

Norfolk Police and Crime Panel



Date: **8 October 2015**

Time: **10am**

Venue: **Cranworth Room, County Hall, Norwich**

Persons attending the meeting are requested to turn off mobile phones.

Membership

Main Member	Substitute Member	Representing
Mr William Richmond	Mr Mark Robinson	Breckland District Council
Mr Fran Whymark	Mr Roger Foulger	Broadland District Council
Ms Katy Stenhouse	Ms Kay Grey	Great Yarmouth Borough Council
Mr Brian Long	Mrs Elizabeth Nockolds	King's Lynn and West Norfolk Council
Mr Alec Byrne	Michael Chenery of Horsburgh	Norfolk County Council
Mr Terry Jermy	Mr Mick Castle	Norfolk County Council
Mr Brian Hannah	Mr James Joyce	Norfolk County Council
Mr Richard Shepherd	Mr Nigel Dixon	North Norfolk District Council
Mr Keith Driver	Mr Paul Kendrick	Norwich City Council
Dr Christopher Kemp	Mr Robert Savage	South Norfolk Council
Ms Sharon Brooks	(no substitute member)	Co-opted Independent Member
Mr Alexander D Sommerville, CPM	(no substitute member)	Co-opted Independent Member

**For further details and general enquiries about this agenda
please contact the Committee Officer:**

Anne Pickering on 01603 223029
or email committees@norfolk.gov.uk

A g e n d a

- 1. To receive apologies and details of any substitute members attending**
- 2. Declarations of Interest**

Norfolk County Council and Independent Co-opted Members

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter. It is recommended that you declare that interest but it is not a legal requirement.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a **Disclosable Pecuniary Interest** you may nevertheless have an **Other Interest** in a matter to be discussed if it affects:

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater extent than others in your ward.

If that is the case then you must declare such an interest but can speak and vote on the matter.

District Council representatives will be bound by their own District Council Code of Conduct.

- 3. To receive any items of business which the Chairman decides should be considered as a matter of urgency**

- 4. Minutes** Page **4**
To confirm the minutes of the meeting held on 28 July 2015.
- 5. Public questions**
No questions were submitted for a response at this meeting.
- 6. Police and Crime Plan for Norfolk 2014-16: progress and performance monitoring of commissioned services** Page **11**
To consider the progress and performance of services being commissioned by OPCCN.
- 7. Police Integrity Reforms** Page **34**
To consider an update on the Home Office proposals for Police Reform.
- 8. Procedure for public questions** Page **92**
To review the procedure for public questions.
- 9. Information bulletin – questions arising to the Commissioner** Page **96**
To hold the Commissioner to account for the full extent of his activities and decisions since the last Panel meeting.
- 10. Work Programme** Page **132**
To review the proposed work programme.

Date Agenda Published: Wednesday 30 September 2015

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Norfolk Police and Crime Panel

**Minutes of the Meeting held on Tuesday 28th July 2015 at 10.00 a.m.
Edwards Room, County Hall, Norwich**

Main Panel Members Present:

Mr Alec Byrne	Norfolk County Council
Mr Brian Hannah	Norwich City Council
Dr Christopher Kemp	South Norfolk Council
Mr Paul Kendrick	Norwich City Council
Mr Brian Long	King's Lynn and West Norfolk Council
Mr William Richmond	Breckland Council
Mr Richard Shepherd	North Norfolk District Council
Ms Katy Stenhouse	Great Yarmouth Borough Council
Mr Fran Whymark	Broadland District Council

Officers Present

Mr Greg Insull	Assistant Head of Democratic Services
Mrs Jo Martin	Democratic Services and Scrutiny Support Manager

Others Present

Mr Stephen Bett	Police and Crime Commissioner for Norfolk
Ms Sharon Lister	Performance and Compliance Officer, Office of the Police and Crime Commissioner for Norfolk (OPCCN)
Mr Mark Stokes	Chief Executive, OPCCN

1. To receive apologies and details of any substitute members attending

- 1.1 The Panel noted that the following changes in membership had been made since the agenda had been published: Mr Fran Whymark had been appointed the main member for Broadland District Council, replacing Mr Ian Graham, and Mr Paul Kendrick had been appointed the Substitute Member for Norwich City Council.
- 1.2 Apologies received from Mr T Jermy, Mr M Castle, Mr A D

Sommerville, CPM, Ms S Brooks and Mr K Driver (substituted by Mr P Kendrick.)

2. Election of Chairman

2.1 Mr A Byrne was duly elected Chairman of the Police and Crime Panel for the ensuing year.

3. Election of Vice-Chairman

3.1 Dr C Kemp was duly elected Vice-Chairman of the Police and Crime Panel for the ensuing year.

4. Members to Declare any Interests

4.1 No declarations of interest were made.

5. To receive any items of business which the Chairman decides should be considered as a matter of urgency

5.1 None

6. Minutes of the meeting held on 5th April 2015

6.1 The minutes of the meeting held on the 5th April 2015 were confirmed by the Panel as a correct record and signed by the Chairman.

7. Public Questions

7.1 No questions received from the public.

8. Balanced Appointment Objective

8.1 The Panel received the suggested approach from the Scrutiny Support Manager which outlined the balanced appointment objective for the Panel members to consider.

8.2 The Panel **agreed** that a balanced appointment objective had been met.

9. Panel Arrangements and Rules of Procedure – Review

9.1 The Panel received the suggested approach from the Scrutiny Support Manager which outlined the Panel Arrangements and Rules of Procedure for the members to review.

9.2 The Panel discussed the possibility of amending the number of workings days notice required to receive public questions, reducing it from 10 working days to 5 working days before an ordinary meeting of the Panel.

- Dr C Kemp raised the point that if the procedure was relaxed it may encourage more questions from the public.
- Mr B Long felt that the procedure was adequate and there was no need to change the rules.

Dr C Kemp proposed, seconded by Mr W Richmond, that the Scrutiny Support Manager provide a report for the Panel that would outline the options for amending the procedure for public questions.

The motion was **carried** with 5 votes **For** and 2 **Against**.

9.3 The Panel **RESOLVED** to:-

- 1) Endorse the existing Panel Arrangements.
- 2) Endorse the existing Rules of Procedure, pending an amendment to the scheme for public questions following a report to be considered at next meeting.
- 3) Endorse the detailed guidance for handling complaints about the conduct of the Commissioner or his Deputy.
- 4) Agree that Dr C Kemp should continue as one of the nominated Panel members who would be involved with the handling of complaints about the conduct of the Commissioner or his Deputy, and that the current independent members should also be invited to continue as nominated Panel members in this role.

10. Appointment of co-opted independent member

10.1 The Panel received the report which asked the Panel to consider and approve the recommendation of the selection panel to appoint Mr Alexander D Sommerville CPM to the vacant post of co-opted independent member.

10.2 The Chairman commented that there had been a high calibre of applicants for the co-opted independent member role.

10.3 The Panel **agreed** to approve the recommendation of the selection panel to appoint Mr Alexander D Sommerville CPM to the vacant post of co-opted independent member for the 4 year term to July 2019.

11. Review of the Commissioner's 2014-15 Annual Report

11.1 The Panel received the suggested approach from the Scrutiny Support Manager which asked the Panel to review the Police and Crime Commissioner for Norfolk's draft Annual Report for 2014-15.

11.2 The Commissioner outlined his report for the Panel with the following key points:-

- The three main objectives for reducing crime and disorder in our county were,
 - 1) Reducing priority crime, anti-social behaviour and reoffending
 - 2) Reducing vulnerability, promoting equality and supporting victims
 - 3) Reducing the need for service through preventative and restorative approaches and more joined-up working with partners, protecting the availability of frontline resources
- The achievements against those objectives over the last 12 months included:

- 1) Crime in Norfolk remained low compared to the rest of England and Wales and the Constabulary achieved an 'outstanding' rating by Her Majesty's Inspectorate of Constabularies in November 2014
 - 2) ASB continued to reduce and HMIC had rated the Constabulary 'good' in November 2014
 - 3) Reoffending rates were also down, with the Constabulary's investigation of offending assessed as 'good' by HMIC in November 2014
- There were significant financial pressures facing policing but the key to overcoming these pressures was to invest in innovation and work collaboratively with other PCC's, other police forces and other local partners such as HMP Norwich.
 - The Commissioner had welcomed the changes proposed in The Police Reform and Criminal Justice Bill which would increase the role of the PCC in police complaints and discipline and the Commissioner's office was already looking at models for adopting a process for handling police complaints.

11.3 During the discussion the following points were raised:-

- Partnership working with the local mental health trust had proven to be very effective in reducing demand on officer time and ensuring that people in mental health crisis had access to the help they needed. However, these cases took up a great deal of resource and further joined-up work was needed. He hoped to meet with ministers early next month to propose an innovative plan that might help to address this.
- While further collaborative working was seen as the key for the future of policing, this would be unlikely to be achieved until after the Police Commissioner elections next year.
- The commissioning of services through the OPCCN had brought together local groups and organisations to support the Commissioner's priority areas, reduce duplicate services and help make resources go further. The Commissioner had been very impressed with the organisations that had put in bids, and as long as they continued to meet the agreed set objectives he had said up front that they would continue to receive funding throughout his term of office. A further report providing an update on this activity would be brought to the October meeting.
- Regarding a query raised around the increase in KSI (Killed and Seriously Injured) numbers and the numbers of Serious Sexual and Violent Offences the Performance and Compliance Officer of OPCCN advised that the data could be misleading. The increase in KSI incidents was a result of an increase in seriously injured not fatal incidents. The increase in pedestrian and cyclist incidents could be down to an increase in cyclists on the road rather than the roads being more dangerous. (Information regarding these figures had been passed to the Road Casualty Reduction Partnership Board to look into further). The recording principles for violent crime had changed and this had led to the increase in these figures. OPCCN noted

that the public needed to be made aware of how the statistics could be effected by changing definitions. The Commissioner advised that this sort of detail was covered at Police Accountability Forum meetings, at which the Commissioner holds the Chief Constable to account for performance against set objectives. He emphasised that these were public meetings and encouraged Panel Members to attend.

- Switching off street lights had not resulted in an increase in crime.
- It was confirmed that a male Independent Domestic Violence Advocate was available to support male victims of domestic violence, through the services commissioned from local charity Leeway.
- Another round of bids was due for the £5m grant from the Home Office regarding Child Sex Abuse; the Commissioner was waiting for the criteria to be provided by the Home Office.
- The Commissioner praised his office for the hard work put into sorting through the bids for the Home Office grants.

11.4 The Panel **RESOLVED** to endorse the Police and Crime Commissioner for Norfolk's draft Annual Report.

12. Norfolk Police and Crime Panel funding

12.1 The Panel received the suggested approach from the Scrutiny Support Manager which outlined the expenditure for the Panel for 2014-2015 and suggested possible options for the grant allocation of 2015-2016.

12.2 Dr C Kemp asked the Panel consider the proposal from Frontline Consulting, outlined in the report, to set up an 'Eastern Region' Police and Crime Panel network. For the price of £500 per annum, Frontline Consulting would convene two meetings a year at which panels could share information and discuss opportunities for collaborative scrutiny. The Panel would also receive additional support and discounts on training and conferences.

12.3 The Panel **RESOLVED** to:

- Endorse the 2014-15 expenditure.
- Agree the suggested approach for meeting the 2015-16 'transparency requirement' (at paragraph 3.3).
- Endorse the previously agreed process for approving member attendance at external training events (at paragraph 4.2).
- Agree to see whether other councils wished to participate in Frontline Consulting's proposal for an Eastern Region and/or Sub-Regional PCP Network before agreeing whether to join.

13. Complaints Monitoring Report

13.1 The Panel received the suggested approach from the Scrutiny Support Manager that outlined the regular monitoring report which provided an update on the number of complaints that had been received and dealt with.

- 13.2 The Panel were informed that since the report had been produced, complaint number 9 had been found to be unsubstantiated and no further action would be taken.
- 13.2 Dr Kemp reminded the Panel that it had raised concerns with the Home Office over the length of time taken regarding complaint number 3 that had been referred back to the IPCC. The Chairman had received a response from the then Minister which acknowledged resourcing issues. The Performance and Compliance Officer at OPCCN also advised that at a recent conference regarding future changes to the process for police complaints, the IPCC recognised there was a backlog with dealing with complaints and had responded by increasing funding and recruiting more staff to handle this.
- 13.3 The Panel noted the report.
- 14. Information bulletin – questions arising to the Commissioner**
- 14.1 The Panel received the suggested approach from the Scrutiny Support Manager which summarised for the Panel both the decisions taken by the Commissioner and the range of his activity since the last Panel meeting.
- 14.2 The Panel queried the Commissioner's discussion with the Home Secretary regarding police finances. The Commissioner stated that he was concerned that the view from central government seemed to be that any movement towards merging police forces had to be voluntary whereas the Commissioner felt this needed to be a strategic Ministerial decision to be most effective.
- 14.3 The Panel noted the report.
- 15. Forward Work Programme 2015-16**
- 15.1 The Panel received the Forward Work Programme which outlined the suggested items for the Panel to discuss at future meetings.
- 15.2 The Panel **agreed** that the next meeting should be held at Wymondham Police Headquarters, and thanked the Commissioner for his invitation to combine this with an opportunity for new (and existing) panel members to meet his staff and to tour the Constabulary Headquarters.
- 15.3 The Panel noted the Forward Work Programme with the above amendments.

The meeting closed at 11:20am.

CHAIRMAN



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**Police and Crime Plan for Norfolk 2014-16: progress and performance
monitoring of commissioned services**

Suggested approach from Jo Martin, Scrutiny Support Manager

The Panel is recommended to:

- 1) Consider the range of services being commissioned by the Office of the Police and Crime Commissioner for Norfolk (OPCCN) and their impact on the delivery of the Police and Crime Plan for Norfolk, and;
- 2) Agree what recommendations (if any) it wishes to make to the Commissioner.

1. Background

- 1.1 The Police and Social Reform Act 2011 (“the Act”) requires the Police and Crime Commissioner (“the Commissioner”) to issue a Police and Crime Plan (“the Plan”) within the financial year in which the election is held.
- 1.2 The Police and Crime Plan should determine, direct and communicate the Commissioner’s priorities during their period in office and must set out for the period of issue:
 - a) The Commissioner’s police and crime objectives for the area, including the strategic direction over the period for which the Commissioner has been elected and including:
 - Crime and disorder reduction in Norfolk
 - Policing within Norfolk
 - How Norfolk Constabulary will discharge its national functions.
 - b) The policing that the Chief Constable will provide;
 - c) The financial and other resources which the Commissioner will give the Chief Constable in order that they may do this;
 - d) How the Commissioner will measure police performance and the means by which the Chief Constable will report to the Commissioner.
 - e) Information regarding any crime and disorder reduction grants that the Commissioner may make, and the conditions (if any) of those grants
- 1.3 Prior to publication of the Plan, the Commissioner must: consult with the Chief Constable in preparing the Plan; obtain the views of the community and victims of crime on the draft Plan; send the draft Plan to the Police and Crime Panel (“the Panel”); have regard and provide a response to any report or recommendations made by the Panel.
- 1.4 The Commissioner may vary an existing plan or issue a new one at any time,

and the frequency with which this is done should be determined on the basis of local need. Any variations should be reviewed by the Panel.

2. Suggested approach

- 2.1 The Panel considered the progress being made by the Commissioner towards delivering the strategic objectives set out in the current Police and Crime Plan 2014-16, refreshed in January 2015, when it reviewed the Commissioner's Annual Report on 28 July 2015.
- 2.2 During discussion, the Panel noted that the commissioning of services through the Commissioner's office had brought together local groups and organisations to support his priority areas, reduce duplicate services and help make resources go further. The Commissioner said that he had been very impressed with the organisations that had put in bids, and as long as they continued to meet the agreed set objectives they would continue to receive funding throughout his term of office. It was agreed that a further report providing an update on this activity should be brought to the Panel's October meeting, to give the Panel an opportunity to consider in more detail the performance of the commissioned services and their impact on delivery of the Police and Crime Plan.
- 2.3 The Commissioner has provided a report outlining the range of services commissioned by his office, their impact on the delivery of his Police and Crime Plan, as well as demonstrating how they relate to OPCCN's Commissioning Strategy. This is attached at **Annex 1**.
- 2.4 The Police and Crime Commissioner for Norfolk will attend the meeting to answer the Panel's questions and will be supported by his deputy and members of his staff.
- 2.5 After the Commissioner has presented his report, the Panel may wish to question him on the following areas:
 - a) The range of services being commissioned across each of the Norfolk Police and Crime Plan's four priority themes.
 - b) How the Commissioning Strategy is ensuring the better co-ordination across the public, private, voluntary and community organisations working in these areas.
 - c) How the Commissioning Strategy is improving service delivery, identifying gaps and avoiding duplication.
 - d) How the performance of commissioned services is monitored and managed, to ensure that the desired outcomes are being achieved.
 - e) The progress being made towards reducing demand for services.
 - f) How the commissioned services for victims are helping individuals cope and recover from their experiences.

- g) How the commissioned services are supporting Norfolk's most vulnerable people, including those who have experienced domestic abuse or sexual violence.
- h) How the commissioned services are improving support for people with mental health issues and/or drug and alcohol problems.
- i) How the commissioned services are reducing offending and victimisation.
- j) How the commissioned services are delivering early intervention and prevention of crime.

3. Action

3.1 The Panel is recommended to:

- 1) Consider the range of services being commissioned by the Office of the Police and Crime Commissioner for Norfolk (OPCCN) and their impact on the delivery of the Police and Crime Plan for Norfolk, and;
- 2) Agree what recommendations (if any) it wishes to make to the Commissioner.



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OPCCN Commissioning Report

Dr Gavin Thompson – Senior Policy and Commissioning Officer

The Panel note the range of services commissioned by the Office of the Police and Crime Commissioner for Norfolk (OPCCN) and acknowledge the impact these services have to deliver the objectives of the Police and Crime Plan and OPCCN Commissioning Strategy.

1. Background

1.1 Since 2014 the OPCCN has taken responsibility from the Ministry of Justice (MOJ) for the commissioning locally of specialist and non-specialist services for victims.

1.2 The MOJ have devolved £929k of funding to the OPCCN to:

- provide emotional and practical support services for victims of crime
- provide restorative justice services
- provide practical support measures to help victims cope and as far as possible recover from the harm experienced
- provide emotional and practical support services for family members
- emotional and practical support services for victims of sexual violence and domestic violence
- build the capacity and capability of providers of services from the voluntary and community sector
- cover any associated costs that arise in the process of commissioning/provision of victims' services.

1.3 In addition to commissioning victim's services, the Police and Crime Commissioner (PCC) has authority to award grants to support organisations and projects to reduce crime and disorder in Norfolk. The awarding of grants and the associated budget are integral to the OPCCN Commissioning Strategy.

2. OPCCN Commissioning Strategy 2014-16

2.1 The OPCCN Commissioning Strategy, which is based on a comprehensive needs assessment and aligned to the Police and Crime Plan, sets out the OPCCN's commissioning priorities and intentions across four themes...

1. Victims and Witnesses.
2. Domestic Abuse and Sexual Violence.
3. Mental Health, Drugs and Alcohol.
4. Rehabilitation.

- 2.2 The OPCCN Commissioning Strategy is enabled by a budget of approximately £2m, comprised of a £929k grant from the MOJ and £1.12m from the OPCCNs base budget.
- 2.3 Since 2012, the PCC has commissioned a range of services across all four commissioning themes and to more general community safety services.
- 2.4 The size and length of the funding agreements with providers vary, dependent upon the purpose of the funding, the nature of the service/project being commissioned and the desired outcomes. The largest contracts/grants are as follows...

Service/Provider	Length of Contract/Agreement	Value
Victims' assessment, referral and support services/Victim Support	3 years (+2)	£350kpa
Independent Domestic Abuse Advocates/Leeway	3 years (+2)	£350kpa
Norfolk Youth Offending Team	3 years	£112kpa

- 2.5 Regardless of the size and length of agreement, all contract/grant agreements/service level agreements held with providers/Norfolk Constabulary are reviewed and performance managed against an agreed set out output/outcome criteria and payment is based achievement of these throughout the lifetime of the contract/grant agreement.

- 2.6 An overview of the outputs/outcomes of OPCCN commissioning activity by theme and individual contracts/agreement is set out below. From hereon this will be updated quarterly and reported to the Police and Crime Panel.

3. Victims and Witnesses

Service	Commissioned/ Start Date	Outputs/Outcomes
Victim Support – Victims Assessment, Referral and Support Services	2015/16	Quarter 1 Data <ul style="list-style-type: none"> ○ 907 referrals made. ○ 506 telephone call attempts. ○ 304 successful calls. ○ 36 victims have received support.
Norfolk Pact – target hardening for victims of crime	2013/14 - 2015/16	01/10/14 -31/01/2015 <ul style="list-style-type: none"> ○ 101 customers, who are victims or a range of offences, dwelling burglary, theft and domestic violence. ○ 226 Target hardening measures have been actioned, including, locks, security lighting, smoke alarms, window locks.
Victim Support - Restorative Justice Hub Norfolk	2014/15 – 2015/16	August 15 – August 16 <ul style="list-style-type: none"> ○ Service start up and development. ○ Awareness raising with police and partners. ○ 106 referrals. ○ 5 restorative justice interventions.
Victim Support – Online Panel	2014/15 – 2015/16	<ul style="list-style-type: none"> ○ Engagement on PCC policy and budgetary decisions.

4. Domestic Abuse and Sexual Violence

Service	Commissioned/ Start Date	Outputs/Outcomes
Leeway – Independent Domestic Abuse Advocate (IDVA) Service – Provides 1:1 support throughout Norfolk for High Risk Domestic Abuse Victims	01/04/2015-31/03/2018	<ul style="list-style-type: none"> ○ Recruited and trained 10 x IDVA's including Specialist Court IDVA. ○ 1150 Cases supported by IDVA's during 2014/15. ○ Attended all Multi Agency Risk Assessment Conferences (MARAC) (4 per month, held in Norwich (2), Great Yarmouth and King's Lynn). ○ Supported Norfolk Constabulary in delivering 30 Claire's Law Disclosures (victims right to ask and right to know).
Leeway – General Practitioner (GP) Training	01/01/2014-31/03/2015	<ul style="list-style-type: none"> ○ Delivered specialist, one hour domestic abuse awareness training sessions to 116 GP Practices across Norfolk reaching more than 1300 attendees, all of which were medical staff, including GP's.
Sue Lambert Trust (SLT) <ul style="list-style-type: none"> ○ Refurbishment of St Julian House ○ Short Term Closed Counselling 	01/04/2014-31/03/2015	<ul style="list-style-type: none"> ○ Two new consulting rooms and a group room. ○ Provided 14 additional councillors and 4 support workers enabling SLT to increase service delivery to victims. ○ Counselling amounted to open tenure, clinical intervention to assist victims to cope and recover. ○ Client number in treatment remains consistent at 170 clients per week.
Victim Support - Domestic Abuse Standard/Medium Risk Triage	01/04/2014-31/03/2015 New Contract 01/04/2015-31/03/2018	<ul style="list-style-type: none"> ○ During 2014/15, 2782 referrals were made to Victim Support and received telephone contact from a support worker. ○ Safety planning undertaken for all referrals as necessary. ○ Risk assessments adjusted where evidence of heightened risk present. ○ Referral to other specialist support agencies e.g. Leeway Domestic Abuse Services. ○ Expected referrals, both based on current growth profile for 2015/16 will be approximately 6000.

Service	Commissioned/ Start Date	Outputs/Outcomes
The Harbour Centre – Sexual Assault Referral Centre – Child Advocates	<p>01/04/2014-31/03/2015</p> <p>New Service Level Agreement 01/04/2015-31/03/2016</p>	<ul style="list-style-type: none"> ○ Employ and train two Child Advocacy Support Workers. ○ 104 children referred for advocacy support. ○ 16 acute cases. ○ 88 historic cases. ○ 17 referred for specialist additional counselling. ○ 11 children supported to court. ○ Full annual report not available until 01/04/2016.
Domestic Abuse (DA) Co-ordinators in Early Help Hubs – joint initiative with Norfolk County Council	2015/16	<ul style="list-style-type: none"> ○ Three locality based Specialist Domestic Abuse Co-ordinators recruited in May 2015. ○ 60 Domestic Abuse Change Champions recruited and fully trained by the Co-ordinators. ○ Target number of Change Champions trained per annum is 150.
Magdalene Group - Looked After Children - Child Sexual Exploitation Worker to support the Reaching Out on Sexual Exploitation (ROSE) prevention, early intervention and support programme for young people at risk, or who have experienced sexual exploitation to cope and recover	01/04/2015-31/03/2018	<ul style="list-style-type: none"> ○ Awaiting first quarter report from Norfolk Community Foundation.

Service	Commissioned/ Start Date	Outputs/Outcomes
Menscraft – Caring Dads Programme	01/04/2014- 31/03/2016	<p>2014/15</p> <ul style="list-style-type: none"> ○ Recruited and trained eight Caring Dad’s Programme Facilitators. ○ 17 Week Caring Dads Programme delivered in Great Yarmouth. ○ 12 Delegates recruited onto programme – following referrals from Children’s Services. ○ Five people completed the programme. ○ All of the five delegate’s partners have reported improved parenting skills and behaviour towards their children. <p>2015/16</p> <ul style="list-style-type: none"> ○ Commenced second programme July 2015. ○ 12 Delegates recruited to the programme, currently ongoing.
One Voice 4 Travellers – Domestic Abuse Awareness Project –to support children and young people of domestic abuse victims and substance misusers into positive behaviour	01/04/2015- 31/03/2016	Awaiting first quarter report from Norfolk Community Foundation.
Pandora Project – To provide 1:1 support for children who have witnessed domestic abuse and the training of staff to deliver ‘escape the trap’ training	01/04/2015- 31/03/2016	Awaiting first quarter report from Norfolk Community Foundation.
Victim Support – To provide early help for young people aged 4-18 years whose exposure to domestic/relationship abuse or risk of places them at risk of harm and long term adverse outcomes	01/04/2015- 31/03/2017	Awaiting first quarter report from Norfolk Community Foundation.
Fresh Start Beginnings - Funding to work therapeutically with children and young people who disclose sexual abuse, providing, help advice and support to their parents and non-abused siblings	01/04/2015- 31/03/2016	Awaiting first quarter report from Norfolk Community Foundation.

Service	Commissioned/ Start Date	Outputs/Outcomes
The Magdalene Group Norfolk – Looked After Children’s Project	01/01/2015-31/12/2015	<p>Outcomes – April 2015 - August 2015</p> <ul style="list-style-type: none"> ○ 161 Befriending and target support work sessions to 50 young people. ○ 42 return home interviews conducted with 37 young people. ○ 9 youth outreach sessions delivered to 72 young people. ○ 3 creative courses delivered to 13 young people. ○ Works with the Multi Agency Safeguarding Hub (MASH) on a daily basis by attending morning briefing meetings.
Dawn’s New Horizon – support Survivors of Domestic Abuse and Sexual Violence (SV) and their families	2014/15	<p>Mid-term report</p> <ul style="list-style-type: none"> ○ Engaged with 5 clients and their families on a weekly basis with how to cope with DA and/or SV.
Fresh Start New Beginnings – Funding to work therapeutically with children and young people who disclose sexual abuse, providing, help advice and support to their parents and non-abused siblings	2014/15	<p>Mid-term report</p> <ul style="list-style-type: none"> ○ 16 hours per week of therapeutic service delivered. ○ 3 referrals received from the Norfolk Sexual Assault Referral Centre (SARC). ○ 3 referrals received from GP Surgeries. ○ 4 Children/young people and their families received assessment. ○ 2 children have commenced 1:1 intensive therapeutic work. ○ Further 2 children to commence therapeutic work.
Home-Start, King’s Lynn & West Norfolk – Funding to provide support for vulnerable families with young children recovering from DA issues	2014/15	<p>Mid-term report</p> <ul style="list-style-type: none"> ○ 10 assessments completed for families and matched with befriending volunteer. ○ These families have reported improvements in areas including parenting skills, child and family well-being and family management.
MensCraft – Safer Norfolk Medium Term Grant – Caring Dads Pilot Project	2014/15	<p>Mid-term report</p> <ul style="list-style-type: none"> ○ Project set up in Great Yarmouth. ○ 25 enquiries received for candidates. ○ 15 assessment appointments. ○ 12 fathers offered places on programme.

