



Scrutiny framework

informing policy and delivering accountability

Scheduled for review: August 2020
FOI: Open

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Police and Crime Commissioners

The role of Police and Crime Commissioners (PCCs) was created in the Police Reform and Social Responsibility Act 2011. PCCs are elected by and accountable to the public, and the first PCCs were elected in 2012. There were PCC elections again in 2016 and the next elections will be in 2020.

There are 40 PCCs across England and Wales. Every police force area has a PCC apart from Greater Manchester and London (because the Mayors in those areas also have the same responsibilities as PCCs).

The PCC's job

The role of a PCC is to be the voice of the people in policing, and to hold the Chief Constable to account. The aim of all PCCs is to ensure the delivery of an effective and efficient police service within their force area¹.

PCCs are responsible for 'the totality of policing' (i.e. all of policing, not just some parts of it) but they 'must not fetter the operational independence of the police force and the Chief Constable who leads it'².

By law (the Police Reform and Social Responsibility Act 2011), PCCs have to do certain things like:

1. secure an efficient and effective police force for their area;
2. appoint the Chief Constable, hold them to account for running the force, and if necessary dismiss them;
3. set the police and crime objectives for their area through a police and crime plan;
4. set the force budget and determine the precept (i.e. the levy on the council tax bill that will go toward policing);
5. hold the Chief Constable to account for how the force contributes to the national and international policing capabilities set out by the Home Secretary; and
6. bring together community safety and criminal justice partners (i.e. other organisations and agencies), to make sure local priorities are joined up.

The purpose of this scrutiny framework is to explain how our PCC uses 'scrutiny' to inform policy, and to hold the Chief Constable to account for how he/she exercises their functions to deliver an efficient and effective police service for Devon, Cornwall and the Isles of Scilly.

The difference between the Chief Constable and the Commissioner

The PCC and Devon and Cornwall Police are two separate entities. Although the PCCs must appoint and may, in extreme circumstances, dismiss the Chief Constable, the Commissioner is *not* the Chief Constable's employer.

¹ As stated by the Association of Police and Crime Commissioners

² The Policing Protocol Order 2011 (statutory instrument)

version: 0.23

updated: 23 January 2019

author: Vicky Booty, Policy Performance and Strategy Officer (Scrutiny), Office of the Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly

The Chief Constable and the PCC have lots of responsibilities and their roles are different. The table below does not list all of their individual duties, but does aim to show the main differences between the two roles:

Chief Constable	Police and Crime Commissioner
Must deliver an effective police force and has direct control over the force, its officers and staff.	Makes sure that the views and needs of Devon, Cornwall and the Isles of Scilly residents inform how our police service operates.
Leads and makes decisions on all aspects of operational policing.	Sets the police's priorities (i.e. the issues that are the most important) and decides how much money the police force will be given each year to operate.
Is the most senior police officer in Devon and Cornwall Police	Acts on behalf of the electorate to ensure that the Chief Constable is delivering effective policing in Devon, Cornwall and the Isles of Scilly by holding them to account.
Is responsible for the delivery of operational policing and overall performance of the police.	Decides what the council tax contribution towards policing (the precept) is, and then decides how much money the Chief Constable will have to run the police force.
Politically independent.	Elected into office.
Accountable to the PCC.	Accountable to the public.

Understanding 'operational independence'

Understanding the difference between the PCC's and the Chief Constable's roles is important especially for the purposes of governance and scrutiny. One aspects of that is being clear about the 'operational' part of policing.

The Policing Protocol 2011 states that 'at all times the Chief Constable, their constables and staff, remain operationally independent in the service of the communities that they serve'.

'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'. The protocol goes on to state that the direction and control of a Chief Constable will include:

- the ability to issue a warrant to an attested officer with which that officer may exercise their police powers
- decisions in relation to the appointment and dismissal of officers and staff;
- decisions concerning the configuration and organisation of policing resources (or) the decision whether, or whether not, to deploy police officers and staff;

version: 0.23

updated: 23 January 2019

author: Vicky Booty, Policy Performance and Strategy Officer (Scrutiny), Office of the Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly

- total discretion to investigate or require an investigation into crimes and individuals as he or she sees fit;
- decisions taken with the purpose of balancing competing operational needs within the framework of priorities and objectives set by the PCC;
- operational decisions to reallocate resource to meet immediate demand; and
- the allocation of officers' specific duties and responsibilities within the force area to meet the strategic objectives set by the PCC.

