panel websites provides an opportunity to learn from others' experiences and good practice. The following examples are not exhaustive but highlight some approaches that have been taken in different places, which other panels may find useful to review, adopt or adapt to suit their own context and ways of working.

Panel terms of reference

www.nwpcp.org.uk/en/Home/documents/Police-and-Crime-Panel-Terms-of-Reference.pdf

<https://democracy.peterborough.gov.uk/mgConvert2PDF.aspx?ID=11649>

<https://democracy.kent.gov.uk/ecSDDisplay.aspx?NAME=Terms%20of%20Reference%20Panel%20Arrangements%20%20Rules%20of%20Pr&ID=4761&RPID=27497380>

Procedure rules

www.cheshireeast.gov.uk/pdf/council-and-democracy/cheshire-police-and-crime-panel/procedure-rules-2018-19.pdf

www.derbyshire.gov.uk/site-elements/documents/pdf/community/community-safety/derbyshire-police-and-crime-panel/rules-of-procedure.pdf

www.glostext.gloucestershire.gov.uk/documents/s47524/Police%20and%20Crime%20Panel%20Rules%20of%20Procedure.pdf

www.suffolk.gov.uk/assets/community-and-safety/crime-and-public-safety/police-and-crime-panel/2012-10-23-Rules-of-Procedure.pdf

Memorandum of Understanding	www.meetings.southyorks.gov.uk/documents/s47447/Memorandum%20of%20Understanding%20MOU.pdf?zTS=A
Working arrangements	www.hertspcp.org.uk/content/working-arrangements-police-and-crime-panel
Members' handbook	www.cumbria.gov.uk/eLibrary/Content/Internet//536/647/41236122215.pdf
Recruitment of independent members	www.gloucestershire.gov.uk/gloucestershire-county-council-news/news-july-2017/police-and-crime-panel-recruitment
Panel report on the PCC's refresh of the Police and Crime Plan	www.westyorkshire-pcp.gov.uk/Documents/Publications/WYPCP%20Report%20to%20PCC%20re%20Police%20and%20Crime%20Plan%20-%20June%202018.pdf
Publication of reports to the Commissioner including scrutiny reports	www.avonandsomersetpoliceandcrimepanel.org.uk/panels-key-roles-and-responsibilities www.westyorkshire-pcp.gov.uk/publications
Complaints handling	www.nypartnerships.org.uk/pcpcomplaints
Online complaint form	http://westmidlandspcp.co.uk/complaints/complaint-form
Flowcharts	www.cumbria.gov.uk/elibrary/Content/Internet/536/647/4339213121.pdf www.e-lindsey.gov.uk/media/5355/Complaints-Handling-Flowchart/pdf/PCPComplaintsHandlingFlowchart.pdf?m=636733771461370000
Communications strategy	https://bbcdevwebfiles.blob.core.windows.net/webfiles/Files/PCP_Communications_Strategy_June_2016.pdf
Media protocol	https://democracy.peterborough.gov.uk/documents/s36832/Media%20Protocol.pdf
Website	www.nottinghamshire.gov.uk/council-and-democracy/meetings-and-committees/nottinghamshire-police-and-crime-panel
Twitter feed	www.hertspcp.org.uk http://westmidlandspcp.co.uk
Webcasting	www.southbucks.gov.uk/article/8102/Thames-Valley-Police-and-Crime-Panel

<p>Public participation</p>	<p>www.avonandsomersetpoliceandcrimepanel.org.uk/getting-involved</p> <p>www.northlincs.gov.uk/your-council/about-your-council/council-committees/humberside-police-and-crime-panel/#1534153288323-741b8097-23b2</p> <p>www.nypartnerships.org.uk/sites/default/files/Partnership%20files/Rules%20of%20Public%20Question%20Time_revised%20Nov%202018%20for%20PFCP.pdf</p> <p>www.westsussex.gov.uk/about-the-council/how-the-council-works/committees-and-decision-making/joint-arrangements/sussex-police-and-crime-panel/#get-involved</p>
<p>Proactive work</p>	<p>www.hants.gov.uk/aboutthecouncil/governmentinhampshire/police-crime-panel/proactive-scrutiny</p> <p>https://bbcdevwebfiles.blob.core.windows.net/webfiles/Files/Creating_Confident_Communities_Review_Task_and_Finish_Group_Report.pdf</p> <p>http://westmidlandspcp.co.uk/panels-fgm-inquiry-report-published-22-june-2015/</p> <p>www.westmidlandspcp.co.uk/wp-content/uploads/2016/01/Panel-report-on-Community-Safety-Funding-Jan-2016.pdf</p> <p>www.e-lindsey.gov.uk/media/12417/Task-Group-Chief-Constable-Suspension-Report/pdf/Lincolnshire_PCP_Final_Task_Group_Report.pdf?m=636910096789070000</p>



Local Government Association

18 Smith Square
London SW1P 3HZ

Telephone 020 7664 3000

Fax 020 7664 3030

Email info@local.gov.uk

www.local.gov.uk

© Local Government Association, July 2019

For a copy in Braille, larger print or audio,
please contact us on 020 7664 3000.
We consider requests on an individual basis.

REF 10.34