

PCC Candidate Briefing session, 17th March 2021

Questions arising from Candidates:

Overarching legislation – slide 2

This relates to the context of the Police Reform and Social Responsibility Act 2011 (PRSA), whereby *'a person who is a police and crime commissioner has no personal liability for an act or omission done by the person in the exercise of the commissioner's functions unless it is shown to have been done otherwise than in good faith'*.

As a Police and Crime Commissioner is a member of the Police ICT Company, are they personally liable for their actions and not protected by the PRSA?

Not entirely sure, might be one for the lawyers, I would think if they acted in accordance with the provisions of the PRSA in respect of acting in good faith, then they should be protected.

In what capacity do Police and Crime Commissioner's enter into S22A Agreements under the Police Act 1996 (as amended)?

A PCC is a legal entity - a corporation sole. Through the governance framework, including the Decision Making Policy, there are measures in place to enable robust scrutiny and explanation for decision making, such as the rationale for entering into S22A collaboration agreements.

OPCC Arrangements, Structure – slides 3, 4 and 12

All OPCCs have different staffing arrangements, what other posts would the Cambridgeshire office require to plug any gaps in service delivery?

It is difficult to compare OPCC offices across the country in terms of staffing structure and delivery. The OPCC recognises, and is acutely aware, that for any money spent on the OPCC staffing and budget is then less money that the Chief Constable receives in his budget for the Constabulary. The OPCC staffing model has not radically changed over the last few years albeit some additional posts have been added, but going forward it will be dependent on such things as the new Commissioner's policy and engagement ambition, and the requirements arising from the Home Office's PCC Review. A further post in the Senior Management Team is required (to be found within the existing budget) to mitigate the impact of the removal of the Deputy C/Exec post.

Is the Superintendent within the OPCC a secondment from Cambridgeshire Constabulary or paid for by the OPCC?

The Constabulary pays for this post, albeit for most of the year the occupant has been working on the Constabulary's covid response.

Are all OPCC staff vetted?

All OPCC staff are compliant with the required vetting standards.

Who is the OPCC's solicitor?

The OPCC has an outsourced arrangement with a firm of legal providers. The OPCC also has a zero-hours contract arrangement whereby advice can be sought regarding any complex or novel FOI requests or complaints. The Constabulary are also establishing their own legal department.

What we do – slide 5

How is contract performance monitoring undertaken?

The OPCC undertake its own contract management and monitoring for its commissioned services. The Constabulary also contract manage services provided to them (regardless of who signs the contract).

Supporting Partnerships – slide 7

Which of the partners listed on the 'Supporting Partnerships' slide are statutory and non-statutory partners?

The Safeguarding Children and Adults partnership and the Community Safety Partnership are statutory. However, those partnerships such as the Reducing Reoffending Board, whilst not a statutory requirement, are arguably required to be in place in order to contribute overall to an effective criminal justice system. Another example, is the Vision Zero Partnership, which is a countywide road safety strategy. Whilst this is not a statutory partnership, the current Acting Police and Crime Commissioner recognises that road safety is a key priority.

The OPCC has been considering their position regarding some of the non-statutory partnerships after the end of the current Acting Commissioner's term and the need to be cognisant of any policy position the new Commissioner may wish to adopt in terms of the partnerships they may wish to be involved in during their term.

Enabling functions – slide 9

What are the statistics for complaint reviews for the previous year and are there any themes or trends emerging regarding specific incidents or crimes?

The statutory requirement for the OPCC to undertake complaint reviews came into force in February 2020 so there is data for previous years. Of the 36 complaint reviews undertaken since February 2020 to date, no particular themes or trends relating to incidents or crime have emerged. In the main, what is emerging is that some requestors wish for a review of how the Constabulary handled the initial incident or crime which then led to a complaint being made. However, the legislation does not allow the OPCC to get involved in directing the Constabulary in operational policing matters such as seeking a reinvestigation of an incident or crime.

Who undertakes the complaint reviews?

A member of staff in the OPCC undertakes the reviews in accordance with legislation and statutory guidance.

Office arrangements – *slide 12***As the OPCC shares the Constabulary's IT systems, what is the process if the IT acceptable use policy is not followed?**

The OPCC's Chief Executive would apply the IT policy in the same way as the Chief Constable would in respect of the Constabulary.

Police and Crime Panel – *slide 14***If the Police and Crime Panel had more money what would they have to do more of?**

Response by the Panel Chair - The ability to have more resources to do more research and report writing would be beneficial. This would enable the Panel to be more informed on matters such as national issues and in identifying areas to be able to support and scrutinise the Commissioner on. Whilst Panel meetings have been held virtually for the past year due to Covid, and consequently no travel expenses incurred, there is no provision to carry over any surplus budget into a subsequent financial year to fund any further resource.