Service	Commissioned/ Start Date	Outputs/Outcomes
Pandora Project – supporting victims of domestic abuse in the West of the County. Funding towards Project Manager	2014/15	<p>Mid-term report</p> <ul style="list-style-type: none"> ○ Project Manager employed. ○ Build relationships with local services providers. ○ 9 clients offered 1:1 support – 8 clients on waiting list. ○ 7 clients signposted to the groups ‘Freedom’ programme. ○ Support Domestic Abuse Network at meetings with range of other agencies. ○ 8 referrals supported from Children’s Services.
Sweet Arts – funding to support a new project of working with women in refuges in Norfolk	2014/15	<p>Mid-term report</p> <ul style="list-style-type: none"> ○ Project to deliver art and well-being sessions four times a week. ○ To engage with women in refuge accommodation into positive activities. ○ To offer abuse women a safe forum for open discussion. ○ 6 sessions delivered across 3 refuges. ○ 24 women engaged with and have entered into art and well-being activities. ○ Developing partnerships with refuge providers to target more women who need help. ○ Reports demonstrate that before and after measures show a real improvement in women’s well-being.
The Magdalen Group – Safer Norfolk Medium Grant Programme – To provide a drop in service that offers a safe and positive place for women involved with street prostitution, victims of trafficking, Child Sexual Abuse (CSA), DA and SV	2014/15	<p>Mid- term report</p> <ul style="list-style-type: none"> ○ 30 women use the ‘drop-in’ service facility. ○ 17 women receive 1:1 targeted befriending support. ○ 15 prevention sessions held for young people at risk or victims of child exploitation. ○ 13 young people attended a befriending session.
Widows and Orphans Relief Development (Word) Norfolk – support minority communities around domestic violence and hate crime. Funding for development of workshops	2014/15	<p>Mid-term report</p> <ul style="list-style-type: none"> ○ 2 Hate Crime training sessions delivered to 12 young women. ○ Workshop delivered with a trainer and registered doctor on domestic violence and the effects of drugs – 19 young women attended. ○ Open communication with Norfolk Constabulary and Equality Cohesion Norfolk to map the way forward for a visit. ○ Participants gained knowledge and information on types of domestic abuse and how to report it.

5. Mental Health, Drugs and Alcohol

Service	Commissioned/ Start Date	Outputs/Outcomes
<p>Mental Health Team in Police Control Room (40% Funded by PCC – 60% Funded by Home Office)</p>	<p>2013/14-2015/16</p>	<p>2013/14</p> <ul style="list-style-type: none"> ○ Scoping project carried out to look at the benefits for an integrated mental health team within the Police Control Room (Wymondham). <p>2014 onwards...</p> <ul style="list-style-type: none"> ○ 1 Mental Health Supervisor and 3 Mental Health Staff, recruited through secondment to work within the Control Room to provide Generic and specific advice for critical and non-critical calls and repeat demand. ○ Provide service 365 days a year, from 08:00hours until 22:00 hours. ○ Nurses have remote access to Norfolk & Suffolk Foundation Trust (NSFT) systems and 'care first' systems – Information sharing agreement in place. <p>To date...</p> <ul style="list-style-type: none"> ○ 31,000 calls reviewed by nurses. ○ 8742 related to domestic incidents. ○ 1388 related to concerns for safety. <p>Mental Health Issues recorded...</p> <ul style="list-style-type: none"> ○ 241 Dementia. ○ 246 Low Level Mental Health Issues. ○ 463 Personality Related. ○ 806 Psychosis. ○ Police attendance has been averted on 162 occasions. This means due to the nurse's advice and alternative action the police have not had to respond and the individual received more appropriate and timely interventions

Service	Commissioned/ Start Date	Outputs/Outcomes
Benjamin Foundation – new pilot service to support young people aged 16–25 with a history of substance misuse to make the transition from supported accommodation to independent living	2015/16	<ul style="list-style-type: none"> ○ Successful first quarter engaging 18 mentors and the first two day training session held on safeguarding, working restoratively, introduction to mentoring, introduction to youth work and financial confidence. ○ Substance misuse training commenced in June 2015. ○ Feedback from the two-day training was overwhelmingly positive, with individuals keen to be involved with the project and feeling well prepared to be mentors.
Great Yarmouth Refugee and Outreach Support (GYROS) - Local drug and alcohol services, interpretation, translation and one-to-one support for BME communities	2015/16	<ul style="list-style-type: none"> ○ 23 individuals engaged in the first 6 months. ○ 12 people from migrant communities referred into mainstream drug and alcohol services.
Herring House Trust (HHT) – provision of support pathway from street homelessness through to dependency treatment within the High Support Unit	2015/16	<ul style="list-style-type: none"> ○ Collaborative working with HHT Pathway Worker to refer Making Every Adult Matter (MEAM) clients in need of treatment support. ○ Active engagement with Norfolk Recovery Partnership (NRP) for treatment and healthcare services for all service users supported through this scheme. ○ Access to High Support Unit accommodation for service users in treatment support. ○ Development of a Great Yarmouth Housing First Group – established to bring together all statutory and voluntary agencies to provide accommodation and wrap around services for hard to reach groups. ○ 12 outreach sessions held with 21 individuals delivering key skills such as cooking and budgeting.
Learning, Education and Accommodation Project (LEAP) – Project Manager for The Feed and associated training programme	2015/16	<ul style="list-style-type: none"> ○ 6 individuals have gained accredited certificates in basic food hygiene and 4 individuals in health and safety at work. ○ 5 beneficiaries have undertaken a GOALS motivational two-day programme focused on self-esteem, assessment of current circumstances, setting clear actions towards the life they want, which was provided within the Flourish programme.

Service	Commissioned/ Start Date	Outputs/Outcomes
Mancroft Advice Project (MAP) - support to young people to raise awareness of legal highs	2015/16	<ul style="list-style-type: none"> ○ 40 young people have received one to one legal highs advice. ○ 15 young people are reporting a reduction in use. ○ 16 practitioners received specialist legal highs training. ○ 16 practitioners feel empowered to give legal highs advice and keep their knowledge up to date.
North Lynn Discovery Centre - Activities Tutor to provide specific support for young people presenting to the Discovery Centre drop-in with substance misuse issues	2015/16	<ul style="list-style-type: none"> ○ 34 young people engaged to date in a range of activities to include arts and craft, gardening, cycle repairs and maintenance and other social development activities. ○ Young people also have accessed job search support, interview technique sessions, Curriculum Vitae (CV) writing and support in finding jobs and liaising with employers. ○ 4 individuals receiving external support ○ Young people have reported... <ul style="list-style-type: none"> - An increase in confidence. - Understanding of self-discipline. - Learning to work as a team and tolerance of other people's views. - Learning to deal with issues masked by substance use. - An increase in communication skills.
St Martins Housing Trust - engaging service users with substance misuse issues in activities based around their well-being and life skills	2015/16	<ul style="list-style-type: none"> ○ 2 Building Better Habits courses ran with 5 attendees. ○ Music sessions held for 13 individuals and gym sessions for 21 attendees. ○ 2 Trusted Tenants courses for 7 people. ○ 2 Taste courses for 10 people. ○ Individuals attending the Building Better Habits courses reported an increase in motivation to take responsibility for their drug and alcohol misuses by the end of the course, together with an improvement in their emotional and mental health. ○ A greater range of opportunities have been opened up to these individuals with people attending music and gym sessions and a range of courses. ○ Participants reported greater knowledge of how to cook different foods and prepare a healthy meal on a budget and learnt how exercise (or lack of) affects the body. ○ 2 participants have moved into their own tenancy and 1 who was being evicted has been supported into a new tenancy.

Service	Commissioned/ Start Date	Outputs/Outcomes
The Vauxhall Centre Angling Project – Development of an angling group	2015/16	<ul style="list-style-type: none"> ○ 2 psychosocial angling events for adults. ○ 6 free family fishing events, 3 hours sessions. ○ Saturday Fishing Club for young people – run over 6 sessions. ○ Attendees increased their social interaction and took the opportunity to integrate back into their local community. ○ Individuals reported feeling an increase in self-confidence, as well as learning new skills at the event including problem solving and decision making skills. ○ Supported adults and children with learning and behavioural issues on 10 occasions.
West Norfolk Mind - to build resilience in vulnerable individuals, targeting those at increased risk of social isolation and mental health distress due to their alcohol or substance misuse	2015/16	<ul style="list-style-type: none"> ○ Project revised – delayed start date.
H.A.R.T. (Hope, Art & Recovering Together) to support people with alcohol and substance misuse issues to prevent offending and victimisation	2014/15	<p>Mid-term report</p> <ul style="list-style-type: none"> ○ Funding to secure weekly sessions for 1 year. ○ 30 attendees per session. ○ Activities delivered arts, crafts. ○ Support for members to meet and form friendships with people in similar situations.
Keystone Development Trust – funding to contribute to setting up recovery café in Thetford to help people with mental health, drugs and alcohol issues	2014/15	<p>Mid-term report</p> <ul style="list-style-type: none"> ○ Project co-ordinator employed.

6. Rehabilitation (including the prevention of offending)

Service	Commissioned/ Start date	Outputs/Outcomes
Norfolk Youth Offending Team (NYOT) – to fund core costs of NYOT for 3 Years 01/04/2015-31/03/2018. To prevent children and young people from offending and engaging Restorative Justice (RJ) practices	2015/16	<ul style="list-style-type: none"> ○ A reduction in number in first time entrants in the criminal justice system. Target set by Norfolk Youth Justice Plan and agreed by Norfolk Youth Justice Board. ○ To reduce re-offending rates, targets set as above. ○ To lower the use of custody rates, targets set, as above.
4 Women Centre – Norwich – to support core costs to increase capacity and capability to support vulnerable women	01/07/2014-30/06/2016	<ul style="list-style-type: none"> ○ 2014 - 200 women aged 17+ were engaged with covering Crisis Intervention, Counselling, Abstinence Support, Domestic Abuse Advice and Support, Information, advice and guidance on employment, career opportunities. ○ Support for women attending family court hearings, 3 women have avoided custodial sentences based on engagement with 4 Women Centre. ○ Conditional Caution – 4women set up the first ever Norfolk women’s Conditional Caution.
Prolific and Persistent Offenders (Integrated Offender Management) Norfolk 180 (Constabulary)		<ul style="list-style-type: none"> ○ New service level agreement in development.
Matthew Project Norfolk 180 Link Worker		
Henderson Trust - Earlham - support for vulnerable young people at risk of or already engaged in anti-social behaviour. Intensive support to individuals and their families	18/11/2013-18/11/2016	<ul style="list-style-type: none"> ○ Target of 50 Primary clients over project period. ○ Expected - 200 secondary contacts (family members, friends of primary contacts) over project period. ○ Each primary client receives the following... <ul style="list-style-type: none"> ✓ Initial assessment and containment of issues. ✓ Support to enter into employment, education or training. ✓ Support to enter stable accommodation. ✓ Support into positive diversionary activities. ✓ Support to raise awareness of positive relationships. ✓ Support into programmes to reduce alcohol/drug use.

Service	Commissioned/ Start Date	Outputs/Outcomes
LEAP - Enhanced Offender Employment Academy	01/07/2015-30/06/2016	<p>Intended Outcomes:</p> <ul style="list-style-type: none"> ○ Increase number of target group entering training and support services. ○ Increase target group accessing employment support and sustaining engagement. ○ Increase target group participating in work experience and work opportunities. ○ Reduce length of time on welfare benefits. ○ Reduce offending and re-offending. ○ Reduce number of arrests and criminal charges. ○ Reduce number of court appearances.
4 Women Centre – Personality Disorder Programme (Pilot) for women with a diagnosis/identified professionally as having traits of emotionally unstable, personality disorder along with co-morbid diagnosis of generalised anxiety, dependency and depressive illness	12 week Project April 15-June 15	<ul style="list-style-type: none"> ○ 15 women signed up to Pilot. ○ 3 Project groups and 1:1 client support. ○ 3 Modules for each group covering Me, Myself and I: Keeping Safe, Women's Emotional Support (WES). ○ 12 completed pilot project and participated consistently. ○ A number of recommendations were identified from the programme including, long term delivery of therapeutic interventions to enable sustained recovery, greater need for Multi Agency Partnerships in particular mental health.
House of Genesis – Project to support Ex-Offenders whilst living at the House of Genesis to engage in offender pathways	Scheduled October 2015-April 2017	<p>Intended Outcomes</p> <ul style="list-style-type: none"> ○ 10 Ex-Offenders to receive: <ul style="list-style-type: none"> ✓ 1:1 support and engagement. ✓ Support in completing forms for identification. ✓ Enrolment with GP's, Department for Work and Pensions (DWP), training providers, attendance at job interviews.
North Lynn Discovery Centre – To run the 'Whatyasay' Project in the West of the County targeting young people at risk of offending and to engage them in positive activities and guidance	01/04/2015-3/03/2016	Awaiting first quarter report from Norfolk Community Foundation.

Service	Commissioned/ Start Date	Outputs/Outcomes
Ormiston Children & Families Trust – To deliver 2 community groups to cope and recover and non-violence resistance programmes	01/04/2015-3/03/2016	Awaiting first quarter report from Norfolk Community Foundation.
Open Road West Norfolk – To provide 10 places for vulnerable young people (16-18 years) to gain practical skills, recognised qualification and life skills	01/04/2015-3/03/2016	Awaiting first quarter report from Norfolk Community Foundation.
YMCA Norfolk – To fund the ‘Right Direction Programme’ to deliver diversionary engagement and education activities for young people at risk of offending or re offending whilst resident in YMCA’s Norwich Services	01/04/2015-3/03/2016	Awaiting first quarter report from Norfolk Community Foundation.
Break- Project to support Norfolk’s Looked After Children and Care Leavers practically and emotionally to make positive life decisions	01/04/2015-31/03/2018	Awaiting first quarter report from Norfolk Community Foundation.
Benjamin Foundation – To fund the ‘Time for Positive Choices’ programme providing personal development, support and positive activities programme for vulnerable young people in Thetford	01/04/2015-31/03/2017	Awaiting first quarter report from Norfolk Community Foundation.
Henderson Trust – To fund the expansion and capacity of the ‘REACH’ project, which offers intensive and tailored 1:1 support for young people	01/04/2015-31/03/2017	Awaiting first quarter report from Norfolk Community Foundation.

Service	Commissioned/ Start Date	Outputs/Outcomes
The Princes Trust – Funding to expand the ‘Positive Steps’ programme	01/04/2015- 31/03/2016	Awaiting first quarter report from Norfolk Community Foundation.
Appleseed Social Enterprises Limited – Working with Offenders to prevent re-offending and the rehabilitation of offenders. Also support homeless people who need rehabilitation	2014/15	Mid-term report <ul style="list-style-type: none"> ○ 7 Clients visiting weekly since October 2014, participating in market gardening, horticulture, landscape design, animal care, land management, woodwork and construction activities.
Hope into Action – working with offenders to prevent re-offending and rehabilitate offenders	2014/15	Mid-term report <ul style="list-style-type: none"> ○ Housed 13 vulnerable adults and one vulnerable family. ○ 2 tenants who are ex-offenders have abstained from crime. ○ 4 tenants found or maintained employment. ○ 1 tenant had job interview. ○ 2 tenants attended employability training courses. ○ 2 tenants secured higher/further education places. ○ 2 tenants secured volunteering placements.
NR5 Project – funding towards a dedicated working in North Norfolk to deliver person centred support to both offenders and victims of crime	2014/15	Mid-term report <ul style="list-style-type: none"> ○ Employed dedicated worker. ○ Develop referral pathways so as to engage with both offenders and victims of crime.
The Princes Trust – ‘Positive Steps’ Programme supporting offenders and young people at risk of offending aged 16-30 years. Funding towards cores costs to deliver programme	2014/15	Mid-term report <ul style="list-style-type: none"> ○ Fund contributed to 50% of an Outreach Executive who dedicated 50% of time to working with ex-offenders in Norfolk. ○ 12 Ex-offenders worked with on a variety of the Prince’s Trust Programmes. ○ 1 Client gained employment. ○ 1 Client supported back into education.
Your Own Place CIC – working with young people at risk of offending and re-offending to teach them life skills	2014/15	Mid-term report <ul style="list-style-type: none"> ○ 11 referrals received for eight places from Youth Offending Team and Children’s Services. ○ Interactive workshops delivered involving: how to budget, cooking, employability, financial support. ○ Young people reported increased confidence.

7. Community Safety

Service	Commissioned/ Start Date	Outputs/Outcomes
Black Culture and Heritage Norfolk – Community groups planning and delivering community events for Black and Minority Ethnic (BAME) communities to break down barriers of social isolation	2014/15	<ul style="list-style-type: none"> ○ 15 community events based across Norfolk, including workshops, cultural community celebratory events and talks. ○ Events attended by 750 people, approx. 45 to 70 people at each event. ○ Funding empowered and enabled communities to celebrate Black History Month and share their heritage and culture with the wider Norfolk residents. ○ Promoted greater cultural cohesion and understanding.
East Norwich Youth Project – funding to contribute to Lead Youth Worker	2014/15	<ul style="list-style-type: none"> ○ Provided engagement opportunities based on informal education and learning, arts, crafts, music based, sports and cooker. ○ 45 Clubs across Norwich receive this deliver. ○ Approx. 1000 children and young people attend the above clubs. ○ 200 young people within the Earlham district received delivery.
Integrated Youth For Christ – diversionary/engagement activities for children/young people at risk of becoming involved with ASB and truancy	2014/15	<ul style="list-style-type: none"> ○ Weekly café in Banham 20:00-22:00 hours. ○ 30-65 children and young people attend each week. ○ Young people supported who are disengaged at school. ○ Group has reported: <ul style="list-style-type: none"> -improved relationships between young people and local residents -greater engagement from disengage young boys.
New Routes Integration – provide support to newly arrived refugees and asylum seekers who have become isolated and have lack of information and skills to integrate fully into the community	2014/15	<p>Mid-term report</p> <ul style="list-style-type: none"> ○ Provide workshops for men and women around language support, information about local services and opportunities. ○ Provide 1:1 mentoring and befriending sessions. ○ Two weekly sessions of the International Men’s Workshops now running. ○ 22 relationships developed for mentoring/befriending partnerships. ○ 3 mentees achieved employment with support of their mentors. ○ 4 mentees have enrolled on training programmes. ○ All mentees have attended English Language courses. ○ 6 mentees have enrolled in GCSE courses. ○ Increased access for newly dispersed asylum seekers to health/other appointments. ○ Increase BME volunteers with 11 trained to date and further 4 in process.

Service	Commissioned/ Start Date	Outputs/Outcomes
Norfolk Community Law Service – funding to support migrant workers who need support in obtaining benefits that they are entitled to and services available to them	2014/15	<p>Mid-term report</p> <ul style="list-style-type: none"> ○ Employed a part time Migrant Worker Advice Co-Ordinator. ○ Twice monthly drop in sessions held in Norwich and Great Yarmouth. ○ 101 individuals attended drop in sessions between 10/06/14-10/10/14. ○ 84 people had 1:1 appointments. ○ 55 of the above were given immigration advice and advices on challenging benefit decisions. ○ Use of Skype and video conferencing being developed to conduct initial assessments quicker.
North Lynn Discovery Centre – funding to support children and young people up to 25 year many of whom are deprived and live chaotic lifestyles	2014/15	<p>Mid –term report</p> <ul style="list-style-type: none"> ○ Engage with children and young people at the Discovery Centre. ○ Provide transport for those in rural and isolated locations. ○ Offer sport session 20:00-24:00 hours x 3 times per week. ○ 25 individuals with special needs engaged and participating in positive activities. ○ Approx. 100 children and young people attending positive activities at the centre after school. ○ Transport in action pick-ups/return trips to remote West Norfolk locations. ○ ASB reported as being lower by Norfolk Constabulary.
The Base Community Trust – Children and young people at risk of ASB or involvement of crime. Offer positive engagement activities	2014/15	<p>Mid-term report</p> <ul style="list-style-type: none"> ○ 12 week Rolling programme of activities introduce for age group of 11-14 years. Activities carried out on 3 Saturdays of each month.
The Bridge Plus - supports BAME communities. Funding contribute to core operating costs	2014/15	<p>Mid-term report</p> <ul style="list-style-type: none"> ○ Partnered with Great Yarmouth BAME Group to deliver two events attended by over 600 people. ○ Supports 8-10 people a week by providing information and guidance addressing issues such as housing, employment, education and benefits. ○ Supported a Norwich based BAME Group.

Service	Commissioned/ Start Date	Outputs/Outcomes
Thetford Community Association – providing diversionary activities for children and young people at risk of ASB	2014/15	Mid-term report <ul style="list-style-type: none"> ○ 41 football coaching sessions. ○ 30 young people engaged through football coaching sessions. ○ 25 gardening sessions delivered benefiting 15 young people. ○ 2 volunteers recruited.



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Police Integrity Reforms

Suggested approach from Jo Martin, Scrutiny Support Manager

The Panel is recommended to consider an update on the Home Office proposals for Police Reform.

1. Background

- 1.1 During its last meeting on 28 July 2015, the Panel noted that the May 2015 Queen's Speech included proposals for a Police Reform and Criminal Justice Bill, which would continue the reform of policing and enhance the protection of vulnerable people.
- 1.2 The Panel agreed that it should consider any relevant proposals contained in a new Bill when it next met.

2. Suggested approach

- 2.1 The Bill has not yet been published, but the Government has consulted on changes to both the police complaints and disciplinary systems.
- 2.3 The Commissioner has provided a report which updates the Panel on the Home Office proposals, which is attached at **Annex 1**.
- 2.4 The Police and Crime Commissioner for Norfolk will attend the meeting to answer the Panel's questions and will be supported by his deputy, members of his staff and the Chief Constable.
- 2.5 After the Commissioner has presented his report, the Panel may wish to question him on the following areas:
 - a) The likely impact of the reforms on the Commissioner and his office.
 - b) The likely impact of the reforms on the Police and Crime Panel.

3. Action

- 3.1 The Panel is recommended to consider the update on Home Office proposals for Police Reform.



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Office of the Police and Crime Commissioner

Police Integrity Reforms

Summary:

This report provides an update on the Home Office proposals on Police Reform namely Police Complaints and the Police Disciplinary system.

1. Background / National Context

- 1.1 In December 2014 the Government launched a public consultation on proposals for long-term reforms to improve police integrity. At the heart of these reforms were changes to the police complaints system to create an expanded role for Police and Crime Commissioners (PCC's), to make the complaints system fairer, easier to follow and more transparent.
- 1.2 The December 2014 public consultation also included reforms to the police disciplinary system, following the independent review carried out by Major-General Chip Chapman, measures to strengthen protections for police whistle-blowers, changes to the remit of Her Majesty's Inspectorate of Constabulary (HMIC), and changes to the role, powers and structure of the Independent Police Complaints Commission (IPCC). This paper will focus on the police complaints and police disciplinary system reforms.
- 1.3 In March 2015 the Government published its summary of the public consultation responses and next steps *to improving police integrity: reforming the police complaints and disciplinary systems* (refer to Appendix 1).
- 1.4 The Queen's Speech in May 2015 set out the Policing and Criminal Justice Bill which will continue the reform of policing and enhance protections for vulnerable people. These reforms include:

Changes to the police disciplinary system which will:

- Enable appeal hearings to be held nationally, (as opposed to locally by Local Policing Bodies) with a lay member introduced in place of the current retired police officer;
- Ensure that the IPCC investigate all cases involving chief officers;
- Allow the IPCC to present its own cases to disciplinary hearing panels and;
- Extend the power to make conduct and disciplinary regulations to include former police officers so that misconduct cases can be taken to a conclusion, notwithstanding an officer's departure from the force.

Changes to the police complaints system which will:

- Enable a stronger role for Police and Crime Commissioners (PCC's)
- Introduce measures to strengthen protections for police whistle-blowers
- Implement changes to the powers of the IPCC

2. Police Complaints System

2.1 The Government's response to the public consultation on changes to the police complaints system was published on 12 March 2015 (the full response is contained within Chapter 2, Appendix 1).

2.2 The Government has recognised that one of the main strengths of the PCC's model is the increased transparency and accountability it has brought to policing. Allowing PCC's the scope to reform, innovate and deliver policing more effectively based on the needs of their local communities. Due to the position of PCC's and their responsiveness to their electorate they will be best placed to determine how the police complaints system should be structured locally.

2.3 The Government has proposed that PCC's take responsibility for:

- Receiving and recording a complaint.
- Assessing and allocating a complaint either for local resolution, local investigation or national investigation by the IPCC, taking account of the mandatory referral criteria.
- Acting as a single point of contact and communication for a complainant, explaining the process to the complainant and acting as the main link between the complainant and the complaints system, including where a complainant requires an investigation by the police. As part of this role, PCC's will be responsible for engaging with the complainant early, explaining to them how their complaint will be handled as well as discussing with the complainant how the complaint should be resolved; and
- Resolving complaints that are appropriate for local resolution, driving proportionate remedies such as an apology or independent mediation.

2.4 The legislation will not be restricted and will be enabling so taking on the responsibilities listed above will be a decision for individual PCC's. There will be three models on how the structure will be configured locally for police complaints handling of which the PCC can decide which option they will adopt:

	Model 1	Model 2	Model 3
Receiving and recording a complaint	• Police	• PCCs	• PCCs
Assessing and allocating a complaint	• Police	• PCCs	• PCCs
Acting as a single point of contact and communication	• Police	• Police	• PCCs
Resolving complaints through local resolution	• Police	• Police	• PCCs/Police

2.5 The IPCC will retain responsibility for the police complaints system as a whole and their guidance and minimum standards will apply to PCC's as well as police forces.

2.6 Responsibility for hearing appeals brought by complainants to PCC's in cases dealt with through local resolution (where that local resolution is handled by the police) will transfer to PCC's under the new legislation. PCC's will have the ability to identify an alternative arrangement if they wish provided that it is independent of the police force.

- 2.7 The inspection function of the efficiency and effectiveness of the local police complaints function in Norfolk will be retained by HMIC regardless of which model is introduced.
- 2.8 The new legislation will mandate that all complaints are recorded. To ensure that the complaints process is made clearer to the public, the legislation will expand the definition of a complaint so that it covers:
- Policing practice
 - Service failure
 - Police Officer conduct
- 2.9 Timescales for the above legislation have still not be published. The police integrity reform proposals are in the process of being finalised by Home Office officials for inclusion within the Policing and Criminal Justice Bill and we are waiting for confirmation of when the draft bill will be ready.
- 2.10 Consultation with the constabulary is underway in relation to the three models set out in section 2.4 and engagement and communications with the policy development team in the Home Office and the OPCCN is currently taking place.
- 2.11 The PCC recognises that it is important that the current levels of performance around police complaints handling in Norfolk are maintained, and that these reforms, and any changes adopted locally by the PCC should enhance this service and improve public confidence and provide an even more transparent process.