(This list is not exhaustive).

Making good decisions

The process of making decisions and implementing them (or not) is called governance³. Scrutiny can be used to explore in detail how those decisions are made, the outcome of them (the performance) and challenge them where necessary.

The PCC holds the Chief Constable to account for delivering an effective police force by scrutinising his/her work and his/her decisions.

It is the view of our PCC that good governance should always be able to show that it is:

1. Efficient and effective
2. Open and transparent
3. Lawful
4. Ethical
5. Competent
6. Forward thinking and innovative
7. Sustainable
8. Financially sound
9. Accountable
10. And has human rights, diversity and social cohesion at its very core

More information about how the PCC makes decisions and our scheme of delegation can be found on our website at www.devonandcornwall-pcc.gov.uk/information-hub/decisions-and-approvals/.

As well as holding the Chief Constable to account, PCCs must also be able to demonstrate that the decisions *they* make, and the way they make them are good. The PCC's work and decisions are formally scrutinised publicly at a Police and Crime Panel. PCC's are not accountable to police and crime panels, instead they are directly accountable to the public.

The Police and Crime Panel is a group of Elected Members and two independent individuals from across Devon, Cornwall and the Isles of Scilly who have the job to scrutinise the actions and decisions of the PCC. The Police and Crime Panel is separate to the police force and the Office of the Police and Crime Commissioner. You can find out more about the Police and Crime Panel and its work on the Plymouth City Council website⁴ at www.plymouth.gov.uk/councillorscommitteesandmeetings/devonandcornwallpoliceandcrimepanel.

³ We have a governance framework that is not included in this document but you can find it on our website at www.devonandcornwall-pcc.gov.uk/information-hub/key-documents/

⁴ Plymouth City Council are the 'host' authority for the Police and Crime Panel.

Informing policy and having an overview

Because scrutiny involves reviewing a wide range of evidence, it can be an effective tool for helping to inform policy, particularly through:

- generating new ideas and ways of doing things;
- challenging assumptions about existing ways of working; and
- engaging members of the public and stakeholders⁵.

Scrutiny of many different areas also helps the PCC to have a complete ‘overview’ of crime, policing and other social issues. This enables the PCC to do a number of things such as identifying strategic opportunities to do things differently, and it also helps to inform how the PCC lobbies for Devon, Cornwall and the Isles of Scilly at a national level.

Having confidence

As well as being able to show good governance, it is also important that the PCC and the Chief Constable help the public and other stakeholders to understand:

- what the police do and the difference they make
- the totality of policing (i.e. the parts of policing that the public may not usually see or come into contact with)
- how the police work with others
- the demands on the police
- how their police force is performing
- how public money is spent

By giving the public this information openly as part of good governance, they can form their own informed views about whether or not they have confidence in their PCC, their Chief Constable and their police force.

Being accountable

Holding someone to account means requiring an individual to explain and accept responsibility for their actions.

The PCC can choose to hold the Chief Constable to account in a number of ways, some formal and some informal, but in general the PCC does this:

1. Face to face at a meeting of the Joint Leadership Board
2. Face to face at regular private one-to-one meetings

One of the methods that the PCC uses to hold the Chief Constable to account is through scrutiny. The PCC for Devon, Cornwall and the Isles of Scilly defines scrutiny as:

⁵ Taken from ‘Using evidence in scrutiny – a practical guide for local government scrutiny’ – Centre for Public Scrutiny (April 2017).

version: 0.23

updated: 23 January 2019

author: Vicky Booty, Policy Performance and Strategy Officer (Scrutiny), Office of the Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly

A practical tool to explore an issue objectively, in detail and from multiple perspectives, often using a range of information, with the purpose of achieving a specific outcome such as:

