

WYPCC – Decision Paper

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| Timing: | Pressing. Capability and Capacity Issues – January 2013 |
| Purpose: | For decision/ information |
| Cleared by: | Chief Executive |

SUBJECT OF ADVICE Legacy Reports – Recommended Action & Progress

Summary: To approve the proposed restructure of the Office of Police and Crime Commissioner, the proposed approach to the recommendations in the legacy report of the former Police Authority and the necessary direction and control issues.

Recommendation:

- a) that the actions and plans in respect of the legacy report recommendations are noted (Appendix A) and
- b) that the proposed structure and functional changes for the Office of the Police and Crime Commissioner are approved (Appendix B).

Consideration: A key part of the former Police Authority's transition programme centred on strategic risk and continuity with key pieces of work from the Authority's committees and the capability/capacity of the Office of Police and Crime Commissioner to change from a 17 member-led, committee governance model to that of an elected individual with the responsibilities and functions under the Police Reform and Social Responsibility Act 2011. To mitigate the risk and assist the Commissioner in some early decision-making the Authority asked each of its committees to submit legacy reports highlighting key areas that members believed the Commissioner would need to address once elected. Those legacy reports formed the basis of a paper before the first meeting of the Police & Crime Panel on Friday 14 December 2012.

Appendix A tracks progress and plans in relation to the legacy reports and where they are addressed in a new functional structure. The Commissioner has requested a functional restructure of the former Police Authority governance arrangements in order to address the identified areas of importance and risk, making particular provision for good governance, performance, external relations, financial and strategic asset management and audit. A proposed new structure, based around

fluid and flexible executive groups each reporting to a senior member of the Commissioner's staff, is set out at Appendix B.

In relation to the immediate capability and capacity risks PNLD staff are already providing essential support to the Commissioner's office in managing complaints, correspondence, legal research and planning and it was agreed that their direction and control would transfer from the Chief Constable to the Commissioner from December 2012 to fit within the Commissioner's Good Governance Group and the management of strategic assets.

Affordability: There are no significant costs associated with the recommendation or plans. The principal capability and capacity considerations of the Office of Police and Crime Commissioner can be addressed by switching direction and control of existing assets and staff without increasing overall cost and possibly reducing costs in the longer-term.

Handling: The legacy reports are publicly available and the proceedings of the Police & Crime Panel also take place in public.

Risks/Legal Opinion: The risks of insufficient capability and capacity of the OPCC are on the transition risk register and require early mitigation. The further risks of insufficient attention to matters formerly covered by committee of the Police Authority are also on the transition risk register. The relevant mitigation activity is shown on the response to the Police & Crime Panel report.

Supporting and dissenting Views: The Commissioner has held several meetings with the T/Chief Constable and Command Team members to consider the strategic changes that will be necessary to help each deliver their respective functions within West Yorkshire. The T/Chief Constable has had close personal involvement with the further considerations and consultation has taken place with key managers and staff. During the transition programme the Chief Executive and Management Team members met with trade unions to agree both the need for significant change in the matters coming under the direction and control of the Police and Crime Commissioner and the process by which any such changes would need to be taken forward.

APPENDICES:

Appendix A – West Yorkshire Police Authority legacy reports

Appendix B – Office of the Police and Crime Commissioner Structure

West Yorkshire Police Authority Legacy Reports

1.1 Key Themes

In addition to the specific recommendations made by the Police Authority's various committees, a number of key overarching themes/ 'asks' were also put forward by Authority Members.

These themes were as follows:

- Continuation of scrutiny, particularly around:
 - The Private Finance Initiative and National Police Air Service
 - Safeguarding and the Strategic Policing Requirement
 - Policing that effects the service the public receives at a local level
 - Specific issues around performance
 - Risk management
 - Resourcing issues (money and people)
 - Appointment of senior statutory officers (Deputy PCC and Chief Constable)
 - Issues relating to standards and conduct
- Improving Public Confidence
- Balancing the budget through the pursuit of organisational change
- Risk management
- Maintaining/ improving performance in the context of reduced budgets
- Keeping West Yorkshire safe
- Working with partners

Current state:

These themes have been picked up within the planning arrangements for the Commissioner's proposed structural changes and relevant policies.