3. Police Disciplinary System

- 3.1 The Government's response to the public consultation on changes to the police disciplinary system was published on 12 March 2015 (the full response is contained within Chapter 3, Appendix 1).
- 3.2 Regulations were laid in Parliament to implement the changes and from 1 May 2015 police disciplinary hearings are to be held in public.
- 3.3 From 1 January 2016, disciplinary hearings will have an independent, legally qualified chair. In order to ensure independence and to take account of local issues, PCC's are responsible for nominating chairs either for their own force or together for a group of forces.
- 3.4 Norfolk PCC's office are currently working collaboratively with the Eastern Region PCC's to recruit up to 20 legally qualified chairs.
- 3.5 The Government seeks to introduce legislation that sets out timescales for disciplinary proceedings. Proceedings will usually take six months in standard cases and a maximum of twelve months, unless the cases are particularly complex or linked to criminal proceedings. If a force fails to meet the time limit of twelve months the Chief Constable will be required to write to their PCC to explain publicly why there is a delay.
- 3.6 Disciplinary hearing appeals will be held regionally and it will be for PCC's to agree a host force in each region to lead the regional hearing centre and manage administration and logistical arrangements.
- 3.7 Independent lay members will replace retired police officers on appeals panels. Lay members will be appointed by PCC's, in line with the current practise for

disciplinary hearings. A list of lay members will be collated regionally and used for both hearings and appeals.

4. Police and Crime Panel Implications

- 4.1 The Police and Crime Panel has a statutory responsibility for holding the PCC to account and any increase in powers for the PCC is likely to result in increased areas of accountability and scrutiny for the Police and Crime Panel moving forward.
- 4.2 It is reasonable to expect that if the management of police complaints falls under the remit of the PCC then there is a likelihood that complaints against the PCC could increase and there will need to be an appeals process put in place. This in turn will increase and expand the role of Police and Crime Panels.
- 4.3 Once a model has been proposed for the local handling of police complaints a paper will be provided to the Police and Crime Panel that will explore the additional areas of oversight and scrutiny that will be required.

5. Financial Implications

- 5.1 The financial implications for the changes to the handling of the local police complaints system are as yet unknown. Full details will be included in the final report to the Police and Crime Panel.

6. Recommendations

- 6.1 It is proposed that an update paper is provided to the Police and Crime Panel as part of the 2016 work programme in relation to the implementation and progress of the functions for PCC's relating to the police integrity reforms on the police disciplinary system. This will allow the Police and Crime Panel to monitor, scrutinise and support the progress being made with these reforms.
- 6.2 It is proposed that an updated paper is provided to the next Police and Crime Panel with regards to the local model to be adopted by the PCC for the management of police complaints.
- 6.3 The Panel is recommended to consider the information contained within this report.



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Home Office

Improving police integrity: reforming the police complaints and disciplinary systems

Summary of consultation responses
and next steps

March 2015



Improving police integrity: reforming the police complaints and disciplinary systems

Summary of consultation responses and next steps

Presented to Parliament
by the Secretary of State for the Home Department
by Command of Her Majesty

March 2015



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Contents

	Foreword	4
Chapter One	About this consultation	5
Chapter Two	Reforming the Police Complaints System	7
Chapter Three	Reforming the Police Disciplinary System	23
Chapter Four	Strengthening Protections for Police Whistleblowers	34
Chapter Five	The Role and Powers of the IPCC	41
Annex A	List of respondents	49

Foreword

I have always been clear that the vast majority of police officers and staff do their jobs with integrity and honesty. They put themselves in harm's way to keep the public safe. They deal with dangerous criminals and protect the vulnerable. And according to the independent Crime Survey for England and Wales, they have cut crime by a fifth since 2010 even as police spending has fallen.

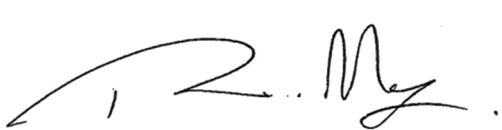
But the good work of those thousands of officers is undermined when a minority act inappropriately. Public confidence, the basis of our model of policing by consent, threatens to be damaged by a continuing series of events and revelations relating to police misconduct.

We have already taken steps to ensure the highest standards of integrity among police officers and staff. The College of Policing has published a Code of Ethics and a national register of officers struck off from the police has been produced and made available to vetting and anti-corruption officers in police forces. We have strengthened the Independent Police Complaints Commission to ensure it can take on all serious and sensitive cases involving the police. And, for the first time, Her Majesty's Inspectorate of Constabulary will inspect all forces on the basis of not just efficiency and effectiveness, but also their legitimacy in the eyes of the public.

These changes come on top of the radical reforms we have made to the way the police are held to account. We have made the police more accountable to their local communities. Where before there were invisible, unelected and ineffective police authorities, now there are visible and democratically accountable Police and Crime Commissioners who are working hard to ensure that their communities have a stronger voice in policing. Where previously there was inefficiency and toothlessness, there is now a powerful mandate to drive change.

In December, I launched a public consultation on my proposals for long-term reforms to improve police integrity. At the heart of those reforms were changes to the police complaints system to create an expanded role for Police and Crime Commissioners, to make the complaints system fairer, easier to follow and more transparent. The consultation also included reforms to the police disciplinary system, following the independent review carried out by Major-General Chip Chapman, measures to strengthen protections for police whistleblowers, changes to the remit of Her Majesty's Inspectorate of Constabulary, and changes to the role, powers and structure of the Independent Police Complaints Commission.

This response sets out the results of that consultation and further detail on the reforms that the Government proposes to make to the police complaints and disciplinary systems. Together, these reforms will represent a substantial overhaul of the systems that hold police officers to account. They will build on our radical programme of police reform. And they will help to ensure that police honesty and integrity are protected, and corruption and misconduct rooted out. That is what the public and the many thousands of decent, dedicated and hardworking police officers of this country deserve.



The Rt Hon Theresa May MP

Chapter One:

About this consultation

1.1 The consultation document *Improving Police Integrity: reforming the police complaints and disciplinary systems* set out the Government's plans for reform of the police complaints and disciplinary systems, measures to strengthen protections for police whistleblowers, an extension to the remit of Her Majesty's Inspectorate of Constabulary (HMIC), and changes to the role, powers and structure of the Independent Police Complaints Commission (IPCC). The consultation presented 42 questions across four policy areas and invited comments from national, local and regional organisations, police forces, Police and Crime Commissioners (PCCs), Police and Crime Panels, frontline practitioners, staff associations, trade unions and other groups or interested individuals.

Method

1.2 The consultation took place over an eight week period from 11 December 2014.

1.3 The consultation document was made available on the Home Office website, <https://www.gov.uk/government/consultations/improving-police-integrity-reforming-the-police-complaints-and-disciplinary-systems>. A Welsh version was available on request, as were large print and audio versions. Responses to the consultation could also be completed anonymously online, submitted via email to policeintegrityconsultation@homeoffice.gsi.gov.uk or posted to the Home Office.

1.4 To support the consultation process, three events were held to canvass opinions from policing partners and frontline practitioners. Key themes from these discussions were noted and have been reflected in the summary of responses. A list of the events is set out in the table on page 6.

1.5 The Government received a total of 170 responses to the consultation (97 were submitted by post or email, and 73 were responses to the online survey).

1.6 The Government would like to thank all those who have given their time to respond and contribute to this consultation. A list of some of those who responded is at Annex A.

Consultation events

Date	Location	Detail	Participants
15 January 2015	Derbyshire	Meeting of the National Police Complaints and Misconduct Group	National Policing Lead, Police Superintendents Association for England and Wales, Police Federation, PCCs, Heads of Professional Standards Departments.
21 January 2015	North Yorkshire	Northern regional meeting of professional standards practitioners	Police officers working in professional standards departments, representatives from the office of the PCC in some police force areas.
2 February 2015	London	Home Office meeting	PCCs, Chief Executives and staff of the Office of the PCC and staff working for the Mayor's Office for Policing and Crime and the Common Council in the City of London.

Chapter Two:

Reforming the Police Complaints System

2.1 Chapter two of the consultation proposed a series of changes to the police complaints system. Those proposals included:

- Structural change, through expanding the role of Police and Crime Commissioners (PCCs),¹ of the complaints system, giving them the option of taking on responsibility for triage functions² and local resolution and responsibility for hearing appeals currently dealt with by chief constables.
- Extending the remit of Her Majesty's Inspectorate of Constabulary (HMIC) to enable it to continue to inspect the efficiency and effectiveness of the way complaints are handled and resolved should the structural changes be implemented locally by PCCs.
- Reforming the fundamental tenets of the complaints system, by extending the definition of a complaint, requiring all complaints to be recorded, changing the language used to describe some parts of the complaints system to make it easier for the public to understand and making it easier to identify persistent and vexatious complaints.
- Improvements to the way in which the police deal with complaints from victims of crime; and
- Introducing of a new system of super-complaints that would allow organisations to identify trends and patterns of aspects of policing that might be harming the interests of the public and raise complaints on behalf of certain groups of people.

Structural reforms to the police complaints system and extending the remit of HMIC

2.2 At present, police forces administer the greater part of the police complaints system locally. The most serious and sensitive cases are escalated to the Independent Police Complaints Commission (IPCC), which also oversees the complaints system nationally. 35% of people lack confidence in the ability of the police to deal with their complaint fairly³ and 78% of people are not satisfied with how their complaint is handled.⁴

2.3 To improve the independence of the complaints system, the Government proposed to enable a greater role for directly-elected PCCs. In particular, the consultation proposed giving PCCs responsibility for key stages in the complaints system:

- a) Receiving and recording a complaint.

¹ The term 'PCC' as used in this document covers Police and Crime Commissioners, the Mayor's Office for Policing and Crime (for the Metropolitan Police Service) and the Common Council (for the City of London Police).

² 'Triage functions' refer to the separate functions of receiving and recording complaints, assessing and allocating complaints as suitable for local resolution, local investigation or investigation by the IPCC, and acting as a single point of contact and communication for complainants.

³ Public Confidence in the Police Complaints System, 2014, p22. <https://www.ipcc.gov.uk/page/public-confidence>

⁴ Crime Survey for England and Wales, 2012/13. www.ons.gov.uk/ons/about-ons/business-transparency/freedom-of-information/what-can-i-request/published-ad-hoc-data/crime/october-2013/complaints-made-against-the-police--2011-12-and-2012-13.xls&rct=j&frm=1&q=&esrc=s&sa=U&ei=Lnx8VKm6DtKtaY2_gdAG&ved=0CBkQFjAB&usq=AFQjCNEZxbJ1WpaXqSwBp09I8GPDawvkVg

- b) Assessing and allocating a complaint either for local resolution, local investigation or national investigation by the IPCC, taking account of the mandatory referral criteria.
- c) Acting as a single point of contact and communication for the complainant, explaining the process to the complainant and acting as the main link between the complainant and the complaints system, including where a complaint requires an investigation by the police; and
- d) Resolving complaints that are appropriate for local resolution,⁵ driving proportionate remedies such as an apology or independent mediation.

2.4 PCCs are democratically accountable to their electorates for the way in which they carry out their role. To preserve their accountability, they are not subject to targets from central Government and are free to determine their priorities for the police in their area. To preserve this freedom, the consultation proposed to give PCCs the ability to choose whether to take on the functions listed at 2.3(a)-(d), to leave them where they lie currently with police forces or choose an alternative arrangement. The consultation invited views on whether this proposal struck the right balance between giving PCCs flexibility to decide how they felt that the complaints system should be structured locally and ensuring consistency in how complaints are dealt with throughout England and Wales.

2.5 In addition, to strengthen the independence of the complaints system further, the consultation sought feedback on whether PCCs should be given responsibility for appeals on the outcome of complaints dealt with through local resolution, with the flexibility as to whether to take on that responsibility directly, leave the function where it currently lies or to establish other arrangements entirely.

2.6 The consultation also invited views on whether the remit of HMIC should be extended, if the proposals regarding the structure of the complaints system were to be implemented.

2.7 The questions and a summary of the responses are set out below.

1. DO THESE PROPOSALS STRIKE THE RIGHT BALANCE BETWEEN LOCAL FLEXIBILITY AND ENSURING CONSISTENCY IN HOW COMPLAINTS ARE DEALT WITH THROUGHOUT ENGLAND AND WALES?

2. DO YOU AGREE PCCs SHOULD BE GIVEN RESPONSIBILITY TO CONSIDER APPEALS ON THE OUTCOMES OF COMPLAINTS DEALT WITH THROUGH LOCAL RESOLUTION?

3. SHOULD THE GOVERNMENT CONSIDER GOING FURTHER TO STREAMLINE APPEALS? FOR EXAMPLE (I) BY REMOVING THE NEED FOR THE IPCC TO HEAR APPEALS ON CASES THAT THEY HAVE REFERRED BACK TO POLICE FORCES TO CONSIDER AND/ OR (II) HANDING THESE APPEALS FROM THE IPCC TO THE PCC FOR MISCONDUCT CASES THAT FALL BELOW DISMISSAL?

4. SHOULD HMIC'S REMIT BE EXTENDED TO INCLUDE INSPECTION AND JUDGEMENT ON THE EFFECTIVENESS OF STAFF WORKING FOR PCCS RESPONSIBLE FOR THE COMPONENTS OF THE COMPLAINTS SYSTEM?

⁵ Complaints are considered suitable for local resolution when the conduct complained about would not justify bringing criminal or disciplinary proceedings and would not involve the infringement of a person's rights under article 2 or 3 of the European Convention on Human Rights.

Consultation Feedback

A role for PCCs in the complaints system

2.8 There was broad support for PCCs taking on a greater role in the complaints system. Most responses indicating support for this proposal were submitted by PCCs, but some police forces as well as other respondents, such as the Committee for Standards in Public Life and the Victims Commissioner, believed that the structural reforms would have a positive impact on the way the system was perceived by the public. Those who responded positively felt that the reforms could improve the system for complainants, as well as provide PCCs with useful information about the issues affecting the relationship between their constituents and the police.

2.9 Several respondents expressed doubts about the capacity and capability of PCCs to take on additional responsibilities. They felt that the expertise required to deal with complaints effectively lay in police forces and, in order for PCCs to provide a quality service to complainants, some of that resource would need to be transferred.

2.10 There was greater support for PCCs having a role in handling complaints than taking responsibility for dealing with complaints through local resolution. A number of respondents believed the structural reforms would bring additional independence to the complaints system, but there was concern around the potential for the reforms to remove the responsibility for, and the ability of, forces to deal with customer service issues as they arise.

2.11 A large number of respondents raised concerns about PCCs taking on responsibility for local resolution. These concerns included the impact that this would have on the operational independence of chief constables, but some respondents also questioned whether it was appropriate to remove the police from local resolution entirely. Some respondents believed that in order for local resolution to remain effective, the police, as service providers, must continue to play a role. They expressed concern that removing the police from local resolution would mean that the public could become less confident in their ability to achieve a successful resolution to their complaints.

2.12 Some respondents believed that the proposals underestimated the level of work that is undertaken to identify an appropriate local resolution and prepare its implementation. These respondents were concerned that the time taken to deal with complaints through local resolution may increase as a result of the proposed reforms.

Flexibility for PCCs to adopt a local model

2.13 The consultation sought views on the degree of flexibility PCCs should have in choosing whether or not to take on responsibility for parts of the complaints system (listed at 2.3 (a)-(d)).

2.14 A number of respondents believed that the Government's proposals succeeded in striking the right balance between local flexibility and consistency. Others stressed the importance of enabling PCCs to identify alternative arrangements for dealing with complaints that may include options for delivery outside the police force or the force's Professional Standards Department.

2.15 Concerns were expressed that giving PCCs this flexibility could result in a more fragmented complaints system. A number of respondents felt that allowing too much flexibility to choose would lead to inconsistency in the way that complaints were handled. Others felt that the possibility that the reforms could lead to different models in different parts of England and Wales would make the system more confusing and complicated for the public.

2.16 A number of respondents believed that there are measures that the Government should consider introducing alongside the structural reforms to mitigate the risk of fragmentation. The mitigations ranged from minimum standards of consistency and accessibility through to a preference for the Government to specify a basic model that PCCs would be expected to adopt.

Implementing the structural reforms

2.17 Some respondents considered how the proposals could be implemented. Several focused on the transfer of resources and staff from one organisation to another, frameworks for information sharing, and other issues commonly associated with transition programmes. Others identified the implications of the transition following PCC elections or by-elections. A number of respondents focused on the impact the proposals could have on collaboration, along with the impact that existing collaboration arrangements may have on the choices PCCs can take about the structure of the complaints system locally.

2.18 The Government also received some responses from Police and Crime Panels (PCPs), who oversee the work of PCCs. PCPs felt that the structural reforms may lead to an increase in the number of complaints against PCCs, particularly from complainants dissatisfied with how their complaint may have been handled or resolved. PCPs were concerned about the potential impact on their workload, as well as the adequacy of their powers to scrutinise PCCs.

An appellate function for PCCs

2.19 The consultation sought views on giving PCCs responsibility for hearing appeals against local resolutions. A large number of respondents, including the majority of PCCs who responded and some police forces who answered the question directly, supported this idea. They felt that giving PCCs responsibility for appeals would help improve the system, introduce additional and welcome independence into the appeals system and strengthen the role of the PCC in holding chief constables to account. Although the National Policing Lead for Complaints and Misconduct did not think it appropriate to give PCCs responsibility for other parts of the complaints system, he considered that giving them responsibility for appeals resonated more closely with their oversight and scrutiny role regarding local policing.

2.20 A proportion of respondents wanted to go further than the proposals contained in the consultation. Some, echoing comments in relation to the proposed structural reforms, wanted PCCs to have absolute flexibility, including the possibility of removing the appeals function from the police entirely and creating their own, local independent bodies to deal with appeals. Others wanted to transfer responsibility for appeals against local investigations, as well as local resolution, to PCCs.

2.21 A number of respondents offered their views on the powers a PCC may require to handle appeals effectively. While some considered the powers suggested in the consultation (to enable PCCs to access information held by forces, order a review of an investigation, or refer cases to the IPCC at the PCC's own expense) appropriate, others felt that additional powers would be needed. Those who felt that additional powers would be required were concerned about the adequacy of the existing powers of the PCC to hold the chief constable to account. They suggested a range of additional powers, including the ability to require chief constables to report formally on how complaints are dealt with and the ability, in some cases, to intervene in the way in which a complaint is being handled.

2.22 There were some respondents who did not agree with the proposals to give PCCs responsibility for appeals. These respondents repeated concerns raised in relation to the proposed structural reforms, particularly regarding the potential impact on operational

independence, the potential resource implications and the capacity and capability of PCCs or their staff to take on responsibility for appeals.

2.23 A small number of respondents did not believe that giving PCCs responsibility for hearing appeals would make the system any more independent than it is currently, particularly since the proposals also included giving PCCs responsibility for undertaking local resolution. The appeals process, these respondents argued, could only be made more independent by asking the IPCC to hear all appeals.

2.24 Most respondents who engaged with the question of giving PCCs responsibility to consider appeals went on to consider whether the Government could do more to streamline appeals. A variety of suggestions were made. The suggestions included removing a right of appeal against any local resolution, removing a right of appeal following any decision taken by a PCC (including a decision taken at appeal) and removing the right of appeal in cases in which a complaint has been upheld.

2.25 The consultation suggested two ways in which the appeals process could be streamlined. These were:

- a) Removing the need for the IPCC to hear appeals on cases that they have referred back to police forces to consider; and/or
- b) Handing appeals in misconduct cases that fall below dismissal to PCCs (rather than the IPCC).

2.26 Of the respondents who considered these two suggestions, a majority believed that (a) would help streamline the appeals system. However, (b) received less support. Most respondents who considered (b) believed that giving PCCs a role hearing appeals in misconduct cases that fell below dismissal would impact on operational independence.

The role of HMIC in a reformed system

2.27 The consultation sought views on an extended remit for HMIC in inspecting PCC staff playing a role in the police complaints system. A clear majority of respondents believed that, if the proposals regarding structural reform were implemented, it would be important to put in place some additional scrutiny arrangements to ensure the effective operation of the complaints system. Most respondents to this part of the consultation believed that it was appropriate to extend HMIC's remit to enable it to inspect staff working on complaints, whether they worked in police forces, for PCCs or for another organisation entirely. A large number of respondents who considered it appropriate to extend HMIC's remit believed that it was important that the complaints system continued to function efficiently and effectively and that HMIC was an essential part of achieving this aim.

2.28 Other respondents suggested that the IPCC, as the body responsible for the oversight of the complaints system, should ensure the efficiency and effectiveness of the complaints system locally, rather than HMIC. Some respondents believed that PCPs should play a role in scrutinising the way in which PCCs discharged their legal functions. One respondent suggested that PCCs be given freedom to establish their own scrutiny arrangements.

2.29 Some respondents did not believe that it was appropriate to extend HMIC's remit. Most, although not all, of these respondents were PCCs. These respondents believed that PCCs were held to account through the ballot box and that their democratic accountability should not be mediated by a third party. Some were concerned about whether an additional layer of inspection may have a detrimental impact on the service provided to the public, particularly given the

decisions that individual PCCs had taken regarding the size of their support staff. A small number of respondents considered that as HMIC's remit had not been extended following the stage two transfer arrangements,⁶ HMIC's remit should remain untouched even if the complaints system were restructured.

The Government's Response

2.30 The Government has reflected carefully on the points raised in relation to this part of the consultation. The introduction of PCCs has reinforced the link between the police and the community they serve. One of the main strengths of the PCC model is the increased transparency and accountability it has brought to policing, allowing PCCs the scope to reform, innovate and deliver policing more effectively based on the needs of their local communities.

2.31 As directly elected individuals, PCCs are best placed to respond to the needs of their electorate about the changes they should make to the complaints system. PCCs have been at the forefront of driving change on a range of issues such as mental health and violence against women. PCCs have been able to drive change because of their position, identifying issues of concern to their electorates and taking forward work with other agencies. It is because of the position of PCCs and their responsiveness to their electorate that they will be best placed to determine how the complaints system should be structured locally.

2.32 PCCs are best placed to respond effectively to the needs of their communities. To reflect the position of PCCs, the Government will seek to bring forward legislation to enable PCCs to take on responsibility for key parts of the complaints system at a local level. In particular, the Government proposes that PCCs take responsibility for:

- a) Receiving and recording a complaint.
- b) Assessing and allocating a complaint either for local resolution, local investigation or national investigation by the IPCC, taking account of the mandatory referral criteria.
- c) Acting as a single point of contact and communication for the complainant, explaining the process to the complainant and acting as the main link between the complainant and the complaints system, including where a complaint requires an investigation by the police. As part of this role, PCCs will be responsible for engaging with complainants early, explaining to them how their complaint will be handled as well as discussing with the complainant how the complaint should be resolved; and
- d) Resolving complaints that are appropriate for local resolution, driving proportionate remedies such as an apology or independent mediation.

⁶ 'Stage 2 transfer arrangements' refers to a process used to manage the transfer and allocation of police staff between police and crime commissioners and chief constables. It was designed to ensure there was a clear distinction between the role of the PCC and the role of the chief constable, and their respective members of staff. It corrected a historic oddity prevalent under the previous system of police authorities where police staff were technically employed by the police authorities but under the direction and control (and therefore de facto employment) of chief constables. A two stage process was used to allow the newly elected PCCs time to consider and manage the allocation of police staff between themselves and their chief constables. At stage 1 of the process, all police staff passed to the employ of PCCs from police authorities, shortly after PCCs were elected and police authorities disbanded. The second stage concerned the transfer of the majority of these staff to the chief constables with some staff remaining with PCCs to support their offices and role. The process was completed in spring 2014.

To retain the strength of the PCC model, the legislation will not be restrictive. The legislation proposed will be enabling: whether PCCs take on the functions described at 2.30(a)-(d) will be a decision for individual PCCs.

Ensuring consistency

2.33 The Government acknowledges the concerns raised by respondents that the changes proposed in the consultation could lead to a more fragmented complaints system, and the need to ensure a degree of consistency across the complaints system.

2.34 In order to strike the right balance between flexibility for PCCs and consistency in the way complaints are handled throughout England and Wales, the proposed legislation will enable PCCs to implement one of three options when determining how they will structure the complaints system locally. The models are as follows:

	Model 1	Model 2	Model 3
Receiving and recording a complaint	POLICE	PCCs	PCCs
Assessing and allocating a complaint	POLICE	PCCs	PCCs
Acting as single point of contact and communication	POLICE	POLICE	PCCs
Resolving complaints through local resolution	POLICE	POLICE	PCCs/ POLICE

Figure 1. Models of the complaints system that may be introduced locally

2.35 If a PCC chooses to implement model one, the complaints functions described in 2.32(a)-(d) will remain in the police force. If a PCC chooses to implement model two, he or she will take on responsibility for receiving and recording complaints as well as assessing complaints and allocating them either for local resolution, local investigation or national investigation by the IPCC. The police force will continue to act as a single point of contact and communication for complainants and deal with complaints through local resolution where appropriate. If a PCC chooses to implement model three, he or she will receive and record complaints, assess complaints and allocate them either for local resolution, local investigation or national investigation by the IPCC and act as single point of contact and communication for complainants. Local resolutions will be carried out by the PCC and, where necessary, by the police force. Further detail on local resolution is set out in paragraphs 2.38-2.40.

2.36 The legislation proposed will enable PCCs to take on responsibility for the functions described in 2.32(a)-(d) directly, leave those functions with the police, where they sit currently, or identify an alternative arrangement. Where PCCs wish to involve other organisations or locally appointed advisory panels, they will be free to do so. The legislation proposed will enable PCCs to establish the arrangements they believe most appropriate to improve the complaints system at a local level.

2.37 The Government’s police reforms are underpinned by the principle that local police must be accountable to local people. The IPCC will retain responsibility for the system as a whole and its guidance and minimum standards will apply to PCCs as well as police forces and

any body established locally to take on a role in the complaints system. In keeping with the contract between PCCs and their electorates, PCCs will have a responsibility to explain *how* the complaints system in their force area works, *who* the public can approach to make a complaint and *what* will happen to that complaint once it has been received. This responsibility will replicate that held by PCCs to explain their policing and crime plans to their electorates.

Retaining police involvement

2.38 The Government acknowledges the issues raised by a number of respondents about the importance of the customer service element of policing and the link between that and the complaints system. The Government recognises the work that goes on in police forces every day to deal with public concerns and questions quickly and effectively, the majority of which takes place outside the formal complaints system. Regardless of which functions are taken on by PCCs, it will be important for there to be a strong coordination of complaints and resolutions that may involve police officers themselves.

2.39 However, in some cases, resolution may not need to involve the police force at all and, in such cases, the PCC should be able to take action to resolve the complaint itself. The Government will seek to introduce legislation to enable PCCs to deal directly with cases through local resolution, where appropriate.

2.40 Where the PCC believes that it is in the best interests of resolving a complaint quickly and effectively, the legislation will enable them to recommend to the force how that complaint should be resolved. The Government agrees with the National Policing Lead for Complaints and Misconduct, police forces and PCCs that the changes to the role of PCC cannot and should not impact on the operational independence of chief constables. The Government has been very clear that operational responsibility lies firmly with chief constables. That is why the Government introduced the policing protocol, setting out clearly the distinction between operational responsibility, which lies with chief constables, and strategic leadership, which lies with PCCs. As a result, any PCC recommendation will not be binding on police forces. However, the Government will expect forces to work with PCCs to reach a satisfactory outcome.