1. **generating genuine and positive organisational learning for Devon and Cornwall Police that adds value to the business and makes positive changes for the better;**
2. **providing a creative and inclusive opportunity to inform police and PCC policy and priorities;**
3. **holding the Chief Constable to account for delivering an effective police force to the citizens of Devon, Cornwall and the Isles of Scilly;**
4. **holding the Chief Constable to account for delivery of the policing aspects of the police and crime plan;**
5. **challenging things when appropriate in a positive and professional way;**
6. **changing something for the better (such as a policy or service) or being assured that something is operating well;**
7. **creating openness and transparency in police governance and accountability;**
8. **engaging with the public, partners and stakeholders about crime, policing and community safety;**
9. **monitoring the integrity, behaviours and values of the Force in accordance with Devon and Cornwall Police's mission and code of ethics;**
10. **recognising and praising who and what is working well and ensuring that good practice is replicated throughout Devon, Cornwall and the Isles of Scilly;**
11. **enabling the PCC to understand a specific issue in detail to inform their own decision making and lobbying at regional and national levels; and**
12. **identifying risks and opportunities relating to crime, policing and community safety.**

The PCC will also at times wish to challenge progress on the outcomes of scrutiny (i.e. how scrutiny recommendations are being delivered or not) and require appropriate evidence of improvement.

Overall the PCC's scrutiny is of the Chief Constable and how he/she runs Devon and Cornwall Police as 'an organisation', and not of individual police officers, staff and volunteers. The PCC recognises that when the police are being scrutinised there is a risk that police officers, staff and volunteers may perceive that work is happening based on a concern about their personal performance in the job.

The PCC will work to ensure that their scrutiny process is a positive one, that their findings and recommendations relate to the Chief Constable and that the outcome of scrutiny (and how it has made a difference) is communicated internally within the police.

Where possible and appropriate, the PCC will seek the views of frontline police officers, staff and volunteers to ensure that their scrutiny is inclusive. The PCC will also aim to include the views of victims and perpetrators of crime as part of the scrutiny process.

How scrutiny works

Scrutiny is a process of reviewing information (which can take many different forms) via an independent process from different perspectives, to give an informed view on an issue. The result of scrutiny is usually a report which contains findings (what was learnt), and recommendations (suggestions as to what could be changed in future). Depending on the type of scrutiny the PCC needs to do, they may use independent members in their scrutiny activity (e.g. members of the public or individuals from specific organisations) but not always. Sometimes the PCC will carry out

more internal focused scrutiny, as the PCC and the office of the commissioner are both independent of the police.

The difference between ‘scrutiny’ and ‘assurance’

Scrutiny is used to explore an issue using an objective process, in detail and for a purpose. One purpose of scrutiny could be to seek assurance that something is working or performing well, but the scrutiny process itself is designed to ‘test’ information so may not always result in assurance.

Scrutiny – the new assurance? A good governance discussion document (Centre for Public Scrutiny and the Good Governance Institute)⁶ describes assurance as:

‘Assurance is ‘a positive declaration that a thing is true’. Assurances are therefore the information and evidence provided or presented which are intended to induce confidence that a thing is true amongst those who have not witnessed it for themselves. Scrutiny can bring a ‘reality check’ to assurance, especially through connections to public voice networks’.

Being satisfied that we are doing ‘good scrutiny’

The PCC defines ‘being successful at scrutiny’ by being able to demonstrate the ‘good scrutiny’ aspects below:

GOOD SCRUTINY	Evidence
Considers information objectively	✓
Is inclusive and reflects the views of important groups (for example the public, staff/volunteers, or service users)	✓
Constructively challenges something (e.g. an approach or a decision)	✓
Gives adequate time for people to plan and prepare	✓
Is balanced and fair	✓
Generates new ideas and new ways of doing things	✓
Recognises and praises what is working well	✓
Identifies areas for improvement along with helpful suggestions as to how improvements could be made	✓
Is considered a positive and credible tool which can help make an organisation better	✓
Advocates strong ethics and integrity	✓

Scrutiny is not an inspection or disciplinary process. It can be carried out by the PCC, the commissioner’s staff and specially set up panels. Devon and Cornwall Police can and do carry out their own internal assurance processes to learn and develop as an organisation, but a PCC should always carry out their own independent scrutiny of the police.

