

Committee(s): Police Authority Board	Date(s): 16 th May 2019
Subject: Launch of National and Local Protocols on the role of the Police and Crime Commissioners in the Criminal Justice System.	Public
Report of: Commissioner of Police Pol 32-19	For Information
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Summary

The purpose of the report is to inform members of recent guidance from the Ministry of Justice setting out the role of Police & Crime Commissioners in the Criminal Justice System at national and local levels respectively. These protocols seek to achieve more effective partnership working and strengthened relationships.

The City of London Police is represented on the London Criminal Justice Board where performance is reviewed with additional Force oversight provided through the Performance Management Group.

These current arrangements provide effective oversight of criminal justice performance within the City of London Police, and as such we do not believe there is any need to make any changes following the issuance of the guidance.

Recommendation

Members are asked to note the report.

Main Report

Background and Current Position

1. In line with a 2017 commitment to enhance the role of Police and Crime Commissioners (PCCs), in February 2019 the Ministry of Justice published two protocols, one national (appendix 1) and one local (appendix 2), which suggest ways in which partners should best engage to improve the effectiveness of the criminal justice system.

2. These protocols do not seek to prescribe any particular model but highlight the benefits of bringing stakeholders together to focus on shared and individual responsibilities.
3. The national protocol sets out how government will engage with PCCs in the development of criminal justice policy. This will be facilitated by the Association of Police and Crime Commissioners through existing structures.
4. The local protocol encourages PCCs to take a leading role in local criminal justice partnerships and seeks to build on existing arrangements, in particular Local Criminal Justice Boards (LJCB) for which minimum standards are proposed.
5. The City of London Police (CoLP) is a member of the London Criminal Justice Board, a strategic forum chaired by a Metropolitan Police Service Deputy Assistant Commissioner. Additional membership includes representation from British Transport Police, The Mayor's Office for Policing and Crime, Her Majesty's Courts Service, the Ministry of Justice and the Crown Prosecution Service. This membership is consistent with the proposed standards set out in the protocol.
6. Performance is a standing agenda item for this board to consider and to scrutinise.
7. Criminal justice performance within CoLP is monitored within the Crime Directorate and reported to the Force's Performance Management Group for oversight and scrutiny.

Conclusion

8. These existing arrangements provide robust internal and external oversight.

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Appendices

Appendix 1. National Protocol

Version: 1.0
Issued: 07/02/2019

Protocol: Engaging Police and Crime Commissioners (PCCs) in national policy

Purpose

This protocol sets out key principles for engagement between national Criminal Justice System (CJS) departments and agencies represented on the Criminal Justice Board and PCCs, the responsibilities the Association of Police and Crime Commissioners (APCC) and PCCs will fulfil in return, and practical methods of taking PCCs' views. The protocol applies to England and Wales.

National Engagement with PCCs

Drawing on lessons learned from current engagement with PCCs and wider good practice, we have identified the following principles which we propose should be applied by national CJS departments and agencies in their engagement with PCCs. CJS departments and agencies will, in general:

1. Engage PCCs on major, national CJS policies and reforms influencing the local context.
2. Engage PCCs early in the development and testing of CJS policies and reforms to ensure these take into account, and adequately reflect, the local context and local priorities.
3. Update PCCs on the implementation of national policies and reforms and, where appropriate, agree with PCCs their role in supporting implementation locally.
4. Inform PCCs of key developments or changes in national policies, reforms and practice in a timely manner, where necessary providing background on the underpinning rationale for changes.
5. Update PCCs on ministerial and Criminal Justice Board priorities, and provide relevant supporting information to assist PCCs in addressing these priorities at the local level.

PCC responsibilities

To maximise the effectiveness of national engagement, PCCs will be expected to perform key functions in return. PCCs will:

1. Provide local perspectives and steers on national policies and reforms, highlighting potential challenges, opportunities and variations at the local level.
2. When requested by policy leads, communicate information on national developments and Criminal Justice Board and ministerial priorities within their local areas, helping to ensure priorities are addressed locally.
3. Help support the implementation of national reforms and policies locally, as agreed with national policy leads.

Principles governing engagement

1. Policy leads within the relevant government department will be responsible for determining which policies or reforms are of sufficient magnitude to merit engagement with PCCs and the most apposite time to engage with PCCs during policy development.
2. Any information, data or policies which are sensitive, or have implications for prosecutorial or judicial independence or national security are not covered by the principles of this agreement.
3. PCCs will be expected to treat any information shared with them as strictly confidential, and ensure information is not circulated or disseminated further unless explicitly advised otherwise by policy leads. PCCs should seek advice and clarification from policy leads on a case by case basis where necessary.

