



To: Business Coordination Board

From: Chief Constable and Chief Executive

Date: 22 June 2017

SECTION 22A COLLABORATION AGREEMENT FOR CRIMINAL JUSTICE AND CUSTODY

1. Purpose

1.1 The purpose of this report is to provide the Business Coordination Board (the “Board”) with details of the updated Section 22 Collaboration Agreements for Criminal Justice Department and Custody for the six corporations sole (the Chief Constables of Bedfordshire, Cambridgeshire and Hertfordshire and the Police and Crime Commissioners for Bedfordshire, Cambridgeshire and Hertfordshire) that have formed a Strategic Policing Alliance (the “Alliance”).

2. Recommendation

2.1 The Board is recommended to approve the signing of the S22A Agreement to update the existing Section 22 Agreement for Criminal Justice and Custody.

2.2 The Police and Crime Commissioner (“the Commissioner”) signs the Decision Notices to sign the S22A Agreement to approve the updated Section 22A Agreements for the ongoing collaboration of Criminal Justice and Custody.

3. Background

3.1 Sections 22A and 23 Police Act 1996 (as amended) (the “Act”) enable the Chief Officers of one or more police forces and two or more policing bodies to make an Agreement relating to:

- *the discharge of functions of the members of the Chief Officer’s forces (“force collaboration provision”) and for such other provision as shall be referred to in this agreement. “Functions” comprise all and any of the powers and duties of police forces, and/or*
- *the provision about support by a policing body for the police force which another policing body is responsible for maintaining (“policing body and force collaboration provision”). “Support” includes the provision of premises, equipment, staff, services and facilities.*

Provided that:

- *the Chief Officers think that such an agreement is in the interests of the efficiency or effectiveness of one or more police forces, and*
- *the policing bodies think that the agreement is in the interests of the efficiency and effectiveness of one of or more policing bodies or police forces.*

3.2 Through the 2011 Police Reform and Social Responsibility Act (Section 89) the presumption is now in favour of collaboration, i.e. joint working should be taken forward where in the opinion of chief officers or policing body collaboration delivers greater efficiency or effectiveness.

4. Criminal Justice

4.1 Criminal Justice collaboration is being delivered in two phases. Phase 1 dealt with all those functions which are not affect by the implementation of the Athena investigation management system. Details of the business case for phase 1 were reported to the Commissioners Business Coordination Board in March 2016 and implemented in April 2016.

4.2 At a meeting of the Bedfordshire, Cambridgeshire and Hertfordshire (BCH) Chief Officers on the 31st May 2017, the Chief Officers requested that an updated Sec 22 agreement be drafted incorporating the amendments required for the phase 2 implementation. Phase 2 deals with those functions which are directly affected by Athena and will be implemented in June -2017.

4.3 The SMT will also take responsibility for managing, where appropriate, the local Force services which have been considered for collaboration in Phase 2 (June 2017) as per the table below and the Section 22 has been revised.

Function	Key function and/or Service
<div data-bbox="320 409 667 555" style="border: 1px solid blue; border-radius: 15px; background-color: #4a7ebb; color: white; padding: 10px; text-align: center;"> Administration of Justice (Phase 2) </div>	<ul style="list-style-type: none"> • The provision of all functions across BCH relating to the administration and progression of contested and non-contested criminal cases at Magistrates and Crown Courts, from the point of charge or presentation of a case for summons/postal charging requisition. This includes the Crown Court File Preparation Team in Herts and the Crown Court Liaison Officers in Beds and Herts (these functions are not provided in Cambs). • The administration processes relating to management of Conditional Cautions
<div data-bbox="331 925 678 1048" style="border: 1px solid blue; border-radius: 15px; background-color: #4a7ebb; color: white; padding: 10px; text-align: center;"> Witness Care (Phase 2) </div>	<ul style="list-style-type: none"> • The provision of services to support Victims and Witnesses (police and civilian) in Beds and Herts during the progression of a case through the court process and specifically the co-ordination required to enable witnesses to give evidence at trial. • The provision of effective links with Victim Service providers working with the OPCCs to ensure that a seamless service is provided from initial contact throughout the CJ process and particularly for the most vulnerable victims.
<div data-bbox="331 1238 678 1384" style="border: 1px solid blue; border-radius: 15px; background-color: #4a7ebb; color: white; padding: 10px; text-align: center;"> Any Other related CJ functions (Phase 2) </div>	<ul style="list-style-type: none"> • Supporting the efficient progression of cases in Beds and Herts at Luton and St Albans Crown Courts. (There is no current provision within Cambridgeshire)

1.0 Custody

5.1 The Outline Business Case (OBC) for collaboration of Custody was approved at the Strategic Alliance Summit on 24th June 2015 with the Full Business Case (FBC) approved on 13th October 2015. Details of the business case for phase 1 were reported to the Commissioners Business Coordination Board in March 2016.

5.2 Amendments to phase 2 of the agreement include the review of the financial protocol relating to the Custody functions and include:

- Joint BCH Custody teams have now been established in the form of SMT and the Policy Team and it is only these functions that will be subject to pooling of funding.

5.3 The cost apportionment for the aforementioned functions will be based on a split of Net Revenue Expenditure (with a no-loser principle) and Efficiency applied where

applicable at dates agreed with the Chief Finance Officers of the Six Corporations Sole. All other staffing (e.g. Local Inspectors, Sergeants and DO's) and non-pay costs (e.g. catering etc.) will not be apportioned; costs incurred being funded by individual courses.

- 5.4 Cost apportionment will be based on a combination of net Revenue Expenditure and demand for Custody functions based upon the following principles:
- Each Police and Crime Commissioner and Chief Constable will agree their individual medium term resource plans
 - Future apportionment should be fair and equitable
 - The apportionment formula must have the ability to be scalable to allow for the future collaboration with regional forces
 - Demand data will be improved over the medium-term

6. Recommendation

- 6.1 The Board is recommended to approve the signing of the S22A Agreement to update the existing Section 22 Agreement for Criminal Justice and Custody.
- 6.2 The Commissioner signs the Decision Notices to sign the S22A Agreement to approve the updated Section 22A Agreements for the ongoing collaboration of Criminal Justice and Custody.

BIBLIOGRAPHY

Source Documents	Draft Sec 22A agreements as discussed at the BCH Strategic Alliance 31 st May 2017 BCB Sec 22 Collaboration agreement Criminal Justice and Custody 30th March 2016
Contact Officer	Dorothy Gregson, Chief Executive, Office of the Police and Crime Commission