⁶ Scrutiny – the new assurance? A good governance discussion document – source <https://www.good-governance.org.uk/wp-content/uploads/2017/09/Scrutiny-report-A-Good-Governance-Discussion-Document-3.pdf>

version: 0.23

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The PCC's approach to scrutiny and accountability

In comparison to the police the PCC has a very small organisation so the resources available to scrutinise the Chief Constable and the totality of policing are limited.

Because of this the PCC has to be focused on what they want to scrutinise, why and how. Whilst the PCC's approach to scrutiny is flexible, the general focus for proactive (i.e. planned) scrutiny is on 6 priority areas that aim to answer specific questions:

What	Why
How are Devon and Cornwall Police as an organisation performing?	For a PCC to hold the Chief Constable to account for how they exercise their functions to deliver an effective police force, they must have information to understand how the police as a whole is performing and the views of others on that performance.
How is the Chief Constable ensuring that the Force does well in its inspections?	It is important for the PCC to understand how Devon and Cornwall Police are preparing for inspections by Her Majesty's Inspectorate of Constabularies and Fire and Rescue Service (HMICFRS); and what action the Chief Constable is taking in response to the recommendations made by HMICFRS.
How is the Police and Crime Plan being delivered and what difference is it making?	The Police and Crime Plan was co-written by the PCC's office and Devon and Cornwall Police so the Chief Constable is responsible with the PCC for ensuring it is delivered on time and within budget.
What is the relationship like between Devon and Cornwall Police and the public, and how do the views of the public inform policing?	The relationship that the police has with the public is vital for a number of reasons so the PCC needs to understand the police's long term approach to communicating and engaging with communities and stakeholders; along with the public's confidence in the police.
How efficient and effective is Devon and Cornwall Police as an organisation?	As well as understanding how the police are performing, the PCC needs to understand how the police force is run and that it is efficient, well led, effective and in accordance with the Police and Crime Plan and police code of ethics. The PCC also needs to be assured that funding is being spent appropriately and that the organisation looks after its staff, officers and volunteers.
How effective are Devon and Cornwall Police's collaborations with others at delivering service improvements and value for money?	Preventing crime, responding to it and dealing with the consequences of it is complicated and not just a job for the police. It's important for the PCC to understand how the police are working with partners effectively and how collaborations could help deliver better results.

Choosing what to scrutinise

The PCC chooses what areas to scrutinise and those decisions are based on where the scrutiny process can add the greatest value.

The PCC creates an annual scrutiny 'work programme' which sets out what areas will be scrutinised, when and how. The programme is also flexible enough to incorporate 'responsive scrutiny' to emerging and topical issues.

The PCC uses evidence to inform what they should scrutinise and why and their criteria for choosing items for scrutiny are:

Criteria for selecting scrutiny items :

The issue should always relate to one or more of the following:

1. How are Devon and Cornwall Police as an organisation performing?
2. How is the Chief Constable ensuring that the Force does well in its inspections?
3. How is the police and crime plan being delivered and what difference is it making?
4. What is the relationship between Devon and Cornwall Police and the public, and how do the views of the public inform policing?
5. How efficient and effective is Devon and Cornwall Police as an organisation?
6. How effective are Devon and Cornwall Police's collaborations with others at delivering service improvements and value for money?

Does the issue also reflect one or more of the following:

The views of inspectors (e.g. Her Majesty's Inspectorate of Constabularies and Fire and Rescue Services)

A significant and/or unexplained change in crime affecting Devon, Cornwall and the Isles of Scilly

A risk or opportunity highlighted within the Force Management Statements, or by the Force itself

A significant public or organisational impact raised by stakeholders (e.g. Local Criminal Justice Board, Home Office, Ministry of Justice, Elected Members, Councillor Advocates, Members of Parliament and Community Safety Partnership Chairs)

Specific questions or recommendations from a police forum

A significant theme identified by complaints against the police

New government guidance or legislation

A significant public interest item raised by a community or the media (this can include the results of the PCC'S public engagement activity)

A community and/or organisational impact in relation to Equality, Diversity and Human Rights

An item of national interest or that impacts on the PCC's national portfolio

Criteria for rejecting scrutiny items :

