

Rt Hon Dame Diana Johnson DBE MP
Chair, Home Affairs Select Committee
House of Commons
London
SW1A 0AA

10th April 2024

Home Affairs Committee inquiry on Police and Crime Commissioners: 10 years on

Dear Dame Diana,

Thank you for your letter of 14 March 2024 setting out the conclusions and recommendations of the Home Affairs Committee following the short inquiry into *Police and Crime Commissioners: 10 years on*. I am replying as the Minister of State for Crime, Policing and Fire.

I am grateful to you and the Committee for undertaking this inquiry and reviewing the Police and Crime Commissioner (PCC) model. It is important that we keep the PCC model under regular review to ensure the right framework is in place to hold the police to account and to drive down crime in our communities.

The Committee's inquiry builds on our recent two-part PCC Review which looked at changes to strengthen the accountability of PCCs and expand their role. Parts One and Two drew on a range of evidence, which included outcomes from public polling and focus groups, interviews with stakeholders from across policing, fire, the CJS and local government, as well as voluntary and community organisations. The Review team also carried out an in-depth literature review to support the analysis and development of the recommendations. Both parts of the Review were supported by an Advisory Group, made up of senior leaders across the police, CJS and the wider public safety sectors. The Review in its totality made recommendations to sharpen local accountability, improve transparency and have the necessary tools and levers to cut crime in their local areas. We have retained a relentless focus on delivery to realise the benefits of these important recommendations as quickly as possible and we welcome the Committee's input on how we can go further to strengthen the role of PCCs.

I am pleased the Committee found that, overall, PCCs were having a positive impact, unlocking innovation and driving cultural change in policing. The Committee heard examples throughout the inquiry of how PCCs are working hard in their communities and with partner agencies, to understand and respond to local priorities, build trust and confidence, and give victims a stronger voice in the criminal justice system.

PCCs have played a vital role in the public safety landscape since their introduction in 2012. I am confident that, as the PCC model continues to mature, and with the support we are providing through the grant to the Association of Police and Crime Commissioners, PCCs will continue to go from strength to strength, as the voice of their communities and victims of crime, and will continue to have a positive impact on policing and crime in their area.

In Annex A to this letter, I have set out the Government's responses to the specific recommendations of the Committee. I trust this information is helpful and I thank you and the Committee again for undertaking this inquiry.

With Best Wishes,

A handwritten signature in black ink, appearing to read 'C. Philp', with a stylized flourish at the end.

Rt Hon Chris Philp MP
Minister of State for Crime, Policing and Fire

Annex A: Home Office response to Home Affairs Committee inquiry on Police and Crime Commissioners: 10 years on

PCCs and awareness of their functions

Recommendation: While there may well be benefits to developing a patchwork of diverse models, this must be accompanied by properly resourced work to support public awareness of the function as well as the presence of PCCs in their local area.

This Government firmly believes in locally elected, accountable leaders for policing. We are working hard to champion and promote the work of PCCs, including Mayors who exercise PCC functions¹. We are also working in partnership with the Association of Police and Crime Commissioners (APCC) to raise the profile of these roles. In 2022/23, we provided a £1million grant to support the work of the APCC, which included workstreams to promote the PCC role and to deliver a public awareness campaign ahead of the PCC elections in May 2024. A further £1million grant is being provided to the APCC in 2024/25, which will enable this and other workstreams to continue.

Recommendation: We have heard evidence of the increasing national role that PCCs play. We recommend that the Home Office, together with the Association of Police and Crime Commissioners, National Police Chiefs' Council, and other key stakeholders, consider the feasibility of a national-decision-making process that would facilitate more effective collaboration between PCCs and forces.

I acknowledge that decision-making regarding national police capabilities can be challenging in the context of a local accountability model in which PCCs exercise their local mandate. The Delivery Landscape Reform Programme (DLRP), led jointly by the Home Office and policing, is currently exploring the issues resulting from a fragmented approach to national capability delivery, and the root causes of these. The PCC role in national decision-making will be considered as part of this work. This analysis is due to complete in summer 2024.

