

**SOUTH WALES POLICE AND CRIME PANEL
PANEL HEDDLU A THROSEDDU DE CYMRU**

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Mr Simon Jones
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Dear Sirs,

Re: **Local Policing – accountability, leadership and ethics**

I write in relation to your letter of the 10th October 2014 and the questions posed in the issues and questions paper and set out herewith the responses from the South Wales Police & Crime Panel.

Question i.

Are there any gaps in the existing mechanisms for holding PCCs to account?

As far as the South Wales Police and Crime panel is concerned, the simple answer is yes. The panel does not have access to any independent information and is therefore generally reliant on the information and evidence provided by the South Wales Police and Crime Commissioner. This cannot be addressed by the panel in it's current form with it's current remit and funding.

Panels have limited budgets to conduct their business. For example they hold regular meetings to scrutinise the work of the Commissioner, and manage a very narrow process in dealing with complaints. Should there be an issue concerning either a Commissioner's conduct or his/her ability to properly carry out his/her role, then the Panels intervention is the first opportunity that the public have to address the situation. There appears to have been a lot of thought regarding the Commissioners role but very little regarding public scrutiny and the role of the Panel. Recent events involving other Panels have highlighted the gap that exists regarding a Panels ability to effectively intervene on behalf of the public. The Panel is the guardian of public accountability.

Question ii

What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

In terms of South Wales, the Police & Crime Commissioner meets regularly with stakeholder groups which allows for the particular concerns of these groups to be addressed. A mechanism should be found to give the wider public an opportunity to engage with

Commissioners and their staff on general public interest matters. The use of questionnaires is relevant but the opportunity to join in a debate does not seem to be available. The scrutiny of Commissioners needs to be reinforced. The question that should be asked is how the public can improve accountability. The answer is to reform Panels.

Question iii

How are PCCs ensuring transparency in their decision making?

The use of the focus groups and internal panels oftentimes leads to members of the public feeling disadvantaged and without an opportunity to challenge. In such circumstances it is not uncommon for the public to believe that the information they receive has been through numerous internal processes and is the perceived wisdom of a Police and Crime Commissioner, a Police and Crime Panel or the Police.

Panels are in need of reform. At present they play only a minor role. Instead of five meetings a year there should be a regular structured and thematic series of meetings to cover all aspects of policing. From community policing to counter terrorism the range is vast and at present outside of the reach of panel capacity. Public funds appear to have been directed more into the office of the Police & Crime Commissioner with very little strategic thought regarding financing public scrutiny of the role.

Question iv

What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

The use of new technology is widespread but ignores the needs of those who are not computer users in the various forms (iPhones, Tablets etc.) Panel meetings are open and space is provided for members of the public to attend but the mechanisms for their questioning require development. The information currently made available to the public is usually a copy of the information given to the panel. Police & Crime Commissioners should be required to publish an executive version of their annual report both electronically and through the written media.

Question v.

What has worked best for PCCs in engaging with the public and local communities?

There are question marks about the public's engagement with Police and Crime Commissioners. With such a large geographical area covered by the South Wales Police force it can be difficult for the Police & Crime Commissioner to communicate with all communities. In particular this may present difficulties for members of the public wishing to attend Police & Crime Commissioner meetings. The South Wales Police & Crime Panel believes that it is imperative that the work of the Police & Crime Commissioner is augmented by regular written communications with the public. The South Wales Police & Crime Commissioner attends the meetings of the South Wales Police & Crime Panel. These meetings are held in a convenient location which is relatively central in the South Wales Police area making attending these meetings convenient for most people in the area. From information provided to the South Wales Police and Crime Panel there would seem to be evidence that as far as South Wales is

concerned there has been significant engagement between the Commissioner and community leaders – see also answer to Question vii.

Question vi.