Issue falls outside the remit of the PCC's 6 key prescribed scrutiny areas

Issue already identified for scrutiny within the PCC's scrutiny work plan for the next 12 months

Issue is being explored/considered at another forum(s) which would impact on any scrutiny carried out by the PCC

New government legislation or guidance expected within the next 12 months that would change the scope of the scrutiny or render it invalid

Insufficient capacity and/or resources to scrutinise

Criteria for rejecting scrutiny items :
The outcome of any scrutiny activity is determined unlikely to add any value to the community or the police as an organisation
The scrutiny itself would fetter the operational independence of the police force and the Chief Constable
The scrutiny process would compromise critical policing operations or issues which could impact on public safety
The item is subject to a disciplinary procedure or open police investigation
The item is being formally reviewed by another group/organization (e.g. a Community Safety Partnership or Local Authority Overview and Scrutiny Board)
The intent behind requesting scrutiny is vexatious and/or unethical

There may be times when Devon and Cornwall Police want to bring an issue to the PCCs attention to highlight good performance or to showcase good practice or innovation. When that happens the PCC's staff will assess what value using the scrutiny process can add, otherwise a forum that allows that to be better communicated in another way may be more appropriate.

For the scrutiny process to be a beneficial tool for the Force, the Chief Constable also needs to be able to use it by suggesting areas to the PCC for scrutiny, and the PCC welcomes suggestions submitted by him/her for consideration.

During the year the PCC will also carry out a general 'health check' of Devon and Cornwall Police by asking a series of scrutiny questions of the Chief Constable which will include the following areas:

- Crime levels
- Victim Code⁷ compliance
- Equality Diversity and Human Rights
- Human Resources
- HMICFRS
- Strategic Policing Requirement⁸
- Connectivity⁹
- Communications
- Corporate Developments

Choosing the method for scrutiny

The PCC advocates the four principles of good public scrutiny as outlined by the Centre for Public Scrutiny which are:

1. Providing a "critical friend" challenge;
2. Reflecting the voice and concerns of the public;
3. Taking the lead and owning the scrutiny process; and
4. Making an impact on the delivery of public services.

⁷ You can find the Victim's Code of Practice on the Gov.UK website at www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime.

⁸ Find out more about the Strategic Policing Requirement at www.gov.uk/government/publications/strategic-policing-requirement.

⁹ Better connecting communities ('connectivity') forms part of the PCC's Police and Crime Plan. Further information can be found online at www.devonandcornwall-pcc.gov.uk/about-us/police-and-crime-plan/.

The PCC carries out scrutiny in a variety of ways using formal and informal methods such as:

PCC Scrutiny Panel (formal scrutiny)

The PCC has developed a new scrutiny panel which acts as the overall 'home' for all of their scrutiny activities. The findings from all of the PCC's scrutiny panels and reports are considered at this forum and provide a central focus for the PCC. The panel is responsible for the delivery of the PCC's scrutiny work programme and decides how certain scrutiny activities should be completed by setting the terms of reference for specific pieces of work. The panel's role is to provide specialist and independent scrutiny findings and recommendations to the PCC. The PCC may choose to take the panel's findings to the Joint Leadership Board meeting for discussion with the Chief Constable.

Staff Performance and Scrutiny Group (co-ordinating group)

The PCC's Strategy, Policy and Performance Manager, performance officers and scrutiny officer meet with the Force's Head of Performance and Analysis and members of police staff every 6 weeks. The aim of this group is to co-ordinate the delivery of the PCC's scrutiny work programme. The representatives from the Force at this meeting are responsible for engaging with the Chief Constable's Office and the Force's Executive Group about the process, and for providing information for the PCC to scrutinise.

Community Interest Scrutiny Panel (formal scrutiny)

The Community Interest Scrutiny Panel is a new panel which exists to answer a specific question using a scrutiny review process. The panel has a small core membership which stays the same, but invites individuals with specialist knowledge, skills or experiences to join it for each of its reviews.

The aim of the panel is to develop well informed answers to thematic 'public interest' questions about crime and policing that are relevant to residents and businesses in Devon, Cornwall and the Isles of Scilly.

