



Police and Crime Commissioner Scrutiny Handbook

‘Fostering transparency and accountability for effective and efficient delivery of policing in Cleveland’



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INTRODUCTION - POLICE AND CRIME COMMISSIONER

As the Police and Crime Commissioner, I have a statutory duty and electoral mandate to scrutinise the Force's performance and hold the Chief Constable to account on behalf of the public of Cleveland.

Scrutiny is a practical tool, which enables me to provide "critical friend" challenges to the Chief Constable and it is fundamentally important to the successful running of the police force and on the delivery of my Police and Crime Plan objectives.

To maintain robust scrutiny, my Office manages a Standards, Scrutiny and Accountability (SSA) Programme. Through a schedule of regular meetings and assurance checks, the programme enables me to review information and explore issues objectively, with the aim of developing an informed view, driving accountability and bringing about positive change.

I hold monthly Scrutiny Meetings, covering a range of topics, which provide a platform to scrutinise, support and challenge the performance of the Force. In addition, once established, the Confidence in Policing Scrutiny Panel will provide me with the opportunity to work alongside members of the local community to review public interactions with Cleveland Police. Through the scrutiny of police powers and conduct, the Confidence in Policing Scrutiny Panel's work will help to improve transparency, accountability and provide a better understanding of local policing.

Matt Storey
Police and Crime Commissioner for Cleveland



PURPOSE

1. The purpose of this document is to outline the principles and processes relating to the Police and Crime Commissioner's (PCC) Standards, Scrutiny and Accountability (SSA) Programme.
2. This document is available for use by the Cleveland Office of the Police and Crime Commissioner (OPCC) staff, Cleveland Police Staff, the Police and Crime Panel (PCP) and the public.
3. This document will complement the information available on the PCC's website: [Standards, Scrutiny and Accountability \(SSA\) Programme - Cleveland Police and Crime Commissioner](#)

THE ROLE OF THE POLICE AND CRIME COMMISSIONER (PCC)

4. The role of the Police and Crime Commissioner (PCC) is to be the voice of the people and hold the police to account. PCCs are responsible for the totality of policing.
5. PCCs aim to cut crime and deliver an effective and efficient police service within their police force area. They are elected by the public to hold Chief Constables and the force to account, making the police answerable to the communities they serve.
6. PCCs ensure community needs are met as effectively as possible and are improving local relationships, through building confidence and restoring trust. They work in partnership across a range of agencies at local and national level to ensure there is a unified approach to preventing and reducing crime.
7. The PCC has a responsibility to openly and transparently govern and scrutinise policing and crime issues in Cleveland.
8. The PCC and the Chief Constable recognise the need for scrutiny to be a supportive and robust process to confirm areas of improvement, recognise best practice and clearly demonstrate value for money to the public.

STATUTORY FRAMEWORK

9. As detailed in Section 1 of the Police Reform and Social Responsibility Act (PRSRA) 2011, the PCC must hold the Chief Constable to account for the exercise of:
 - a) the functions of the Chief Constable, and
 - b) the functions of persons under the direction and control of the Chief Constable.
10. Section 1 of the PRSRA states that the PCC must, in particular, hold the Chief Constable to account for:
 - a) the duty to have regard to the Police and Crime Plan;
 - b) the duty to have regard to the strategic policing requirement (SPR);
 - c) the duty to have regard to the codes of practice issued by the Secretary of State;
 - d) the effectiveness and efficiency of the Chief Constable's arrangements for co-operating with other persons in the exercise of the Chief Constable's functions;
 - e) the effectiveness and efficiency of the Chief Constable's arrangements for engagement with local people;
 - f) the extent to which the Chief Constable achieves value for money;
 - g) the duties relating to equality and diversity; and
 - h) the duties relating to the safeguarding of children and the promotion of child welfare.
11. In addition, section 1 (8) of the Police Reform Act 2002 provides that the PCC must hold the Chief Constable to account for the exercise of the Chief Constable's functions in the handling of police complaints.

12. The Financial Management Code of Practice suggests that a PCC's Scheme of Governance provides an opportunity to set out how the PCC should hold the Chief Constable to account for the day-to-day management of police funds. Maintaining an efficient and effective police force is a key PCC responsibility.
13. There is no statutory guidance for PCCs as to what holding to account should look like, however this handbook outlines the principles and how the scrutiny function operates in Cleveland.