¹ References to PCCs throughout this letter should be read as including Police, Fire and Crime Commissioners (PFCCs), Mayors who exercise PCC or equivalent functions, and Mayors who exercise both PCC and Fire and Rescue Authority (FRA) functions, unless stated otherwise.

Relationships between PCCs and Chief Officers

Recommendation: This is not the first time that the Committee has been told about key reports, commissioned by the Home Office, going apparently unacknowledged. We are concerned that this apparent lack of responsiveness may start to have a chilling effect in the number and calibre of subject experts willing to take on these challenging and high-profile roles – ultimately resulting in less well-informed policy decisions and poorer outcomes for the public.

We endeavour to respond to all reports in line with our statutory obligations, but we do note the Committee's concerns about reports commissioned by the Home Office not being acknowledged and will seek to address this going forward, wherever possible.

I can confirm that the Minister for Crime, Policing and Fire wrote to Sir Thomas Winsor on 21 March following his review into the circumstances surrounding the departure of Dame Cressida Dick from her role as Metropolitan Police Commissioner. The letter expressed our thanks to Sir Thomas for carrying out a thorough review and presenting detailed conclusions based on the evidence gathered. It outlined how the review was used to inform work to strengthen the accountability and transparency of police governance through delivery of recommendations from the PCC Review. It also emphasised that we will keep the issue under review, particularly the accountability arrangements in respect of the Metropolitan Police Commissioner. If we consider it to be necessary at any time to strengthen those arrangements further, we will not hesitate to return to this issue, including the recommendations made by Sir Thomas.

Variability, standards, and conduct

Recommendation: We suggest that the Association of Police and Crime Commissioners (APCC) work with the Home Office to create a single national, statutory Code of Conduct to which all PCCs must adhere. This befits their growing stature and powers and will be especially important as they seek to increase their role across the wider criminal justice system.

The Committee may be aware that following the conclusion of the two-part PCC Review, the Government committed to further considering the processes for how complaints of criminal misconduct are handled, and the scope to align a new code of conduct with the regime for mayors and councillors in local government. The Government is committed to making reforms in this area as soon as Parliamentary time allows.

Recommendation: We suggest that the Home Office, together with key stakeholders such as the Association of Police and Crime Commissioners and National Association of Police, Fire and Crime Panels (NAPFCP), explore whether and how a recall process could be put in place for PCCs, and the role Police and Crime Panels should play in this.

We do not currently have any plans to introduce a recall mechanism for PCCs. Part Two of the PCC Review assessed the options for introducing a recall mechanism for PCCs. The estimated average cost of recall for PCCs was significant and would require the creation of a bespoke national body akin to the arrangements for MPs which involve the Speaker of the House of Commons and the Committee on Standards. This is because, given their political makeup and, on occasion, adversarial relationship with the standing PCC, it was assessed that it would not be appropriate for Police and Crime Panels to have a direct remit in any recall process. The PCC Review concluded that, as there was no consensus amongst stakeholders on an appropriate body with the necessary impartiality and safeguards to perform such a function, a bespoke body would instead be required to oversee the recall process.

As the Minister for Crime, Policing and Fire highlighted during your inquiry session on 10 January 2024, there is an effective public accountability process already in place for PCCs and we have seen PCCs resign following a motion of no confidence by their Police and Crime Panel. As such, we took the view that the significant extra costs required to establish and run a bespoke body, combined with the additional costs to the public purse of delivering by-elections, were a recall petition to be successful, currently outweigh the benefits of introducing a system of in-term accountability. We will, however, keep this issue under active review.

Recommendation: We would appreciate further detail on the content and delivery of the Home Office funded package of support for new PCCs, and how its effectiveness and impact will be evaluated.

The Home Office grant to the APCC for 2023/24 and 2024/25 has provided funding for the development and delivery of a comprehensive induction programme for the new PCC cohort following the elections in May. The programme will include in-person and online training for PCCs in key elements of their role and will be supplemented by briefings on key policy areas and meet-the-stakeholder events. The package has been designed following consultation with existing PCCs and key stakeholders including the Home Office. It will be supplemented by programmes delivered by the Offices of PCCs (OPCCs), which will focus on the local needs of newly elected PCCs.