The Commissioner has conducted a review of the structure of the office against the capabilities, capacity and resilience assessments carried out on behalf of the WYPA Transition Board.

The Commissioner has held several early meetings with the Temporary Chief Constable to agree areas where reporting arrangements and responsibilities might be realigned to suit the priorities of the Commissioner and the Force. This work includes planning to move to more accessible premises in Wakefield City Centre and new organisational structure which will be posted on the Commissioner's website in due course.

1.2 West Yorkshire Police Authority

The Police Authority's legacy report recommended that the Commissioner:

- (a) Continues to maintain **strategic oversight of the PFI scheme** to ensure the benefits are realised and value for money is obtained
- (b) Takes a proactive role in the **strategic governance of the National Police Air Service** to ensure savings and operational benefits are realised

Current state

Both recommendations are addressed through restructure.

1.3 Audit and Risk Committee

The Audit and Risk Committee recommended that the Commissioner:

- (a) Meets with the Chair of the Independent Audit Committee and Treasurer on a regular basis to **ensure appropriate practices are undertaken**
- (b) Meets with the Chief Constable/ Command Team at least quarterly to **scrutinise Force reports on complaints, police conduct and quality of service**
- (c) Keeps up to date about Force matters in relation to **strategic risk management** (both general and specific)
- (d) Monitors information relating to **novel, contentious and repercussive issues** which are currently under-reported within the Force

Current state

All recommendations addressed through the Audit Committee and restructure

1.4 Capital Programme Oversight Board

The Capital Programme Oversight Board recommended that the Commissioner:

- (a) Ensures the **overall direction of the capital programme** remains aligned with strategic priorities whilst monitoring the progress of key projects -
- (b) Oversees a **refresh of the Estates and IT Strategies**, including estate rationalisation and the national IT infrastructure project -

Current state:

Both recommendations are addressed through restructure

1.5 Local Policing Committee

The Local Policing Committee recommended that the Commissioner:

- (a) Monitors issues such as **hate crime** and the **operation of the independent custody visiting scheme** -
- (b) Regularly **scrutinises the Force's approach to stop and search/** implementation of the Committee's suggested action plan –
- (c) **Assesses the Force's response to the HMIC report** relating to necessary improvements **around anti-social behaviour**, particularly vulnerable and repeat victims -
- (d) **Recognises the public interest in local policing matters** and designs future engagement activity accordingly –

Current state:

All recommendations are addressed through external affairs and performance monitoring within the restructure.

1.6 Resources

The Resources Committee recommended that the Commissioner:

- (a) Meets the Chief Constable/ Command Team regularly to **scrutinise Force reports on spend against budget** and workforce trends

Current state: Addressed through performance monitoring and audit

- (b) **Keeps up to date about Force matters** such as staff satisfaction, health and safety, training and equality and diversity

Current state: Addressed through performance monitoring and audit

- (c) Addresses the issue of the **absence of a Human Resources professional** on the Command Team –

Current state: Addressed by the Commissioner with T/Chief Constable at early Command Team meetings. Will be kept under review.

- (d) Considers the **future governance and management** of the Police National Legal Database and Video Identification Parade Electronic Recording (VIPER.)

Current state:

Addressed through restructure – PNLD staff are already providing essential support to the Commissioner's office in managing complaints, correspondence, legal research and planning and their direction and control transferred from the Chief Constable to the Commissioner in December 2012 to fit within the Good Governance Group and the Management of Strategic Assets. The management of other strategic assets including VIPER in the business services areas of West Yorkshire Police is under consideration and consultation and there will be further changes at the start of the financial year 2013/14.

