

From: Matthew Scott, Kent Police and Crime Commissioner
To: Kent and Medway Police and Crime Panel
Subject: Holding the Chief Constable to Account
Date: 19 July 2018



INTRODUCTION:

1. In addition to a number of statutory responsibilities that flow from the Police Reform and Social Responsibility Act 2011, under the Policing Protocol Order 2011, Police and Crime Commissioners (PCCs) have the legal power and duty to:
 - Scrutinise, support and challenge the overall performance of the force including against the priorities agreed within the [Police and Crime] Plan;
 - Hold the Chief Constable to account for the performance of the force's officers and staff; and
 - Maintain an efficient and effective police force.
2. In discharging these responsibilities, PCCs are responsible for putting in place proper governance arrangements.
3. The local governance framework was revised in 2016-17 following the election of Mr Scott, and continues to be refined. Through a mix of regular and private meetings, the PCC holds the Chief Constable to account for the leadership of Kent Police, and the priorities he has set the Chief Constable in the [Safer in Kent Plan](#), namely:
 - To put victims first
 - Fight crime and anti-social behaviour
 - Tackle abuse, exploitation and violence
 - Combat organised crime and gangs
 - Provide visible neighbourhood policing and effective roads policing
 - Deliver an efficient and accessible service
4. Mr Scott, in discharging his personal duties, responsibilities and functions, is supported by a relatively small team of staff within the Office of the PCC (OPCC), led by the Chief Executive.

DAILY ENGAGEMENT / WEEKLY ONE-TO-ONE MEETINGS:

5. Informally, on a daily basis, the PCC, Chief Executive, Chief Finance Officer (CFO) and senior OPCC staff liaise and engage with the Chief Constable's office and senior managers. Being sited together at Kent Police headquarters enables, and in many ways encourages, spontaneous face-to-face discussions to take place, such as around IT, estates and significant or critical incidents which may attract media attention.
6. The PCC also has weekly one-to-one meetings with the Chief Constable to enable an open exchange of information and help maintain an effective working relationship. The meetings are held in the OPCC, and allow discussion of a wide variety of subjects, including significant operational matters and delivery of the Safer in Kent Plan.
7. The PCC is currently refining the one-to-one meeting structure to further complement the governance framework. The aim is to develop stronger links to the Performance & Delivery Board in terms of themes discussed and future activities, as well as the provision of enhanced context around delivery of the Safer in Kent Plan.

PERFORMANCE AND DELIVERY BOARD:

8. One of the principle ways the PCC holds the Chief Constable to account is through the quarterly Performance and Delivery Board.
9. Open to the public, on a non-participating basis, the meeting is chaired by the PCC and papers are submitted by the force in advance and published [here](#) on the OPCC website. The Chief Constable is required to attend the meeting in order to present and discuss the papers, and answer questions about delivery of the Safer in Kent Plan and policing generally in the county.

10. The aims and objectives of the meeting include:
- Monitoring and scrutinising performance and service delivery against the Police and Crime Plan priorities, acknowledging success and challenging areas of concern.
 - Holding the Chief Constable to account for organisational and operational performance of Kent Police.
 - Receiving and reviewing reports on policing matters considered to be of particular interest and/or concern to local communities.
 - Considering reports from external bodies, including (but not limited to) Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS), ensuring areas for improvement are addressed.
 - Exploring areas that are fundamental to healthy and productive organisations, including how the Mission, Vision, Values and Priorities are being engrained.
 - Monitoring and challenging wider performance delivery, including value for money, use of resources and the overall efficiency and effectiveness of Kent Police.
11. Originally, the agenda included two separate papers relating to Kent Police performance and Police and Crime Plan Delivery. Through discussion with the Chief Constable, the PCC determined that it was not necessarily helpful to have two separate papers and as a result, from March 2018, the agenda was tweaked to include one item titled 'Safer in Kent Plan: Delivery & Performance'.
12. With supporting force papers for each item, the standard agenda currently consists of the following:
- Safer in Kent Plan: Delivery & Performance
 - Inspections, Audits & Reviews
 - People (*including recruitment*)
 - Finance
 - Collaboration & Partnership Working
- In addition, the Chief Constable has the opportunity to provide a verbal update on any topical issues and/or non-sensitive operational matters at each meeting.
13. Through the Performance and Delivery Board, the PCC has robustly held the Chief Constable to account for crime recording accuracy following HMICFRS' inspection – [Kent Police: Crime Data Integrity Inspection 2017](#) – which graded Kent Police 'inadequate'. Initially a paper in its own right, and now included within the 'Inspections, Audits & Reviews' paper, the PCC continues to receive updates from the Chief Constable, with accuracy now reported at around 92-94% consistently. Likewise, following escalating public concern nationally and locally, the PCC continues to receive updates from the Chief Constable in relation 999 emergency and 101 non-emergency call answering within the Force Control Room.
14. The meeting notes from each Performance and Delivery Board are submitted to the Police and Crime Panel for information/reference. Dates of future meetings are 26 September and 12 December – Panel Members are welcome to attend.
15. While the Performance & Delivery Board does not stand alone from other complementary governance structures employed by the PCC, it does allow the PCC and the Chief Constable to transparently fulfil their respective statutory obligations and accountabilities in respect of scrutiny, challenge and support.