Appeals

2.41 The Government will also seek to introduce legislation to transfer responsibility for hearing appeals brought by complainants to PCCs in cases dealt with through local resolution, where that local resolution is handled by the police.

2.42 However, unlike the proposals to give PCCs flexibility in deciding who should deliver the functions described at paragraph 2.32(a)-(d), PCCs will not be able to decide to leave the appeal function with the police force. The choice open to PCCs will be either that they take on responsibility for appeals directly, or else identify an alternative arrangement that is independent of the police force.

2.43 The Government agrees with the IPCC that it is important that PCCs have the right powers to ensure that the appeals system operates effectively. In addition to the powers included in the consultation, the Government will also enable PCCs to direct chief constables to review the outcome of an investigation into a complaint in a limited range of circumstances. The Government will work with the IPCC, PCCs and the National Policing Lead to agree what those circumstances should be.

The role of HMIC

2.44 The Government has reflected carefully on the views it received regarding the proposal to extend the remit of HMIC. The Government has already taken steps to make the police more accountable to the public through the introduction of PCCs, who are accountable to their electorates locally. Chief constables are accountable to PCCs. In this structure, it is clearly appropriate for HMIC to inspect chief constables, and for PCCs to challenge chief constables on the decisions they take regarding the way they run the force. However, allowing HMIC to inspect PCCs would undermine the democratic accountability of PCCs to their electorate. The Government does not believe that accountability should be mediated by a third party and so the Government will not enable HMIC to inspect PCCs directly. Scrutiny of PCCs will continue to be provided by PCPs.

2.45 However, the efficient and effective operation of the complaints system is an essential element of ensuring public confidence in the ability of the system to hold police forces to account. HMIC's judgements on the efficient and effective operation of policing functions are at the core of the police's ability to improve the service they offer the public. Wherever the complaints function sits, whether in a police force, with a PCC or elsewhere, HMIC will continue to retain the ability to inspect the efficiency and effectiveness of that function.

Further reform of the complaints system

2.46 In addition to the structural reform of the complaints system, the consultation invited views on a series of changes that could be made to the system itself. The review of the complaints system found that its bureaucracy, decision points, language and lack of definition of key terms all currently serve to exacerbate the dissatisfaction of complainants. This increased dissatisfaction often served to generate appeals and, in some cases, further complaints.

2.47 To address these issues, the Government proposed to change some key aspects of the complaints system. Those changes were:

- a) To expand the definition of a complaint to include either or both policing practice or service failure, in addition to the conduct of a police officer.
- b) To record all complaints made against the police; and/or
- c) To replace the terms 'disapplication' and 'discontinuance' with a decision to end an investigation.

2.48 The consultation also invited views on what else could be done to make the system easier for the public to understand, as well as what could be done to make it easier to identify whether a complaint was vexatious or persistent. The questions and a summary of the responses are set out below.

5. DO YOU AGREE WITH THE PROPOSAL TO EXTEND THE DEFINITION OF A COMPLAINT TO COVER (A) POLICING PRACTICE, (B) SERVICE FAILURE, OR (C) BOTH?

6. DO YOU AGREE WITH THE GOVERNMENT'S PROPOSAL THAT ALL COMPLAINTS SHOULD BE RECORDED?

7. SHOULD THE TERMS 'DISCONTINUANCE' AND 'DISAPPLICATION' BE REPLACED WITH THE DECISION TO END AN INVESTIGATION INTO A COMPLAINT?

8. WHAT MORE CAN BE DONE TO MAKE THE SYSTEM EASIER FOR THE PUBLIC TO UNDERSTAND?

9. WHAT SHOULD THE GOVERNMENT DO TO MAKE IT EASIER TO DETERMINE WHETHER A COMPLAINT IS PERSISTENT AND VEXATIOUS?

Consultation Feedback

Extending the definition of a complaint

2.49 The majority of respondents believed that the definition of a complaint should be extended to cover both policing practice and service failure. Respondents offered a range of views as to the benefits an extended definition could bring, ranging from helping organisational learning to making it clearer about what a member of the public could complain.

2.50 Some respondents felt that while the definition should be extended, it was important to make sure that the new definition was clear. These respondents were unsure that 'policing practice' was a term that would be widely understood by the public.

2.51 Other respondents who supported the extension believed that care would need to be taken over how complaints about misconduct would be treated. They drew attention to the fact that some complaints about service failure may be linked closely to complaints about the conduct of an individual officer. In these cases, respondents were keen to ensure that it did not become more difficult to deal with complaints about misconduct as a result of the changes, as well as making sure that complaints did not take longer than necessary to resolve.

2.52 Some respondents did not believe that it was necessary to extend the definition of a complaint to cover either policing practice or service failure. A number were concerned about whether extending the definition could lead to abuse of the complaints system, including by organised criminals seeking to undermine policing tactics. Some highlighted the fact that the public currently raise concerns about service failure and that the most effective way of resolving these concerns was informally, outside the 'formal' police complaints system. These respondents felt that by encouraging concerns about service failure to enter the 'formal' system too early, the quality of service the public receive may decline.

Recording all complaints

2.53 A clear majority of respondents agreed with the proposal to record all complaints. While those in favour also agreed that it would be important to ensure that complainants' expectations were not raised unnecessarily, as well as ensuring there was a mechanism to deal with vexatious complaints effectively, they believed there would be positive benefits from recording all complaints. These benefits included increasing the amount of information available to police forces and PCCs about the issues causing the public the most concern, as well as increasing public satisfaction with the complaints system.

2.54 A number of respondents also provided information about issues that would need to be considered should the proposal be implemented. This included how complaints from individuals not involved in a particular incident (for example, those who might witness an incident on television) and those from off-duty police officers or family members of police officers should be dealt with. A small number of respondents suggested that the practice of recording all complaints should mean that each allegation raised against the police should be recorded as an individual complaint.

2.55 A small number of respondents did not support the proposal to record all complaints. Of these respondents, a number were concerned that requiring all complaints to be recorded would remove the ability of forces to deal with vexatious complaints quickly. Others were concerned about the potential to raise a complainant's expectations unnecessarily, suggesting to them that their complaint would be investigated when in fact there would be little or no investigation.

Replacing 'disapplication' and 'discontinuance' with 'a decision to end an investigation'

2.56 Almost all respondents supported the proposal to replace the terms 'disapplication' and 'discontinuance' with a decision to end an investigation. Most believed that the complaints system was difficult for the public to understand and that introducing clearer language would improve the public's perception of the system.

2.57 A number of respondents suggested alternatives to the description 'end an investigation'. These respondents were concerned with any potential implication that a complaint had been investigated, even in cases where it had not. Some highlighted the fact that the system would need a mechanism for dealing with 'invalid' complaints. As an alternative, these respondents suggested that 'disapplication' and 'discontinuance' should be replaced with the description 'no further action'.

Other measures to improve the complaints system

2.58 The Government received a large number of suggestions about further improvements to the complaints system. The most common suggestion focused on improving the explanation of how the system works to the public. Suggestions included simplifying the language used to describe key processes, issuing more public-friendly guidance, as well as providing a better explanation of the roles and responsibilities of organisations involved in the complaint system.

2.59 A number of respondents felt that there was more that could be done to improve the support for complainants after they had made a complaint. Suggestions included the introduction of a system of advocacy for complainants, involving complainants at the outset of any complaint, as well as better expectation management.

2.60 A number of respondents felt that the system could respond more effectively to complainants, including by extending the time limit for bringing a complaint.

2.61 Some respondents suggested that the system could be improved by reducing the number of different organisations involved in the complaints system. However, others felt that increasing the number of organisations, particularly those independent of police forces, could encourage more members of the public to come forward and make a complaint.

Vexatious and persistent complaints

2.62 The Government received a number of suggestions to make it easier to determine whether a complaint is vexatious and persistent. Some respondents believed that the structural reforms to the complaints system could provide a solution by allocating responsibility to PCCs to deal with persistent and vexatious complaints, leaving police forces to concentrate their resources on investigations into conduct matters. Some respondents, thinking ahead to the potential structural reforms of the complaints system, suggested that PCCs would benefit from better guidance on vexatious complaints and the introduction of a statutory definition.

2.63 A number of respondents suggested that there should be more scope to take a complainant's history into account. Some suggested that it should be possible to label

complainants as vexatious on the basis of previous complaints they had raised. Others suggested that, in the case of repeat complaints, there should be a greater burden on the complainant to provide new evidence as to why a complaint that had been previously considered should be reopened.

2.64 However, other respondents argued that it was important that each complaint should be judged on its merits. Although vexatious and persistent complaints could impose a burden on those dealing with complaints, a number of respondents considered that more could be done to improve joint-working with other organisations, close down issues quickly and take steps to identify vexatious complaints sooner. They felt the system should focus on these issues rather than move towards a practice of labelling complainants as vexatious.

The Government's Response

2.65 The Government believes that there should be reform of how complaints are defined and handled, as supported broadly by the responses to the consultation. The Government will introduce a series of reforms to the complaints system that will improve the experience of complainants.

2.66 The Government will expand the definition of a complaint to cover policing practice and service failure, as well as the conduct of an individual police officer. As the responses to the consultation show, the complaints system can be confusing for the public. A new, expanded definition of a complaint will make it clearer to the public what they are able to complain about, as well as the outcome they can hope to achieve once they have made their complaint.

2.67 The Government acknowledges the concerns raised by some about potential abuse of the complaints system, particularly by organised criminals seeking to undermine legitimate policing tactics. The Government will work with policing partners to ensure that an expanded definition does not mean that vital policing work cannot be carried out because of spurious complaints raised by organised criminals.

2.68 The Government will require all complaints to be recorded. The responses received during the consultation show that the current practice of recording a complaint is a source of dissatisfaction for the public. While decisions not to record a complaint may be taken for good reasons, the public may feel that their issues have been excluded on a minor, technical point, leaving the substance of their allegation untouched. Not recording complaints also deprives PCCs, police forces, the IPCC and the public from a valuable source of information about the issues causing the public most concern about the service they receive from the police.

2.69 The Government acknowledges the points raised by the IPCC about complaints received from off-duty police officers (as well as members of their family) and complaints made by individuals not directly involved in an incident, for example in cases where they have witnessed an incident on television. For off-duty police officers, the appropriate avenue for them to raise an issue they may have with the service they have received from a colleague is through the police disciplinary system, as is currently the case. The changes the Government intends to make to require all complaints to be recorded should apply equally to complaints made by individuals not involved in an incident. These complaints should be acknowledged since they are a useful source of information about the issues concerning the public most.

2.70 The Government received a number of suggestions regarding replacing the terms 'discontinuance' and 'disapplication'. On the basis of the responses it received, the Government believes these terms should be replaced by the description 'no further action' in order to make the system easier to understand for complainants and the general public.

2.71 The Government also received a number of suggestions as to how the complaints system can be made easier for the public to understand and how to make it easier to identify and deal with vexatious and persistent complaints. As it considers implementation of the structural reforms to the complaints system, the Government will work continue with policing partners on these issues.

Victims of Crime

2.72 Victims of crime are entitled to complain if they do not receive the level of service they expect. Those complaints are brought under the Code of Practice for Victims of Crime and are separate from complaints brought under section 12 of the Police Reform Act 2002. The consultation invited views on whether there were any improvements needed in the way the police deal with victims of crime. The question and a summary of the responses are set out below.

10. ARE ANY IMPROVEMENTS NEEDED TO THE WAY IN WHICH THE POLICE DEAL WITH COMPLAINTS FROM VICTIMS OF CRIME?

Consultation Feedback

2.73 Just under half of respondents stated that no improvements were required. A number of these respondents said that the Code of Practice for Victims of Crime already sets out the entitlements for victims of crime and is sufficient.

2.74 Some respondents said victims of crime should not be placed in a separate category to other complainants when they make a complaint to the police.

2.75 Almost a third of respondents stated that some improvements were needed when the police receive complaints from victims of crime. Some said that victims should be treated in a sensitive manner, they should receive clear explanations regarding their complaint and be given reasonable expectations about likely outcomes of complaints. Other suggestions made were that complaints should be logged, the complaints process should be simplified, complaints should be taken seriously, investigated honestly and fairly and victims should be supported throughout the process. A few respondents who stated improvements were required identified the importance of training for police officers in handling complaints from victims of crime.

2.76 The Government also received some suggestions as to how victims may receive a swifter resolution of their complaint. A couple of respondents suggested that victims may receive a more swift resolution if the police distinguished between a concern and a formal complaint. A few said that there should be clear guidance to victims on the differences between making a complaint under the Code of Practice for Victims and those under the Police Reform Act 2002. Additionally it was suggested that PCCs could play a role in dealing with complaints from victims of crime.

The Government's Response

2.77 The Government implemented a new Code of Practice for Victims of Crime ('the Victims' Code') in December 2013 which gives victims of crime clearer entitlements from criminal justice agencies. In particular, it provides that victims are entitled to be treated by service providers in a respectful, sensitive and professional manner. The Victims' Code also entitles victims to know who to contact and what to do next if things go wrong. Victims are entitled to make a complaint

if they do not receive the service they are entitled to, and to receive a full response from the relevant service provider.

2.78 On 15 September 2014, the Government published 'Our Commitment to Victims' which sets out a requirement for "criminal justice agencies to publish information by April 2015 on how they have improved services for victims – with the national Criminal Justice Board and Victims' Commissioner holding agencies to account for what they have done at a national level, and enabling Local Criminal Justice Partnerships to lead local initiatives to improve services for victims".

2.79 Some of the suggestions raised in the responses to this consultation, such as ensuring victims are supported and treated with respect and that there be training for staff who deal with victims, were also raised in the Victims' Commissioner's report, 'A Review of Complaints and Resolution for Victims of Crime', published in January 2015. The Government supported the Victims' Commissioner in carrying out this review, as it committed to in July 2014 as part of the Criminal Justice System Strategy and Action Plan. The Government agrees that more has to be done to support victims at such a difficult time and that is why it supports the recommendations the Victims' Commissioner makes in her report.

2.80 The Government also recognise the concerns that victims have expressed in their responses to this consultation. The Government will therefore continue to work with the police and other criminal justice agencies to improve the way they handle complaints from victims of crime.

2.81 The Government will also consider other suggested improvements in its review, including whether Ombudsman services or other independent organisations need new powers to make sure victims get redress where they deserve it, as announced in 'Our Commitment to Victims'.

Super-complaints

2.82 There have been concerns about whether the police complaints system is able to identify systemic failures in policing and give sufficient voice to those individuals and groups who are not confident in their own ability to make a complaint. The Government believes that charities and advocacy groups could play a role in this regard by bringing systemic issues to light and acting on behalf of particular groups of people in bringing complaints.

2.83 To achieve this, the consultation invited views on the introduction of a system of super-complaints to enable designated organisations to:

- a) Identify trends and patterns of aspects of policing that might be harming the interests of the public; and
- b) Raise complaints on behalf of certain groups of people.

2.84 The consultation also invited views about whether super-complaints should be handled initially by the IPCC and what, if any, additional powers would be needed by the IPCC, HMIC and the College of Policing to respond effectively to super-complaints. This part of the consultation sought views on three questions. The questions and a summary of the responses are set out below.

11. SHOULD THE GOVERNMENT INTRODUCE A SUPER-COMPLAINTS SYSTEM FOR POLICING?

12. IS THE IPCC THE CORRECT BODY TO RECEIVE A SUPER-COMPLAINT?

13. WHAT ADDITIONAL POWERS WOULD THE IPCC, HMIC AND THE COLLEGE OF POLICING NEED?

Consultation Feedback

2.85 A large number of respondents considered that the introduction of a system of super-complaints would have positive benefits. Respondents believed that the system would enable the resolution of issues relating to policing to be dealt with outside the judicial process, and may help improve the under-reporting of complaints from some parts of society. To assist addressing issues of under-reporting, it would be important that the definition of a 'designated body' was not too rigid and that as wide a range of bodies as possible were able to raise a super-complaint. Some also suggested that it should be possible for complaints that had been made previously to be considered as part of any super-complaint.

2.86 Some respondents did not support the introduction of super-complaints for a variety of reasons. These reasons included concerns about organisations who have not had any contact with the police using the complaints system, the potential impact on operational policing tactics and the possibility that allowing other organisations to monitor patterns and trends in policing may undermine the role of PCCs.

2.87 All those respondents who supported the introduction of super-complaints recognised the need for roles for each of the IPCC, HMIC and the College of Policing in ensuring that issues identified in a super-complaint could be resolved effectively, either through investigation into the conduct of a police officer, inspection into the efficiency or effectiveness of policing, or wider learning to improve future police operations. A majority of respondents believed that the IPCC was the right body to handle super-complaints, although this was not unanimous and the IPCC themselves expressed reservations about this role. Other respondents considered that HMIC or the College might be better placed to handle super-complaints. Some believed that the Home Office should handle super-complaints owing to their potentially serious nature.

2.88 Although some respondents did not believe that any new powers were needed to enable the IPCC, HMIC and the College of Policing to investigate super-complaints, others suggested a variety of new powers. These included:

- a) The ability to investigate the role of other agencies, either by the IPCC or HMIC, or to call on other regulators/ inspectorates to support a multi-agency investigation.
- b) The ability to share information, and access all information and sites considered necessary for the purpose of investigating a super-complaint.
- c) Appropriate powers to resolve super-complaints, including requiring PCCs to respond to any report into the investigation of a super-complaint.
- d) The ability to extend the investigation of a super-complaint into any issue or any force related to the super-complaint but not made as part of the original super-complaint; and
- e) Compelling officers, staff and police forces to provide witness evidence.

2.89 Some respondents signalled an interest in a system of super-complaints, but wanted to know more detail about how such a system could work. Respondents were most interested in how investigations into super-complaints would be funded, and whether organisations which had received a super-complaint would be able to decline to investigate.

The Government's Response

2.90 As respondents acknowledged, there is considerable under-reporting within the complaints system. As the consultation set out, there is more to be done to encourage a greater range of people and organisations to bring forward their complaints.

2.91 To enable them to do so, the Government will seek to legislate to bring in a system of super-complaints. A system of super-complaints would allow complaints to be made about trends and patterns of aspects of policing that might be harming the interests of the public, as well as complaints to be made on behalf of certain groups of people. Data suggests that some people are more comfortable reporting their concerns to advocacy groups and other, similar organisations.⁷ By allowing those organisations to make complaints, either on behalf of a single complainant or on behalf of a group of complainants affected by the same issue, the complaints system will offer the public a choice as to who they are able to complain to, potentially allowing organisations to identify any wider context within which a complaint may be brought.

2.92 The Government acknowledges the variety of views put forward as to who should handle super-complaints, as well as the powers that bodies charged with investigating will need to ensure the system operates effectively. It is clear that there is a role for charities and advocacy organisations, but further work will be conducted to define which organisations should be able to complain on others' behalf.

⁷ Research by the IPCC (Public Confidence in the Police Complaints System, 2014, p23) suggests that 15% of people would go to the Citizens Advice Bureau to make a complaint about the police; 7% would go to their solicitor; 5% would go to their local council; 1% would go to a community based organisation or the Race Equality Council.

Chapter Three:

Reforming the Police Disciplinary System

3.1 Chapter three of the consultation document proposed a series of reforms to the police disciplinary system. Many of the proposals followed the recommendations made by Major-General Chapman in his review of the police disciplinary system ('the Chapman Review'). The recommendations focused on how the disciplinary system could be made clearer, more robust and objective, ensuring it is open, fair and transparent. The chapter also invited views on options for merging the police staff and police officer disciplinary systems, as well as the most effective way to ensure that police officers cooperate as witnesses during IPCC investigations.

3.2 These proposals were in addition to the changes to the Police (Conduct) Regulations 2012 which the Government proposed in its *Consultation on Changes to the Police Disciplinary System* launched on 18 November 2014.⁸ The Government has responded to that consultation separately.

Refocusing the police disciplinary system

3.3 The Chapman Review recommended introducing a principle of rehabilitation for cases that fall below the level where dismissal is appropriate, and suggested that the focus in such cases should be on an officer's development and improvement. The consultation sought feedback on refocusing the police disciplinary system so that it is clear how it should respond to different types of misconduct. The consultation proposed that the College of Policing should have a role overseeing the police disciplinary system. As part of its role, the College would be responsible for setting clear standards through a benchmarking exercise. All forces would be able to use this as a guide for taking decisions in cases of police misconduct.

3.4 The consultation invited views on the factors that should be considered during the benchmarking exercise. The consultation invited views on one question. The question and a summary of the responses are set out below.

14. WHAT FACTORS SHOULD BE CONSIDERED WHEN SANCTIONS ARE BENCHMARKED? – (I) SERIOUSNESS OF MISCONDUCT, (II) PUBLIC INTEREST, (III) INTENT ON BEHALF OF THE OFFICER INVOLVED, (IV) PREVIOUS CONDUCT OF OFFICER, (V) OTHER.

Consultation Feedback

3.5 In its response, the College of Policing agreed that benchmarking was 'something the College can progress on behalf of the service'. A sizeable majority of respondents agreed that the factors set out in the consultation were the right ones. Some respondents suggested additional factors that should be taken into consideration, including: remorse, the impact of the misconduct, any personal gain for the officer concerned and whether the officer admitted to the misconduct at an early stage. The IPCC suggested that the seniority of the officer concerned should also be taken into account. The National Policing Lead for Complaints and Misconduct, responding on behalf of his national policing portfolio, welcomed the proposal that the College of Policing should take on greater ownership of the police disciplinary system.

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/375965/PoliceDisciplinaryWhistleblowingCon.pdf

3.6 Several respondents were in favour of producing guidance to support the new benchmarking system. Some respondents suggested that the guidance should set out mitigating and aggravating factors that should be taken into account by the disciplinary panel when taking a decision in a disciplinary case.

The Government's Response

3.7 The benchmarking exercise will begin in the next Parliament and guidelines will be produced with all policing partners including the IPCC and the National Policing Lead for Complaints and Misconduct. The work will consider whether the additional factors suggested during the consultation should be included in the benchmarking exercise. The exercise will be an ongoing process to ensure the guidelines remain up-to-date. The guidelines produced will include mitigating and aggravating factors. In the future, the benchmarking will also cover the act of police officers failing to cooperate as witnesses in investigations undertaken by the IPCC, which the Government will include in future police conduct regulations.

3.8 On the proposal for the College to oversee the police disciplinary system, the Government will continue to work with the College to determine what this could include in the future.

Streamlining the performance and misconduct systems

3.9 The Chapman Review found that the police disciplinary system is opaque and decision making across forces is inconsistent, with different outcomes for officers committing the same types of misconduct. It also found that the system is not always effective or efficient, and that procedures for managing underperformance are particularly unwieldy and difficult to use. Furthermore, while the importance of the police leadership maintaining ownership for improving performance and conduct was acknowledged, the entire system is currently managed at a purely local level by each police force, lacking independence and scrutiny.

3.10 The consultation also invited views on a series of proposals to streamline the disciplinary system. In particular, the consultation sought views on the following issues:

- a) Aligning the performance management system with the misconduct system.
- b) Delegating decisions in misconduct cases which fall short of dismissal to officers holding the rank of Inspector.
- c) Introducing time limits for disciplinary proceedings.
- d) Holding police disciplinary hearings regionally.
- e) Changing the way in which mitigations are handled and the potential impact on force welfare systems.
- f) Whether disciplinary appeal hearings should be held regionally or nationally.
- g) How lay members should be appointed.
- h) Whether dismissal with notice⁹ is justified in certain cases; and
- i) How long warnings should remain on an officer's record.

⁹ The minimum notice period is currently determined by those conducting a disciplinary hearing. If an officer is dismissed with notice, the minimum notice period is 28 days.

The consultation invited views on a series of questions. The questions and a summary of the responses are set out below.

15. TO WHAT EXTENT DO YOU AGREE OR DISAGREE THAT THE PERFORMANCE MANAGEMENT PROCESS SHOULD BE STREAMLINED, BRINGING IT INTO LINE WITH THE PROCESS FOR MISCONDUCT?

16. TO WHAT EXTENT DO YOU AGREE THAT INSPECTOR IS THE APPROPRIATE RANK AT WHICH TO TAKE DECISIONS ABOUT MATTERS BELOW DISMISSAL?

17. TO WHAT EXTENT DO YOU AGREE THAT TIME LIMITS SHOULD BE CONSIDERED FOR DISCIPLINARY PROCEEDINGS? IF YOU AGREE, HOW LONG SHOULD THE TIME LIMIT BE?

18. DO YOU AGREE THAT POLICE DISCIPLINARY HEARINGS SHOULD BE HELD REGIONALLY RATHER THAN LOCALLY?

19. GIVING THE PROPOSED CHANGES TO HANDLING MITIGATIONS, ARE THERE ANY ADDITIONAL SAFEGUARDS THAT WOULD NEED TO BE PUT IN PLACE?

20. ARE THERE ANY CONSEQUENCES FOR FORCE WELFARE SYSTEMS?

21. SHOULD DISCIPLINARY APPEAL HEARINGS BE HELD REGIONALLY OR NATIONALLY?

22. TO WHAT EXTENT DO YOU AGREE THAT THE PROPOSED WAY OF APPOINTING LAY MEMBERS IS THE MOST EFFECTIVE? IF YOU DISAGREE, WHAT ALTERNATIVE APPROACH SHOULD THE GOVERNMENT CONSIDER?

23. ARE THERE ANY PRACTICAL REASONS WHY DISMISSAL WITH NOTICE IS JUSTIFIED IN CERTAIN CASES?

a) Aligning the performance management system with the misconduct system

Consultation Feedback

3.11 The majority of respondents agreed that the existing performance management process is under-used because it is cumbersome, bureaucratic, inconsistent and lacks credibility. Merging the performance management and misconduct systems would be simpler for forces and police officers, and would enable issues to be tackled more easily. However, the police staff associations, along with some other respondents, thought that the existing, separate systems already enable forces to tackle issues effectively.

3.12 Some respondents noted that care should be taken not to lose the distinction between misconduct and under-performance in any future system, since tackling them can require different responses. Some respondents thought that a streamlined performance management and misconduct system could lead to more challenges by officers if the under-performance in question is due to medical issues. Some respondents thought the new system should apply to chief officers.

The Government's response

3.13 The Government welcomes the strong support for aligning the performance management system with the misconduct system. The Government will seek to introduce legislation at the

earliest opportunity to strip away the current three-stage process and create a simpler model that aligns with the misconduct process. This will consist of an internal meeting for issues that would not lead to dismissal and a disciplinary hearing for those that could lead to dismissal. This will ensure that under-performance is tackled more effectively, and will reduce the burden on police forces in the process.

- b) Delegating decisions in misconduct cases which fall short of dismissal to officers holding the rank of Inspector

Consultation Feedback

3.14 There was strong support for reducing the level of decision-making to help speed up the process. Some felt that middle-ranking officers are likely to have a more up-to-date understanding of operational aspects of an officer's role and are therefore better placed to make decisions. This could therefore increase police confidence in the system. Some respondents who disagreed with the proposal thought it could lead to greater inconsistency. However, others believed that any issues relating to inconsistency could be addressed by requiring Heads, or Deputy Heads, of Professional Standards Departments to ratify certain decisions to promote consistency and fairness. Decisions that would need to be ratified included initial assessments of the severity of conduct allegations and decisions on whether to refer cases to formal proceedings. Respondents were clear that outcome decisions should always be taken by an officer who is one or two ranks above the officer subject to investigation.