- (e) Monitors the **impact on the Force budget of reviewing medical pensions**

Current state: Addressed through restructure, performance monitoring and audit.

- (f) Considers mounting a campaign to **press the Government to review the police share of the Proceeds of Crime Act proceeds** –

Current state: Addressed by the Commissioner directly with Home Secretary and ongoing lobbying of central government with support from strategic CJS partners

1.7 Senior Appointments Committee

The Senior Appointments Committee clarified that the Commissioner must:

- (a) Make arrangements for all **employment matters relating to OPCC staff**

Current state: Addressed through restructure.

- (b) Carry out the **annual review of the Chief Constable's locally agreed package**

Current state: Addressed through the recruitment programme for new chief constable.

- (c) **Hold the Chief Constable to account** for his personal actions

Current state: Addressed through reporting arrangements, Scheme of Delegation, weekly meetings and restructure.

- (d) **Oversee ACPO appointments**, including determination of pay and conditions –

Current state: Addressed through restructure

1.8 Specialist Policing Committee

The Specialist Policing Committee recommended that the Commissioner:

- (a) Has regard to **the Strategic Policing Requirement**

Current state: This is a statutory duty on the Commissioner addressed through Police and Crime Plan process and collaboration/regional working

- (b) Conducts a review to ensure the **Safeguarding Strategy is fully implemented**

Current state: Addressed through partnership arrangements and performance monitoring.

- (c) Contributes to the effective management of sexual and violent offenders through **involvement with Multi Agency Public Protection Arrangements (MAPPA.)**

Current state: Addressed through partnership arrangements and performance monitoring.

- (d) Considers his **approach to Counter-Terrorism** and its impact on the Region –

Current state: Addressed through the Police and Crime Plan planning, collaboration/regional working and the Joint Counter T Oversight Group.

1.9 Strategic Planning and Performance Committee

The Strategic Planning and Performance Committee recommended that the Commissioner:

- (a) Continues to **focus on increasing public confidence, improving satisfaction levels and reducing overall crime and burglary –**

Current state: Addressed through partnership arrangements, Police and Crime Plan planning and performance monitoring.

- (b) Addresses the marked **deterioration in the serious sexual offences sanction detection rate** –

Current state: Addressed through partnership arrangements, Police and Crime Plan planning and performance monitoring

- (c) Monitors the **impact of Operation Transform** on performance.

Current state: Addressed through early Command Team and Departmental meetings with the Commissioner, partnership arrangements and Police and Crime Plan planning and performance.

- (d) Scrutinises **HMIC value for money profiles**

Current state: Addressed through early Command Team and Departmental meetings with the Commissioner, partnership arrangements and Police and Crime Plan planning and performance.

- (e) Has regard to the HMIC Police and Crime Monitoring Group which **reviews performance across all forces** –

Current state: Addressed through Police and Crime Plan planning and performance monitoring.

- (f) Monitors the **Youth Crime and Substance Misuse Prevention Grant** (performance and spend)

Current state: Addressed through Police and Crime Plan planning, performance and financial monitoring.