Facilitating engagement

The Association of Police and Crime Commissioners (APCC) is the membership organisation for PCCs, enabling them to express their collective view on policy issues and engage as a body with national criminal justice agencies and departments. To engage effectively with PCCs and take their collective rather than individual views, national CJS agencies and departments will generally work through the APCC or a delegated sub group, to engage with PCCs.

In most cases engagement will be through the APCC's standing groups which focus on specific policy areas. Where national policymakers need to engage with a broader range of PCCs beyond those participating in the standing group structure, the APCC should, generally, be consulted on how to take forward this wider engagement.

National leads can also engage with the Association of Policing and Crime Chief Executives (APACE), which brings together Chief Executives from PCCs' offices, to help work through technical details or practical local implications, arising from policies or reforms.

Next Steps

Once this protocol is agreed with PCCs and cross-CJS senior leaders represented on the Criminal Justice Board, its operation will be periodically reviewed by the APCC to ascertain whether it is fulfilling its core objectives of facilitating effective national engagement, or whether further action is needed.

Appendix 2. Local Protocol.

Version: 1.0
Issued: 07/02/2019

Local Forums and the role of Police and Crime Commissioners: Local Operating Framework

Purpose

This Local Operating Framework sets out how Police and Crime Commissioners (PCCs) can play an active role in local Criminal Justice System (CJS) forums to improve co-ordination and achieve shared CJS outcomes.

Within this framework, we have referred to the role of the PCC in relation to the criminal justice system. It should be understood, however, that the PCC does not have authority over the criminal justice system from the decision to make a criminal charge, through to the award of sentence. In devolving greater responsibility to PCCs, the boundaries around the independence of criminal justice processes between charging and sentencing must be respected. All local forums must respect both prosecutorial and judicial independence and decision making. Whilst taking account of independence issues, there will still be occasions where it is appropriate for members of the judiciary to participate in conversations.

Local Operating Framework

The Police Reform and Social Responsibility Act 2011 set out in law the reciprocal duty on PCCs and other Criminal Justice agencies to work together to provide an efficient and effective CJS for police force areas. One way this works effectively is through Local Criminal Justice Boards (LCJBs). The Criminal Justice Inspectorate report stated: *“we were told that PCCs were shaping the way that local partnerships were working, based on their outreach into the community in general and to victims of crime in particular.”* **By taking a leading role in local CJS partnership arrangements, PCCs can help CJS partners and agencies become more visible in the local area and help align and set priorities and address cross-cutting local issues.**

This is already happening in many areas. The independence of the prosecution and judiciary must be reflected within any partnership arrangements. To ensure engagement is appropriate we therefore propose the following minimum standards to encourage appropriate local CJS engagement in each local area, consistently across England and Wales. This protocol may also apply to Regional Partnership arrangements, as well as local partnership arrangements such as Local Criminal Justice Boards.

Membership

The view of the National Criminal Justice Board (CJB) is that PCCs should chair local forums which, to be effective, should include membership and engagement from all CJS partners. At the local level, it is recommended that membership should include:

- The Police and Crime Commissioner (PCC)
- A Chief Police Officer
- A representative from the Crown Prosecution Service (CPS)
- A representative from Her Majesty's Courts and Tribunal Service (HMCTS)
- A representative from Her Majesty's Prison and Probation Service (HMPPS)
- A representative from the National Probation Service (NPS) / Community Rehabilitation Company (CRCs)
- A representative from the Youth Offending Team
- A Legal Professional e.g. solicitor, barrister
- Victims and witnesses service provider
- A representative from the other rehabilitation service providers e.g. education /health
- A member of the judiciary, where appropriate, in an advisory capacity

Effective local forums also include members beyond immediate local CJS partners. Closer working locally is increasingly important as collective budgets have tightened, with collaboration key to increased efficiencies. To reflect this, local forums could include membership from:

- A member from a local victims' panel
- Other rehabilitation service providers, in particular Education and Health
- Legal profession
- Health
- County Council officials
 - a. Safety in communities lead
 - b. Engagement in communities lead
- Community Safety Partnerships (CSPs)
- A representative from the Parole Board

The Role of the PCC

PCCs will play a leading role in these fora. This will require them to facilitate engagement with all local partners to agree how to engage with nationally-determined programmes and meet local needs. In short, PCCs should use their position to provide leadership and transparency for the CJS at a local level, whilst respecting prosecutorial and judicial independence.