Using the PCC's criteria for selecting scrutiny themes, the panel may base their work on:

- The PCC's annual public survey
- Themes emerging from correspondence to the PCC's office
- Themes emerging from the PCC's councillor advocates, Community Safety Partnerships and the PCC's Community Engagement Workers
- Themes identified by local authority Overview and Scrutiny committees
- Public feedback from the PCC's engagement activities (including online activities)

The panel does not answer questions relating to specific cases or individuals because there are other processes that should be used for that purpose (for example the police complaints process). They will consider questions that affect whole groups or communities for example: how can I be assured that Devon and Cornwall police use force against adults and children legally and appropriately? How can I be assured that Devon and Cornwall Police don't disproportionately use force against a specific demographic? How can I be assured that individuals' rights are respected when they are detained in Devon and Cornwall Police custody?

The results of the panel's scrutiny which can include recommendations are presented to the PCC so that they can explore the results with the Chief Constable at the Joint Leadership Board and take any necessary action as a response.

Out of Court Disposal Scrutiny Panel (formal scrutiny)

When an individual is involved in an incident or crime, what happens to them next is hugely important as it will have an impact on how a victim feels, and it can also define the rest of that individual's future. When an Out of Court Disposal is issued by the police it means that an individual won't be going to court, but that usually something else may be required of them (for example they may need to write a letter of apology to the person they have harmed). The PCC has a panel that looks at how Out of Court Disposals are issued so that they (and other agencies such as the courts) can be assured that they are being used correctly.

Specifically commissioned reviews / reports (formal scrutiny)

Because the PCC has limited resources sometimes they will bring in a specialist on a temporary basis to deliver a review. The result of this work is always a report which the PCC may use for a number of different purposes such as: sharing learning; recognising good practice and replicating that in other areas; and holding the Chief Constable to account.

Independent Custody Visitor activity (formal scrutiny)

Independent custody visitors (ICVs) are members of the public who have received special training and visit police stations unannounced to check on how individuals who are being detained in police custody are being treated. ICVs check the conditions in which detainees are being held and make sure that their rights and entitlements are being observed. You can find out more about the scheme on our website at www.devonandcornwall-pcc.gov.uk/take-part/custody-visiting.

Regular internal meetings and discussions (informal oversight)

The PCC, their Chief Executive and Treasurer and senior managers all have regular discussions with the Chief Constable and representatives from the police senior leadership team on a weekly basis. Devon and Cornwall Police also regularly invite the PCCs staff to attend specific internal meetings and vice versa, which is vital to create a positive professional relationship between the two organisations. Staff across the two organisations communicate regularly and informally to complete tasks and enable activity, however when attending formal police meetings it is important that the role of the PCCs staff in those forums is clearly defined to avoid conflict relating to governance and scrutiny.

The PCC also regularly reviews (and in some cases scrutinises) information from:

- Devon and Cornwall Police's Force Management Statements¹⁰
- Independent Audit Committee
- Police internal scrutiny forums (such as Stop and Search Working Group and Victim Code of Practice Scrutiny Group)
- Other police forums (such as the Equality Diversity and Human Rights Group)
- Community Safety Partnerships
- HMICFRS reports
- Complaints against the police
- Independent Custody Visitor Scheme reports

The methods of scrutiny that the PCC uses are often:

¹⁰ Force Management Statements are annual statements produced by Chief Constables that give details about issues like: financial resources; demand on the police; assets; workforce performance; and efficiency and effectiveness. They are used as a management tool by the police and police and crime commissioners, but are also used to help support Her Majesty's Inspectorate of Constabularies and Fire and Rescue Services.

version: 0.23

updated: 23 January 2019

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- Scrutiny reviews (delivered as task and finish projects)
- Scrutiny of specific topics via specific panels
- Dip-sampling activities (e.g. of complaints against the police)

Joint Leadership Board (decision making forum)

The PCC, their Chief Executive and senior managers meet with the Chief Constable and representatives from the police senior leadership team at a monthly meeting of the Joint Leadership Board. The board is a decision making group and regularly discusses specific information such as police performance. In-depth scrutiny does not take place at the board itself, but the results of PCC scrutiny are presented to the board for discussion and decisions.