OTHER BRIEFINGS AND MEETINGS:

16. In holding the Chief Constable to account, the PCC can request bespoke briefings that enable a more focused and detailed discussion on Kent Police activities, Performance and Delivery Board items, confidential matters or emerging issues. Examples include updates on specific policing operations, complex IT and procurement related matters, and issues of significant public interest, such as crime recording accuracy and 101 call answering. Most recently, the PCC received a briefing from the Director of HR on the [#MoreThanTheBadge](#) and the [#BeyondTheBadge](#) recruitment campaigns. Such briefings enable the PCC to gain a better understanding, provide support and, where appropriate, ensure the right questions are being asked on behalf of the public.
17. The PCC has a standing invitation to the Force Culture Board - the only board that the Chief Constable chairs. Its purpose is to continue the development of a culture where officers and staff are confident to do the right thing and put quality of service at the heart of all they do. The meeting has representation from across the force and all ranks/roles, and provides the PCC with an opportunity to engage with officers and staff direct, gain a better understanding of the challenges they face, and show support for the work they do.

18. In addition, the Chief Executive, CFO and senior OPCC staff have a standing invitation to Kent Police internal meetings. For example, the Chief Executive attends the Force Performance Management Committee; the CFO attends the IT Steering Board; and the Head of Standards and Regulation attends the Stop and Search Scrutiny Panel which includes representation from the Independent Police Advisory Group. Through this approach, the PCC retains oversight across a broad range of key business areas.

19. The governance framework around managing crime is well established, with the OPCC having:

- access to internal Kent Police data, as well as external data, such as the quarterly [ONS Crime in England and Wales Statistical Bulletins](#); and
- a Research Officer who can extract data from Kent Police systems, and is able to provide analysis and interpretation to identify areas of specific interest.

However, the police can only record crimes that are brought to their attention and ongoing work to improve crime recording accuracy makes interpretation of trends over time difficult. As a result, within the Safer in Kent Plan, the PCC makes it clear that progress will not be judged on stipulated numerical targets, but will instead consider other feedback, including HMICFRS' reports and other independent publications.

JOINT AUDIT COMMITTEE (JAC):

20. Financial governance, assurance, risk management and statutory financial duties for both the OPCC and Kent Police are the responsibility of a JAC, as required by the Home Office Financial Management Code of Practice. The JAC is a key component of the corporate governance arrangements, providing an independent and high level focus on the adequacy of audit, assurance and reporting arrangements that support the PCC, the Chief Constable and statutory officers in ensuring good governance and financial standards are in place.

21. Open to the public, on a non-participating basis, the JAC meets at least four times a year and is chaired by one of five members who are independent of both the PCC and the Chief Constable. The PCC and the Chief Constable attend one JAC per year, with standing membership including an Assistant Chief Constable, the PCC and Chief Constable's CFOs and other senior staff, with papers submitted in advance and published [here](#) on the OPCC website. Dates of future meetings are 18 September and 6 December – Panel Members are welcome to attend.

22. The JAC is responsible for:

- Providing independent assurance on the adequacy and effectiveness of the PCCs and Kent Police's internal control environment and risk management framework;
- Independently scrutinising financial and non-financial performance to the extent that it affects the PCC's and Kent Police's exposure to risks and weakens the internal control environment;
- Overseeing the financial reporting process and external audit; and
- Advising the PCC and the Chief Constable on the adequacy of the Annual Governance Statement.