The APCC training will cover the fundamentals of the role, working with and getting the best out of the OPCC, establishing effective relationships with the Chief Constable and the force, financial management, commissioning and influencing at the national level. The APCC is also considering developing a mentoring and coaching programme for PCCs new to their role.

The impact of the programme will be evaluated through feedback from the PCCs participating in the 2024 programme as to how effectively it meets their needs and this will be used to inform further learning and development for PCCs, as well as future induction programmes.

Following a recommendation from the PCC review, the Home Office has also assisted the APCC in the development of non-statutory guidance for PCCs. Led by the APCC, the guidance will outline the PCC role, remit and responsibilities across the policing landscape and wider criminal justice system, recognising the evolution and expansion of the role since 2012. It aims to be comprehensive, but also succinct and digestible, focusing on the most necessary information, and referring readers to other sources where necessary. This guidance is due to be published by the APCC shortly.

PCC accountability: Police and Crime Panels and beyond

Recommendation: The Home Office, together with the Association of Police and Crime Commissioners, National Association of Police Fire and Crime Panels, National Police Chiefs' Council, and other key stakeholders, should explore the extent to which the role and powers of Police and Crime Panels are sufficient in light of the growing reach and stature of the PCC role. This work should be completed so that any changes can be made in time for the 2028 PCC elections.

Recommendation: We would welcome an update on the information hubs that we understand are being considered by the Home Office, as well as any other ongoing work to support training and knowledge retention among Police and Crime Panels.

I will address these two recommendations together, as they concern the role and powers of Police and Crime Panels (Panels), as well as the support offered to Panels. Panels play a vitally important role in scrutinising the actions and decisions of their PCC, providing both support and challenge, acting as a critical friend. We heard through the PCC Review that Panels already have the appropriate powers, agreed by Parliament, to effectively undertake this scrutiny of PCCs and enable the public to hold them to account.

However, Panels don't always have the right skills, expertise, and knowledge to use these powers effectively. That is why, through Part One of the PCC Review, the Home Office provided new guidance for Panels, which clearly set out the role, responsibilities, and expectations of Panel chairs and members alike. Through Part Two of the Review, the Home Office also provided new guidance and support for Panels on the recruitment and retention of independent Panel members, who play an important role in helping to broaden the skills, experience and diversity of Panels, as well as providing the continuity and corporate memory necessary for Panels to function most effectively.

To further address the challenges facing Panels, and to support Panels to improve the quality of scrutiny they undertake, we intend to launch a national Best Practice Hub that connects the practices of the 41 Panels in England and Wales in a way that respects local autonomy.

The Hub will provide good practice, tools and templates, and expert advice on complex topics and processes of Panel business. It will be underpinned by an online platform to allow for the co-ordination of a peer support network and the sharing of Panel good practice and advice, across Panel support officers and Panel chairs. The Hub will be hosted by a local authority and funded by the Home Office. We will be inviting bids from host local authorities who would like to host the Hub in late-spring 2024.

Recommendation: We recognise the importance of appointing deputy Police and Crime Commissioners in a transparent manner. The Home Office is yet to bring forward measures to mandate deputy PCCs despite committing to this in 2021. The Home Office must update this Committee on its plans for doing so.

Under the current model, PCCs can appoint a deputy to provide them with additional capacity and resilience. Currently 20 PCCs have a deputy in place². Transparency of these appointments is achieved through the scrutiny of PCCs' senior appointments, including the deputy PCC, by the Police and Crime Panel in line with legislation, set out in paragraph 9, Schedule 1 of the Police Reform and Social Responsibility Act 2011.