Scrutinising police funding

The PCC receives a government grant and council tax contributions to create a total income. For 2018/19 that income was £293.5 million. From that funding the PCC decides how much to:

- provide to the Chief Constable to run Devon and Cornwall Police;
- use to run the police estate;
- commission services; and
- run the Office of the Police and Crime Commissioner.

The PCC scrutinises how police funding is being spent at a meeting called Resources Board.

The PCC's budget and proposal for what the precept should be (the element of council tax that funds policing and community safety) are scrutinised by the Police and Crime Panel. The panel usually scrutinise this information in February of each year.

The 'so what' of scrutiny

Scrutiny should always have a purpose and aim to make a difference, otherwise there is no point in doing it. The PCC's aim is that their scrutiny will help to get the best out of the police, and help to keep communities safer.

Scrutiny itself is not a decision making process but it does make recommendations to decision makers which is where the 'making a difference' should happen.

The PCC takes the recommendations made to them from their scrutiny panels and other scrutiny activities, considers them and then uses them in their discussions with the Chief Constable.

The Chief Constable may not always agree with the outcome of a scrutiny process but (taking into account the PCC's remit to hold the Chief Constable to account and to ensure that they are delivering effective policing) it is the view of the PCC that the Chief Constable should have due regard to:

- this scrutiny framework
- the outcomes and recommendations from the PCC's scrutiny
- the PCC's direct requests to him/her in response to scrutiny

Much of the PCCs formal scrutiny activity is recorded by their office and published on their website, and the Chief Constable always has the opportunity to provide a written response to the PCC published on the website too. This provides the Chief Constable with an opportunity to explain to the PCC what action they are choosing to take (or not take) in response to scrutiny which creates very open and visible accountability to the public.

The relationship that the PCC and the Chief Constable have is important as the results of good scrutiny should not be confrontational or combative, but should enable positive, respectful and useful conversations. Often both the PCC and the Chief Constable will want the same outcome of a situation (which is a good police service for the citizens of Devon and Cornwall) but they may not always agree on an approach.

In such cases the PCC cannot force the Chief Constable to change something based on a recommendation from scrutiny but because it is their role to hold the Chief Constable to account for delivering an effective police force, they do have influence and their own powers (for example commissioning an independent public review of an issue, request that Her Majesty's Inspectorate of Constabularies and Fire and Rescue Service's inspect a part of the force that the PCC wants to know more about or change the way something is funded).

Keeping our own house in order

The PCC spends around £3 million on a wide range of services throughout Devon, Cornwall and the Isles of Scilly. As well as scrutinising the work of the Chief Constable, it's also important that they scrutinise the organisations that *they* commission to make sure that they are spending money appropriately and delivering good services.

For example, organisations who want to become members of the Victim Care Network are subject to 'due diligence' checks by the South West Blue Light Procurement Portal¹¹. Once a member of the network, six monthly reports are required explaining what has been delivered and that information is also used to complete half year and end year returns to the Ministry of Justice (which are also subject to independent audit). Other services that the PCC commissions are reviewed every six months to ensure that contracts are delivering what they were intended to do.

How we share information for scrutiny

The PCC needs information from the police for their scrutiny process and the police also need information from the PCC. It is important that the PCC and the police can show that they are sharing information appropriately and legally.

The legal justification for sharing information between the police and the PCC can be found in the Police Reform and Social Responsibility Act 2011 and Policing Protocol Order 2011, The Data Protection Act 2018, Freedom of Information Act 2000 and General Data Protection Regulation (GDPR).

The PCC and the Chief Constable of Devon and Cornwall Police also have a joint Memorandum of Understanding for the Processing of Data (November 2018) which you will be able to find on the

¹¹ Further information can be found online at <https://bluelight.eu-supply.com> and www.blpd.gov.uk/foi/foi.aspx

version: 0.23

updated: 23 January 2019

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PCC's website at www.devonandcornwall-pcc.gov.uk during 2019. Where the PCC wishes to scrutinise the work of the strategic alliance, their office will work collaboratively with the Office of the PCC for Dorset to ensure that information is shared appropriately¹².

Information used for the purposes of scrutiny at the PCC's scrutiny panels are generally anonymised of personal (or other identifiable) information, unless there is a justified, proportionate and legal reason for sharing more detailed information (and on such occasions this must be clearly recorded).

