



Cambridgeshire Police and Crime Panel

Policy Context: The arrangements for police governance and accountability in England

1. Introduction

- 1.1. The Police Reform and Social Responsibility Act 2011 introduced significant changes in police governance and accountability, in particular replacing Police Authorities with directly elected Police and Crime Commissioners (PCCs). This note summarises the arrangements and the respective roles of key players in England (slightly different arrangements apply in London).
- 1.2. In summary, the public accountability for the delivery and performance of the police service within each force area 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 (the Panel) within each force area is empowered to maintain a regular check and balance on the performance of the PCC in that context.

2. The Police and Crime Commissioner (PCC)

- 2.1. The PCC within each force area has a statutory duty and electoral mandate to hold the police to account on behalf of the public.
- 2.2. The PCC is the recipient of all funding, including the government grant and precept and other sources of income, related to policing and crime reduction and all funding for a force must come via the PCC. How this money is allocated is a matter for the PCC in consultation with the Chief Constable, or in accordance with any grant terms. The Chief Constable will provide professional advice and recommendations.
- 2.3. The PCC has the legal power and duty to:
 - (a) set the strategic direction and objectives of the force through the Police and Crime Plan, which must have regard to the Strategic Policing Requirement set by the Home Secretary
 - (b) scrutinise, support and challenge the overall performance of the force including against the priorities agreed within the Plan
 - (c) hold the Chief Constable to account for the performance of the force's officers and staff
 - (d) decide the budget, allocating assets and funds to the Chief Constable; and set the precept for the force area
 - (e) appoint the Chief Constable
 - (f) remove the Chief Constable subject to following the process set out in Part 2 of Schedule 8 to the 2011 Act and regulations made under section 50 of the Police Act 1996(a)
 - (g) maintain an efficient and effective police force for the police area

APPENDIX 6

- (h) enter into collaboration agreements with other PCCs, other policing bodies and partners that improve the efficiency or effectiveness of policing for one or more policing bodies or police forces in consultation with the Chief Constable (where this relates to the functions of the police force, then it must be with the agreement of the Chief Constable)
- (i) provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action
- (j) hold the Chief Constable to account for the exercise of the functions of the office of Chief Constable and the functions of the persons under the direction and control of the Chief Constable
- (k) publish information specified by the Home Secretary and information that the PCC considers necessary to enable the people who live in the force area to assess the performance of the PCC and Chief Constable
- (l) comply with all reasonable formal requests from the Panel to attend their meetings
- (m) prepare and issue an annual report to the Panel on the PCC's delivery against the objectives set within the Plan
- (n) monitor all complaints made against officers and staff, whilst having responsibility for complaints against the Chief Constable

2.4 The PCC must not fetter the operational independence of the police force and the Chief Constable who leads it.

2.5 In order to enable the PCC to exercise the functions of their office effectively, they will need access to information and officers and staff within their force area. Such access to any information must not be unreasonably withheld or obstructed by the Chief Constable and/or fetter the Chief Constable's direction and control of the force.

2.6 A PCC has wider responsibilities than those relating solely to the police force, including a specific responsibility for the delivery of community safety and crime reduction.

2.7 The first PCCs were elected on 15th November 2012, and serve until May 2016; thereafter PCCs will normally hold office for four years.

3. The Chief Constable

3.1 The Chief Constable is responsible for maintaining the Queen's Peace, and has direction and control over the force's officers and staff. The Chief Constable holds office under the Crown, but is appointed by the PCC.

3.2 The Chief Constable is accountable to the law for the exercise of police powers, and to the PCC for the delivery of efficient and effective policing, management of resources and expenditure by the police force. At all times the Chief Constable, their constables and staff, remain operationally independent in the service of the communities that they serve.

3.3 The Chief Constable is responsible to the public and accountable to the PCC for:

- (a) leading the force in a way that is consistent with the attestation made by all constables on appointment and ensuring that it acts with impartiality
- (b) appointing the force's officers and staff (after consultation with the PCC, in the case of officers above the rank of Chief Superintendent and police staff equivalents)
- (c) supporting the PCC in the delivery of the strategy and objectives set out in the Police and Crime Plan
- (d) assisting the PCC in planning the force's budget
- (e) providing the PCC with access to information, officers and staff as required
- (f) having regard to the Strategic Policing Requirement when exercising and planning their policing functions in respect of their force's national and international policing responsibilities

- (g) notifying and briefing the PCC of any matter or investigation on which the PCC may need to provide public assurance either alone or in company with the Chief Constable (PCCs will be subject to the same duties in relation to sensitive material as Government Ministers)
- (h) being the operational voice of policing in the force area and regularly explaining to the public the operational actions of officers and staff under their command
- (i) entering into collaboration agreements with other Chief Constables, other policing bodies and partners that improve the efficiency or effectiveness of policing
- (j) remaining politically independent of their PCC
- (k) managing all complaints against the force, its officers and staff, except in relation to the Chief Constable, and ensuring that the PCC is kept informed in such a way as to enable the PCC to discharge their statutory obligations in relation to complaints in a regular, meaningful and timely fashion. Serious complaints and conduct matters must be passed to the Independent Police Complaints Commission (IPCC) in line with legislation
- (l) exercising the power of direction and control in such a way as is reasonable to enable their PCC to have access to all necessary information and staff within the force
- (m) having day to day responsibility for financial management of the force within the framework of the agreed budget allocation and levels of authorisation issued by the PCC.