In response to the growing responsibilities of PCCs and to ensure better resilience arrangements, through the PCC Review we recommended implementing legislation to mandate the appointment of a deputy PCC by all PCCs. This will be taken forward when parliamentary time allows, but in the meantime, we strongly encourage PCCs and their Office of Police and Crime Commissioner to have a clear succession plan in place, in the event they are unwell or resign. We wrote to all PCCs in July 2021, setting out this out and we will do so again, following the forthcoming PCC elections in May 2024.

Recommendation: In our report on Policing priorities, we called for increased responsibility upon PCCs to update HMICFRS on the impact of its recommendations, supporting HMICFRS's call for Police and Crime Commissioners to be required to provide follow-up comments, at least annually, where HMICFRS have not yet confirmed that recommendations pertaining to them and their local force have been sufficiently addressed. We repeat that recommendation here, and look forward to seeing the Government's response to HMCI Cooke's recommendations in this area.

² According to data provided by the Association of Police and Crime Commissioners in March 2024.

PCCs have a statutory duty under section 55 of the Police Act 1996 to respond to HMICFRS' reports, and we agree that this duty is a vital transparency tool. However, the standard and timeliness of responses has sometimes fallen below what we should be seeing.

Given the need to consult on any potential changes to HMICFRS' powers, legislation is not an option in this parliament. Instead, the previous Home Secretary asked the sector to come together and agree what non-legislative action they could take to address the concerns HMCI Cooke raised in his 2022 State of Policing report. They did this in September 2023, and subsequently wrote to me to outline where they had found consensus. I have accepted their proposals, and identified a number of ways the sector can go further.

As part of this, I have asked HMICFRS to work closely with the APCC to make sure PCCs are aware of their statutory duty to respond to HMICFRS' recommendations. Where PCCs are consistently not responding to reports, I asked HMCI Cooke to keep me informed. Work is already underway to improve responses, and HMCI Cooke has written to all PCCs to outline their statutory duty. HMICFRS has committed to working with the APCC and APACE after the PCC elections to make sure all PCCs, including those who are newly elected, are aware of their statutory duty to respond. Finally, HMICFRS is currently developing a new online monitoring portal for PCCs to upload responses to reports, and the new system is expected to aid an increase in response rates.

A working group consisting of sector leaders and Home Office officials convened on 18 March. My officials will continue to work closely with that group to ensure the concerns raised in HMCI Cooke's State of Policing 2022 report are adequately addressed.

My letter to HMCI Cooke responding to all of his recommendations from the 2022 State of Policing report was published on Thursday 28 March, and I have written to the Committee separately to update them.

Collaboration and commissioning of services

Recommendation: If PCCs are to take on a wider remit nationally, this must not be achieved by mission creep. Instead, it should be transparent and properly thought-through, with the right arrangements in place to ensure accountability and transparency. This includes consideration of appropriate accountability arrangements including support for Police and Crime Panels and ensuring that operational independence is protected in other services as it is within policing.

It is this Government's ambition that PCCs are strong, visible leaders in the fight against crime, drug misuse and anti-social behaviour and secure the best possible outcomes for the people they serve. PCCs can only do this if they have the necessary levers to affect change in their local area, working with other criminal justice system partners to drive down crime and tackle reoffending. This is why Part Two of the PCC Review made several recommendations to enhance the working relationship between PCCs and the National Probation Service, to give PCCs a central role on Local Criminal Justice Boards (LCJBs), and to improve the access PCCs have to criminal justice data whilst being mindful of existing accountability arrangements. We have already delivered a number of these recommendations, including publishing new guidance on the role PCCs can play in supporting Community Payback in their local areas, developing guidance to support PCCs and Regional Probation Directors to co-commission effectively and publishing guidance and an MoU to support data sharing across the CJS. The remainder of the recommendations from Part Two of the Review will be implemented as soon as parliamentary time allows.