23. The JAC includes standing agenda items from both the Internal and External Auditors; audit updates are also reported at the Performance and Delivery Board.

Internal Audit

24. The PCC appoints the internal auditors to obtain assurance around financial governance and areas of perceived risk. The last financial year's internal audits (from RSM UK) were as follows:

Title of audit	Assurance level	Final report issued	Recommendations		
			Low	Medium	High
Leavers and movers	Partial	28-Jul-17	5	2	1
Procurement Improvement Plan	Reasonable	23-Aug-17	3	2	0
Capital Accounting and Fixed Assets	Substantial	10-Nov-17	2	0	0
Creditors	Reasonable	05-Sep-17	2	4	0
Debt collection and recovery	Reasonable	05-Sep-17	4	3	0
Firearms storage and disposal and Taser Stock Control	Partial	05-Sep-17	2	6	2
General Ledger	Substantial	04-Dec-17	4	0	0
Payroll	Reasonable	14-Nov-17	2	2	0
Mobile First	Substantial	29-Nov-17	4	1	0
Risk Management - assurance	Partial	17-Jan-18	0	3	0
Treasury Management	Substantial	29-Jan-18	0	1	0
POCA/Cash/Drug/Property seizures	None	04-Dec-17	4	4	3

25. All audits are reviewed, but those with negative assurance opinions are scrutinised by Kent Police and the OPCC more closely. Recommendations are taken seriously as they are designed to strengthen controls and improve efficiency and effectiveness. For example, the Proceeds of Crime Act (POCA) audit was completed in August 2017, and in light of the findings, a robust action plan was put in place by Kent Police to rectify the identified failings. The JAC has received confirmation that with the exception of two longer term actions (relating to training and the use of Athena), all have been addressed. In addition, the JAC has received assurance that on-going governance of POCA processes, and the outstanding actions, are now monitored through a newly formed Joint Kent and Essex POCA board chaired by the Assistant Chief Constable, Serious Crime Directorate.
26. The audits with substantial assurance give evidence of good practice, but the JAC recognises that business change and new risks can emerge in old areas. Kent Police guard against complacency by using Single Points of Contact to ensure recommendations are implemented and embedded, and utilise the full range of RSM's expertise in passing on industry best practice through their reports and discussions with the JAC and Kent Police.
27. The 2018/19 internal audit programme was agreed at the JAC on 13 March 2018 and is outlined below. Given the extent of the programme, there may be some slippage or rescheduling which will be agreed between the PCC and Chief Constable's CFOs and Audit Manager.

As = Assurance Ad - Advisory

Risk Based Assurance		
Athena	As	Q4
IT Audit	As	Q2/3
GDPR (OPCC)	Ad	Q1
Business Continuity	As	Q2
Restorative Justice	Ad	Q1
Collaboration – 7F Procurement	Ad	Q3
Collaboration - Recharges	As	Q2
Delivery of Police & Crime Plan	As	Q1
Complaints	As	Q3
Body worn cameras	As	Q4
Fleet Management	As	Q2/3

Core Assurance		
Treasury Management	As	Q2
Capital Accounting & Fixed Assets	As	Q2
Payroll	As	Q3
Debt collection & recovery	As	Q3
Creditors	As	Q3
Payroll & Pension payments to HMRC	Ad	Q2

Other activity		
Custody management	As	Q3
Leavers & joiners	As	Q1
Training records	As	Q3
Pension Scheme governance	As	Q1
POCA/Cash/Drug/Property seizures	As	Q2
Performance management	As	Q3
Health & Safety	As	Q4
Follow up	As	Q4

External Audit

28. In addition to the internal auditors, the PCC and the Chief Constable have external auditors who perform the statutory function of reviewing the Statement of Accounts and stating a value for money conclusion. The current external auditors are Ernst & Young.