The Differences Between the Chief Constable and the Police and Crime Commissioner

14. It is important to recognise the distinction between the PCC and the Chief Constable. The PCC and Cleveland Police are two separate entities. Although the PCC appoints, and in extreme circumstances, dismisses the Chief Constable, the PCC is NOT the Chief Constable's employer. In order to understand the two distinct roles here are some of the main differences:

Chief Constable	Police and Crime Commissioner
Aims to deliver an effective police force and has direct control over the force, its officers and staff	Ensures that the views and needs of residents informs how the police service operates
Leads and makes decisions on all aspects of operational policing	Sets the police's priorities and decides how much money the force will be given each year to operate
Is the most senior police officer	Acts on behalf of the electorate to ensure that the Chief Constable is delivering effective policing by holding them to account
Is responsible for the delivery of operational policing and the 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 to office
Accountable to the PCC	Accountable to the public

WHAT IS SCRUTINY AND WHY IS IT IMPORTANT?

15. The Centre for Governance and Scrutiny outlines that scrutiny should:
 - Provide constructive 'critical friend' challenge
 - Amplify the voices and concerns of the public
 - Be led by independent people who take responsibility for their role
 - Drive improvements in public services
16. An effective scrutiny function enables PCCs to carry out their statutory duties and it assists them in holding the Chief Constable to account. Scrutiny is fundamentally important to the successful running of the police force and the delivery of the PCC's Police and Crime Plan priorities. Scrutiny should act as a 'critical friend' and can help both the PCC and the Chief Constable identify challenges and opportunities and seek out best practice and improvements.
17. Scrutiny is a practical tool to review information and explore an issue objectively, with the aim of developing an informed view driving accountability and bringing about positive change.
18. It is also a way of amplifying the voice and concerns of the public by using casework and complaints feedback to highlight issues and bring them to the force via the scrutiny process.
19. The relationship that the PCC and the Chief Constable have is important. 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 (but they may not always agree on an approach). In such cases the PCC cannot compel

the Chief Constable to change something based on a recommendation from scrutiny. At all times the Chief Constable maintains operational independence.

20. It is the PCC's role to hold the Chief Constable to account for delivering an effective and efficient police force. The PCC can utilise powers, including commissioning an independent public review of an issue and/or commissioning His Majesty's Inspectorate of Constabulary and Fire and Rescue Service's to inspect an issue.
21. A strong organisational culture that supports scrutiny work is particularly important to ensure there are the checks and balances to maintain robust decision-making, which in turn will help build public confidence in the police.
22. Scrutiny is not an inspection or a disciplinary process.
23. The process of scrutiny is carried out by the PCC, supported by the Commissioner's staff and underpinning scrutiny panels.

