



South Yorkshire

POLICE & CRIME PANEL

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| Meeting Date | 7 July 2017 |
| Report of | The Police and Crime Commissioner |
| Subject | Holding to Account Arrangements |

EXECUTIVE SUMMARY

This report provides members of the Police and Crime Panel with information on how the Police and Crime Commissioner (PCC) holds the Chief Constable to account for the following areas:

- Progress in addressing improvements / recommendations identified by Her Majesty's Inspectorate of Constabulary (HMIC)
- Stop and Search
- Contact Management Performance - Atlas Court
- Succession planning

RECOMMENDATION

Members of the Police and Crime Panel are recommended to note the contents of this report and comment on any matters arising.

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BACKGROUND

One of the principal responsibilities of the PCC is to hold the Chief Constable to account in the exercise of the Chief Constable's functions, on behalf of the public, for the effective and efficient operations of the police service in South Yorkshire.

There is no legal definition of 'holding to account', or statutory or other guidance on what 'holding to account' arrangements should look like. The Centre for Public Scrutiny advocates four principles for 'holding to account' arrangements to be effective:

- Provides a constructive "critical friend" challenge
- Amplifies the voices and concerns of the public
- Is led by independent people who take responsibility for their role
- Drives improvement in public services

As well as observing the four principles advocated by the Centre for Public Scrutiny, above, South Yorkshire's PCC believes his 'Holding to account' arrangements should:

- be clear to SYP, the public, partners, and the Police and Crime Panel
- cover the PCC's statutory responsibilities, in a pragmatic and risk-based approach
- complement SYP's internal governance and management arrangements
- allow SYP to fully engage with the PCC's arrangements, and supply timely information and action as required by the PCC.

The PCC's 'holding to account' arrangements, are supported by a variety of themed assurance panels and committees.

Set out below is information on how the PCC holds the Chief Constable to account in the following areas:

PROGRESS IN ADDRESSING IMPROVEMENTS / RECOMMENDATIONS IDENTIFIED BY HMIC

Background

HMIC independently assesses police forces and policing across a wide range of policing activity.

PEEL is the programme in which HMIC draws together evidence from its annual all-force inspections. The evidence is used to assess the effectiveness, efficiency and legitimacy of the police. HMIC has introduced these assessments so that the public will be able to judge the performance of their force and policing as a whole.

The effectiveness of a force is assessed in relation to how it carries out its responsibilities including cutting crime, protecting the vulnerable, tackling anti-social behaviour, and dealing with emergencies and other calls for service.

Its efficiency is assessed in relation to how it provides value for money.

Its legitimacy is assessed in relation to whether the force operates fairly, ethically and within the law.

HMIC decides on the depth, frequency and areas to inspect based upon their judgement about what is in the public interest. In certain circumstances e.g. to do with custody,

inspections are jointly carried out with their colleagues in other inspectorates such as prisons.

HMIC's annual inspection programme is subject to the approval of the Home Secretary in accordance with the Police Reform and Social Responsibility Act, 2011.

Previously, the inspectorate powers did not extend to the inspection of PCCs but HMIC could accept commissions from them for specific areas of work.

On 31 January 2017, the Policing and Crime Act 2017 received Royal Assent. The Act makes amendments to the Police Act 1996, including giving power to HMIC to inspect or report on the efficiency or effectiveness of individuals or organisations who are involved in supporting the police force or delivering policing functions who are not part of the police force itself. This includes organisations working in partnership with the private sector, various local agencies and PCC staff.

Most, if not all HMIC reports are made publically available thereby informing the public of the outcomes of inspection work carried out.

Section 55(5) of the 1996 Police Act requires PCCs to prepare comments on any of HMIC's published reports that relate to their force, and then publish these in the manner they see fit. Section 55(6) requires PCCs to send a copy of these comments to the Home Secretary. The PCC publishes his comments on his website at <http://www.southyorkshire-pcc.gov.uk/Transparency/HMIC-Reports.aspx>

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The PCC and his Chief Executive have regular liaison meetings with the regional HMIC inspector. This provides the opportunity to share information and raise any specific issues in relation to the performance of South Yorkshire Police.

In terms of inspection activity the PCC and staff from the OPCC are invited as observers to attend force inspection preparatory meetings. During the onsite inspection phase the PCC and his Chief Executive take part in interviews and round table discussions as required and attend the 'hot debrief' session where the PCC and Chief Constable are informed of emerging findings.

The PCC receives regular updates on progress against areas for improvement / recommendations identified through HMIC inspection activity at his Public Accountability Board (PAB). Attached at Appendix A is a recent report to PAB.

The 2017 PEEL (Police Effectiveness, Efficiency and Legitimacy) inspection is underway. HMIC started their on-site activity for the Efficiency and Legitimacy element of PEEL on 26 June 2017. The Report setting out HMIC findings will be published in the Autumn.

USE OF STOP AND SEARCH

Background

On 30 April 2014, the then Home Secretary, Theresa May, gave a statement to Parliament on Police Stop and Search powers.

Whilst recognising the importance of the power, she had been concerned about its misuse, its potential to be an enormous waste of police time and being an unacceptable affront to justice if innocent people are searched for no good reason.

She commissioned HMIC to inspect all 43 forces and opened a public consultation, particularly aimed at young people and people from minority ethnic communities, to assess the use of stop and search powers.

There were more than 5,000 responses, revealing that people searched had very different attitudes to those who had never been.