How well are Police and Crime Panels able to hold a PCC to account between elections?

a. *Does the role of the Police and Crime Panel need any further clarification?*

The South Wales Police & Crime Panel believes that the role of Police & Crime Panels need revisiting. There is a lot of confusion nationally from both the public and Panel members in understanding the remit given to Panels and how that remit should be undertaken and applied. Panel members have expressed frustration that the role of the Panel would not seem to have been adequately thought through before being introduced in 2012 and as a direct result they feel restricted with regard to both their power and purpose in actively being the guardians of governance and standards over Police and Crime Commissioners on behalf of the public.

An effective Panel needs empowerment, the power of sanction and of course appropriate funding to function effectively. These issues and others are supported in the report; *Police and Crime Commissioners:- Progress to date (May 2014)* which reports that panels need to be strengthened etc. These issues need to be considered and clarified and any actions arising will then need to be effectively communicated to our communities.

b. *How well are the current “balanced” membership arrangements ensuring effective scrutiny and support of PCCs?*

As far as the South Wales Police & Crime Panel is concerned the “balanced” membership has worked well with the Panel not being subject to political bias. This is due, in part, to the input from independent members, who contribute from a wealth of experience.

c. *Are the current membership thresholds requiring a two thirds majority to veto a PCC’s level of precept and appointment of a Chief Constable proving practicable?*

The membership thresholds requiring a two thirds majority to veto a PCC’s level of precept and appointment of a Chief Constable is not considered to be an issue as far as the South Wales Police & Crime Panel is concerned. That said the precept is problematic. The possibility of the Police & Crime Commissioner being able to ignore and vary a Panel’s resolution is considered by some undemocratic.

d. *Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?*

Yes. Panels should have to power to veto. As matters currently stand we can only disagree with any proposed appointment. Panels need the public to know they are meaningful bodies that can ensure good governance and ethical standards of behaviour and do not simply carry out rubber stamping exercises. The Panel could form part of the selection process.

e. *How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?*

Panels need the power to ensure Police & Crime Commissioners comply with standards and ethical behaviour. Panels should be given training, funding, and a clear remit to take a

lead on such matters. Some Panel members believe that If funded appropriately Panels could have a statutory responsibility to investigate complaints by way of a regional disciplinary panel. It is suggested that at the conclusion of an investigation a regional panel could refer a matter to Parliament if it was considered by the regional panel that a Police & Crime Commissioner should be removed from office. A cross party ethics committee could decide the ultimate sanction.

The Panel believes that it is important for the integrity of the complaint process that it is able to stand Independent scrutiny. Of concern to some Panel members is the fact that the informal resolution process adopted by the majority of Panels allows Commissioners to in effect “investigate” themselves. Police & Crime Commissioners are democratically elected to their roles every four years, however during this period there are no effective mechanisms available to Police & Crime Panels to deal with Commissioners should there be a need to address serious public concerns.

Question vii.

Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

The South Wales Police & Crime Commissioner has supplied the Panel with a list of meetings he has attended where he has spoken to Local Groups and Communities. On one occasion he attended a meeting with the Opposition Groups on The City and County of Swansea. At that meeting he outlined both his responsibilities and those of the Chief Constable. Following that meeting all members present had a much clearer knowledge of their respective roles. That said there is a need for clear statements of the areas of responsibility to be published. Misunderstandings have arisen where Operational Policing is confused with a Commissioner’s accountability, and this has been reflected in some of the complaints lodged against the Commissioner.

Question viii.

According to the Financial Management Code, Audit Committees should ‘advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.’ How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

The current situation seems to be robust.

Question ix,

What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?

No response

Question x,

What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular

how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

The panel would like the power to receive regular reports on the regulatory maintenance of standards and under exempt information where the standards have not been met.

Question xi,

Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?

The South Wales Police & Crime Commissioner makes this information available in electronic form. An annual statement published in the local media would enhance transparency.

Question xii,

What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

The Panel feels that due to the hasty process which led to the election of the Commissioners much of this work is still in progress.

Should you require any additional information the please do not hesitate to contact me. Similarly the Panel or representative/s from the Panel would be more than happy to meet with the Committee to discuss matters further.

Yours sincerely

Simon D. Jones
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Merthyr Tydfil County Borough Council
On behalf of the South Wales Police & Crime Panel