

Waheed Saleem, Deputy Police and Crime Commissioner for the West Midlands – written evidence (CIC0484)

**House of Lords Constitution Committee
Inquiry into the Constitutional Implications of COVID-19**

1. I am writing to you, in relation to your committee's review of the constitutional implications of Covid-19, to make the case for the statutory framework to be amended to give PCCs a clearer role in the overall efficiency and effectiveness of the LRF/SCG in their area.
2. PCCs are primarily governing bodies for a police force but also have wider duties to ensure efficiency and effectiveness of partnerships and public sector systems – such as agencies within the Criminal Justice System. Partners are obliged to work with the PCC and their office to ensure the efficiency and effectiveness of the wider network and objectives set via the commissioner's police and crime plan, without intruding on the operational autonomy of Chief Constables (CC) or other partners.
3. Covid-19 has exposed uncertainty in understanding the responsibilities of PCCs. It is unclear which body is responsible for assuring the public that arrangements are in place for an effective, efficient and multi-agency local response to a major incident.
4. In times of major incident the PCC's only direct responsibility is to hold their CC to account for effectiveness of the police response and in return the CC's responsibility is to ensure the PCC has sufficient information to be able to fulfil this responsibility. There isn't an automatic requirement for a CC to seek for their PCC to be an observer of a Local Resilience Forum (LRF) or Strategic Coordination Group (SCG).
5. There are currently a number of issues with membership of an LRF or SCG. First, membership is not readily defined. It is unclear as to whether the operational independence boundary has been crossed. Second, it is not clear why the PCC should get membership but not governance functions of other bodies. With SCGs it could be argued that PCCs would get special consideration as it is chaired by the police, but if it were chaired by a different agency then it would be their governance function that should be represented rather than that of the police.
6. Third, CCs could argue that there are other ways to provide information to fulfil the PCCs responsibility of holding the police to account, such as separate briefings. And finally, the meaning of observer status is not clear and the legal consequences of being present without a solid statutory mandate are uncertain. If a PCC is allowed observer status solely for obtaining access to relevant information, then it could be argued that observer status should be granted to other interested parties.
7. There are a number of reasons an LRF or SCG might invite a PCC to join. First, to ensure public and PCC communication are aligned during the major incident. Second, because the major incident has activated the PCC's statutory functions. And third, because the services that the PCC commissions need to be co-ordinated alongside those of the force and other partners. For example, the PCC is the commissioner of services for victims of crime and these may need to be realigned to reflect the requirements of the major incident, and so would need to be a part of the SCG or LRF to ensure commissioning or provision is appropriately coordinated with partners.
8. The PCC or their representative could be part of an LRF or SCG, but the reasons outlined do not automatically translate into membership. The first two reasons could be addressed through membership of subcommittees and the final reason would be

dependent on whether the services commissioned by the PCC are directly relevant to the major incident.

9. Moving forward I believe there are two options. One, we maintain our current position in that a PCC or representative can be part of the LRF or SCG but their participation is on the condition that they meet one of the aforementioned reasons why a PCC could be invited to join. The second option is that the statutory framework is amended to give PCCs a clear role in relation to the overall efficiency and effectiveness of the LRF or SCG in their area. I will now outline why I believe the second option to be the best solution.
10. There is currently nobody elected to have overall oversight of the system effect that the LRF or SCG is achieving in their area, which could lead to individual statutory obligations being fulfilled by each responder but the overall system is inefficient. PCCs are well placed to remedy this problem as they aren't just governing bodies for the police, but are comfortable operating as system leaders, whether in the context of community safety or criminal justice. Planning and response to major incidents would merely be a new partnership environment in which they would have to learn to operate.
11. If PCCs were given a wider statutory duty to ensure the efficiency and effectiveness of the response to major incidents, then many of the concerns regarding their role in LRFs and SCGs would dissipate. CCs would be unburdened of the unease at a PCC being on an LRF or SCG where the only organisation they are overseeing is the police; the PCC's duty would be statutorily defined and so concerns about infringing on operational independence would recede; and worries about providing information on matters outside of the police's operational response would be removed as this duty would become the responsibility of all CCA responders. And finally, the current national emergency has exposed LRFs and SCGs as too separate from democratic governance. PCCs have a direct democratic mandate and are accountable to the electorate for the exercise of their duties. If PCCs become responsible for securing the efficiency and effectiveness of the LRF and SCG arrangements in their area, then it is the PCC who accepts increased liability and a responsibility for ensuring stakeholders are appropriately briefed.
12. At the national level there is a clear expectation that elected representatives chair operational decision making bodies, however at the local level this suggestion is, in some areas, treated as an unreasonable encroaching of the operational independent boundary. I am not suggesting that PCCs start giving operational instructions, but want to make clear that they are well placed to assume local responsibility and accountability.
13. Broadening of the PCC role should not be embarked upon lightly. The skills and capacity to take on this additional responsibility may not readily exist in all PCC offices; PCCs may not be enthused by assuming these additional accountabilities; and CCA responders may be reluctant to accept them. But the current national emergency has highlighted the critical role LRFs and SCGs play in major incident responses, leaving elected representatives needing assurance that they are working well just as it has become clear that no single elected representative is accountable for their performance. This is a governance gap that only PCCs are able to fill.
14. Due to the complexity of this area I would be grateful for a virtual meeting with yourself and committee members to discuss my suggestions detailed in this letter.

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