The Government's response

3.15 The Government acknowledges the support for delegating decisions appropriately and shares some of the concerns about the need to ensure consistency and fairness. The Government will seek to bring forward legislation to allow Inspectors to take decisions. This will apply in all cases, rather than just cases below dismissal as was originally proposed in the consultation, as respondents were clear that it would be appropriate for forces to have the discretion to delegate decisions in most cases. To ensure consistency and fairness in the decision-making process at key stages of the system, certain decisions will still need to be approved by Heads or Deputy Heads of Professional Standards Departments. This will apply specifically to initial assessments of the severity of conduct allegations and to decisions on whether to refer cases to formal disciplinary proceedings.

- c) Introducing time limits for disciplinary proceedings

Consultation Feedback

3.16 There was a great deal of support for reducing delays and speeding up investigations into police misconduct. However, the majority of respondents opposed introducing any form of statutory time limit and thought that such a limit would not be workable. Many of those who opposed the introduction of a time limit, including the IPCC, highlighted the fact that delays can occur for a variety of legitimate reasons and it depends on the individual case.

3.17 Some respondents suggested other ways in which the pace of disciplinary investigations could be accelerated. A number suggested guidance setting out a clear expectation that steps should be taken to improve the timeliness of investigations. Others suggested that forces should be required to produce an explanation as to why a case was taking longer than expected to conclude. Further suggestions included extending the current fast-track system to include cases of misconduct in which an officer is willing to admit guilt early and receive a written warning.

The Government's response

3.18 The Government is clear that investigations should be undertaken swiftly without unnecessary delay and that therefore there should be a time limit. However, the Government understands some of the concerns that have been raised around the workability of time limits for investigations and the risk of creating perverse incentives in the system. The Government will therefore seek to bring forward legislation and set out in guidance a clear expectation that disciplinary investigations should usually take 6 months in standard cases and a maximum of 12 months, unless the cases are particularly complex or linked to criminal proceedings. The Government is clear that forces should be accountable for delays in concluding investigations, to ensure public confidence in the system. Therefore in any case where a force fails to meet the time limit of 12 months the chief constable will be required to write to his/ her PCC to explain publicly why the delay is necessary and what steps the force is taking to conclude the investigation as swiftly as possible.

d) Holding police disciplinary hearings regionally

Consultation Feedback

3.19 Some respondents agreed that holding police disciplinary hearings regionally, rather than locally at force level, could help to improve consistency and increase efficiency. Some police forces indicated they are already looking at the potential for collaboration across forces at a regional level and would therefore support a move to regional hearings. Some respondents supported the proposal in principle, but said that they would be unable to commit until a cost-benefit analysis had been undertaken.

3.20 Some respondents were concerned that holding disciplinary hearings regionally could increase the cost of the disciplinary system, particularly through increased travel expenses. Some also noted that holding disciplinary hearings regionally may dissuade members of the public from attending. A few expressed concern that the officer's police force would not be directly represented. These respondents were concerned that this may deprive the panel of important contextual information and operational expertise from the police force when making its decision.

3.21 The Government received a small number of responses from members of the public. These respondents did not hold strong views, but were concerned that the panel hearing a disciplinary case should have sufficient public representation.

The Government's response

3.22 As there was a mixed response to this proposal, with some police forces in favour and others yet to be persuaded of the potential benefits, the Government does not intend to mandate regional hearings at this stage. The Government will seek to bring forward legislation to give forces the discretion to arrange hearings in the most cost-effective way possible.

3.23 The Government will work with forces that elect to take a more collaborative approach to understand better the potential costs and benefits of broadening the approach in the future. The Government would like to see the College of Policing taking on greater responsibility for ensuring high standards and consistency in the disciplinary system. The College could play a key role by providing guidance to forces on standards for disciplinary investigations, and support forces to collaborate to reduce costs to the system. For example, the College could support the disciplinary proceedings process by helping to administer hearings and regional appeals.

- e) Changing the way in which mitigations are handled and the potential impact on force welfare systems

Consultation Feedback

3.24 The consultation invited views as to whether disciplinary panels should have the discretion to disregard or place less weight on any mitigation raised by a police officer that the panel believe could have been raised earlier. There was broad support for this proposal. Many respondents suggested that disciplinary panels should have discretion to decide how much weight to place on the mitigations provided and any reasons an officer may give for failing to declare the mitigations sooner. Some suggested that guidance would be needed to ensure some degree of consistency in decisions about how the weighting is given. The IPCC and staff associations believed that the existing provisions for dealing with mitigations were sufficient and did not require change.

3.25 Some respondents thought that the proposal would lead to an increase in the workload of welfare systems as a result of an increase in the number of officers reporting minor issues in support of any mitigations those officers may offer at a later hearing. Some respondents suggested that there should be improved information sharing between forces and staff associations. They suggested that some officers may not wish to disclose all mitigations, particularly any relating to medical issues, to their force. It was suggested that allowing confidential referrals to the disciplinary panel, for example from medical practitioners, could help to address any issues an officer may have about disclosing mitigations.

The Government's response

3.26 The Government has listened carefully to the concerns raised during the consultation, particularly the potential for increased workloads within force welfare systems, and accepts that there is a need for clear guidance to panels on how to use its discretion fairly and consistently. The Government will therefore provide a clear framework to panels through a combination of guidance and the benchmarking process (which will set out mitigating and aggravating factors) to assist the panel in utilising its discretion to decide whether to place less weight on or completely disregard mitigations. We consider this approach provides sufficient safeguards but are interested in exploring the need and feasibility of the suggestion of confidential referrals to the panel chairs direct from medical practitioners and staff associations.

- f) Whether disciplinary appeal hearings should be held regionally or nationally

Consultation Feedback

3.27 The majority of respondents were in favour of holding disciplinary appeal hearings regionally. Some respondents considered that a system of regional disciplinary appeals would align better with a system of regional disciplinary hearings. Others suggested that regional disciplinary appeals would be less removed from local police forces than holding appeals centrally.

3.28 Some respondents did not agree with either option and considered the existing arrangements to work well. Respondents who did not agree with either option did not believe they would achieve value for money and were likely to increase the costs of the disciplinary system, particularly through increased travel costs for officers and witnesses.

3.29 Some respondents supported the option to hold disciplinary appeal hearings nationally. They believed national hearings could work well if they were administered by a central body, such as the College of Policing.

The Government's response

3.30 The Chapman Review was clear about the need to introduce greater independence into the police disciplinary system, including removing local forces from the hearings process where possible. The Government has considered the concerns around the additional travel costs that may result from holding appeal hearings further from forces. However, the Government considers that greater consistency and collaboration will help to raise standards of conduct across forces. Greater centralisation is also likely to achieve economies of scale and reduce administration costs. The Government will therefore work with policing partners to identify the best way to ensure that appeal hearings are held regionally.

3.31 Regional appeals will also align with the flexible approach the Government will introduce for disciplinary hearings, as outlined above. It will be for PCCs to agree a host force in each region to lead the regional hearing centres and manage administration and logistical arrangements. PCCs already have the ability to transfer budgets to another force. It will also be for relevant PCCs to agree a model for sharing the costs of the hearings.

g) How lay members should be appointed to disciplinary appeal panels

Consultation Feedback

3.32 The majority of respondents strongly supported the proposal for lay members of appeal panels to be appointed nationally. They would be added to a centrally-held list that regional administration teams could draw on for arranging appeal hearings. However, many respondents were concerned that local people would not be involved in the appeals process and that this differs from the approach taken for hearings, where lay members are recruited locally.

3.33 The Government received a number of suggestions about how it can ensure that lay members have the appropriate skills to contribute effectively to appeal hearings. These included holding open and independent recruitment competitions, providing training for lay members once appointed. Some respondents also suggested that PCCs should recruit lay members to preserve their independence from the force.

The Government's Response

3.34 The Government is clear that lay members should replace retired officers on appeals panels. This will ensure the public interest is represented. Operational expertise will be provided by the serving officer on the panel. The Government has considered the suggestion that local people should be involved in the process in line with the current process for hearings. As appeals will be held regionally, and in order to reduce the burden of the recruitment process, forces will be able to use lay members recruited locally to sit on appeal panels. To ensure greater independence the Government agrees with the suggestion that lay members should be appointed by PCCs, in line with the current practise for hearings. A list of those lay members will be collated regionally and used for both hearings and appeals. This will ensure that local people play an important role in the appeals process, as they do in the hearing process.

h) Whether dismissal with notice is justified in certain cases.

Consultation Feedback

3.35 The overwhelming majority of respondents thought that there were no circumstances in which dismissal with notice is justified. A few respondents provided examples of when dismissal with notice may be justified, including situations in which an officer is required for a criminal trial while on a final written warning or where an officer is the sole carer of a dependent. However, even in those circumstances, respondents suggested dismissal with notice is rarely used.

The Government's response

3.36 The Government considers that where an officer has been found guilty of misconduct and that the view of the panel is that the extent of the misconduct is such that the officer should not continue to be a police officer, keeping the officer in the force for a further 28 days to serve a notice period following that finding would be perverse. Having carefully considered the responses and the examples highlighted of the rare cases when the sanction is currently used, the Government is satisfied that it is appropriate to remove the sanction of dismissal with notice.

i) How long warnings should remain on an officer's record.

Consultation Feedback

3.37 The majority of respondents suggested warnings should remain on record for between 2-5 years. Many respondents, including the IPCC and National Policing Lead for Complaints and Misconduct, suggested that the length of time a warning should remain on an officer's record should depend on the nature of the disciplinary offence.

3.38 Some respondents suggested that the length of time a written warning should remain on an officer's record should be consistent across all sanctions.

The Government's Response

3.39 The Government has carefully considered the responses and supports the suggestion that panels should have a certain amount of discretion in deciding how long warnings should remain on record. However, the Government is also clear that a minimum time should be established to ensure that previous misconduct is appropriately taken into account. The Government will seek to bring forward legislation to ensure that all warnings remain live on an officer's record for 2 years. The Government will also allow panels to have discretion to extend the timeframe up to a maximum of 5 years, where it is appropriate to do so.

Bringing the police officer and staff disciplinary systems together

3.40 The consultation invited views on merging the police officer and police staff disciplinary systems. The consultation offered two options: either moving police staff into the regulated police officer system; or de-regulating the police officer system and replacing it with that used by police staff. The consultation invited responses on two questions. The questions and a summary of the responses are set out below.

25. TO WHAT EXTENT DO YOU AGREE OR DISAGREE WITH THE PRINCIPLE OF BRING TOGETHER THE STAFF AND POLICE DISCIPLINARY SYSTEMS INTO ONE SINGLE SYSTEM? IF YOU AGREE, WHICH OPTION DO YOU PREFER?

26. WHAT ISSUES SHOULD THE GOVERNMENT CONSIDER BEFORE DECIDING WHETHER IT SHOULD IMPLEMENT OPTIONS ONE OR TWO?

Consultation Feedback

3.41 The vast majority of respondents agreed with the principle of bringing the systems together. The majority of respondents preferred the option of bringing police staff into the regulated police system.

3.42 Some respondents disagreed with the proposals, including the police staff associations. They considered that, since the roles of police officers and staff differed, so too should their disciplinary systems. Respondents also highlighted the fact that the existing police officer misconduct system already allows for staff to appear at a misconduct hearing alongside an officer, where appropriate. Others were more supportive of moving more public-facing staff into the regulated system in recognition that their role is different to 'back-office' functions.

3.43 Respondents highlighted that considerable work would need to be carried out before the Government could decide which, if either, option should be implemented. Concerns were raised about the importance of preserving the Office of Constable, as well as ensuring fairness for both police officers and staff and how a single system would treat contractors. Respondents considered that any changes to the police officer and police staff disciplinary systems would require further consultation with police staff associations and trade unions. Many felt that it would take a considerable period of time to work through all the issues that would need to be addressed before the Government could take a decision.

The Government's Response

3.44 The Government believes there is merit in the principle of aligning the police officer and staff systems. If the disciplinary systems used by the police to hold officers and staff to account are to retain the confidence of the public, it is essential that misconduct is treated the same whether committed by a police officer or member of police staff. The Government believes that reform is needed to enable misconduct to be dealt with effectively.

3.45 The Government has considered carefully the strength of feeling on this issue and the complexity of the issues that require resolution before it chooses whether to merge the disciplinary systems for police officers and staff. The Government will continue to work with policing partners, particularly staff associations and trade unions, to address the issues identified during the consultation, as well as any others that emerge during discussions with policing partners, to determine whether and how the police officer and police staff disciplinary systems can be merged.

Compelling police officers to answer IPCC questions

3.46 The consultation invited views on how to ensure a robust link between the expectation that police officers will answer IPCC questions where they are called upon as witnesses, and the sanctions available for failure to do so under the disciplinary system. The consultation invited views on one question. The question and a summary of the responses are set out below.

27. WHICH OPTION FOR COMPELLING POLICE OFFICERS TO ANSWER IPCC QUESTIONS DO YOU THINK THE GOVERNMENT SHOULD PURSUE? A) MAKING IT A SUMMARY ONLY OFFENCE FOR A POLICE OFFICER TO REFUSE TO ANSWER A REASONABLE QUESTION POSED BY THE IPCC, B) INTRODUCING A DISCIPLINARY SANCTION, OR C) ENABLING THE IPCC TO ISSUE DISCLOSURE NOTICES.

Consultation Feedback

3.47 A large number of respondents did not support the principle of compelling officers to answer a reasonable question posed by the IPCC and expressed strong concerns against it. Responses from individual police officers and members of the public preferred enabling the IPCC to rely on disclosure notices.¹⁰ Responses from representative bodies expressed a strong preference for a disciplinary sanction, but were strongly against the other options.

3.48 Respondents raised a number of concerns about the options, including that all the options were contrary to the principles of natural justice and that any answers provided would not be admissible in any subsequent criminal proceedings. The IPCC did not support the introduction of a criminal offence. Instead, its preferred approach was for a duty of candour to encourage police officers to cooperate with its investigations, backed-up by a disciplinary sanction available to forces should an individual fail to cooperate appropriately. The police staff associations disagreed strongly with all three options and raised a number of additional concerns. These included the potential of the proposals to restrict an officer's right not to answer questions, as well as the potential impact on the police's ability to recruit officers to particular policing functions, such as firearms. The police staff associations felt that because officers will, in the vast majority of cases, provide a statement at least, any change was unnecessary.

The Government's Response

3.49 As the Government stated in the consultation, it is important that the IPCC is able to carry out its investigations into the most serious and sensitive cases effectively. While statements from officers who witness an incident are an important part of the IPCC's ability to carry out an investigation, statements may in some cases be insufficient. Refusal to cooperate further has a serious impact on the ability of the IPCC to carry out its investigations and can, in some circumstances, prolong a case to the detriment of the public and those under investigation.

3.50 The Government acknowledges the strong objections to the proposal to introduce a summary only offence for officers who refuse to answer a reasonable question posed by the IPCC. The Government does not believe it would be proportionate to introduce a criminal offence.

¹⁰ The notices would be enforceable through the courts. If an officer failed to comply they would be liable to a maximum of 6 months imprisonment and/ or a fine. The notice would need to be linked to an existing offence.

3.51 On the basis of the views put forward during the consultation, the Government believes that the most effective and proportionate means of ensuring that police officers answer IPCC questions is through the police disciplinary system. The Government will, therefore, introduce a duty of candour to ensure police officers understand their obligations to cooperate fully with any IPCC investigations. Alongside this duty, the Government will also amend the police conduct regulations to introduce a specific act of failing to cooperate with an IPCC investigation. Forces will have the discretion to take whatever disciplinary action is appropriate to the circumstances. The independent benchmarking process by the College of Policing will help to determine the appropriate level of sanction that should apply in such cases.

Chapter Four:

Strengthening Protections for Police Whistleblowers

4.1 Chapter four of the consultation proposed a series of measures to strengthen protections for police whistleblowers. The chapter proposed strengthening the IPCC's ability to deal with issues raised by whistleblowers, changes to the police disciplinary system regarding whistleblowers, and requiring organisations dealing with the issues raised by whistleblowers to consult whistleblowers and provide feedback at key parts of the process. The chapter also invited views on whether whistleblowers should be offered anonymity or immunity from prosecution.

4.2 These proposals were in addition to the changes to the Police (Conduct) Regulations 2012 which the Government proposed in its *Consultation on Changes to the Police Disciplinary System* launched on 18 November 2014.¹¹ The Government has responded to that consultation separately. In addition, the College of Policing is developing national guidance on police whistleblowing.

Giving the IPCC new powers to deal with whistleblowing

4.3 The consultation invited views on whether the IPCC should be given new powers to enable it to investigate allegations brought by whistleblowers more effectively. In particular, it sought feedback on proposals to give the IPCC the power to manage the early stages of a case brought to its attention by whistleblowers and to introduce sealed investigations. Sealed investigations would restrict the number of people who know about an investigation and the level of information they are given to prevent the possibility of collusion, destruction of evidence or pressure being applied to the investigation. The consultation asked for responses to three questions. The questions and a summary of the responses are set out below.

28. TO WHAT EXTENT DO YOU AGREE THAT THE IPCC SHOULD HAVE THE POWER TO MANAGE THE EARLY STAGES OF AN INVESTIGATION BROUGHT TO ITS ATTENTION DIRECTLY BY A WHISTLEBLOWER BEFORE INFORMING THE FORCE?

29. HOW SHOULD CASES REPORTED BY WHISTLEBLOWERS TO THE IPCC WHICH FALL BELOW SERIOUS AND SENSITIVE BE DEALT WITH?

30. TO WHAT EXTENT DO YOU AGREE THE INTRODUCTION OF SEALED INVESTIGATIONS WILL INCREASE THE ABILITY OF THE IPCC TO CARRY OUT INVESTIGATIONS AND PREVENT THE POSSIBILITY OF COLLUSION, DESTRUCTION OF EVIDENCE OR PRESSURE BEING APPLIED TO AN INVESTIGATION?

Consultation Feedback

4.4 A clear majority of respondents agreed the IPCC should have the power to direct the early stages of an investigation. Support was greatest among individual officers and PCCs.

4.5 There were lower levels of support from police forces for the proposal that the IPCC should have the power to direct the early stages of an investigation. Responses received from police forces highlighted the fact that the IPCC would need to contact the force to obtain a basic level

¹¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/375965/PoliceDisciplinaryWhistleblowingCon.pdf

of information at an early stage in the process. In particular, they pointed out that the IPCC would need to obtain details of the whistleblower's history, as well as whether there were any existing investigations into the matter reported by the whistleblower.

4.6 Some respondents suggested that whistleblowers should be able to report their concerns to organisations other than the IPCC. The College of Policing suggested that police officers and members of police staff should be able to approach it with concerns. It considered that a joint assessment involving the College, the IPCC and HMIC may provide a more effective response to organisational issues raised by whistleblowers.

4.7 There were a number of responses to the question regarding how the IPCC should respond to cases reported by whistleblowers that were not judged to be serious and sensitive. The most common response was that the IPCC should refer matters reported to it that were assessed as below the threshold for serious and sensitive back to police forces.

4.8 The Government received a number of other suggestions about how the IPCC could respond to cases not assessed as serious and sensitive. Some suggested such cases reported to the IPCC should be referred back to a single point of contact in the force, such as someone in the chief constable's office or someone trained to support whistleblowers. PCCs suggested that they should also receive information about cases raised directly by whistleblowers with the IPCC, to monitor where officers have felt internal force reporting mechanisms could not address their concerns. Finally, some respondents suggested that all allegations raised by police whistleblowers with the IPCC should be investigated by an independent body.

4.9 The majority of respondents agreed that the IPCC should be able to carry out sealed investigations. There was particularly strong support for this proposal from individual police officers and PCCs.

4.10 Some respondents did not believe that sealed investigations were necessary, since similar investigations could already be carried out by police force anti-corruption units. Some respondents said that, since the IPCC is already involved in some of these investigations, it would not need new powers to carry out sealed investigations.

4.11 Some respondents focused on practical issues that would need to be considered ahead of implementation. Some raised issues regarding the IPCC's capability to carry out covert investigations more generally. Other respondents were concerned about who would hold responsibility for any risks to both the whistleblower and any single point of contact in force. Finally, some respondents also expressed an interest in the sanction for breaching a sealed investigation, if such a sanction were to be introduced.

The Government's Response

4.12 The Government has reflected carefully on the responses it has received on the proposals to give the IPCC more powers to deal with issues brought to its attention by police whistleblowers. While the IPCC already receives a number of reports from whistleblowers and has launched investigations as a result, it is essential that any organisation that receives reports from whistleblowers is able to provide a fully independent response from the start.

4.13 In the majority of cases, the Government expects that police officers and members of police staff will choose to challenge inappropriate behaviour directly, or raise concerns about misconduct and malpractice through their line management chain or to the force's professional standards department (PSD). The Government expects those in receipt of such reports to respond to allegations of police misconduct and malpractice quickly and effectively.

4.14 However, it is essential that police whistleblowers have an alternative outlet to report their concerns if they do not trust these routes. The Government will seek to introduce legislation to give the IPCC the powers to manage the early stages of an investigation brought to its attention directly.

4.15 The Government acknowledges the concerns raised during the consultation about the need for the IPCC to contact forces for information, including about the officer making the report and any investigations into the issue either already underway or previously concluded. The Government agrees that the IPCC will usually need to obtain some information from forces in order to launch its own investigation. In order to retain the confidence of the whistleblower, obtaining information from police forces will be at the discretion and direction of the IPCC.

4.16 Where the IPCC receives reports from police whistleblowers that are not assessed as serious and sensitive, the Government agrees that the IPCC should refer these cases back to forces for consideration and, where necessary, investigation. This will ensure the IPCC is able to continue to direct its resources where they are needed most, as well as preserving the ability of the chief constable to retain responsibility for investigating the conduct and discipline of officers and staff in their force in all but the most serious and sensitive cases.

4.17 While the Government will not legislate to make PCCs the single point of contact for matters reported by whistleblowers, these proposals retain flexibility for PCCs to take a more active role in receiving allegations from whistleblowers, providing allegations are passed to the PSD for formal action. These proposals will continue to allow PCCs to monitor or dip-sample the force's response to such allegations, subject to local agreement with the force.

4.18 Some of the cases reported to the IPCC directly by police whistleblowers may require use of covert capability as part of any investigation. The Government agrees with some of the respondents to the consultation that, where necessary, existing covert capability and expertise in police force anti-corruption units should be used.

4.19 However, in the event that a different approach is required, the Government will seek to introduce legislation that will enable the IPCC to direct a sealed investigation, to provide a level of certainty that information may not be disclosed. Any decision by the IPCC to direct a sealed investigation must be necessary and proportionate, but should not be linked to a specific type of offence. There may be circumstances in which a lower-level offence that appears to be widespread may require the IPCC to direct a sealed investigation.

Involving police whistleblowers

4.20 The consultation invited proposals on how whistleblowers could be involved once they have come forward. In particular, the consultation invited views about whether whistleblowers should receive feedback and whether whistleblowers should have a right to be consulted by the IPCC on the following issues:

- a) Whether they wish to make their report anonymously, in confidence or overtly.
- b) Whether the matter should be referred back to the force to be recorded.
- c) Whether there are any parts of the force that might compromise the effectiveness of an investigation or lead to the whistleblower's identity being exposed; and
- d) Whether they should be given the right to comment on the findings of the investigation, as well as the force's response to those findings.

In addition, the consultation also invited views on whether whistleblowers who are subject to disciplinary proceedings should be given an opportunity to request an independent review of any decision that they have a case to answer regarding their conduct. This part of the consultation invited views on three specific questions. The questions and a summary of the responses are set out below.

31. AT WHAT POINTS IN THE PROCESS DO YOU THINK A WHISTLEBLOWER SHOULD HAVE A RIGHT TO FEEDBACK?

32. FOR EACH OF 4.21(A)-(D), PLEASE STATE WHETHER A WHISTLEBLOWER SHOULD, OR SHOULD NOT, HAVE A RIGHT TO BE CONSULTED BY THE IPCC.

33. TO WHAT EXTENT DO YOU AGREE WITH THE PROPOSAL TO GIVE WHISTLEBLOWERS THE OPPORTUNITY TO REQUEST AN INDEPENDENT REVIEW OF ANY DECISION THAT THEY HAVE A CASE TO ANSWER REGARDING THEIR CONDUCT?

Consultation Feedback

4.21 Almost all respondents supported the proposal to give whistleblowers feedback after they have made a report. The police staff associations said in their response that failure to consult whistleblowers fully during an investigation and provide them with feedback during the progress of the investigation was a common source of concern among police whistleblowers.

4.22 The most common response was that whistleblowers should receive feedback at set intervals (some respondents suggested that whistleblowers should be updated every one or two months) and at key decision points. Some respondents believed that the Code of Practice for Victims of Crime was a suitable model that could be used to identify when and how frequently a police whistleblower should receive feedback.

4.23 Some respondents felt that the decision to give a whistleblower feedback should be made on a case-by-case or discretionary basis, rather than require all whistleblowers to be given feedback.

4.24 The majority of respondents agreed with the proposal that whistleblowers should be consulted on each of the points listed at paragraph 4.20(a)-(d), providing that the IPCC had the discretion to make the final decision.

4.25 There was strongest support for consulting whistleblowers about whether they want to reveal their identity. Some respondents suggested this should be extended to include any risks to the whistleblower.

4.26 A small number of respondents were concerned that consulting whistleblowers may interfere with the independence of an investigation or the whistleblower's evidence. As a result, some did not agree that whistleblowers should be consulted on whether a report made directly to the IPCC should be referred back to the force to be recorded or parts of the force that should not be involved.

4.27 A number of respondents did not agree that a whistleblower should have the right to comment on the findings of an investigation. Many felt that whistleblowers should only have the right to be notified of the findings.

4.28 Some respondents believed that whistleblowers should be consulted when they have reported a concern to their force, not just the IPCC.

4.29 A majority of respondents agreed with offering whistleblowers an independent review of a decision that they have a case to answer, before disciplinary proceedings were instigated.

4.30 However, some respondents were concerned about this proposal. A significant proportion thought it would be overly bureaucratic and increase costs. These respondents believed that issues relating to whether a whistleblower has a case to answer could be better resolved through disciplinary hearings, appeals and employment tribunals, rather than through an alternative mechanism. Some respondents suggested that PCCs or another force could carry out an independent review of a decision rather than the legally qualified chair of a police disciplinary panel.

4.31 Some respondents also identified issues that would need to be considered ahead of implementation. Some were interested in whether decisions by the IPCC that a whistleblower had a case to answer regarding their conduct could be reviewed. Some suggested that there should not be a time limit between any disclosure made by a whistleblower and a decision that they have a case to answer regarding their conduct to prevent abuse of the protections.

The Government's Response

4.32 The Government acknowledges the strong support it received during the consultation for the proposal for whistleblowers to receive feedback on the progress of any investigation into a report they have made. The Government believes that the proposal to base a system of feedback on the Code of Practice for Victims of Crime is one that could work for police whistleblowers. This would require whistleblowers to be updated at key points in an investigation, as well as receive regular updates on the progress of any investigation.

4.33 The Government will work with policing partners to identify the points at which whistleblowers should be updated. The Government acknowledges the concerns expressed in the consultation that any requirement to provide feedback should not compromise the investigation or duties of confidentiality inappropriately. The Government will take this issue into consideration during its work with partners when deciding how whistleblowers should receive feedback.