Part Two of the PCC Review also considered the relationship between PCCs and Community Safety Partnerships (CSPs). CSPs bring together police, fire and rescue, local authorities, health, and probation services to tackle crime, disorder and ASB. Working closely with CSPs enables PCCs to effectively collaborate with agencies external to the criminal justice system that play an important role in reducing crime and reoffending. Part Two of the PCC Review recommended that the Home Office undertake a full review of CSPs. Part One of the CSP review, which ran from 2 March-November 2023, sought views on the relationship between CSPs and PCCs, with the aim of enhancing the accountability model of CSPs and considered how CSPs and PCCs work together to tackle crime and antisocial behaviour. As a result of Part One of the CSP Review, the Home Office is taking forward a package of measures through the Criminal Justice Bill and secondary legislation to help clarify and strengthen the relationship between CSPs and PCCs and enable better strategic alignment of local crime prevention priorities.

The recommendations of Part Two of the PCC Review lay the foundations to strengthen the role of PCCs in the criminal justice system, and we will continue to seek opportunities to develop and strengthen the role of PCCs, where appropriate. We will also keep accountability arrangements under review, ensuring that Police and Crime Panels have the right level of support to perform their functions effectively. This includes the support we have already provided through guidance on the role, responsibilities, and expectations of Panel chairs and members and on the recruitment and retention of independent Panel members, as well as our intention to launch a national Best Practice Hub.

Police, Fire and Crime Commissioners

Recommendation: The Policing Minister told us that the Government did not like to “impose” local government reorganisation on local areas. Based on the evidence we heard, if the Government would like more areas to adopt the Police, Fire and Crime Commissioner model, they may have to provide more incentives to do so.

The Home Office supports any PCC or Mayor wishing to take on fire governance and whose area is coterminous with one or more fire and rescue authority. As set out within the Government response to the Fire Reform White Paper, we will explore options to simplify the process and incentivise transfers.

Complaints

Recommendation: We heard that there are resource constraints facing those PCCs who may wish to take on Model 2 or 3 complaint handling, and PCPs where they deal with complaints against PCCs and their Deputies. To maintain public confidence in policing – and in the PCC model – it is crucial that these barriers are addressed.

Regarding police complaints, the 2020 legislative reforms brought in a simplified process, making the system easier to navigate and putting a greater emphasis on handling complaints in a reasonable and proportionate manner. PCCs’ role in the complaints system promotes transparency, accountability, learning for forces and the identification of trends in complaints. PCCs have the freedom to adopt one of three models of complaints handling which works best for them. Model 1 is the minimum requirement and involves a PCC having responsibility for complaints which concern chief officers as well as scrutinising aspects of force complaint handling. PCCs are also responsible for undertaking a review of the handling of some complaints where the complainant is unhappy. Model 2 additionally provides an informal resolution role, allowing consideration of whether a complaint should be a formal complaint or could be resolved informally. Model 3 allows for the PCC to also assume responsibility for keeping complainants properly informed of the progress of their complaint.

The majority of PCCs have taken on model 1 with a number of PCCs delivering models 2 and 3. Those PCCs that have adopted models 2 and 3 are delivering an effective complaints programme; managing their capacity and meeting the needs of their communities. The APCC provides support to PCCs that wish to expand on their complaint functions. Through the Home Office grant, they are also developing a toolkit to support PCCs who would like to move to models 2 or 3, including training and best practice from those who have already adopted them. This work will continue into 2024/25.

Whilst we believe that models 2 and 3 offer greater benefits to complainants, it is for PCCs to determine which model works best for them in accordance with their local priorities and budget decisions. We do not intend to prescribe that PCCs move to models 2 and 3.

Regarding complaints about PCCs, during the PCC Review, we heard evidence that the current system for complaints about PCCs does not always work as effectively as it could. The Review also heard evidence that the non-serious complaints process can be politically driven and can lead to a more adversarial relationship between PCCs and Panels. The Review therefore made recommendations to bring the complaints system more in line with those for other elected representatives and suggested that an impartial, independent person should instead make key decisions on how non-serious complaints are handled, not Panels.

To help improve the complaints system, the Government intends to lay an amendment to the Criminal Justice Bill to transfer the handling of complaints about PCCs from Panels to an independent, impartial person (such as a local authority monitoring officer in England), when parliamentary time allows. This will enable Panels to focus instead on their core role of scrutinising the actions and decisions of PCCs.

-ENDS-