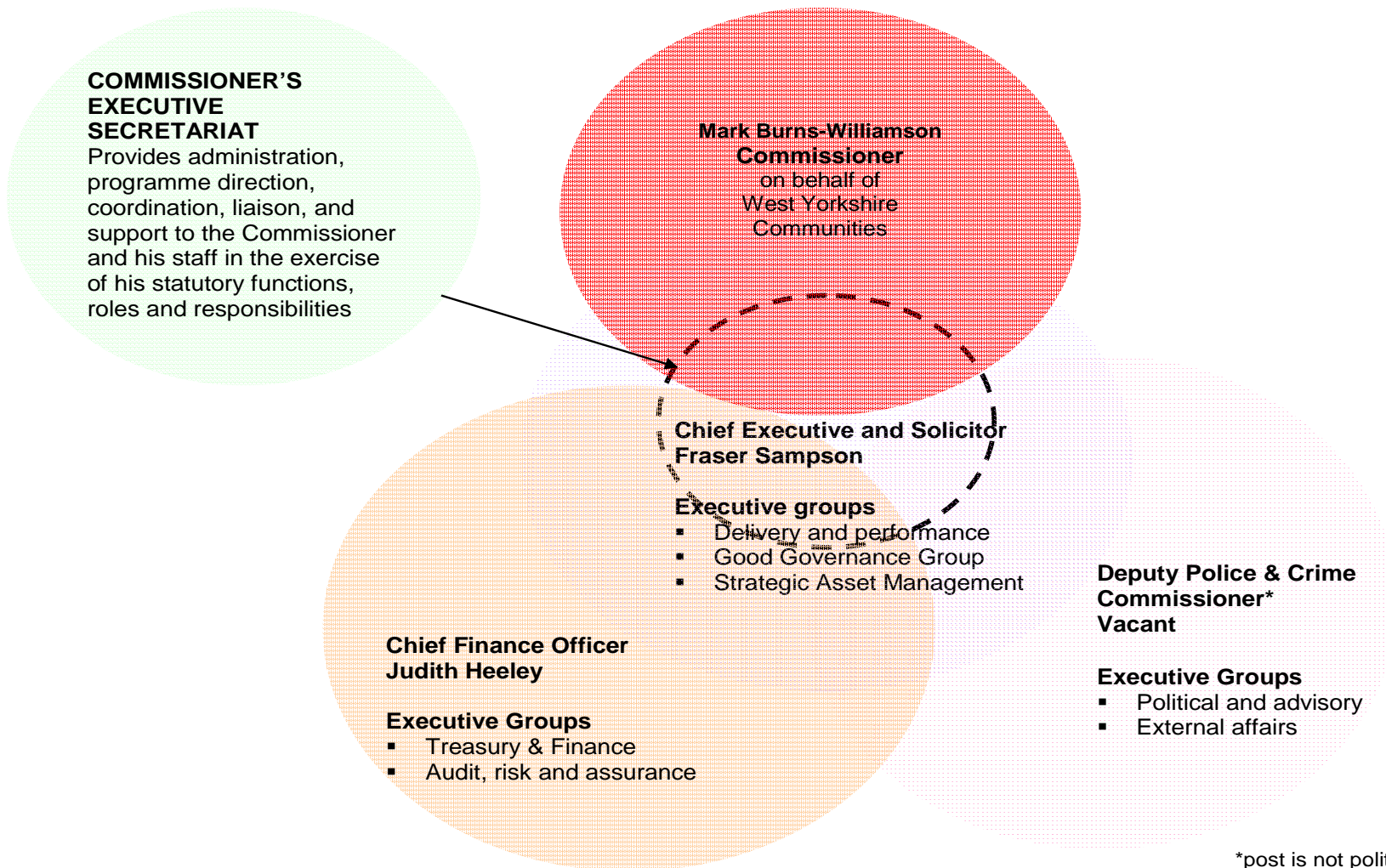
- (g) Addresses the **difference between white and black/ minority ethnic victim satisfaction rates** using the agreed the action plan –

Current state: Addressed through Police and Crime Plan planning and performance management.

- (h) Guarantees public is sufficiently confident that **crimes and incidents are being correctly recorded and appropriately dealt with** (in line with 2011 HMIC Inspection Report) –

Current state: Addressed through early Command Team and Departmental meetings with the Commissioner and performance monitoring.

STRUCTURE OF THE OFFICE OF THE POLICE AND CRIME COMMISSIONER



*post is not politically restricted

COMMISSIONER'S EXECUTIVE SECRETARIAT

Provides administration, programme direction, coordination, liaison, and support to the Commissioner and his staff in the exercise of his statutory functions, roles and responsibilities.

Major functions

Administration, HR & Finance - Maintaining the executive offices of the Commissioner and other key officials, dealing with accommodation, administration, human resources matters (including recruitment, pay, pensions, financial management and control) secretarial support and adherence to all freedom of information, data protection and security matters.