Governance and Scrutiny

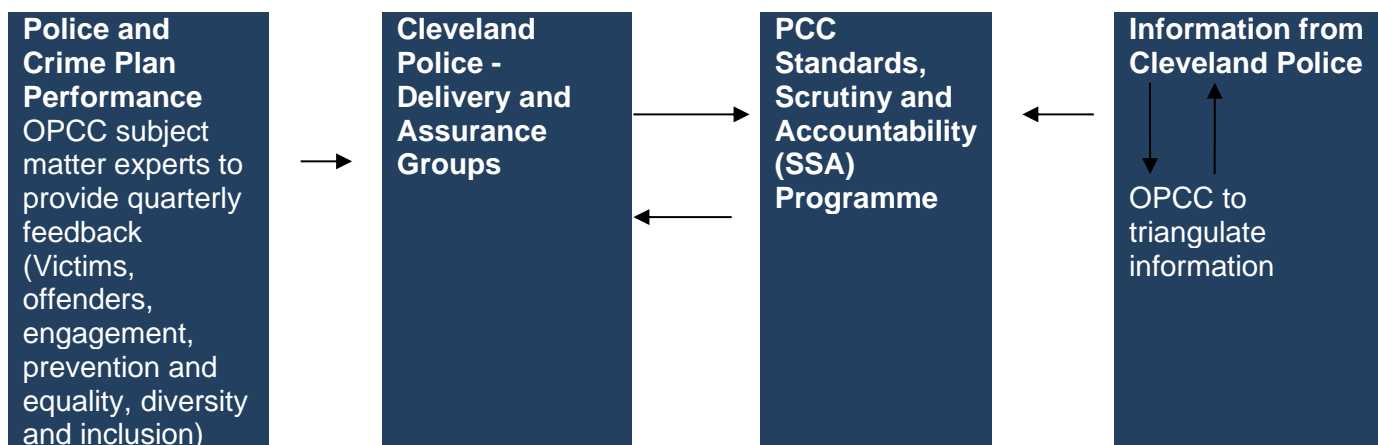
24. Governance is the act, process, or power of running an organisation. It allows organisations to do the right thing, in the right way, in a timely, open, honest and accountable way.
25. The scrutiny process is a way of exploring how decisions are made and examining whether an evidence-informed approach has been taken to decision-making.
26. It is the view of the PCC that good governance should always be able to show that it is:
 - a) Efficient and effective
 - b) Open and transparent
 - c) Lawful
 - d) Ethical
 - e) Competent
 - f) Forward thinking and innovative
 - g) Sustainable
 - h) Financially sound
 - i) Accountable
 - j) Has human rights, diversity and social cohesion at its core
27. As well as holding the Chief Constable to account, PCCs must be able to evidence that the decisions they make demonstrate good governance. Therefore, the PCC's performance in delivering the Police and Crime Plan and the decisions made are scrutinised publicly by the Police and Crime Panel. Further information on the Cleveland Police and Crime Panel can be found here: [Browse meetings - Cleveland Police and Crime Panel | Redcar and Cleveland \(moderngov.co.uk\)](#)
28. Information about how the PCC makes decisions can be found here: [The Police and Crime Commissioner for Cleveland Decision Making Structure and Policy for Recording Decisions - Cleveland Police and Crime Commissioner \(pcc.police.uk\)](#)
29. A copy of the Governance and Scrutiny Framework is attached at *Appendix 1*.

SCRUTINY AND ASSURANCE

30. In discharging the PCC's responsibilities, the OPCC operates a number of scrutiny approaches and assurance processes. Scrutiny and assurance can be defined as follows:
 - **Scrutiny** - provides a way of exploring an issue using an objective process, in detail and for a purpose. It tests information, so may not always result in assurance.

- **Assurance** - provides certainty through evidence and brings confidence that systems and plans are effectively working.

31. The scrutiny and assurance processes currently in place are detailed below:



STANDARDS, SCRUTINY AND ACCOUNTABILITY (SSA) PROGRAMME

32. The scrutiny of the Force is one of the main responsibilities of the PCC, as set out in the Police and Social Responsibility Act 2011.
33. Delivered through the PCC's Standards, Scrutiny and Accountability (SSA) Programme, effective checks and balances are undertaken through a schedule of regular meetings and assurance checks.
34. The aim of the SSA Programme is to enable the PCC to scrutinise, support and challenge the Force in an appropriate way and to fulfil the PCC's statutory duty of holding the Force to account. In doing so, the SSA Programme generates discussion which leads to positive organisational learning, considering how and why things are done and discussing potential improvements.

Scrutiny Approaches

35. Effective checks and balances are undertaken through a schedule of regular meetings and activities, to engage with the Chief Constable and hold Cleveland Police to account. These include:

Weekly PCC/Chief Constable meetings - To facilitate an open and honest exchange of information between the two leaders in a private meeting.
Monthly Scrutiny Meetings - To provide a platform for the PCC to hold the Chief Constable to account on the running of the Force and scrutinise, support and challenge the performance of the Force.
Confidence in Policing Scrutiny Panel - To review public interactions with Cleveland Police, which are of interest to the local community.
Ethics Committee - To promote the highest standards of ethical conduct within Cleveland Police.
Audit Committee - To enhance public trust and confidence in the governance of the Office of the PCC and Cleveland Police.
Quarterly Police and Crime Plan Performance Meetings - To enable Cleveland Police to prepare and present information and data to the PCC to demonstrate how the Force is delivering against the Police and Crime Plan.
Independent Custody Visitor Scheme - To allow Independent Custody Visitors to carry out unannounced visits to police stations to check on the welfare of people in custody.