HER MAJESTY'S INSPECTORATE OF CONSTABULARY AND FIRE AND RESCUE SERVICES:

29. All police forces are subject to a formal inspection regime undertaken by [HMICFRS](#), and this forms a vital part of the PCC's assurance process in holding the Chief Constable to account.
30. HMICFRS' role is to objectively inspect and report on the efficiency and effectiveness of police forces and specified national police agencies. HMICFRS' overall objective is to provide, in the public interest, independent and professional assessments of police efficiency and effectiveness for the public, elected representatives and the police.
31. To keep the public informed and updated, under the Police Act 1996 (as amended by the Policing and Crime Act 2017), PCCs are required to comment on HMICFRS reports about their force. As well as the PCC's view, it must include any comments from the Chief Constable and the PCC's response, and actions taken or proposed to address recommendations. A copy has to be provided to the Home Secretary, published by the PCC, and a link also sent to HMICFRS. To view Mr Scott's comments on Kent Police's PEEL 2017 Effectiveness assessment, please click [here](#).

PEEL

32. Each year, HMICFRS assesses all police forces on their Efficiency, Effectiveness and Legitimacy (PEEL). Forces are judged as outstanding, good, requires improvement or inadequate based on inspection findings, analysis and professional judgement.
33. Based on PEEL 2017, Kent Police was judged to be one of the top performing forces in the country, being assessed as 'Good' for Efficiency, 'Good' for Effectiveness and 'Outstanding' for Legitimacy for an unprecedented third consecutive year. The force has been graded 'Outstanding' or 'Good' in every PEEL inspection since 2015.

Summary of PEEL 2017 assessments for Kent Police

Efficiency	Effectiveness	Legitimacy
How efficient is the Force at keeping people safe and reducing crime? <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> Good	Overall effectiveness <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> Good	How legitimate is the force at keeping people safe and reducing crime? <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> Outstanding
How well does the force understand demand? <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> Outstanding	Investigating crime and reducing re-offending <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> Good	To what extent does the force treat all of the people it serves with fairness and respect? <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> Outstanding
How well does the force use its resources? <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> Good	Protecting vulnerable people and supporting victims <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> Good	How well does the force ensure that its workforce behaves ethically and lawfully? <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> Good
How well is the force planning for the future? <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> Good	Specialist capabilities <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Ungraded Comment: Kent Police has the necessary arrangements in place to ensure that it can fulfil its national policing responsibilities.	To what extent does the force treat its workforce with fairness and respect? <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> Outstanding

34. The programme for 2018/19 is set to change, moving from three individual inspections on Efficiency, Effectiveness and Legitimacy to one inspection covering all three PEEL pillars utilising a risk based approach. Kent Police has been notified that it will be in the first tranche of forces to be inspected, meaning the inspection will take place sometime in December 2018.

Thematic and Joint Inspections

35. HMICFRS also carry out thematic and joint inspections. Their 2018/19 inspection programme includes:
- Hate Crime
 - Counter Terrorism
 - Fraud (including cyber-enabled fraud)
 - Older people in the Criminal Justice System
 - Cyber-crime
 - Child Protection (continuation of rolling programme of inspections, Kent have not yet been inspected)
 - Crime Data Integrity (continuation of rolling programme of inspections)
36. With the exception of Crime Data Integrity, Kent Police has not specifically featured in any of these to date, and is unaware whether it will feature as one of the visited forces in the future. However, they represent learning opportunities with best practice adopted, and any recommendations acted upon.

Force Management Statement

37. The Force Management Statement (FMS) is a self-assessment that Chief Constables prepare and provide to HMICFRS each year. The first FMS was submitted in June 2018.
38. It is the Chief Constable's statement and explanation of:
- The demand the force expects to face in the next four years;
 - How the force will change and improve its workforce and other assets to cope with that demand;
 - How the force will improve its efficiency to make sure the gap between future demand and future capability is as small as it can reasonably be; and
 - The money the force expects to have to do all this.
- In addition, there is an expectation that Police and Crime Plans are referenced throughout the FMS, with those sections that are relevant clearly identified.

39. The FMS is also designed to improve and streamline the information police forces produce for their own management purposes, PCCs, Home Office, HMICFRS, other institutions and the public.

40. The Chief Constable has recently submitted Kent Police's FMS and the PCC received a copy. In addition to increasing the PCC's understanding of how effective and efficient Kent Police is, the FMS will help to assess whether the priorities set for the Chief Constable in the Safer in Kent Plan are likely to be met, how quickly and at what cost.
41. The FMS will also inform the new PEEL assessment process, what inspections HMICFRS will conduct in the future in which police forces, and how intensive they will need to be. HMICFRS have directed that the next FMS will be required by September 2018.