Management information & Research - Developing and maintaining management information necessary for monitoring the performance of the police and the Commissioner's office against statutory functions, objectives, goals and priorities, providing environmental scanning, collation and evaluation of trends, patterns and emerging themes using all relevant sources of data and information.

Materials and reports - Assuring that materials in support of recommendations presented for the Commissioner's consideration and those requested by the Police and Crime Panel are comprehensive, accurate, fully discussed and encompass the issues involved.

Correspondence control - Providing correspondence control and general administrative functions for the Commissioner, controlling and processing all official correspondence directed to the Commissioner. Developing and operating tracking systems to identify and resolve early warnings and bottleneck problems with executive correspondence and administration.

DELIVERY AND PERFORMANCE, GOOD GOVERNANCE AND STRATEGIC ASSET MANAGEMENT EXECUTIVE GROUPS

DELIVERY & PERFORMANCE

Major functions:

- **Performance monitoring** - Monitoring the performance of the police, partners, and the Commissioner's office against the Commissioner's Community Outcomes Framework. Setting and monitoring performance against specific objectives, goals and priorities set out in the Police and Crime Plan taking particular account of those matters set out in the legacy reports provided to the Commissioner by the West Yorkshire Police Authority.
- **Organisational learning** - Providing feedback to the force, partners and the Commissioner in relation to lessons learned, areas of risk in performance and trend analysis and building into the strategic planning cycle.
- **Providing grants or commissioning** of service/partner delivery against the Commissioner's Community Outcome Framework and Police and Crime Plan

GOOD GOVERNANCE

Major functions:

- **Governance and Compliance** – Ensuring the effective and efficient working of the new legislative framework and compliance with all statutory obligations and responsibilities.
- **Monitoring Officer functions** - Assisting the Monitoring Officer to discharge the functions of that role under the provisions of the Local Government and Housing Act 1989¹.
- **Legal Services** – Overseeing litigation handling, dispute resolution and discharging the role of general counsel¹.
- **Ensuring compliance and promoting integrity** - Ensuring ethical compliance, promoting values and behaviours set out in the Nolan Principles for standards in public life. Controlling and monitoring litigation affecting or involving the policing of West Yorkshire, ensuring relevant lessons are learned and picking up any conduct compliance matters from the Police Reform Act 2002 in accordance with the recommendations of the Legacy Report of the West Yorkshire Police Authority's Audit & Risk Committee¹. Promoting accountability, integrity, compliance and ethical standards across the work of the Office of the Commissioner and the police. Ensuring Section 151 compliance.

STRATEGIC ASSET MANAGEMENT

Major function:

- **Managing strategic assets** - Ensuring that all assets owned by the Commissioner on behalf of communities (including estate, intellectual property rights and surplus generated by business activity) are managed and operated in accordance with the Commissioner's Scheme of Delegation and in a way that maximises their potential and provides the best outcomes for the communities of West Yorkshire. To include particular responsibility for National Police Air Service (NPAS) – ensuring the appropriate governance and compliance arrangements for the Lead Local Policing Body (the Police and Crime Commissioner for West Yorkshire) NPAS are in place and functioning effectively and efficiently under the terms of the s.22A Agreement.

EXTERNAL AFFAIRS EXECUTIVE GROUP

Major functions:

- **Developing and implementing policy** – Developing and implementing strategic policies that meet the Commissioner's Community Outcomes Framework in a timely, cost effective way that is responsive to the strategic priorities and needs assessments of partners.
- **Conducting active research** – Providing professional research capability to inform strategic planning and commissioning in a way that is responsive to the needs of partners. Identify and utilise opportunities for collaborative working with organisations conducting/funding research to contribute to the OPCC evidence base and to inform wider knowledge and understanding of policing, community safety, criminal justice system, victims, witnesses and offenders.
- **Advice, support and representation: external communications** - Advising supporting and representing the Commissioner and other key officials on all communications with the media, the Police and Crime Panel, representative bodies, local and central government, communities, partners and the general public on issues that affect the Commissioner's statutory functions, responsibilities, programmes, projects, strategies, partnerships and initiatives.
- **Advice, support and representation: campaigns, outreach, engagement and partnerships** - Advising supporting and representing the Commissioner in designing, coordinating, delivering and evaluating campaigns, outreach activity, partnerships, community engagement and consultation.
- **Advice, support and representation: public information programmes** – Advising, supporting and representing the Commissioner on all public information programmes; acting as the focal point for disseminating news on the Commissioner's activities and as a liaison with other related public information programmes.
- **Coordinating and implementing external affairs** - Coordinating and implementing external relations policies, programmes and initiatives related to the Police and Crime Plan. Providing public affairs services for the Commissioner in accordance with the Commissioner's communications strategy, including advice and assistance on all media information activities, serving as the focal point for preparing, clearing, and disseminating press releases and other media statements representing the Commissioner's policy and responding to media inquiries; maintaining liaison with news media. Establishing policy for and coordinating all media information activities, including media requests, news interviews and responses to inquiries; preparing position and policy statements for use by Commissioner's staff in responding to media questions; tracking issues of potential importance and impact.
- **Planning and development** - Planning, developing, implementing and monitoring policy and programmes on media relations and community information and engagement programmes.
- **Casework** – Representing the Commissioner and assisting in handling individual casework including coordinating and servicing surgeries in the community.

FINANCE AND TREASURY AND AUDIT, RISK AND ASSURANCE EXECUTIVE GROUPS

FINANCE AND TREASURY:

Major functions:

- **Finance** ensuring proper financial administration and regularity, probity and Value for Money in the use of public funds; providing advice to the Commissioner on financial matters; advising on budget and precept including the statutory report on robustness of estimates and adequacy of reserves; ensuring production of the statutory accounts; advising in consultation with the Chief Executive on safeguarding of assets.
- **Treasury:** securing banking and treasury management, including loans and investments, operating in accordance with CIPFA's Code of Practice.

AUDIT, RISK AND ASSURANCE

Major functions:

- **Internal audit service** - Providing the internal audit service for the Commissioner and the Chief Constable in accordance with the agreed Audit Plan. Discharging the Commissioner's statutory responsibilities in relation to effectiveness of the risk management, internal control and governance framework supporting the policing of West Yorkshire.
- Conducting such other assurance, risk and audit activity for other bodies (including the National Police Air Service (NPAS) as may be agreed by the Commissioner in consultation with the Chief Constable.
- **Reporting to Audit Committee** - Providing reports to the independent Audit and Risk Committee as agreed between the Commissioner, the Chief Constable and the Committee Chair.
- **Conducting risk based audits** - Reporting on the effectiveness of controls to manage key risks to achieving policing objectives, providing assurance and agree actions for improvement.
- **Risk management and assurance** – Maintaining appropriate risk management and assurance measures including insurance provision. Reviewing the arrangements and provision for risk management and assurance and using findings to facilitate improvement.
- **Advising change programmes and projects** - Providing assurance to the Commissioner and force management on the effectiveness of programme and project management.
- **Conducting specialist reviews** - Reviewing specialist areas such as procurement, ICT and systems supporting covert activity. Interrogating and analysing key financial systems identifying potential areas of concern and providing assurance to the Commissioner and Chief Constable on the management of high risk/cost and sensitive areas.
- **Evaluating** - Evaluating and reporting on the effectiveness of the management of business and finance risks at a force and regional level.
- **Conducting counter fraud activity** - Pro-active fraud prevention and awareness programmes, investigating potential fraud and abuse and analysing any risk and compliance issues.
- **Advising on risk** - Advising on risk and control issues, contributing to organisational learning and providing assurance on governance arrangements. Maintaining risk register for Commissioner and monitoring the risk management arrangements of the police.