Assurance Processes

36. The OPCC will undertake a wide range of analysis on the information it receives from various assurance processes which include:

Internal	External	Force Scrutiny	Commissioning
<ul style="list-style-type: none"> • Internal Audit • Audit Committee • Ethics Committee • Complaints Themes/Trends • Consultation - Your Force, Your Voice • Independent Custody Visitors Feedback • Confidence in Policing Scrutiny Panel • Force Management Statement • Force Data • Partnership Data 	<ul style="list-style-type: none"> • External Audit • HMICFRS – Findings, AFIs, national and local reports • Local Authority scrutiny findings (including Police and Crime Panel Task and Finish Groups) • Strategic Independent Advisory Group (IAG) 	<ul style="list-style-type: none"> • Complaints Scrutiny Panel; • Custody Detention Scrutiny Panel; • Out of Court Disposals Scrutiny Panel; • Rape Scrutiny Panel; and • Stop and Search/Use of Force Scrutiny Panel (this is Force-led). 	<ul style="list-style-type: none"> • Update reports and scrutiny of organisations commissioned and/or funded by the PCC

37. In addition to the processes above, OPCC staff may be invited to attend various meetings within the Force, such as strategic governance and performance meetings. This helps gain an understanding of the Force business, can aid better briefings to the PCC, helps build relationships with Force colleagues and can identify where the PCC could provide partnership support.

38. It should be noted that if a member of OPCC staff attends a Force meeting, this does not replace the potential necessity for the Force to brief the PCC or that the member of staff is acting as a delegated decision maker of the PCC.

PCC Responses to HMICFRS Inspection reports

39. PCCs have a statutory responsibility, under Section 55 of the Police Act 1996 to respond to HMICFRS inspection reports.

40. The Act requires the local policing body to prepare comments on the report and publish them. In order to fulfil this requirement, the OPCC will invite the Force to submit to the PCC their comments on the report, where there are recommendations the response should include the Force's response to those recommendations and any action the PCC has taken or proposes to take. There is an opportunity for Chief Constables and PCCs to consider how the recommendations fit with the Police and Crime Plan, or whether there is a difference between the plan and the findings. Where PCCs and Chief Constables have agreed to take action in response to a recommendation, the PCC will wish to assure themselves that these actions have been taken forward.

41. Responses to HMICFRS Inspections can be found on the OPCC website here: [Responses to HMICFRS Inspection Reports - Cleveland Police and Crime Commissioner](#)

42. A copy of the published comments are sent to the HMICFRS and the Home Office within 56 days of the report being published.

43. In relation to other HMICFRS information for PCCs, the Force Management Statement (FMS) should reference the Police and Crime Plan and be joined up with the budget planning process. HMICFRS also publish Value for Money information each year which can provide a further tool for PCCs to scrutinise and ask for further information. PCCs can also request an inspection can be carried out by HMICFRS on their force area, this may be in relation to a specific concern or risk to public safety.

PCC and Chief Constable Weekly Meetings

44. The Police and Crime Commissioner (PCC) holds weekly meetings with the Chief Constable in private.
45. The scheduling of weekly meetings assists with developing and maintaining an effective and productive working relationship between the two leaders, which is based on clear lines of responsibility and accountability, as well as mutual trust and respect.
46. The weekly meetings facilitate an open and honest exchange of information between the two leaders, provide a mechanism to resolve issues and disputes before escalation and enable the PCC to hold the Chief Constable to account.
47. Items for the agenda include, but are not limited to:
 - matters of immediate concern;
 - trends in performance and incidences of crime that may impact on priorities included in the Police and Crime Plan;
 - strategic proposals of the Commissioner/Chief Constable not considered in other forums;
 - matters raised by the Police and Crime Panel;
 - strategic finance;
 - personnel matters;
 - public concerns;
 - strategic policing initiatives; and
 - complaints and misconduct issues.