- 76% of people between 55 and 74 thought stop and search powers are effective, only 38% of people between 18 and 24 agreed
- 66% of white people thought stop and search powers were effective and only 38% of black people agreed
- 27% of the one million or so stops carried out that year did not contain reasonable grounds to search, despite many having been endorsed by supervising officers. That means that more than a quarter could have been illegal.
- Official figures showed that black or minority ethnic background, were up to 7 times more likely to be stopped and searched by the police than a white person,
- Only around 10% of stops result in an arrest.

Theresa May introduced a number of measures to create

- greater transparency and accountability;
- a more intelligence-led approach; and
- community involvement in the use of stop and search powers leading to better outcomes.

These measures are contained within the 'Best Use of Stop and Search Scheme' (BUSSS).

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The PCC's 'Holding to account' arrangements, are supported by a variety of themed assurance panels and committees. These panels and committees have no power to hold the Chief Constable to account.

Through the Joint Governance Group the PCC sets out his expectations of these panels and committees and clear terms of reference and work programmes have been put in place.

The Independent Ethics Panel ('IEP') has a role in helping the PCC and Chief Constable build the trust and confidence of the public and partners in South Yorkshire Police, by ensuring the code of ethics is culturally embedded across the organisation and is demonstrated through the way South Yorkshire Police thinks and behaves.

Through its activity the IEP provides assurance to the PCC and Chief Constable that ethics, diversity and compliance standards and procedures are effective in South Yorkshire Police and the OPCC.

The PCC has asked the IEP to consider the use of Stop and Search within the South Yorkshire Policing area and report any exceptions / areas of concern to him via his Public Accountability Board. At the Public Accountability Board on 7 March 2017 a discussion took place around how Stop and Search is measured and whether someone is more likely to be stopped and searched if they are from the BME Community. The Chief Constable suggested a better approach would be to look at the outcome of Stop & Search across all

communities and whether this was disproportionate. The IEP agreed to consider this approach when they next review this activity.

A member of the IEP also attends the bi monthly Stop and Search Scrutiny Panel, where fifty randomly selected stop and search records are examined for quality assurance and has provided positive feedback on the process.

CONTACT MANAGEMENT PERFORMANCE - ATLAS COURT

The Force's contact management arrangements have received huge criticism for some time. This continues to be a top priority issue being relayed to the PCC when he attends public meetings.

The PCC receives regular update reports to his Public Accountability Board on contact management performance and the Joint Independent Audit Committee (JIAC) is looking in detail at the adequacy of controls, governance and risk management arrangements in place. Deputy Chief Constable Mark Roberts provided a verbal update on Atlas Court systems at the JIAC meeting held on the 20 June. Members requested a further written briefing to include a description of the work underway with expected timescales of when these improvements are expected to occur. Once received JIAC will determine the level of assurance they are able to give the PCC around the adequacy of the arrangements in place. Members of the Police and Crime Panel can be provided with a copy of this briefing once received.

An officer of the OPCC attends the Force Contact Management Board and feeds back and concerns or issues to the PCC.

SUCCESSION PLANNING

The PCC appointed Chief Constable Steve Watson last year and has worked with him to recruit the Force's new senior leadership group.

The staffing of South Yorkshire Police is an operational matter for the Chief Constable. However, the Chief Constable, at his weekly one-to-one's with the PCC keeps him informed of any proposed promotions boards, staff moves etc. For example the Chief Constable has just run promotion boards for the ranks of Superintendent and Chief Inspector.

The PCC's Independent Ethics Panel (IEP) has been asked by the PCC to provide assurances around the Chief Constable's discharging of his equality and diversity responsibilities, including monitoring the equality and diversity of the workforce. This includes the ethnicity, gender and disability of staff and officers and includes monitoring against grade and rank. The IEP has recently recommended to the Chief Constable that the following be added to the Force's Equality Objectives:

"Develop Positive Action activity to encourage greater representation of BME/VME (Visible Minority Ethnic) & female candidates among recruit candidates, applications for promotion and reduce representation among leavers"

The Home Office has made it clear that the achievement of representative workforces is a high priority in policing. The scrutiny used concentrates mainly on the police officer component of the workforce rather than police staff, special constables or volunteers. In addition, forces are measured primarily on the proportions of minority ethnic and female officers in the workforce, rather than for example those who have disclosed a disability or a

particular sexual orientation. Also pertinent is the spread of female and minority ethnic officers across the range of police ranks. The highest rank attained by a female or minority ethnic officer is sometimes referred to popularly as the glass ceiling. For minority ethnic officers in SYP this rank is presently superintendent (although SYP has a BME Assistant Chief Constable seconded to the National College of Policing), for women it is Assistant Chief Constable. The main tool available to employers in this regard is positive action.

The existing equality objective addresses the use of positive action only in recruitment. That is, the activity it is possible and legitimate to undertake in order to increase the proportions of under-represented groups in pools of candidates. As such, this omits two other aspects – retention and career progression – towards which positive action can be utilised effectively.

The Force's Business Change and Innovation Department is currently undertaking work around analysing Force demand, this work will aid the Chief Constable in deciding what resources are required and aid future succession planning.

HMIC will also be looking at this as part of the Efficiency and Legitimacy Inspection.

IMPLICATIONS

There are no specific financial, legal, health and safety or equality & diversity implications.

| List of background documents | | |
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