PCCs' specific responsibilities are listed below. Overall, they are responsible for the totality of policing in their area and for commissioning services for victims of crime locally. Under the terms of the Police Reform and Social Responsibility Act 2011, PCCs must:

- secure an efficient and effective police force for their area;
- work with local CJS partners to provide an efficient and effective criminal justice system for the police area;
- appoint the Chief Constable, hold them to account for running the force, and if necessary require them to retire or resign;
- set the police and crime objectives for their area through a police and crime plan;

- set the force budget and determine the precept;
- contribute to the national and international policing capabilities set out by the Home Secretary; and
- bring together community safety and criminal justice partners, to make sure local priorities are joined up.

Role of PCCs and victims

PCCs are responsible for commissioning the majority of local services for victims and are well placed to have oversight of how the CJS locally is meeting the needs of victims.

While there is some good local practice, there needs to be improved reporting, monitoring and transparency on whether victims are receiving the entitlements in the Code of Practice for Victims of Crime (Victims' Code). The Criminal Justice Board has recognised the importance of PCCs' roles locally and signed off a new approach to compliance. At a local level, Police and Crime Commissioners will be responsible for regularly monitoring and identifying issues through local criminal justice partnership arrangements so they can determine effective local intervention. PCCs will provide reports to the Criminal Justice Board and responsible Ministers so they can monitor delivery at a national level and address cross-cutting issues with national service providers. A new compliance framework is being developed in conjunction with the APCC to set out the detail of PCCs' responsibilities, as well the responsibilities of other agencies. The compliance framework will build on the monitoring model that many PCC areas have already put in place.

As the protocol for engaging PCCs in national policy makes clear, PCCs are responsible for communicating information on national developments and Criminal Justice Board and ministerial priorities within their local areas. This will help to ensure priorities are addressed locally, as well as helping to support the implementation of national reforms and policies locally, as agreed with national policy leads.

Setting local priorities and the scope to adapt national plans and innovate

Local CJS partners are responsible for delivering national policies at a local level, both those that come from their own organisations and those agreed by the Criminal Justice Board. The successful delivery of PCC Policing and Crime Plans also requires cross-CJS cooperation, and the priorities set out in these Plans should be taken into account in the priorities agreed by CJS partners in local partnership forums. A local forum is a means by which the delivery of these local priorities can be agreed and delivery of them monitored. Local forums also offer the opportunity to test and review innovative approaches for the delivery of local priorities.

The way in which national CJS departments and agencies have committed to engage with PCCs through the national protocol, means that PCCs will be engaged on major reforms influencing the local context and updated on the implementation of national policies and key reforms. PCCs will also be updated on ministerial and National Criminal Justice Board priorities to enable these priorities to feed into LCJBs.

National platform and best practice

The Association of Police and Crime Commissioners (APCC) is an effective national platform through which PCCs can share best practice from their local area and how LCJBs have worked particularly well. LCJBs also offer the opportunity to share best practice, data, and any future downstream impacts through the system between partners locally.

It is sensible to draw upon and improve existing structures and networks, by using LCJBs to identify local best practice, and encouraging PCCs to feed these into the existing national platform of the APCC, so that CJS partners are not under increased pressures to create such forums and networks.

We recommend that local forums use the APCC network to highlight what approaches have been working well and where there are barriers and tensions, liaising with national policy leads. Local forums may also wish to escalate matters of national importance to the Criminal Justice Board through the PCC representative.

Due to the nature of PCC's role and genuine oversight and interest in many aspects of the CJS, PCCs are able to tap into existing structures and funding to achieve shared outcomes. For example, in at least one LCJB the PCC joined up with health to use existing schemes in place to help rehabilitative measures in the CJS. We strongly encourage all agencies to be more outward facing and to engage with wider agencies in achieving shared outcomes.

Sharing information to identify trends, and manage risks and emerging threats

Sharing information across agencies can help local forums assess what is and isn't working and why, to address shared outcomes of reducing crime and reoffending and to support victims and witnesses.

Local forums should also use their own data and intelligence to identify emerging local trends or patterns in offending behaviour to allow local agencies to plan and adapt to emerging threats. Where local areas collate their own data, this should be shared both between CJS partners in each area, as well as nationally to identify where there is significant progress. Sharing data on local trends may also alert other areas to those trends. In the interests of transparency and accountability, local CJS performance data could also be published.

PCCs are well placed to assist with predicting demand and circulating this among other areas, through representation at the Criminal Justice Board and the APCC network. The APCC provides a forum in which emerging local trends can be reported and national patterns escalated where required, which could enable practical measures to be taken in each part of the CJS to react to demand.

PCC representation at the Criminal Justice Board ensures that PCCs are informed of emerging priorities and trends raised nationally, which they can communicate locally as appropriate.

Next Steps

This protocol will be periodically reviewed by the APCC, working with the Ministry of Justice, to identify emerging examples of good practice and what further action might be needed to support improved local CJS co-ordination.