Value for Money profiles

42. The Value for Money profiles provide PCCs and the public with comparative data on a wide range of policing activities. For instance: does a force spend more or less than other similar forces? Does it receive fewer or more 999 calls? How does the crime rate differ from other forces?
43. They are based on data provided by forces to The Chartered Institute for Public Finance and Accountancy and the Home Office. The latest VfM profiles were published in November 2017, and key findings for Kent Police included being an outlier (lowest 10%) for non-staff costs and for police staff costs.
44. Used as part of the PCC's overall governance framework, and considered by the JAC, the VfM profile provides a comparison of Kent Police's costs and performance with other police forces, helping the PCC to ask the right questions and if necessary, seek further information. Where appropriate, it also enables the PCC to challenge the Chief Constable on behalf of public tax payers.
45. In addition to the programme of work outlined above, if deemed appropriate, PCCs are also able to commission HMICFRS to carry out inspections within their force area.

POLICE COMPLAINTS:

46. In relation to holding the Chief Constable to account for complaints management, the OPCC has well-established mechanisms, including:
- A monthly file audit of both complaints and misconduct cases, with the findings (and subsequent responses) reported to the PCC, the Chief Executive, and the leadership of the Professional Standards Department (PSD).
 - Monthly meetings between the Head of PSD and the OPCC Head of Standards and Regulation.
 - Regular OPCC review of complaints data and [Independent Office for Police Conduct](#) (IOPC) figures.
 - Reporting of complaints performance and related matters to the JAC and the Performance and Delivery Board.
47. In addition, the PCC, Chief Executive and Head of Standards and Regulation meet regularly with the IOPC Regional Director, Sarah Green, to review Kent Police's performance and discuss complaints handling in a regional and national context.

CUSTODY PROVISION:

48. Managing the [Independent Custody Visitors \(ICVs\) scheme](#) is one of the PCC's responsibilities.
49. By making unannounced visits to custody suites, speaking to detainees about their treatment, checking that they have received their rights and ensuring the conditions are up to standard, ICVs enable the PCC to hold the Chief Constable to account for the treatment of individuals who are often amongst the most vulnerable in society.

HOLDING OTHER PARTNERS TO ACCOUNT:

50. The PCC has recently taken over as chair of the Kent Criminal Justice Board. Membership includes Kent Police, Probation, the Crown Prosecution Service, Her Majesty's Courts and Tribunal Service, Her Majesty's Prison Service and the defence community. Meeting on a quarterly basis, its purpose is to improve the efficiency and effectiveness of the Kent criminal justice system and the experience of victims of and witnesses.

51. In addition to being a member of the Mental Health Crisis Care Concordat Steering Group, the PCC chairs a Mental Health and Policing Oversight Board. Meeting on a quarterly basis, with senior representation from Kent Police, Kent and Medway NHS and Social Care Partnership Trust (KMPT), West Kent Clinical Commissioning Group and South East Coast Ambulance Service, its objectives include:
- Reviewing delivery of the Kent Police and KMPT Mental Health Strategy.
 - Maintaining a strategic overview of system performance across mental health crisis care services.
 - Developing an understanding of demand relating to mental health issues across Kent, including repeat users.
 - Promoting models of mental health crisis care which have appropriate leadership, oversight and support partnership working.
 - Reducing the demand on Kent Police and supporting the development of alternative places of safety.
 - Enhancing partnership working in order to support the delivery of safe, effective and timely care for those in crisis.
52. Linked to the Government's [Serious Violence Strategy](#), the PCC is keen to bring together a wide range of stakeholders to better understand the causes of violent crime in Kent and agree ways in which it can be prevented and tackled.
53. The first phase of this year-long 'Violence Reduction Challenge' is a call for evidence. The PCC has asked victims of crime, as well as those who work with them, to share their experiences, relevant data and potential policy ideas. Next the PCC is convening a core steering group, as well as a larger advisory panel made up of interested parties which will meet in public. Both these groups will discuss the findings of the call for evidence, assess the reality of violent crime in Kent and look at ways Kent Police and its partners can work together to address the issues raised.