All of the PCC's scrutiny panel members are also vetted by Devon and Cornwall Police and must sign confidentiality agreements.

Working efficiently – our agreement with the police

The PCC recognises that crime and policing is complex and understanding information/data about it can be incredibly challenging. For the PCC to be able to scrutinise information from the police it needs to be translated into clear narratives, provided in good faith and able to withstand scrutiny.

The integrity and transparency of this process is based on trust. With any scrutiny process there may be a risk of exposing a weakness or underachievement, but this should not mean under disclosure or censorship of information. Whilst there can be a temptation to avoid disclosure until an issue is fixed by any organisation which is subject to scrutiny, there should always be an acknowledgement that no system or organisation is perfect, and the role of scrutiny is to improve and support, not to criticise or chastise.

The PCC has a written agreement with the Chief Constable which outlines a joint commitment to ensuring that information made publicly available through the PCC's scrutiny function is transparent, whilst respecting the need to not compromise critical policing operations or issues which could impact on public safety.

To enable the PCC to carry out their legal duties they will require timely information from Devon and Cornwall Police. It's important that the PCC gets the information they need to enable them to do their job, but these requests for information have to also be balanced with the police's capacity to respond.

To enable the exchange of information to happen efficiently the PCC has produced a written agreement with Devon and Cornwall Police which outlines the expectations, responsibilities and requirements of each organisation in terms of providing information for the purposes of governance and scrutiny.

Being transparent – our agreement with the public

The public should be able to easily access information about how the PCC is doing their job and they should also be able to have a voice in the PCC's scrutiny. As such we will:

¹² To find out more about the strategic alliance please visit www.devon-cornwall.police.uk/your-right-to-information/our-people/our-plans/strategic-alliance/.

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1. Hold an annual scrutiny and accountability event in Devon and Cornwall with the PCC and Chief Constable, which will be open to the public, stakeholders (including Community Safety Partnerships and Local Authority Overview and Scrutiny Chairs) and media partners.
2. Use our Community Interest Scrutiny Panel to use the scrutiny process to answer key thematic questions relating to the public's relationship with the police.
3. Work hard to be transparent in what we do and aim to publicly demonstrate that commitment by achieving a CoPaCC Transparency Award each year¹³.
4. Proactively ask our stakeholders for their views (including councillors, Victim Care Unit services, criminal justice partners and the police federation) to help inform our scrutiny activities.
5. Publish a programme of scrutiny on our website so that the public and our partners can view what we're planning to scrutinise, how and when.
6. Proactively share our programme of scrutiny with local authority overview and scrutiny committees throughout Devon, Cornwall and the Isles of Scilly, inviting their views to inform our work and offering the PCC's support as a co-opted panel member for any relevant scrutiny they have planned.
7. Annually we will dip sample Equality Impact Assessments completed by Devon and Cornwall Police in relation to key decisions the Chief Constable has made, and publish our findings on our website.
8. Create a specific section within the PCC's annual report on scrutiny and ensure that it is issued to the Police and Crime Panel, and each council in Devon, Cornwall and the Isles of Scilly.
9. Ensure that Devon and Cornwall Police publish consistent meaningful and interesting performance information and contextual data on their website, and in other formats in order to help inform the public and enable them to contribute effectively with the scrutiny process.
10. As part of the PCC's 'scrutiny health check' they will publish interesting 'scrutiny questions' from the PCC to the Chief Constable annually along with the Chief Constable's answers, as well as publishing short films on topical scrutiny issues featuring the PCC and Chief Constable.
11. Publish details about how the PCC has held the Chief Constable to account for police performance on our website and signpost the public to that information using our media contacts and social media channels.
12. Publish HMICFRS inspection reports on our website, along with the PCC's response as to how they and the Chief Constable may use the reports to make changes.
13. Publish public summaries of our Joint Leadership Board meetings on our website.
14. Publish the outcome of our scrutiny panels and other specific scrutiny processes on our website.
15. Publish the outcomes of our dip sampling of complaints against the police process on our website.

¹³ Find out more about CoPaCC at <https://policinginsight.com/about/>.

Appendix 1 Scrutiny structure