Scrutiny Meetings

48. The Police and Crime Commissioner (PCC) has a statutory duty and electoral mandate to hold the police to account on behalf of the public. The purpose of the monthly Scrutiny Meetings is to enable the PCC to fulfil this statutory duty.
49. Scrutiny Meetings provide a platform for the PCC to hold the Chief Constable to account on the running of the Force and scrutinise, support and challenge the performance of the Force. The PCC calls on subject matter experts to inform the key lines of questioning/enquiry.
50. Scrutiny Meetings provide the process whereby the Force can assure the PCC that something is operating well. The PCC can also monitor the integrity, behaviours and values of the Force, recognising what is working well and seeking out good practice. Scrutiny Meetings also draw out national and regional issues, which the PCC may wish to lobby on.
51. The Chief Constable is always provided with the opportunity to compile evidence and produce written responses to questions/key lines of enquiry in advance of Scrutiny Meetings.
52. Through information received by the OPCC, through the various assurance methods (both internal and external), the OPCC can 'reality check' information and triangulate it with information presented by the Force in the Scrutiny Meetings. This also gives the Force an added layer of information and feedback to assist with decision-making.
53. Following consideration of the evidence presented at each Scrutiny Meeting, the PCC decides whether he is assured, partly assured or not assured by the information provided. Depending on the outcome of each meeting, relevant actions are determined by the PCC and these are recorded and monitored by the OPCC. These actions enable the PCC to maintain a "watching brief" on primary areas of focus.

54. The outcome of scrutiny is categorised on the following basis
- a. **Assured** - that the information presented has provided in-depth answers to the PCC's questions and performance is following a positive direction of travel.
 - b. **Partly Assured** - that the information presented has provided in-depth answers however current performance indicators and/or the direction of travel does not allow for the PCC to be fully assured.
 - c. **Not Assured** - that the information is presented and the performance indicators and/or the direction of travel does not allow for the PCC to be assured.
55. In addition to Scrutiny Meetings, the PCC may wish to seek assurance from the Force on any topical issues that arise and that do not fit naturally into a formal meeting. This information is held by the OPCC and updates are sought from the Force where appropriate.

Scrutiny Work Programme

56. Each year, following the analysis of data, information and feedback that the OPCC receives from its various assurance processes, scrutiny approaches and public engagement activities, the PCC's Scrutiny Work Programme is developed. The Scrutiny Work Programme also takes into account the performance reports, findings and responses published by His Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS).
57. The development of an effective and co-ordinated work programme aims to lay the foundations for targeted, incisive and timely work on issues of local importance, where scrutiny can add value.
58. The PCC will have continuous oversight of the work programme and can actively influence, prioritise and determine the urgency/importance of topics by ensuring there is flexibility to account for some shifts in priority and topic over the course of the year.
59. The Scrutiny Work Programme is developed to fulfil the PCC's commitment to scrutiny and holding Cleveland Police to account. Each year, the programme includes the following key features:
- A thematic focus on:
 - the priorities within the Police and Crime Plan; and
 - the scrutiny of the national strategic policing requirement (SPR).
 - An expectation that personnel at all levels who take part in scrutiny are transparent and candid about their accomplishments, their challenges and their plans to address them.
 - Clear delivery on a 'what will change/improve and by when' basis.
 - An increase in the use of independent scrutiny approaches.
 - Written responses to PCC questions - either at the meeting or within a two-week period.
60. The Scrutiny Work Programme sets out in advance, topics taken from the objectives detailed in the Police and Crime Plan and key areas of interest to the PCC.
61. There will be quarterly updates from the Force that are built into the scrutiny programme which will assess the Force's delivery against the key priorities contained within the Police and Crime Plan.
62. The aim of the Scrutiny Work Programme is to scrutinise areas where it can add the greatest value, whilst also being flexible enough to add important issues should they arise.

Independent Scrutiny Panels

63. As part of its 'Inclusive Britain' commitments, the Government developed a draft community scrutiny framework: national guidance for community scrutiny panels.
64. The framework draws on established good practice and aims to assist PCCs and police forces to establish and maintain effective local scrutiny panels and ensure a consistent approach nationally.

65. Community scrutiny panels can help hold police to account by reviewing individual incidents where powers have been used or where there has been a public-police interaction. Observations and feedback offered by a community scrutiny panel can facilitate continuous learning, improvement of police services and identification of good practice.