4. The Police and Crime Panel (the Panel)

- 4.1 The Panel provides checks and balances in relation to the performance of the PCC. The Panel does not scrutinise the Chief Constable - it scrutinises the PCC's exercise of their statutory functions. While the Panel is there to challenge the PCC, it must also exercise its functions with a view to supporting the effective exercise of the PCC's functions. This includes:
- (a) the power of veto, by a two-thirds majority of the total Panel membership, over the level of the PCC's proposed precept
 - (b) the power of veto, by a two-thirds majority of the total Panel membership, over the PCC's proposed candidate for Chief Constable
 - (c) the power to ask Her Majesty's Inspectors of Constabulary (HMIC) for a professional view when the PCC intends to dismiss a Chief Constable
 - (d) the power to review the draft Police and Crime Plan and make recommendations to the PCC who must have regard to them
 - (e) the power to review the PCC's Annual Report and make reports and recommendations at a public meeting, which the PCC must attend
 - (f) the power to require relevant reports and information in the PCC's possession (except those which are operationally sensitive) to enable them to fulfil their statutory obligations
 - (g) the power to require the PCC to attend the Panel to answer questions
 - (h) the power to appoint an acting PCC where the incumbent PCC is incapacitated, resigns or is disqualified; and
 - (i) responsibility for complaints about a PCC, although serious complaints and conduct matters must be passed to the Independent Police Complaints Commission (IPCC) in line with legislation.
- 4.2 The Chief Constable retains responsibility for operational matters. If the Panel seek to scrutinise the PCC on an operational matter, the Chief Constable may be invited to attend alongside the PCC to offer factual accounts and clarity (if needed) of the Chief Constable's actions and decisions. The accountability of the Chief Constable remains firmly to the PCC and not to the Panel.

5. The Home Secretary

- 5.1 The Home Secretary is accountable to Parliament and charged with ensuring the maintenance of the Queen's Peace within all force areas, safeguarding the public and protecting our national borders and security. The Home Secretary has reserved powers and legislative tools that enable intervention and direction to all parties, if it is determined by the Home Secretary that such action is necessary in order to prevent or mitigate risk to the public or national security. Such powers and tools should be used only as a last resort, and not to interfere with the democratic will of the electorate within a force area, nor seek to interfere with the office of constable, unless the Home Secretary is satisfied on the advice of Her Majesty's Inspectorate of Constabulary (HMIC) that not to do so would result in a police force failing or national security being compromised.
- 5.2 The Home Secretary retains the legal accountability for national security and the role that the police service plays within the delivery of any national response. The Home Secretary has a duty to issue a Strategic Policing Requirement that sets out what are, in her view, the national threats at the time and the appropriate national policing capabilities that are required to counter them.

6. Operational Matters

- 6.1 The operational independence of the police is a fundamental principle of British policing. It is expected by the Home Secretary that the professional discretion of the police service and oath of office give surety to the public that this shall not be compromised.
- 6.2 The police force, and the civilian staff of a police force, is under the direction and control of the Chief Constable of the force.
- 6.3 The direction and control of a Chief Constable includes:
- (a) the ability to issue a warrant to an attested officer with which that officer may exercise their police powers
 - (b) decisions in relation to the appointment and dismissal of officers and staff
 - (c) decisions concerning the configuration and organisation of policing resources including whether, or whether not, to deploy police officers and staff
 - (d) total discretion to investigate or require an investigation into crimes and individuals as he or she sees fit
 - (e) decisions taken with the purpose of balancing competing operational needs within the framework of priorities and objectives set by the PCC
 - (f) operational decisions to reallocate resource to meet immediate demand; and
 - (g) the allocation of officers' specific duties and responsibilities within the force area to meet the strategic objectives set by the PCC.
- 6.4 The Chief Constable is expected to ensure that their PCC is regularly informed of their decisions and operational activity in a timely manner so that the PCC can hold the Chief Constable to account for the totality of policing within their force area, including the operational delivery of the police service. The direction and control of the Chief Constable does not just remain under the scrutiny of the PCC but is open to investigation and scrutiny by the Independent Police Complaints Commission (IPCC) within the parameters of their terms of reference.
- 6.5 The PCC and Chief Constable must work together to safeguard the principle of operational independence, while ensuring that the PCC is not fettered in fulfilling their statutory role.

7. Financial Responsibilities

- 7.1 The PCC is ultimately accountable to the public for the management of the police fund. The PCC and Chief Constable share a responsibility to provide effective management of the policing budget and to secure value for money on behalf of the public that they both serve.
- 7.2 The Chief Constable has day to day responsibility for managing their allocated budgets after they have been approved by the PCC. The Chief Constable must ensure that the financial management of their allocated budget remains consistent with the objectives and conditions set by the PCC.

This page is intentionally left blank