4.34 In addition to receiving feedback on the progress of an investigation, the Government also believes that whistleblowers should be consulted on the points listed at 4.20(a)-(d). Consulting whistleblowers on these points will increase confidence in how their report will be handled.

4.35 The Government agrees that it is important that consulting whistleblowers on these points should not have any impact on an investigation or prosecution. As a result, the Government will consider what exceptions might be appropriate before implementing this proposal.

4.36 The Government will also introduce a right for whistleblowers to seek an independent review into any decision that they have a case to answer regarding their conduct. While the legally qualified chairs being introduced to misconduct hearings would be best placed to provide the necessary independence and expertise, other options may be appropriate on agreement by both the force and whistleblower.

4.37 This right will apply only to decisions taken by police forces. Where the IPCC has decided that a police whistleblower has a case to answer, the whistleblower will have no right to request an independent review of that decision.

4.38 The Government agrees with the points raised during the consultation that giving whistleblowers a right to request an independent review should not create an opportunity for

whistleblowers to abuse the disciplinary system and seek to delay proceedings against them or create an unnecessary burden on police forces. The Government will, therefore, work with partners on how giving whistleblowers a right to request an independent review can be introduced with the least impact on the efficiency of the police disciplinary system.

Offering whistleblowers anonymity and immunity

4.39 The consultation also invited views on proposals to offer whistleblowers a guarantee of anonymity or immunity from prosecution. The questions and a summary of the responses are set out below.

34. TO WHAT EXTENT DO YOU AGREE OR DISAGREE THAT THE IDENTITY OF A POLICE WHISTLEBLOWER SHOULD BE PROTECTED BY LAW?

35. ARE THERE CIRCUMSTANCES WHERE GUIDANCE SHOULD RECOMMEND THAT PROSECUTORS CONSIDER THE SERIOUS ORGANISED CRIME AND POLICING ACT 2005 (SOCPA) PROVISIONS FOR POLICE WHISTLEBLOWERS WITH INFORMATION ABOUT SERIOUS CRIMINALITY IN THEIR FORCE?

Consultation Feedback

4.40 A majority of respondents agreed that guaranteeing to protect the identity of a whistleblower would encourage more police officers and staff to come forward. The staff associations, in particular, identified a lack of confidence in the confidentiality of systems used in forces as one of the reasons that prevented police officers and members of police staff coming forward.

4.41 Some police forces expressed concern with the proposal to protect the identity of a whistleblower. Although they agreed that there was merit in protecting the identity of a whistleblower, they believed it should be adopted as good practice only, rather than a guarantee that might limit flexibility.

4.42 A number of respondents considered that protections might not be appropriate if it emerged that the whistleblower under protection was involved in wrongdoing themselves, or that the allegation they had made was false.

4.43 The majority of respondents also agreed with the principle that offering whistleblowers immunity from prosecution could be beneficial in encouraging whistleblowers to come forward.

4.44 Very few respondents identified any circumstances specific to the police that would warrant special provision being made for police officers or police staff beyond the existing provisions in guidance on the Serious Organised Crime and Policing Act 2005 (SOCPA). Some suggested that reports against senior police officers, in cases in which an individual officer may be acting on the orders of the senior officer, may warrant a guarantee of immunity, particularly if the public was at risk, or there was a miscarriage of justice or an abuse of policing powers.

4.45 Others considered that the existing provision, although used very rarely, was sufficient. Others disagreed with the principle and felt that the role police officers were expected to play should mean that they could not be offered immunity from prosecution under any circumstances.

The Government's Response

4.46 It is important, given the power that the police hold, that whistleblowers who may have information about police misconduct or malpractice should be protected from repercussions if they come forward.

4.47 The Government has already committed to introduce measures that will go some way towards protecting the identity of whistleblowers, both in this consultation response and elsewhere. The requirement to consult whistleblowers before taking a decision that may result in their identity being revealed will ensure that whistleblowers can have confidence in the ability of the IPCC to protect them appropriately. Equally, the national guidance on police whistleblowing to be published by the College of Policing will set out best practice for police forces regarding how they should protect the identity of whistleblowers.

4.48 However, the Government intends to go further. HMIC's recent *Police Integrity and Corruption*¹² report found that police officers lacked trust in confidential reporting systems used by police forces. HMIC expressed concerns that corruption might be going unreported as a result.

4.49 The Government will therefore consider extending the duty to consult a whistleblower over any action that might reveal their identity to cases where whistleblowers make their report to the police force. Evidence from forces in response to this consultation suggests the majority of police officers choose to report their concerns overtly to their force. However, in those cases where officers need to use a confidential reporting mechanism, a statutory requirement for forces to consult the whistleblower may increase confidence. The Government will work with stakeholders to consider what exceptions might be appropriate, for example to allow the duty to be waived where individuals are found to have provided deliberately false information or to be involved in wrongdoing themselves.

4.50 Further consideration will be given to how any duty to consult could be extended if proceedings reach a misconduct hearing or criminal court. However, anecdotal evidence suggests that once sufficient evidence has been gathered to bring a case to formal proceedings, whistleblowers are more likely to agree to reveal their identity.

4.51 The Government has reflected carefully on the responses it received during the consultation to the proposal to offer police whistleblowers immunity from prosecution. On the basis of the responses it has received, the Government does not believe that there is sufficient evidence at this time to justify the need for special consideration of immunity from prosecution for police whistleblowers.

4.52 The Government agrees that the existing provisions in guidance on SOCPA are sufficient at the current time.

¹² HMIC's report can be found here:

<https://www.justiceinspectorates.gov.uk/hmic/our-work/police-integrity-and-corruption/>

Chapter Five:

The Role and Powers of the IPCC

5.1 Chapter five of the consultation invited views on proposals to reform the IPCC. Those proposals included changes to clarify the IPCC's functions, strengthen its powers and reform its structure.

5.2 The IPCC is currently undertaking a significant programme of work to expand its capacity and capability so that it can investigate all serious and sensitive matters involving the police. The proposals in the consultation were designed to support this work and to strengthen the IPCC's ability to secure and maintain public confidence in the police complaints system.

5.3 The responses to the consultation confirmed the need for an independent organisation at the heart of the complaints system that can provide oversight, scrutinise police complaints handling and investigation and, where necessary, take on investigations to ensure the highest levels of independence and transparency. The majority of respondents, including the IPCC, also recognised the need for change – not simply to support the IPCC's development into a larger, more investigation-focussed body, but also to address other issues of concern, including gaps in the IPCC's powers and allocation of resources.

5.4 In parallel to this consultation, the Government carried out a triennial review of the IPCC focussing on its governance and operational efficiency. The findings of the triennial review, published on 12 March 2015, have also informed this response.

Clarifying the functions of the IPCC

5.5 The three main functions of the IPCC are its oversight of the complaints system (primarily complaints handling and investigation by forces), its position as an appellate body (considering appeals in relation to complaints) and its role as an investigative body (for serious and sensitive cases).

5.6 With regards to oversight of the complaints system, the IPCC's role will necessarily change to reflect changes to the overall structure of the police complaints system, set out in Chapter 2 of this document. In a reformed system, PCCs will have the option to take on responsibility for referring cases to the IPCC, to act as a single point of contact for complaints and take a greater role in resolution. In such cases, it is clearly appropriate for the IPCC to examine the decisions made by PCCs and to publish performance data. The Government agrees with the IPCC that, as a minimum, there needs to be a clear framework for information-sharing between PCCs and the IPCC.

5.7 With regards to the IPCC's role as an appellate body, the Government is not proposing to widen the IPCC's role. The Government proposes giving PCCs a greater role in considering appeals, but expects the overall proportion of complaints in the system generating appeals to fall as a result of the reforms set out elsewhere in this response. The Government has sought views on giving the IPCC greater powers to recommend remedial action following consideration of appeals, similar to the powers of an ombudsman. This discussion is at paragraph 5.28.

5.8 The IPCC's function as an investigative body is expanding, giving the IPCC the capacity to take on many more independent investigations than it currently does. In light of this, the consultation sought views on what complaints (and other serious matters involving the police)

should be referred to the IPCC to consider, and on the types of investigation that the IPCC can undertake.

5.9 Forces and PCCs are required to refer matters to the IPCC that fall within the mandatory referral criteria. The Government believes it is of the utmost importance that the IPCC is afforded the opportunity to consider a range of complaints or matters that could require independent investigation, even if this means that a proportion of cases referred are sent back to forces to investigate. To ensure this system works as smoothly as possible, the mandatory referral criteria need to be set at the right level and be clear. The Government invited responses to the following question and a summary of the responses is set out below.

36. ARE FURTHER CHANGES NEEDED TO STRENGTHEN OR CLARIFY THE MANDATORY REFERRAL CRITERIA?

Consultation Feedback

5.10 The majority of respondents who gave a view on this question thought the current criteria did not need to be changed. Importantly, the IPCC believe that the criteria are sufficient, provided they continue to be rigorously applied.

5.11 Of those who did feel that change was needed, the majority indicated that the current criteria could be clarified, rather than strengthened. Very few respondents gave specific clarifications, but the general implication was that the IPCC needs to continue to work with forces and PCCs to make absolutely clear what types of cases it expects to see referred.

5.12 With regards to strengthening the criteria, a small number of respondents suggested additional criteria, and there was support for strengthening the criteria to cover a wider range of allegations of corruption against senior officers.

The Government's response

5.13 The consultation responses broadly indicated that the current criteria are sufficient and the Government is content that no major change is needed. However, while the Government is keen to avoid regular changes that could make it more difficult for forces to maintain their understanding of the criteria, where there is a clear case for change the criteria should be amended. Following the introduction of a definition of police corruption in the Criminal Justice and Courts Act 2015, the Government will seek to amend the criteria relating to corruption as soon as practicable.

IPCC investigations with police support

5.14 Currently, when a case is referred to the IPCC, in addition to deciding to investigate the case itself, the IPCC can also decide to allow a force to investigate the case, but with a degree of IPCC involvement – either providing direction and control (a managed investigation) or within prescribed terms of reference (a supervised investigation). The Government believes that this gives rise to confusion, particularly for the complainant or potential victims of police misconduct, around the degree of independence. Given the transfer of resources to the IPCC to undertake more independent investigations, the Government sought views on narrowing the options available to the IPCC to create a clearer distinction between IPCC and police investigations. The Government invited responses to the following questions and a summary of the responses is set out below.

37. WHAT ARE THE PRACTICAL IMPLICATIONS OF REMOVING THE OPTION TO CONDUCT MANAGED AND SUPERVISED INVESTIGATIONS?

38. IN WHAT CIRCUMSTANCES SHOULD THE IPCC BE ABLE TO SEEK POLICE SUPPORT TO ASSIST THEM IN THEIR INVESTIGATION?

Consultation Feedback

5.15 The questions posed in the consultation resulted in a diverse range of views on both the principle of ending managed and supervised investigations and the practicalities of doing so.

5.16 A majority of respondents agreed with the principle that police involvement should be kept to an absolute minimum in IPCC investigations – both from the principle of ensuring greater clarity about the independent nature of such investigations, but also from the practical impact such involvement has on police resources. A minority thought that there should be no police involvement and that all investigative work in such cases should be undertaken by the IPCC. Most respondents were of the view that it would be impossible, and for some undesirable, for the IPCC to conduct investigations without some input from the police. A significant minority, including the IPCC and the National Policing Lead for Complaints and Misconduct, felt that there was no longer a case for supervised investigations, but that managed investigations were necessary in some cases. Of those respondents who provided a view on the practical impact of ending managed and supervised investigations, the majority thought that the main implication would be one of resourcing for the IPCC.

5.17 Of the respondents who believed that some police input was necessary, there were a range of views as to what this should entail – a sizeable minority thought that there should be no constraints on the type of police involvement while others thought that the IPCC should only be able to call on police assistance in specific circumstances, such as for covert surveillance or accessing records. A number of respondents felt that the IPCC should not use police resource as a substitute for its own.

The Government's response

5.18 The responses to the consultation largely support the Government's basic position – which is that, where possible, police involvement in IPCC investigations should be kept to an absolute minimum. The Government will, therefore, seek to legislate to end the option of undertaking managed and supervised investigations.

5.19 The Government recognises that there will be some instances where the IPCC cannot conduct a thorough investigation without some police support. Nonetheless, the Government believes that, where the IPCC deems a case serious or sensitive enough for it to have a role in the subsequent investigation, the starting point should be that the IPCC should undertake as much of that investigation as possible – not just providing management or supervision. In terms of the type of support the IPCC will be able to require from forces, the Government will continue to work with the IPCC, policing bodies and forces to develop a legislative framework that provides clarity for the public on the extent to which police assistance can be sought.

5.20 Following the recommendation from the Chapman Review, the Government also intends to seek to legislate to ensure that all investigations into disciplinary cases involving Chief Officers are undertaken by the IPCC. The IPCC already investigates the majority of such cases, but in the future all such investigations will be independent of the police.

Strengthening the powers of the IPCC

a) Giving the IPCC a power of initiative.

5.21 To be able to secure and maintain public confidence in the police complaints system, the IPCC needs robust powers that enable it to take swift and proportionate action to take up and respond to complaints or conduct matters. The consultation sought views on a number of specific, additional powers that the Government proposes to confer on the IPCC.

5.22 The IPCC can direct a force to refer a matter to it. However, this process can take time and, particularly where a matter has gained public profile, this delay in the IPCC starting an investigation can diminish confidence in the IPCC and the system as a whole. More fundamentally, the IPCC is reliant – in its own words – on “*the organisations we oversee to enable us to look into matters that are of concern*”. The Government sought views on giving the IPCC powers of initiative or ‘own motion’ powers to launch an investigation where no referral is made. The Government invited responses to the following question and a summary of the responses is set out below.

39. TO WHAT EXTENT DO YOU AGREE WITH THE PROPOSAL TO GIVE THE IPCC A POWER OF INITIATIVE?

Consultation Feedback

5.23 A clear majority of respondents were in favour, with over two-thirds of respondents, who expressed a view, either agreeing or strongly agreeing. Where respondents provided further detail on their position, a number stated that the process needs to be transparent – for the force and parties affected by the matter. The IPCC believe that this power should be limited to issues of police conduct as opposed to wider perceived issues with a force.

The Government’s response

5.24 The consultation responses demonstrate a considerable degree of support for this proposal. The Government will undertake further work with stakeholders on the scope of this power, including how it relates to protections for whistleblowers and super-complaints, and will seek to legislate at the first available opportunity.

b) Clarifying the IPCC’s ability to determine complaints effectively.

5.25 For complainants, the expectation at the end of the complaints process is that they will receive a clear decision or determination about whether their complaint was justified or not. Where a complaint leads ultimately to a disciplinary hearing, that hearing will provide a clear outcome – that an officer is found guilty of misconduct or not. However, the IPCC is concerned that a recent court judgment has indicated that there is no legal basis for upholding or not upholding a complaint, including where the complaint does not allege misconduct (and there are no additional proceedings that could be prejudiced).¹³ Therefore, in many cases the complainant cannot be provided with a clear outcome. The Government invited responses to the following question and a summary of the responses is set out below.

40. TO WHAT EXTENT DO YOU AGREE WITH THE PROPOSAL TO CLARIFY THE IPCC’S ABILITY TO DETERMINE COMPLAINTS EFFECTIVELY?

¹³ Chief Constable of West Yorkshire v Independent Police Complaints Commission [2014] EWCA Civ 1367 – Court of Appeal

Consultation Feedback

5.26 A clear majority of respondents were in favour, with over two-thirds of respondents who expressed a view either agreeing or strongly agreeing. Very few respondents provided further detail on their views, but the most common point raised was that the IPCC should not be able to uphold complaints relating to conduct (and so potentially prejudging the outcome of a future hearing).

The Government's response

5.27 The consultation responses show that there is considerable support for ensuring that the IPCC, where possible, can uphold or not uphold a complaint. The Government will seek to amend the relevant legislation when legislating for wider reform of the complaints system. Allowing the IPCC, police and PCCs the ability to uphold complaints following investigation or appeal will help deliver the wider objective of a more complainant-focussed system.

c) Strengthening the IPCC's power of remedy.

5.28 A successful complaints system relies not just on complainants receiving a clear outcome, but being assured that, on their complaint being upheld, some action will be taken. In the police complaints system, in many cases, where failings are identified, positive action will be taken to address issues that have been identified by a complainant or during the course of an investigation. Part of the IPCC's role is identifying what action should be taken following an investigation or an appeal. However, the IPCC has limited powers in this respect, confined to recommending (or directing in some cases) disciplinary proceedings or improvements to relevant force practice. The Government invited responses to the following question and a summary of the responses is set out below.

41. TO WHAT EXTENT DO YOU AGREE WITH THE PROPOSAL TO STRENGTHEN THE IPCC'S POWERS OF REMEDY?

Consultation Feedback

5.29 This question prompted strong views from respondents. Of those expressing a view, there was a fairly even split between respondents who agreed and those who disagreed. Some respondents agreed that the IPCC should have stronger powers of remedy, but not if this included recommending financial compensation. This question attracted further comments from many respondents. The IPCC suggested a number of possible remedial actions it could recommend that forces carry out:

- an apology or explanation;
- the payment of modest financial remedy (in line with HM Treasury Guidelines on managing public money);
- that a complaint be referred to formal mediation; and
- that evidence of learning/service improvement be shared with a complainant.

A number of respondents believed that these powers should not apply where the IPCC conducted the investigation – as this would make it 'judge, jury and executioner'. Some supported further powers on the proviso that the IPCC would only be making a recommendation. A sizeable minority had concerns with the idea of allowing a recommendation of financial compensation as this could motivate people to complain – and that civil courts already provided a route for redress.

The Government's response

5.30 A key part of reforming the police complaints system is to give complainants clearer outcomes, to help improve public confidence, and also to improve the system for all parties by minimising repeat complaints. The Government intends to develop a specific proposition for providing the IPCC with powers to recommend a wider range of actions (it would be for the force to consider whether to take forward). These powers should apply in cases where the IPCC is considering an appeal. The Government will consider whether the powers should also apply where the IPCC undertakes the investigation. The Government notes the concerns of respondents about the IPCC recommending financial compensation, and is minded to consider powers constrained to non-financial remedies.

d) Giving the IPCC a power to present cases at disciplinary hearings.

5.31 At present, if a police force disagrees with the IPCC's opinion that there is a misconduct case to answer, the IPCC can direct the police force to take the case to a hearing. However, in such cases, it is the police force that presents the case at the hearing. The Government proposed to allow the IPCC to present such cases – in line with Major General Chapman's recommendation. The Government invited responses to the following question and a summary of the responses is set out below.

42. TO WHAT EXTENT DO YOU AGREE WITH THE PROPOSAL TO GIVE THE IPCC THE POWER TO PRESENT CASES AT DISCIPLINARY HEARINGS?

Consultation Feedback

5.32 A clear majority of respondents expressing a view agreed with this proposal, with almost three-quarters agreeing or strongly agreeing. There was clear support for this proposal from forces, PCCs and stakeholders, including the IPCC.

The Government's response

5.33 The Government expects that there will only be a very small number of cases where the IPCC will end up presenting. Nonetheless, it is important to avoid situations where forces present cases about which they hold serious reservations. The Government will seek to legislate for this as soon as practicable.

Reforming the structure of the IPCC

5.34 The expansion of the IPCC's remit to allow it to undertake independent investigations into all serious and sensitive matters involving the police requires major organisational change. The IPCC has already grown significantly in the past 12 months – taking on new regional offices and recruiting over 100 new investigators – and is expected to have doubled the number of independent investigations compared to the last financial year.

5.35 The organisational structure of the IPCC was not designed to support the level of growth now expected of it. The IPCC has already taken a number of steps to improve its governance and to change the way it works to take on more investigations. However, the Government is concerned that the current statutory framework does not allow the structural changes that are needed for the IPCC to operate more effectively as a larger organisation.

5.36 In parallel with this consultation, as part of its public sector bodies reform agenda, the Government has undertaken a triennial review of the IPCC, which included an examination of the IPCC's governance arrangements.

5.37 The triennial review, published on 12 March 2015, noted that, in a number of ways, the IPCC's current governance arrangements do not always comply with expectations for good public sector governance. The main concern was the fact that Commissioners are responsible for governance but are also operational decision-makers. There is a risk that lines of accountability are not as clear as they should be and any difficulties that arise could be exacerbated by expansion.

5.38 In addition to considering the recommendations of the triennial review, the Government sought views on structural change as part of this consultation. The Government invited responses to the following question and a summary of the responses is set out below.

43. WHAT CHANGES TO THE ORGANISATIONAL STRUCTURE OF THE IPCC WOULD SUPPORT THE IPCC TO INCREASE ITS CASELOAD AND PUBLIC CONFIDENCE IN THE COMPLAINTS SYSTEM?

Consultation Feedback

5.39 There were a wide variety of responses to this consultation question. The most common view was that the IPCC should be able to determine its own structure and governance arrangements, subject to principles agreed by Parliament. Other respondents thought that IPCC's structure should be regionalised or that there should be clearer links between Commissioners and specific forces and PCCs. Others commented on the resourcing of the IPCC, with a minority calling for more resources to be diverted to the IPCC. Some respondents commented on the need for the IPCC to develop greater expertise, perhaps through closer working with police. The IPCC set out the steps it has already taken to make changes within the current statutory framework, but noted that it is *“aware that, within that framework, the lines of governance, accountability and decision-making are not as clear as we would like or as are needed within a considerably larger organisation”*.

The Government's response

5.40 The Government welcomes the findings of the triennial review and the views put forward by respondents to the consultation on this issue. It also recognises the steps that the IPCC has already taken to allow it to adapt to its expansion and welcomes the early thinking the IPCC has done around future structural reform.

5.41 As concluded by the triennial review and many respondents, including the IPCC, there is a clear need to revisit the IPCC's governance and structure to ensure that an expanded IPCC can function as effectively and efficiently as possible. The Government believes, in line with many respondents, that the IPCC is best placed to lead on further work to develop a future model, in keeping with its duty to consider modification of current arrangements (see paragraph 5.37), taking into account the views of its stakeholders. These changes should be considered alongside the work the IPCC is undertaking on its future operating model and must not jeopardise the delivery of its change programme.

5.42 In undertaking this work, the Government is clear that the IPCC should take account of the following principles:

- Good governance – the governance of the IPCC should adhere to the Cabinet Office’s guidelines for good corporate governance. This will mean changes to the composition of the IPCC’s board.
- Visible independence – the IPCC should consider how a future model can ensure that, as now, key decisions are made or can be influenced by individuals who have never worked for the police.
- Clear lines of accountability – a future model needs to ensure clear accountability for decision-making. The IPCC will need to consider what structure can best deliver effective and consistent decision-making.
- Scalability – the IPCC should make sure that its organisational structure is responsive to increasing the number of investigations it takes on, allowing it to take on all serious and sensitive cases.
- Relevance to wider system – the IPCC needs to ensure that it is organised in a way that allows it to secure public confidence in a reformed police complaints system. The IPCC should consider how it can best work with, and influence, forces and PCCs engaged in the majority of complaint handling and resolution. The IPCC will also need to consider whether changes are needed to make best use of the new powers proposed in this consultation; for example, the power of initiative.

5.43 It is important that any changes are made in a timely manner to support the expansion of the IPCC and to ensure the IPCC is best placed to perform its vital functions in a reformed complaints system. The Government would like the IPCC to build on its work to date and to present proposals for structural reform by the end of June 2015.

Annex A

Respondents to the consultation included:

- Association of Policing and Crime Chief Executives
- Association of Police and Crime Commissioners
- Baroness Newlove of Warrington, Victims' Commissioner for England and Wales
- Bedfordshire Police
- British Transport Police
- British Transport Police Authority
- Cambridgeshire Constabulary
- Cheshire Constabulary
- Chief Police Office Staff Association
- College of Policing
- Committee on Standards in Public Life
- Crown Prosecution Service
- Cumbria Police
- Durham Constabulary
- Dyfed-Powys Police
- Gloucestershire Constabulary
- Greater Manchester Police
- Gwent Police
- Hampshire Constabulary
- Her Majesty's Inspectorate of Constabulary
- Hertfordshire Constabulary
- Humberside Police
- Independent Police Complaints Commission
- Kent Police
- Leicestershire Police
- Local Government Ombudsman
- Mayor's Office for Policing and Crime
- Merseyside Police
- Metropolitan Police
- Ministry of Defence Police Committee
- National Policing Professional Complaints and Misconduct Portfolio
- News Media Association
- Norfolk Constabulary
- North Wales Police
- Nottinghamshire Police
- Police Action Lawyers Group
- Police and Crime Commissioner for Avon and Somerset
- Police and Crime Commissioner for Cambridgeshire
- Police and Crime Commissioner for Cheshire

- Police and Crime Commissioner for Cleveland
- Police and Crime Commissioner for Cumbria
- Police and Crime Commissioner for Derbyshire
- Police and Crime Commissioner for Devon and Cornwall
- Police and Crime Commissioner for Dorset
- Police and Crime Commissioner for Essex
- Police and Crime Commissioner for Gwent
- Police and Crime Commissioner for Hertfordshire
- Police and Crime Commissioner for Humberside
- Police and Crime Commissioner for Kent
- Police and Crime Commissioner for Leicestershire
- Police and Crime Commissioner for Lincolnshire
- Police and Crime Commissioner for North Wales
- Police and Crime Commissioner for North Yorkshire
- Police and Crime Commissioner for Northamptonshire
- Police and Crime Commissioner for Northumbria
- Police and Crime Commissioner for Nottinghamshire
- Police and Crime Commissioner for South Wales
- Police and Crime Commissioner for Surrey
- Police and Crime Commissioner for Sussex
- Police and Crime Commissioner for Thames Valley
- Police and Crime Commissioner for Warwickshire
- Police and Crime Commissioner for West Mercia
- Police and Crime Commissioner for West Midlands
- Police and Crime Commissioner for West Yorkshire
- Police Federation of England and Wales
- The Police Foundation
- Police Superintendents Association of England and Wales
- South Wales Police
- South Yorkshire Police
- Suffolk Constabulary
- Sussex Police
- Thames Valley Police
- Warwickshire Police
- West Mercia Police
- West Yorkshire Police
- West Yorkshire Police and Crime Panel
- Which?
- Wiltshire Police
- Wiltshire Police and Crime Panel
- Victim Support

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Procedure for public questions

Suggested approach from Jo Martin, Democratic Support and Scrutiny Team Manager

To consider options for amending the period of notice required for the submission of public questions.

1. Background

- 1.1 In July 2014 the Panel agreed that it wished to introduce a Public Question Time at each ordinary meeting, to enable the public to engage with the Panel and pose questions relating to its remit and functions. In doing so, the Panel was clear that this was not to be a platform for the public to put questions to the Police and Crime Commissioner for Norfolk or the Chief Constable, both of whom have separate arrangements for dialogue with the public.
- 1.2 The current guidance note for public questions is attached at **Annex A** of this report for information, and includes the agreed criteria that questioners are asked to adhere to.
- 1.3 When the Panel reviewed its Panel Arrangements on 28 July 2015, it noted that no public questions had been received since the introduction of public question time. While Members noted that this was not unique to Norfolk's Police and Crime Panel, it was suggested that in order to encourage the submission of public questions the period of notice required might be reduced. The Panel agreed that options should be considered at its next meeting.

2. Options

- 2.1 The suggested options for amending the period of notice required for the submission of public questions are set out below:

- 1) Reduce the period of notice to 5 working days.

