

# HAMPSHIRE POLICE AND CRIME PANEL

## Report

<b>Date Considered:</b>	Friday 7 July 2017	<b>Item:</b>	10
<b>Title:</b>	Policing and Crime Act 2017		
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### 1. Executive Summary

- 1.1. The Policing and Crime Act 2017 received Royal Assent on 31 January 2017. It contains a broad range of new measures and updates to existing legislation affecting not only the police service but other emergency services too.
- 1.2. Many of the provisions have now come into effect, but rely on more detailed regulations or operational guidance before it will take effect in practical terms.
- 1.3. The purpose of this paper is to update Members on the impact of this legislation on the Police and Crime Commissioner and the Police and Crime Panel.

### 2. Contextual Information

- 2.1. The broad aims of the Policing and Crime Act 2017 are to:
  - A) improve the efficiency and effectiveness of police forces, including through closer collaboration with other emergency services;
  - B) enhance the democratic accountability of police forces and fire and rescue services;
  - C) build public confidence in policing;
  - D) strengthen the protections for persons under investigation by, or who come into contact with, the police;
  - E) ensure that the police and other law enforcement agencies have the powers they need to prevent, detect and investigate crime;
  - F) further safeguard children and young people from sexual exploitation.
- 2.2. There are two main areas that will impact on the role of the Police and Crime Commissioner, and that of the Police and Crime Panel as a consequence: the democratic accountability of police forces and fire and rescue services, and building public confidence in policing.

### **3. Democratic accountability of police forces and fire and rescue services**

3.1. Part one, chapter one of the Act puts in place a requirement for all emergency services to consider collaboration where it can result in efficiency or effectiveness of the services in question.

3.2. Part one, chapter two of the Act enables Police and Crime Commissioners to review existing Fire and Rescue Service governance and where desired; request seats on the Fire and Rescue Authorities (FRA) which make up the geographical area that their responsibilities cover as PCC. The Act also enables the PCC to formally request that they take on governance of the relevant Fire and Rescue services where a local business case can be made which demonstrates one or all of the following criteria; Efficiency, Effectiveness, Economy or Public Safety.

3.3. The options available to the PCC within the Act are as follows:

**(i) Do Nothing** – A PCC may choose to consider the options within the Policing and Crime Act in conjunction with partners and choose not to progress with seeking changes to the existing governance arrangements for Fire and Rescue Services.

This option would result in no change to the role of the Police and Crime Panel.

**(ii) Representation Model** – A PCC may choose to request a seat and full voting rights on the FRA(s) within their geographical area. In this instance the request can be made locally and the FRA's will consider whether they would wish to accept or decline this request.

This option would not result in change to the role of Police and Crime Panel.

**(iii) Governance Model** – The Governance model would result in the PCC taking on the role of the FRA(s) within the geographical area that their remit covers. This option would have the PCC become the Police, Fire and Crime Commissioner (PFCC) for their area. To proceed with the Governance Model, the PCC would be required to create a local business case as set out in 3.2.

This option would result in the remit of the Police and Crime Panel extending to scrutinising the PCC's Fire functions as well and the Police and Crime Panel changing to the Police, Fire and Crime Panel.

**(iv) Single Employer Model** – Like option 3, the Single Employer would see the PCC become the PFCC following the creation of a local business case. The Single Employer Model would also put into place a single Chief Officer for both Police and Fire. However current legislation ensures that the roles of Fire Fighters and Police Officers are kept separate and distinct, along with precept and central government funding (although as long as the Chief can account for the money spent, the Chief Officer has the ability to pool funding for collaborative works such as sharing of back office functions or estate).

This option would result in the remit of the Police and Crime Panel extending to scrutinising the PCC's Fire functions as well and the Police and Crime Panel changing to the Police, Fire and Crime Panel.