Confidence in Policing Scrutiny Panel

66. The establishment of a local Confidence in Policing Scrutiny Panel, will be to review public interactions with Cleveland Police, which are of interest to the local community and where feedback from the Panel will help achieve improvements within local policing.

67. Through the scrutiny of police powers and conduct, the Panel's work will assist the PCC in improving transparency, accountability and better understanding of local policing.

68. The areas of focus for the Panel may include (but will not be limited to) the following topics:

1. The use of stop and search powers, including intrusive powers e.g. strip searches
2. Incidents involving use of force
3. The use of Body Worn Video (BWV)
4. Police detention and custody procedures
5. The use of Out of Court Resolutions (OoCR)
6. Complaints regarding public-police interactions (e.g. stop and search encounters, treatment of a detained person)

69. The PCC will chair the meetings of the Panel. This will facilitate effective engagement with Independent Scrutiny Volunteers, who are representing Cleveland's local communities and enable the PCC to hear direct and first-hand their views/opinions/feedback.

70. The Panel will be set-up and owned by the OPCC and will operate independently of the Force, although the relevant Force subject area specialists will be asked to attend meetings to provide specialist input, when required.

Force-Led Scrutiny Panels

71. In addition to the establishment of the Confidence in Policing Scrutiny Panel, the OPCC has oversight of (and involvement with) the scrutiny panels that have been set-up by the Force to increase public understanding, legitimacy, confidence and trust in policing, these include, the:

- Complaints Scrutiny Panel;
- Custody Detention Scrutiny Panel;
- Out of Court Disposals Scrutiny Panel;
- Rape Scrutiny Panel; and
- Stop and Search/Use of Force Scrutiny Panel (this is Force-led).

72. Although there may be some overlap, the Confidence in Policing Scrutiny Panel will not be looking to duplicate the work of the Force's scrutiny panels but strengthen the current system of scrutiny, accountability and transparency and ensure the PCC plays a fundamental/key role in scrutinising/reviewing public interactions with Cleveland Police. In addition, the PCC will ultimately take ownership for ensuring the Panel's feedback and findings are acknowledged and responded to and that appropriate action is taken.

INVOLVEMENT OF INDEPENDENT SCRUTINY VOLUNTEERS

73. The PCC has a direct mandate to hold Cleveland Police to account on behalf of all communities and a responsibility to use this reach to help build public confidence in policing.

74. To do this, the PCC scrutinises certain areas through activities involving members of the public. These activities include:

- The Confidence in Policing Scrutiny Panel
The purpose of the Confidence in Policing Scrutiny Panel is to review public interactions with Cleveland Police, which are of interest to the local community.
- The Ethics Committee
The purpose of the Ethics Committee is to promote the highest standards of ethical conduct within Cleveland Police.
- The Independent Custody Visitors Scheme
The purpose of the scheme is to carry out unannounced visits to police stations to check on the welfare of people in custody.

MONITORING AND REPORTING OF SCRUTINY OUTCOMES AND ACTIONS

75. In order to ensure the transparency of the scrutiny process, a summary of discussions, decisions and actions considered at Scrutiny Meetings will be made available on the PCC's website following review and approval of the PCC and Chief Constable.

76. As per Regulation 2 (2) Elected Local Policing Bodies (Specified Information) Order 2011, any information provided through the scrutiny process will be exempt from publication if it:

- a. would, in the view of the Chief Officer of Police, be against the interests of national security;
- b. might, in the view of the Chief Officer of Police, jeopardise the safety of any person;
- c. might, in the view of the Chief of Police, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice; or
- d. is prohibited by or under any enactment.

77. For internal use, the OPCC maintains a 'tracker' of all information, actions and decisions associated with the PCC's scrutiny activities. Details of all of the items that have been considered by the scrutiny process are held centrally.

78. The 'tracker' itemises matters that have been discussed, along with any actions, whether the PCC has been assured by the information presented and if not what further information has been requested and the date for the item to be revisited. The 'tracker' also plays a key role in recording, monitoring and ensuring the timely implementation of agreed actions deriving from scrutiny findings, decisions and recommendations.

79. A full update regarding the PCC's scrutiny activities is provided regularly to the Police and Crime Panel (see further information at paragraph 27).

Governance and Scrutiny Framework