The Panel's agendas are published 5 working days in advance of each meeting. This option would therefore give members of the public little opportunity to consider the detail of agenda items and reflect on the way in which the Panel is carrying out its role and responsibilities before submitting a question.

- 2) Reduce the period to at least 2 working days notice, e.g. by 5.00 p.m. on the Wednesday preceding a meeting on Monday.

This would give members of the public the opportunity to consider the

agenda for the forthcoming meeting and submit appropriate questions. However, it would also reduce the time for the Head of Democratic Services and the Chairman to consider whether a question is to be allowed and for a full response from the Chairman to be prepared.

- 3) Keep the existing requirement: Notice of questions must be received by the Lead Authority for the Panel at least 10 working days before the ordinary meeting of the Panel is held.

Should members of the public wish to challenge the Panel about the way in which it is carrying out its role and responsibilities, members of the public are able to view the unconfirmed minutes of most recent Panel meetings on the host authority's website and the Panel's forward work programme (which is included with the every agenda for every ordinary meeting) at a much earlier stage than the 10 working days. Members of the public would therefore have adequate time to allow them to consider how the Panel is carrying out its role and responsibilities before submitting a question.

3.0 Action

- 3.1 The Panel is recommended to consider the suggested options for amending the period of notice required for the submission of public questions, and agree which it wishes to pursue.



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Norfolk Police and Crime Panel

Public Question Time – Guidance Note

In July 2014 the Panel agreed that it wished to introduce a Public Question Time at each ordinary meeting, to enable the public to engage with the Panel and pose questions relating to its remit and functions.

It is not a platform for the public to put questions to the Police and Crime Commissioner for Norfolk or the Chief Constable, both of whom have separate arrangements for dialogue with the public.

Anyone wishing to put a question to the Panel is asked to adhere to the following criteria:

1. Any member of the public who lives, works or studies in Norfolk can submit one question at each ordinary Panel meeting, limited to a maximum of 100 words.
2. Notice of the question must be submitted in writing to Norfolk County Council's Head of Democratic Services at the following postal or email addresses, at least 10 working days before the meeting:

Norfolk County Council,
Democratic Services,
County Hall,
Martineau Lane,
Norwich, NR1 2DH

Email committees@norfolk.gov.uk

The questioner must provide their name, address and contact telephone number.

3. Questions must:
 - a) relate to the Panel's role and responsibilities, and not be questions that:
 - i. should more appropriately be addressed to another party or organisation,
 - ii. relate to a police operational matter
 - iii. relate to matters covered by legal or other proceedings,
 - iv. cover matters relating to the employees of the office of the Police and Crime Commissioner for Norfolk.
 - b) not be substantially the same as a question which has been put at a meeting in the past 6 months;
 - c) not be defamatory, frivolous, vexatious or offensive;
 - d) not require the disclosure of confidential or exempt information; and
 - e) not refer to any matter of a personal nature.
4. The Head of Democratic Services, in consultation with the Panel's Chairman and Vice-Chairman, will review each question to ensure that it meets the criteria for public questions set out in the Rules of Procedure. Questions that

do not meet the criteria will be disallowed, but where appropriate, the questioner will be advised of the correct place to direct their question. Confirmation of receipt of the question and whether it has been allowed will be provided, together with advice about attending the meeting. The final decision as to whether a question will be allowed is for the Head of Democratic Services in consultation with the Chairman of the Panel.

5. Questioners must ordinarily attend the meeting to put their question and receive their answer. However, in circumstances where a questioner is unable to attend personally, either:
 - a) with the prior consent of the Chairman, a representative of the questioner may attend the Panel meeting and put the question on behalf of the questioner, or
 - b) the answer will be forwarded in writing to the questioner.

At the meeting

The Agenda item will ordinarily allow no more than 30 minutes for this item, although the Chairman of the Panel may reduce or extend this at his discretion.

Where the questioner or their representative attends the Panel meeting in person, the questioner (or representative) may ask a supplementary question to follow-up the same subject matter as their original question (subject to time constraints).

Questions will normally be answered at the meeting, but in some cases this might not be practicable and a written answer will be provided within 14 days of the meeting.

Every question (and supplementary) shall be put and answered without discussion.

Role and functions of the Norfolk Police and Crime Panel

The Panel has been established to maintain a 'check and balance' on the performance of the Police and Crime Commissioner for Norfolk ("the Commissioner"), who was elected on 15 November 2012.

The Panel must support and challenge the Commissioner in the exercise of his functions. Its main responsibilities are to:

- review the Commissioner's Police and Crime Plan, or any proposed variations;
- review the Commissioner's annual report;
- carry out confirmation hearings to review any senior staff appointments proposed by the Commissioner;
- carry out confirmation hearings to review any Chief Constable appointments proposed by the Commissioner;
- review the Commissioner's proposed precept (the amount he wants to raise from Council Tax) for the forthcoming financial year;
- deal with complaints relating to the conduct of the Commissioner or his Deputy; and
- review or scrutinise any decisions made, or other action taken, by the Commissioner.

Information bulletin – questions arising to the Commissioner

Suggested approach from Jo Martin, Democratic Support and Scrutiny Team Manager

This information bulletin summarises for the Panel both the decisions taken by the Commissioner and the range of his activity since the last Panel meeting.

1. Background

- 1.1 The Police Reform and Social Responsibility Act describes the Police and Crime Panel's role as including to "review or scrutinise decisions made, or other action taken, by the PCC". This is an opportunity for the Panel to publicly hold the Police and Crime Commissioner for Norfolk ("the Commissioner") to account for the full extent of his activities and decisions since the last Panel meeting.

2. Summary of the Commissioner's decisions and activity since the last Panel meeting

- 2.1 A summary of both the decisions taken by the Commissioner and the range of his activity since the last Panel meeting are set out below.

a) Decisions taken

All decisions made by the Commissioner, except those containing confidential information, are recorded and published on the Commissioner's website. Decisions made since the last Panel meeting, up until the 29 September 2015, are listed at **Annex 1** of this report.

b) Items of news

Items of news, covering the Commissioner's activity and including the key statements he has made, are recorded and published on his website. A summary of those items published since the last Panel meeting, up until the 29 September 2015, are listed at **Annex 2** of this report.

c) Police Accountability Forum meetings

Agendas for these meetings are published on the Commissioner's website. Items discussed at the most recent meeting are set out at **Annex 3** of this report.

d) Norfolk and Suffolk Collaboration Panel meetings

Agendas for these meetings are published on the Commissioner’s website. Items discussed at the most recent Collaboration Panel meeting are set out at **Annex 4** of this report.

e) Other out-of-county activity between 28 July 2015 and 8 October 2015:

STEPHEN BETT – PCC, NORFOLK	
Date	Activity
29/9/15	Meeting with Ian Shepherd and Liz Davidson, Deputy Directors, Police Integrity and Powers Unit, Home Office, London
JENNY McKIBBEN – DEPUTY PCC, NORFOLK	
Date	Activity
23/9/15	Norfolk and Suffolk Criminal Justice Board – Suffolk
30/9/15	PCC Round Table at DCLG with Revolving Doors Agency – London

f) Audit Committee


The Audit Committee is independent of the Police and Crime Commissioner (PCC) and Norfolk Constabulary. The Committee considers the internal and external audit reports of both the PCC and the Chief Constable and provides advice on good governance principles and appropriate risk management arrangements. The Committee took the decision to hold its meetings in public this year. Items discussed at the most recent meetings are set out at **Annex 5** of this report.

3. **Suggested approach**

3.1 The Commissioner and Deputy Commissioner have been invited to attend the meeting to respond to your questions, and will be supported by members of staff and the Chief Constable.

4.0 **Action**

4.1 The Panel is recommended to put questions to the Commissioner, covering the areas at paragraph 2.1 of this report, to publicly hold him to account for the full extent of his activities and decisions since the last Panel meeting.

	<p>If you need this report in large print, audio, Braille, alternative format or in a different language please contact Jo Martin on 0344 800 8011 or 0344 800 8011 (Textphone) and we will do our best to help.</p>
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Commissioner's Decisions

Decisions made at the Police Accountability Forum meeting 13 May 2015

Decision 2015-17

Decision notice attached at Annex 6.

2015-18 Funding for Norfolk County Council – Norfolk Youth Offending Team

Decision 2015-18

Decision notice attached at Annex 7.

Further detail about each decision can be viewed on the Commissioner's website at the following address:

<http://www.norfolk-pcc.gov.uk/transparency/decisions>

Alternatively, Panel Members can request this information in hard copy by contacting the Committee Officer.

Summary of the Commissioner's activity

Partnerships and innovation key in PCC's annual report

29 July 2015

In his annual report, Stephen says innovation and collaboration are “key to making best use of limited resources”, thanking Norfolk organisations for their involvement in keeping the county safe.

Clarification over police assaults

5 August 2015

“I would like to take this opportunity to clarify comments I made to the EDP on Tuesday (August 4).

Independent advisory group to hold open meeting

21 August 2015

Their community perspective on crime and policing is invaluable when it comes to ensuring Norfolk's residents and visitors receive a policing service which meets their needs.

Launch of the Victims' Information Service

27 August 2015

The Ministry of Justice have today announced the launch of the Victims' Information Service.

Tackling Domestic Abuse and Sexual Violence

1 September 2015

Norfolk says no to abuse - Domestic Abuse & Sexual Violence Coordinator Ian Sturgess explains how we're working together to stop abuse and support victims.

Legally Qualified Chairs required

4 September 2015

From 1 January 2016 legally qualified chairs will replace police chairs on Police Misconduct Panels held under the Police (Conduct) Regulations 2012.

£400,000 of funding for victims of sexual abuse

4 September 2015

Earlier this year Norfolk's Police and Crime Commissioner distributed nearly £5m of national funding to support victims of sexual abuse.

Speak up against abuse

7 September 2015

Does someone you know seem frightened, or unusually down? Are they dirty or not properly dressed? Have they had an injury that's hard to explain? These could be signs of abuse.

World Suicide prevention day – working to reduce suicide in our county

10 September 2015

Suicide is a global issue with more than 800,000 people taking their own lives each year around the world, and for every person who dies there are many more who attempt suicide.

Stop and Search to be scrutinised at a public meeting

14 September 2015

The PCC will examine the latest figures showing how many stops are being carried out by police, who is being stopped, where stops are taking place, and how many of them result in an arrest

Further details about each of the news items can be viewed on the Commissioner's website at the following address:

<http://www.norfolk-pcc.gov.uk/news/latest-news>

List of items discussed at the most recent Police Accountability Forum meeting

Date: 16 September 2015	
Subject	Summary
Public agenda	
Budget Monitoring Report 2015/16 to 31 July 2015 (Month 4)	<p>1. This report covers the financial overview of the PCC's Budget, Constabulary Revenue Budget and the Capital Programme as at 31 July 2015.</p> <p>2. The Commissioner approved the total revenue budget and capital programme for 2015/16 in February 2015.</p> <p>3. This report presents the latest budget monitoring information and outturn forecasts for the financial year 2015/16, based upon actual spending to the end July 2015 and known future commitments.</p> <p>4. Month 4 is early in the year to be projecting the outturn position. Final income and expenditure will be influenced by operational demands, the weather and by the progress with the significant and ongoing change programme.</p> <p>Recommendation:</p> <p>It is recommended that the Commissioner notes the report and approves:-</p> <p>a) the additions to the Capital Programme as set out in section 5, and</p> <p>b) an amended Capital Programme totalling £8.878m for 2015/16 for Table A projects.</p>
Human Resources Update	<p>This report provides an update on the following as at 30 June 2015:</p> <ul style="list-style-type: none"> • An overview of establishment, strength and recruitment profile. • A profile of Fairness at Work (FAW) activity. • Diversity training and workforce profile update. • Performance Improvement Unit (PIU) update. <p>Recommendation:</p> <p>The PCC is asked to note the contents of this report and the updates provided within the appendices.</p>

Strategic Performance Overview	<p>A summary of performance against the 2014/15 policing priorities.</p> <p>Recommendation: For discussion only.</p>
Police Led Prosecutions (Court Presentation) – Results from 2014/15	<p>This report sets out the results from the Police Led Prosecution Team for FY 2014/15. The team was established on the basis of a self-funding model and generated sufficient income during 2014/15 to meet its income target, operating costs and deliver a surplus. As previously agreed, the surplus is made available to PCC for spending on commissioning or other services.</p> <p>Recommendation:</p> <p>It is recommended that the Police and Crime Commissioner notes the results from the Police Prosecution Team and receives the surplus funding of £32,377.</p>
Equality and Diversity, Hate Crime and Stop & Search	<p>This report provides updates on the Constabulary's progress and performance for Equality & Diversity, Hate Crime and Stop Search from to January 2015 June 2015 (2014/15 Q4 and 2015/16 Q1).</p> <p>Recommendation:</p> <p>The PCC is asked to note the contents of this report.</p>
Protective Services Command Update	<p>This report provides an update from Protective Services Command identifying key performance information and significant operational or organisational issues.</p> <p>Recommendation:</p> <p>It is recommended that the Police and Crime Commissioner notes the contents of this report.</p>
Emerging Operational / Organisational Risks	Oral report.
Private agenda	
Estates Strategy Update	Exempt report - not published.

Next meeting – Tuesday 17 November 2015 at 10 am (Norfolk Constabulary Headquarters, Wymondham)

The public reports can be viewed on the Commissioner's website at the following address, under "Transparency/Public Meetings":

<http://www.norfolk-pcc.gov.uk/transparency/public-meetings>

Alternatively, Panel Members can request hard copies by contacting the Committee Officer.

List of items discussed at the most recent Norfolk and Suffolk Collaboration Panel meeting

Date: 14 September 2015	
Subject	Summary
Public agenda	
Norfolk and Suffolk Change Programme Progress	<p>This report provides a detailed account of the on-going change programme for both the CSR 1 reporting period (01st April 2011 – 31st March 2015) and for the current CSR 2 reporting period which commenced on the 01st April 2015.</p> <p>Recommendation:</p> <p>For information.</p>
Private agenda	
Norfolk and Suffolk Change Programme Progress Report	Exempt report - not published.
ANPR Presentation	Exempt report - not published.
Digital Strategy	Exempt report - not published.

The next Collaboration Panel meeting is due to take place on 1 December 2015 (10.30am – Filby Room, Norfolk Constabulary)

List of items discussed at the most recent Audit Committee meeting

Date: 21 September 2015	
Subject	Summary
Public agenda	
Sign-off of the Statements of Accounts 2014/15	<p>1. The Police and Crime Commissioner's (PCC) and Chief Constable's draft Statements of Account were considered by the Committee in July 2015. The Committee asked to be informed of any significant changes following the audit.</p> <p>2. The Annual Governance Statement, also considered by the Committee in July has been updated following the external auditor's review and is attached at Appendix 1.</p> <p>3. The external auditor requires Letters of Representation to be signed by the PCC Chief Finance Officer and CC Chief Finance Officer before issuing their final audit opinion on the Statements of Accounts by 30 September 2014. See Appendix 4.</p> <p>4. The external auditor's Audit Results Report is attached at Appendix 4 and will be presented by Neil Harris, Audit Director, Ernst and Young.</p> <p>5. The PCC, Chief Constable, Chief Executive and CFO, in attendance at the meeting, will sign the Accounts and related documents.</p> <p>6. A set of Summary (Simplified) Accounts has also been produced. These have not been audited and will be published on the websites (Appendix 5).</p> <p>Recommendation:</p> <p>The Committee is invited to recommend the Statements of Account and the Annual Governance Statement for signature at this meeting by the PCC and Chief Constable.</p>
Internal Audit Progress Report	To consider: a) 2015/16 Plan Update b) External and Internal Audit Protocol
Forward Work Plan	

The next Audit Committee meeting is due to take place on Wednesday 25 November 2015 at 2 p.m. in the Filby Room, Jubilee House, Falconers Chase, Wymondham.



OFFICE OF THE POLICE & CRIME COMMISSIONER FOR NORFOLK

ORIGINATOR: Chief Executive

DECISION NO. 2015/17

REASON FOR SUBMISSION: For Decision

SUBMITTED TO: Police and Crime Commissioner

SUBJECT:

Decisions made at the Police Accountability Forum Meeting – 13th May 2015

SUMMARY:

At the Police Accountability Forum Meeting held on 13th May 2015, where the PCC holds the Chief Constable to Account, the PCC made a number of decisions based on the content of the reports under consideration.

RECOMMENDATION:

The PCC approves the decisions outlined within the reports and summarised below.

OUTCOME/APPROVAL BY: PCC

The decisions from the Police Accountability Forum are recorded formally below.

Signature

A. W. Bett

Date 23/7/15

DECISIONS

1. *Agenda Item 4 - Budget Monitoring Report FY 2014/15 – as at end of February 2015*

The PCC approved:

a) The additions to the Capital Programme, giving an amended Programme totalling £7.536m for 2014/15 as follows:

- £0.031m (£0.062m joint) to be advanced from the 2015/16 programme for the police pension scheme funded by revenue contribution
- £0.018m for the 4G MIT Radio Frequency Project funded from the College of Policing.

2. *Agenda Item 12 – Estates Strategy Update:*

The PCC gave approval for the following:

- Holt police station, Bowthorpe police station, North Lynn police station and 332 Wootton Road, King's Lynn** – Approved for consultation to be progressed with the respective local planning authorities to seek future residential re-development of the sites and to report back with proposed plans for further approval.
- Downham Market police station** – Approved that further work to be advanced to agree design and legal terms for the shared use of the site and building with Norfolk Fire & Rescue Service and the East of England Ambulance Service.
- Planned Maintenance** – Approved the proposed works for the financial year 2015/16.
- Coltishall** – Approved the temporary use of garages and related site for police tactical driver/traffic training.
- Norwich City Football Club Car Parking** – Approved the acquisition of an agreement to use land for match day car parking.
- Gayton Mast** – Approved new lease letting terms to Airwave Limited.
- Architectural Services Contract** – Approved the re-tendering of the estates architectural contract on the open market, jointly with Suffolk Constabulary.

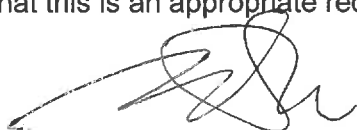
PUBLIC ACCESS TO INFORMATION: *Information contained within this submission is subject to the Freedom of Information Act 2000 and wherever possible will be made available on the OPCC website. Submissions should be labelled as 'Not Protectively Marked' unless any of the material is 'restricted' or 'confidential'. Where information contained within the submission is 'restricted' or 'confidential' it should be highlighted, along with the reason why.*

APPROVAL TO SUBMIT TO THE DECISION-MAKER (this approval is required only for submissions to PCC and DPCC).

Chief Executive

I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the PCC.

Signature:



Date

22-7-15



OFFICE OF THE POLICE & CRIME COMMISSIONER FOR NORFOLK

ORIGINATOR: Commissioning and Funding Officer	DECISION NO. 2015/18
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REASON FOR SUBMISSION: For Decision
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SUBMITTED TO: Police and Crime Commissioner
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SUBJECT: Funding for Norfolk County Council – Norfolk Youth Offending Team (NYOT)
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<p>SUMMARY:</p> <p>The purpose of this grant is to fund the core costs of the Norfolk Youth Offending Team (NYOT) for a three year period, commencing 1 April 2015 and ending 31 March 2018 (subject to satisfactory performance).</p> <p>The NYOT is a multi-agency partnership team whose aim is to prevent children and young people from offending and to help them restore the damage caused to their victims. They aspire to make Norfolk an even safer place to live and help young people achieve their full potential in life.</p> <p>The NYOT supervises and supports young people aged 10 to 17 years who have committed offences and have received a Youth Caution, Youth Conditional Caution or an order from the Court.</p> <p>The NYOT also offers prevention work with young people aged 8 to 16 years who have not yet offended, but who are at risk of offending or becoming involved in anti-social behavior.</p> <p>Intended Outcomes:</p> <ol style="list-style-type: none"> 1. A reduction in the number of first time entrants in the criminal justice system to meet the target set in the Norfolk Youth Justice Plan and agreed by the Norfolk Youth Justice Board.

2. To reduce re-offending rates to meet the target set in the Norfolk Youth Justice Plan and agreed by the Norfolk Youth Justices Board.
3. To lower the use of custody rate to meet to meet the target set in the Norfolk Youth Justice Plan and agreed by the Norfolk Youth Justice Board

RECOMMENDATION:

It is recommended that the PCC support the allocation of £342,000 funding to Norfolk County Council – Norfolk Youth Offending Team (NYOT). This is for a three year period, 2015/16 to 2017/18 subject to satisfactory performance.

OUTCOME/APPROVAL BY: PCC

The recommendation as outlined above is approved.

Signature

A.W. Bell

Date

DETAIL OF THE SUBMISSION

1. KEY ISSUES FOR CONSIDERATION:

- 1.1 The Purpose of this grant is to contribute to core costs of the Norfolk Youth Offending Team (NYOT). This funding will enable the provision of service through NYOT, which is a multi-agency partnership team whose aims are to prevent children and young people from offending and to help them restore the damage caused to their victims.
- 1.2 There is evidence to show that the county of Norfolk is an outlier, having an excessively high number of young people who are first time entrants into the criminal justice system.
- 1.3 The OPCCN are agreed that this crime area must be funded with immediate effect and have agreed for £342,000 over a three year period to be made available (2015/16 to 2017/18). This funding will address the PCCs priority in supporting Victims and Witnesses and the Rehabilitation of Offenders.
- 1.4 The impact of this service will be monitored and reviewed every quarter, via performance reporting to the NYOT Management Board and on an annual basis whereby the OPCCN will be provided with a written assessment of the service, including performance against outcomes and targets and budget information.
- 1.5 A copy of the grant agreement, providing details of the intended outcomes and activities of the project, is attached at Appendix 1.

2. FINANCIAL IMPLICATIONS:

- 2.1 Funding will be provide from the main Commissioning budget.

3. OTHER IMPLICATIONS AND RISKS:

- 3.1 This service would be subject to the need for further funding post April 2018.

PUBLIC ACCESS TO INFORMATION: *Information contained within this submission is subject to the Freedom of Information Act 2000 and wherever possible will be made available on the OPCC website. Submissions should be labelled as 'Not Protectively Marked' unless any of the material is 'restricted' or 'confidential'. Where information contained within the submission is 'restricted' or 'confidential' it should be highlighted, along with the reason why.*

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	NO
Has the PCC's Chief Finance Officer been consulted?	YES
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	YES
Have human resource implications been considered?	YES
Is the recommendation consistent with the objectives in the Police and Crime Plan?	YES
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	YES
Has communications advice been sought on areas of likely media interest and how they might be managed?	YES
In relation to the above, have all relevant issues been highlighted in the 'other implications and risks' section of the submission?	YES

APPROVAL TO SUBMIT TO THE DECISION-MAKER (this approval is required only for submissions to PCC and DPCC).

Chief Executive

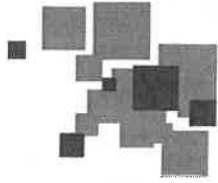
I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the PCC.

Signature:



Date

12/8/15



**OFFICE OF THE POLICE & CRIME
COMMISSIONER FOR NORFOLK**

Grant Agreement

Police and Crime Commissioner for Norfolk

AND

**Norfolk County Council
Norfolk Youth Offending Team (NYOT)**

Office of the Police and Crime Commissioner for Norfolk (OPCCN)
Building 8
Jubilee House
Falconers Chase
Wymondham
Norfolk
NR18 0WW
Tel: 01953 424455
Email: OPCCNGrants@norfolk.pnn.police.uk

1. Definitions

1.1 In this Grant Agreement: (Sections 1-24 inclusive, Schedules 1, 2 and 3)

- a) The "**Commissioner**" means the Norfolk Office of the Police and Crime Commissioner.
- b) The "**Funding Period**" means the period from 1 April 2015 to 31 March 2018
- c) The "**Grant**" means the grant payable by the Commissioner to the Recipient under the terms of this Grant Agreement, the amount of which (the "**Grant Amount**") shall not be more than £342,000
- d) The "**Intended Outcomes**" are detailed in Schedule 2.
- e) The "**Purpose**" is detailed in Schedule 1 and 2.
- f) The "**Recipient**" means the organisation to which the Grant is paid.
- g) "**Business Day**" means a day (other than a Saturday, Sunday or public holiday) when the banks in London are open for business.
- h) "**Prohibited Act**" means:
 - offering, giving or agreeing to give to any servant of the Commissioner any gift or consideration of any kind as an inducement or reward for:
 - doing or not doing (or for having done or not having done) any act in relation to the obtaining or performance of this Grant Agreement or any other contract with the Commissioner or the Crown; or
 - showing or not showing favour or disfavour to any person in relation to this Grant Agreement or any other contract with the Commissioner or the Crown;
 - entering into this Grant Agreement or any other contract with the Commissioner or the Crown where a commission has been paid or has been agreed to be paid by the Recipient or on its behalf, or to its knowledge, unless before the relevant contract is entered into particulars of any such commission and of the terms and conditions of any such contract for the payment thereof have been disclosed in writing to the Commissioner;
 - committing any offence:
 - under the Bribery Act 2010 or any guidance or codes of practice issued by the relevant government department concerning such Act;
 - under legislation creating offences in respect of fraudulent acts; or
 - at common law in respect of fraudulent acts in relation to this Grant Agreement or any other contract with the Commissioner or the Crown; or
 - defrauding or attempting to defraud or conspiring to defraud the Commissioner or the Crown.
- i) "**Anti-Discrimination Legislation**" means the:
 - Sex Discrimination Act 1975 and Sex Discrimination Act 1986;
 - Race Relations Act 1976;
 - Disability Discrimination Act 1995;
 - Human Rights Act 1998;
 - Equal Pay Act 1970;
 - Employment Rights Act 1996;

- Employment Equality (Sexual Orientation) Regulations 2003;
- Employment Equality (Religion or Belief) Regulations 2003;
- Employment Equality (Age) Regulations 2006;
- Equality Act 2006;
- Equality Act 2010; and
- any other legal or statutory requirement, modification or re-enactment relating to discrimination.

Terms and Conditions

2. Purpose and extent of the Grant

- 2.1 Further details of the Purpose of the Grant, the Intended Outcomes, the manner in which the activities are to be performed, together with project reporting requirements, are set out in the attached Schedule 2.
- 2.2 The Recipient may not use the Grant for any activities other than the Purpose stated in Schedule 2, unless approved in writing by the Commissioner.

3. Grant Offer

- 3.1 Subject to the Recipient complying with the terms and conditions set out in this Grant Agreement, the Commissioner offers to pay the Grant to the Recipient as a contribution towards eligible expenditure (as set out in Clause 6 below).
- 3.2 The Recipient acknowledges that the Commissioner agrees to fund it only for the Grant Amount, the Funding Period and for the Purpose specified in this Grant Agreement.

4. Amount of the Grant

- 4.1 The Commissioner has agreed funding of **up to** the Grant Amount, subject to compliance by the Recipient with the terms of this Grant Agreement.

5. Timing of the Grant

- 5.1 First half, Year 1 payment paid up front (invoice will be required), then paid six monthly upon adherence to grant terms and conditions and successful completion of quarterly reports (dates as per Schedule 2) and achieving project/service Key Deliverables, KPI's, Outputs, Outcomes, Key Performance Indicators, Budget (as per schedule 2).
- 5.2 In order for any payment to be released, the Commissioner will require the Recipient to:
- a) have signed and returned a copy of this Grant Agreement to the Commissioner,
 - b) have invoiced the Commissioner for the amount payable in accordance with Schedule 3,
 - c) be in compliance with the terms and conditions of this Grant Agreement.
 - d) have provided correct Bank Details within their bid/application

5.3 The Commissioner reserves the right to withhold all or any payments of the Grant if the Commissioner has reasonably requested information/documentation from the Recipient and this has not been received in the timescales reasonably required.