- 3.4. The Hampshire policing area is served by two Fire and Rescue Services, Hampshire (HFRS) and the Isle of Wight (IOWFRS). The Governance for these services is via Hampshire Fire and Rescue Authority and the Isle of Wight Council (FRA for IOW). Although both services have an individual Fire Authority and governance processes, there is some collaboration between the two Fire and Rescue Services, including a shared Chief Fire Officer.
- 3.5. In terms of progress to date on determining the way forward for Hampshire, a memorandum of understanding has been created between the PCC, Hampshire FRA and IOW Council. This clearly lays out the intention by all parties for the options presented within the Policing and Crime Act to be explored collaboratively.
- 3.6. External consultants are in the process of being appointed to work with all partners to undertake a detailed options analysis, setting out the benefits and risks associated with each. Their final report will be presented to the PCC, Hampshire FRA and IOW Council and a decision on the preferred option will be made by the PCC in the autumn.
- 3.7. The timetable for implementation will depend on the option chosen. The representation model can be implemented much quicker than the governance or single employer models as this does not require the completion and approval of a local business case. There are a considerable number of unknown variables at this stage to be able to provide an accurate timescale for the governance or single employer models, the two options that will impact on the role of the Police and Crime Panel, but it is a commonly held view that either option could not be implemented before the 2019/2020 financial year.

#### **4. Build public confidence in policing**

- 4.1 The Act seeks to build public confidence in policing by reforming the police complaints system, which has not seen a considerable change in its legislative framework since the Police Reform Act 2002.
- 4.2 At a national level, the Independent Police Complaints Commission is to be reconstituted as a corporate body rather than a Commission and renamed, to be known from December 2017 as the Independent Office for Police Conduct.

- 4.3 At a local level, Police and Crime Commissioners will come to the fore, making them accountable for the police complaints system in their area and giving them the discretion to determine how complaints are dealt with at a local level. They will also become the right of appeal for locally resolved complaints, taking on this function from the independent appeals officer currently based within police forces. The changes are designed to restore public confidence in a complaints system that has been criticised by the public and practitioners alike as being confusing, frustrating and ineffective.
- 4.4 There are three options available to PCCs:
- (i) Oversight and complaint reviews** – these cover the mandatory functions of the PCC, which involves holding the Chief Constable to account for the exercise of their functions under the Police Reform Act 2002 in relation to the handling of complaints, and becoming the relevant review body for reviews (currently known as “appeals”) where the IPCC is not the relevant review body.
  - (ii) Customer Service Resolution and Recording** – under this option, in addition to the mandatory functions listed in option one, PCCs will have the option to take on the initial complaints handling process including contacting the complainant, recording the complaint, and handling certain complaints outside of the formal system.
  - (iii) Contact** – under this option, in addition to the functions in options one and two, PCCs will be responsible for maintaining contact with the complainant at all stages of the complaints process.
- 4.5 The impact on the Police and Crime Panel is the possible increase in the number of formal complaints being made against the Police and Crime Commissioner from individuals who are not satisfied with the outcome of the complaint review. While in reality the complaint review is likely to have been carried out by a member of the PCC’s staff under delegated authority, and would therefore be an abuse of the complaints process, it may create an additional administrative burden to members of the Complaints Sub-Committee and supporting officers.
- 4.6 As with the fire governance aspects of the Act, while the primary legislation has been passed, there requires a degree of secondary legislation and statutory guidance to be produced before the provisions can be fully enabled. The Home Office has indicated there will be a phased implementation of the complaints reform – national changes are to be introduced by the end of 2017, with local changes potentially taking effect in mid 2018.
- 4.7 A complaints reform project team has been established, comprising of staff from the PCC’s office and Hampshire Constabulary, who will deliver an options appraisal to the PCC in the autumn of 2017. Phase two of the project will focus on implementation, which will include engagement with stakeholders, workforce planning and recruitment of required personnel.

## 5. Recommendations

- 5.1 It is recommended that the Panel note the update on the Policing and Crime Act 2017, and receive further updates at suitable intervals in the future.

### **Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

Document

Location

None