6. Eligible expenditure

6.1 Eligible expenditure consists of payments by the Recipient for the Purpose of the agreed bid.

6.2 The Recipient shall account for the Grant on an accruals basis. This requires the cost of goods or services to be recognised when the goods or services are received, rather than when they are paid for.

6.3 Eligible expenditure is net of VAT recoverable by the Recipient from HM Revenue & Customs and gross or irrecoverable VAT

7. Managing the Grant

7.1 Each party must notify the other of:

- (a) the nominated person who will act as the party's authorised representative; and
- (b) the contact details of the authorised representative and any deputies.

7.2 The Commissioner may, in addition, ask the Recipient to clarify any information provided. If so, the Recipient shall comply with any reasonable request.

7.3 The Recipient will provide monitoring reports and financial information to the Commissioner as detailed in Schedule 2. Reports must be signed by the authorised representative.

7.4 The Recipient must notify the Commissioner as soon as reasonably practicable if an underspend is forecast. Any underspend of Grant funds must be returned to the Commissioner. Monies cannot be carried forward to the following financial year except with written consent from the Commissioner.

7.5 If an overpayment of the Grant has been made, the Commissioner will recover the payment. Grant funding cannot be increased if the organisation overspends.

7.6 The Recipient will ensure that appropriate professional arrangements are put in place for the management of the Grant and the reporting of expenditure.

7.7 The Recipient will provide a quarterly report via the NYOT Board and an annual report to the OPCCN to notify of any underspend. In addition the recipient will provide an end of project report and financial return highlighting any underspend to the OPCCN

8. Legal compliance

8.1 Changes to the organisation's constitution or articles of association with regards to the funded project must not be made within the grant monitoring period without first notifying and obtaining the approval of Commissioner.

8.2 The Recipient must take all reasonable steps to ensure that it and anyone acting on its behalf complies with any applicable law (including the Data Protection Act 1998, the Freedom of Information Act 2000, the Health and Safety at Work etc Act 1974, any Anti-

Discrimination Legislation and any applicable law relating to child protection) for the time being in force (so far as is binding on the Recipient or any other person acting on its behalf).

8.3 Without prejudice to Clause 3, the Recipient shall not use the Grant:

- (a) for party-political purposes;
- (b) to promote religious activity (other than inter-faith activity);
- (c) for commercial purposes (save where such purposes are consistent with the Purposes);
- (d) for making any payment to the owners, members and directors of the Recipient (including any distribution, profit share, dividend, bonus and/or any similar or equivalent benefit), save in accordance with any contract of employment duly approved by the directors of the Recipient.

8.4 The Recipient should take all necessary steps to ensure that the Grant is accounted for and monitored separately from the Recipient's other funding streams (unless various grant streams are pooled). Details of the Grant must be shown separately in the organisation's accounts as 'restricted funds' and must not be included in its general funds. Copies of the relevant accounts must be provided if requested.

9. Procurement procedures

9.1 The Recipient shall adopt such policies and procedures that are required in order to ensure that value for money has been obtained in any procurement of goods or services funded by the Grant.

9.2 The Recipient is expected to comply with the Contract Standing Orders of its own organisation.

10. Financial or other irregularities

10.1 If the Recipient has any grounds for suspecting financial irregularity in the use of any Grant paid under this Grant Agreement, it must (so far as it is lawfully able to do so) notify the Commissioner as soon as reasonably practicable, explain what steps are being taken to investigate the suspicion, and keep the Commissioner informed about the progress of the investigation.

10.2 For the purposes of Clause 10.1, "financial irregularity" includes fraud or other impropriety, mismanagement, and the use of the Grant for purposes other than those intended by the Commissioner.

11. Audit Arrangements

11.1 The Commissioner reserves the right to conduct or facilitate an audit of the project at any reasonable time, provided reasonable notice is given to the Recipient, the carrying out of the audit does not adversely interfere with any of the operations of the Recipient and any representatives of the Commissioner comply with any reasonable security requirements of the Recipient.

- 11.2 The Recipient shall ensure that copies of all applicable supporting documentation are supplied on request within reasonable timescales and that original documentation is maintained and made available to auditors.
- 11.3 The Commissioner will be permitted to verify that management and control arrangements for individual projects have been set up and are being implemented in such a way as to ensure that funds are being used effectively and correctly; carry out spot checks, including sample checks, on the operations financed by the Grant and on the management control systems, provided that the same do not adversely interfere with the operations of the Recipient and any representatives of the Commissioner comply with any reasonable security requirements of the Recipient. The Recipient must ensure that funds are used in accordance with the principle of sound financial management.
- 11.4 In the event that the Commissioner requests any information under this Grant Agreement which the Recipient considers to be confidential or contains confidential information about the finances, operations and clients of the Recipient, the Recipient may request that the Commissioner enters into appropriate confidentiality agreements before disclosure of such information. The Recipient shall not be deemed to have breached Clauses 5.3 or 7.2 of this Grant Agreement if the failure to meet the required timescales is a result of the Commissioner failing to agree and return a requested confidentiality agreement or statement.

12. Warranties

- 12.1 The Recipient warrants, undertakes and covenants that:
- (a) it has not committed, nor shall it commit, any Prohibited Act;
 - (b) it has and shall keep in place systems to deal with the prevention of any fraudulent use of the Grant, any misuse of the Grant or any other fraud or financial impropriety in connection with the Grant;
 - (c) it has and shall keep in place systems to ensure propriety and regularity in the handling of the Grant;
 - (d) all financial and other information concerning the Recipient which has been disclosed to the Commissioner is to the best of its knowledge and belief, true and accurate;
 - (e) it is not subject to any contractual or other restriction imposed by its own or any other organisation's rules or regulations or otherwise which may prevent or materially impede it from meeting its obligations in connection with the Grant; and
 - (f) it is not aware of anything in its own affairs, which it has not disclosed to the Commissioner, which might reasonably have influenced the decision of the Commissioner to make the Grant on the terms contained in this Grant Agreement.
- 12.2 The Recipient shall notify the Commissioner immediately on becoming aware of any actual or suspected breach of any of the warranties, representations and covenants listed in Clause 12.1.

13. Terminating, withholding, reduction and repayment of Grant

13.1 The Commissioner's intention is that the Grant shall be paid to the Recipient in full. However, without prejudice to the Commissioner's other rights and remedies, the Commissioner may at its discretion

- (a) withhold payment of the Grant in accordance with Clause 13.2;
- (b) reduce payment of the Grant in accordance with Clause 13.3;
- (c) demand repayment of the Grant in accordance with Clause 13.4 or 13.5; and/or
- (d) terminate this Grant Agreement with immediate effect in accordance with Clause 13.6.

Withholding

13.2 The Commissioner may withhold payment of all or a proportion of the Grant if:

- (a) the Recipient fails, to a material extent, to provide the information required under the terms of this Grant Agreement;
- (b) the Recipient uses the Grant for purposes other than the Purpose (for the avoidance of doubt, any breach of Clause 8.3, will be deemed use of the Grant for purposes other than the Purpose);
- (c) following submission of any reports by the Recipient in accordance with this Agreement, the Commissioner considers that the Recipient has not made material progress with achieving the Intended Outcomes;
- (d) any information provided in the application for the Grant (or in a claim for payment) or in any subsequent supporting correspondence is found to be incorrect or incomplete to an extent which the Commissioner considers to be material;
- (e) the Recipient commits or committed a Prohibited Act or materially breaches the Data Protection Act 1998, the Freedom of Information Act 2000, the Health and Safety at Work etc. Act 1974, any Anti-Discrimination Legislation or any applicable law relating to child protection;
- (f) the Recipient commits or committed a breach of this Grant Agreement which the Commissioner considers to be material (including any breach of the provisions of Clauses 12);
- (g) the Recipient purports to transfer or assign any rights, interests or obligations arising under this Grant Agreement without the agreement in advance of the Commissioner;
- (h) the Recipient materially changes the nature of its charitable or community benefit objects to an extent which the Commissioner considers to be material;

- (i) the Recipient does not follow appropriate child and vulnerable persons protection policies (if applicable).
- (j) the Recipient ceases to operate for any reason, or it passes a resolution (or any court of competent jurisdiction makes an order) that it be wound up or dissolved (other than for the purpose of a bona fide and solvent reconstruction or amalgamation);
- (k) the Recipient becomes insolvent, or it is declared bankrupt, or it is placed into receivership, administration or liquidation, or a petition has been presented for its winding up, or it enters into any arrangement or composition for the benefit of its creditors, or it is unable to pay its debts as they fall due;
- (l) the Grant is found to be unlawful;

Reduction of grant

- 13.3 The Commissioner may reduce the Grant if it becomes apparent to the Commissioner, through the reports submitted in accordance with this Agreement that the Grant exceeds that which is needed to achieve the Intended Outcomes and needs to be reduced.

Repayment

- 13.4 Should any part of the Grant remain unspent or uncommitted at the end of the Funding Period, the Recipient shall ensure that any unspent or uncommitted monies are returned to the Commissioner (unless the Commissioner agrees otherwise in writing).
- 13.5 The Commissioner may require the Recipient to repay part or all of the Grant on demand if any of the events of default set out in Clause 13.2 arise (other than those set out in Clauses 13.2(a), (c) or (d)).

Termination

- 13.6 The Commissioner may by notice in writing to the Recipient terminate this Grant Agreement with immediate effect if any of the events of default set out in Clause 13.2 arise (other than those set out in Clauses 13.2(a), (c) or (d)).
- 13.7 Wherever under the Grant Agreement any sum of money is recoverable from or payable by the Recipient (including any sum that the Recipient is liable to pay to the Commissioner in respect of any breach of the Grant Agreement or which has been incorrectly paid to the Recipient either as a result of administrative error or otherwise), the Commissioner may unilaterally deduct that sum from any sum then due, or which at any later time may become due to the Recipient under the Grant Agreement or under any other agreement or contract with the Commissioner.
- 13.8 The Recipient shall make any payments due to the Commissioner without any deduction whether by way of set-off, counterclaim, discount, abatement or otherwise.
- 13.9 Should the Recipient be subject to financial or other difficulties which are capable of having a material impact on its achievement of the Intended Outcomes or compliance with this Grant Agreement, it shall notify the Commissioner as soon as possible so that, if possible, and without creating any legal obligation, the Commissioner shall have an opportunity to

provide assistance in resolving the problem or to take action to protect the Commissioner and the Grant monies.

14. Data Protection and Freedom of Information

- 14.1 The Recipient shall, and shall use its reasonable endeavours to procure that any of its representatives involved in achieving the Intended Outcomes shall, comply with any notification requirements under the Data Protection Act 1998 (the "DPA") and both parties shall duly observe all their applicable obligations under the DPA which arise in connection with the Grant Agreement.
- 14.2 Where applicable, the Recipient and the Commissioner shall comply with the Freedom of Information Act 2000 (the "FOI Act"), any subordinate legislation made under the FOI Act and any guidance issued by the Information Commissioner.
- 14.3 The Parties agree to assist and cooperate with each other to enable the other to comply with obligations under the FOI Act whenever a request is made for information which relates to or arises out of this Grant Agreement.

15. Transparency

- 15.1 The Recipient acknowledges that the Commissioner shall disclose payments made against this grant only to those persons who need to know for any legal, financial or regulatory purposes. Regulatory purposes will include the Commissioner's transparency duty to publish all transactions over £500.
- 15.2 No information shall be disclosed if such disclosure would be in breach of the DPA, or is exempted from disclosure under the FOI Act

16. Premises and Facilities

The parties shall comply with all applicable requirements of Anti-Discrimination Legislation and the Health & Safety at Work, etc Act 1974 and all regulations made under it and under any other legislation.

17. Insurance and Indemnities

- 17.1 The Commissioner accepts no liability for any consequences, whether direct or indirect, that may come about from the Recipient using the Grant or from withdrawal of the Grant.
- 17.2 The Recipient shall indemnify and hold harmless the Commissioner, its employees, agents, officers or sub-contractors with respect to all claims, demands, actions, costs, expenses, losses, damages and all other liabilities arising from or incurred by reason of the actions and/or omissions of the Recipient in relation to the Grant, the non-fulfilment of obligations of the Recipient under this Grant Agreement or its obligations to third parties.
- 17.3 Subject to Clause 17.1, the Commissioner's liability under or in connection with this Grant Agreement is limited to the payment of the Grant and for the avoidance of doubt, nothing in this Grant Agreement places any obligation on the Commissioner to renew or continue funding to the Recipient after the end of the Funding Period.

17.4 The Recipient shall, during the term of this Grant Agreement and for a period of six (6) years after termination or expiry of this Grant Agreement, ensure that it has adequate insurance cover with an insurer of good repute to cover claims under this Grant Agreement or any other claims or demands which may be brought or made against it by any person suffering any injury damage or loss in connection with this Grant Agreement. The Recipient shall upon request produce to the Commissioner its policy or policies of insurance or where this is not possible, a certificate of insurance issued by the Recipient's insurance brokers confirming the insurances are in full force and effect together with confirmation that the relevant premiums have been paid.

18. Dispute resolution

18.1 In the event of any complaint or dispute arising between the parties to this Grant Agreement in relation to this Grant Agreement, the matter should first be referred for resolution to senior offices (nominated by the Commissioner and the Grant Recipient from time to time).

18.2 In the absence of any complaint or dispute being resolved pursuant to Clause 18.1 within [14 days] of being referred, the parties may seek to resolve the matter through mediation under the CEDR Model Mediation Procedure (or such other appropriate dispute resolution model as is agreed by both parties). Unless otherwise agreed, the parties shall bear the costs and expenses of the mediation equally.

19. Assignment and Variation

19.1 The Recipient may not, without the prior written consent of the Commissioner, assign, transfer, sub-contract, or in any other way make over to any third party the benefit and/or the burden of this Grant Agreement or, except as contemplated as part of the Intended Outcomes, transfer or pay to any other person any part of the Grant.

19.2 Variation. No purported amendment or variation of this Grant Agreement shall be effective unless it is in writing and duly executed by or on behalf of each of the parties.

20. Publicity

20.1 All media releases by either party, publicity information, consultation materials etc. shall be agreed in advance with the other.

20.2 The Recipient shall bring to the attention of the Commissioner any issues that are likely to impact significantly on the project, public opinion or the reputation of the parties to this Grant Agreement, as soon as these are known.

21. Notices

21.1 Any notice under or in connection with this Grant Agreement must be in writing and may be given by email, personal delivery, commercial courier or by first class post or recorded delivery. Any such notice addressed as provided in this Clause will be deemed to have been duly given or made (i) when transmitted by the sender (if sent by email), or (ii) when left at the address specified in Clause 21.3 (if delivered personally), (iii) when delivered by commercial courier, on the date and at the time that the courier's delivery receipt is signed or (iv) when sent by first class post or recorded delivery at 10am on the second Business Day after posting.

21.2 Any such notice must be addressed to the recipient at their postal address or email address set out below or at such other address or email address as may from time to time be notified in writing by the recipient to the sender as being the recipient's address or email address for service.

21.3 The addresses referred to above are as follows:

The Commissioner:-

Office of the Police and Crime Commissioner for Norfolk
Building 8
Jubilee House
Falconers Chase
Wymondham
Norfolk
NR18 OWW

Email address: OPCCNgrants@norfolk.pnn.police.uk

The Recipient:-

Norfolk County Council
Norfolk Youth Offending Team (NYOT)
Room 17
North Wing
County Hal
Martineau Lane
Norwich
NR1 2DH

21.4 To prove service, it is sufficient to prove that the notice was transmitted by email to the email address of the party or, in the case of post, that the envelope containing the notice was properly addressed and posted.

22. No Waiver or Severability

22.1 Failure to exercise, or any delay in exercising, any right or remedy provided under this Grant Agreement or by law shall not constitute a waiver of that or any other right or remedy, nor shall it preclude or restrict any further exercise of that or any other right or remedy.

22.2 No single or partial exercise of any right or remedy provided under this Grant Agreement or by law shall preclude or restrict the further exercise of that or any other right or remedy.

22.3 If any provision of this Grant Agreement, or any part of a provision of this Grant Agreement, is found to be illegal, invalid or unenforceable the remaining provisions or the remainder of the provision concerned shall continue in effect.

23. Third Parties

23.1 Subject to Clause 23.2, this Grant Agreement is made for the benefit of the parties to it and their successors and permitted assigns and is not intended to benefit, or be enforceable by, anyone else. For the avoidance of doubt, the provisions of the Contracts (Rights of Third Parties) Act 1999 are expressly excluded from this Grant Agreement.


24. Governing Law & General

- 24.1 This Grant Agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.
- 24.2 The parties irrevocably agree that the courts of England and Wales shall have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this Grant Agreement or its subject matter or formation (including non-contractual disputes or claims).
- 24.3 This Grant Agreement may be executed in any number of counterparts and by the different parties on separate counterparts (which may be fax or electronic transmission copies), but shall not take effect until each party has executed and delivered at least one counterpart. Each counterpart when executed and delivered shall constitute an original, but all the counterparts shall together constitute one and the same instrument.
- 24.4 Each party shall pay its own costs and expenses in relation to the negotiation, preparation, execution, registration and performance of this Grant Agreement and the transactions and arrangements contemplated by this Grant Agreement.
- 24.5 This Grant Agreement constitutes the entire agreement and understanding between the parties relating to the transactions contemplated by or in connection with this Grant Agreement and the other matters referred to in this Grant Agreement and supersedes any other agreement or understanding (written or oral) between the parties or any of them relating to the same. Each party acknowledges and agrees that it does not rely on, and shall have no remedy in respect of, any promise, assurance, statement, warranty, undertaking or representation made (whether innocently or negligently) by any other party or any other person except as expressly set out in this Grant Agreement. Nothing in this Clause shall operate or be construed to limit or exclude any liability of any person for fraud, including fraudulent misrepresentation.
- 24.6 This Grant Agreement shall not create any partnership or joint venture between the Commissioner and the Recipient, nor any relationship of principal and agent, nor authorise any party to make or enter into any commitments for or on behalf of the other party.


ACCEPTANCE OF GRANT

Norfolk County Council accepts the offer of Grant contained in this Grant Agreement and agrees to comply with the terms and conditions of the Grant on which the offer is made.

On behalf of the Recipient - Authorised Representative

Signature:	
Name:	C J Small
Date:	10 th JULY 2015
Position:	Head of Youth Offending Service

Signed on behalf of the Commissioner:

Signature:	
Name:	MARK STOKICES
Date:	12.8.15
Position:	CHIEF EXECUTIVE

Date of issue of Grant Agreement: 10th July 2015

SCHEDULE 1 – THE PURPOSE

Purpose of the funding

In accordance with Section 143 of the Anti-social Behaviour, Crime and Policing Act 2014, the Commissioner, as the local policing body, has powers to provide or to commission:-

- (a) services that in the opinion of the local policing body will secure, or contribute to securing, crime and disorder reduction in the body's area;
- (b) services that are intended by the local policing body to help victims or witnesses of, or other persons affected by, offences and anti-social behaviour;
- (c) services of a description specified in an order made by the Secretary of State.

A local policing body arranging for the provision of services under this section may make grants in connection with the arrangements.

A grant may be subject to any conditions (including conditions as to repayment) that the local policing body thinks appropriate.

The Commissioner therefore intends to make these grants in accordance with (b) above and more details are in Schedule 2.

SCHEDULE 2 – PROJECT DETAILS (DELIVERABLES/REPORTING)

The purpose of this grant is to fund the core costs of the Norfolk Youth Offending Team (NYOT) for a three year period, commencing 1 April 2015 and ending 31 March 2018.

The NYOT is a multi-agency partnership team whose aim is to prevent children and young people from offending and to help them restore the damage caused to their victims. They aspire to make Norfolk an even safer place to live and help young people achieve their full potential in life.

The NYOT supervises and supports young people aged 10 to 17 years who have committed offences and have received a Youth Caution, Youth Conditional Caution or an order from the Court.

The NYOT also offers prevention work with young people aged 8 to 16 years who have not yet offended, but who are at risk of offending or becoming involved in anti-social behavior.

b) Intended outcomes

1. A reduction in the number of first time entrants in the criminal justice system to meet the target set in the Norfolk Youth Justice Plan and agreed by the Norfolk Youth Justice Board.
2. To reduce re-offending rates to meet the target set in the Norfolk Youth Justice Plan and agreed by the Norfolk Youth Justices Board.
3. To lower the use of custody rate to meet to meet the target set in the Norfolk Youth Justice Plan and agreed by the Norfolk Youth Justice Board.

c) The manner in which the activities are to be performed

Assess, Plan and Supervise

The NYOT will prevent children and young people from being involved in crime or anti-social behaviour by supporting them to address their behaviour and realise their ambitions, aspirations, and full potential

NYOT will complete an assessment with every child or young person, using a nationally validated tool which helps to identify those areas of the child or young person's life that contribute to their offending. It also highlights any areas of risk that the child or young person may present or be at risk from including risks to a young person's safety and well-being.

The assessment enables the NYOT to identify a plan to prevent further offending and suitable interventions that children and young people can understand and relate to which are both interesting and motivational. In the majority of plans there will be an element of restorative justice that the child or young person will complete. This includes direct or indirect work with or for the victim(s) of their offence(s).

The NYOT will work closely with parents and carers to help them support their children to complete their order successfully

Young people and children will be expected to attend NYOT for the length of their court order, to complete their intervention plan, in order to achieving a positive outcome.

Prevention

The Youth Inclusion and Support Programme (YISP) is a free service that will provide support to children and young people aged 8 to 16 years and their families.

A child or young person is referred to YISP and a NYOT caseworker completes an assessment by talking to the young person, their family and anyone else who is helping the family. A FSP (Family Support Process) meeting is then held and a plan is agreed to address the areas of help identified in the assessment. The family will be supported to implement the Plan and progress is reviewed after three months, when further help may be offered.

Triage/Challenge for Change (C4C)

Challenge4Change (C4C) is a joint NYOT and Norfolk Constabulary diversion scheme operated by NYOT, which is aimed at avoiding young people becoming unnecessarily involved in the Criminal Justice System and at reducing further offending. By intervening early we will ensure that young people and their families receive support for emerging issues. C4C is staffed by NYOT practitioners who are skilled and experienced in working with young people. C4C operates from the four Norfolk, Police Investigation Centres (PIC's), plus Bury St Edmunds in Suffolk. Young people will be asked to meet with NYOT staff at the PIC to determine if they are suitable for this 'diversionary' project.

The key aims of C4C are:

- ◆ The reduction of first time entrants to the criminal justice system
- ◆ To eliminate the unnecessary processing of young people through the criminal justice system
- ◆ More efficient and effective targeting of resources at an early point
- ◆ To offer significant improvements in the life prospects of young people involved in offending behaviour, victims of crime and the wider community
- ◆ To provide *early help* for families and to reduce the potential for further offending

C4C is available to young people who meet the following criteria:

- ◆ Living in Norfolk AND
- ◆ Aged 10-17 years AND
- ◆ Admit guilt AND
- ◆ Have not received a previous formal disposal

d) Reporting/Evaluation

The OPCCN will monitor the performance of the service against the agreed outcomes, performance indicators and targets set both nationally and locally (the latter through the NYOT Management Board).

Monitoring will take place quarterly, via performance reporting to the NYOT Management Board.

On an annual basis (by 1 June 2016, 2017 and 2018) the OPCCN will be provided with a written assessment of the service, including performance against outcomes and targets and budget information.

The OPCCN reserves the right to terminate the funding of the service in the event of unsatisfactory performance or non-delivery of agreed outcomes.

SCHEDULE 3 – PAYMENT SCHEDULE

Payment Reference	Payment date	Amount
1	01/04/15	16.7% of total
2	01/10/15	16.7% of total
3	01/04/16	16.7% of total
4	01/10/16	16.7% of total
5	01/04/17	16.7% of total
6	01/10/17	16.5% of total

Process for Requesting Payment

Payments will be made half yearly in advance, an invoice must be submitted for each advance. Your invoice **must include** our Purchase Order Number. To ascertain a purchase order number, please email Claire Buckley direct on (buckleyc@norfolk.pnn.police.uk)

Please send your invoice to Stephanie Stearman, address as below.

For the Attention of Stephanie Stearman
Office of the Police and Crime Commissioner for Norfolk
Building 8
Jubilee House
Falconers Chase
Wymondham
Norfolk
NR18 0WW

**Norfolk Police and Crime Panel
Forward Work Programme 2015-16**

	Main items of business	Invited to attend
10am Tuesday 8 December 2015, County Hall	<p>Police and Crime Commissioner for Norfolk's 2016-17 budget consultation</p> <p>Police Integrity Reforms – update on local model for managing police complaints</p> <p>Complaints update</p> <p>Information bulletin – questions arising to the Commissioner</p> <p><i>After the meeting, Panel Members are invited to make their own way to Norfolk Constabulary HQ, Wymondham, to attend a tour. Itinerary will be circulate nearer the time.</i></p>	Commissioner and Deputy Commissioner, supported by members of the Commissioner's staff and Chief Constable
To be confirmed	Panel refresh training - consideration of precept	
10am, Tuesday 2 February 2016, County Hall	<p>Review the Commissioner's proposed precept for 2016-17 (the Panel must review and report by 8 February 2016)</p> <p>Information bulletin – questions arising to the Commissioner</p> <p>Forward work programme for 2016-17</p>	Commissioner and Deputy Commissioner, supported by members of the Commissioner's staff and Chief Constable
10am Tuesday 16 February 2016, County Hall	Reserve date – to review a revised precept for 2016-17, if vetoed (the Panel must review and report by 22 February 2016)	Commissioner and Deputy Commissioner, supported by members of the Commissioner's staff and Chief Constable

Forward Work Programme 2016-17

	Main items of business	Invited to attend
10am Tuesday 12 April 2016, County Hall	(To be agreed) Police Integrity Reforms – update on implementation of PCC functions relating to the police complaints and disciplinary systems	Commissioner and Deputy Commissioner, supported by members of the Commissioner's staff and Chief Constable
	May 2016 - PCC and local elections	
10am Wednesday 15 June 2016, County Hall	(To be agreed)	Commissioner and Deputy Commissioner, supported by members of the Commissioner's staff and Chief Constable
10am Wednesday 14 September 2016, County Hall	(To be agreed)	Commissioner and Deputy Commissioner, supported by members of the Commissioner's staff and Chief Constable
10am Tuesday 22 November 2016, County Hall	(To be agreed)	Commissioner and Deputy Commissioner, supported by members of the Commissioner's staff and Chief Constable

The identified items are provisional only. The following meetings will be scheduled only if/when required:

- confirmation hearings

For information

Norfolk County Community Safety Partnership Scrutiny Sub Panel – This Sub Panel meets at least annually, and its next meeting is being provisionally arranged to take place in November 2015.

Scheduled Police Accountability Forum Meetings are due to take place on the following dates (agendas will be made available via the Commissioner's website):

- Tuesday 17 November 2015 at 10 am (Norfolk Constabulary Headquarters, Wymondham)

Scheduled Norfolk and Suffolk Collaboration Panel meetings are due to take place as follows (agendas will be made available via the Commissioner's website):

- 1 December 2015 (10.30am – Filby Room, Norfolk Constabulary)