

Second Report on the Work of the Police and Crime Commissioner

1. Purpose

The purpose of this report is to provide members of the Panel with an update on some of the key meetings I have held and some of the major issues I have been dealing with since the last meeting of the Panel in September.

2. Context and Overall Performance

As I said in my last report I meet the Chief Constable on a more or less weekly basis to review performance figures and to raise any issues of concern which have come to my attention from the figures, from local people or through national events or reports.

I am again pleased to report that overall the picture in relation to reported crime is positive and crime is continuing to fall. There has been an increase in the number of sexual assaults which we believe to be as a result of the publicity surrounding the Savile enquiry and other high profile enquiries. I have previously expressed concern about the level of unreported crime in this area.

I have also held a meeting in public with the Chief Constable here at Shire Hall. The agenda included a presentation I had requested on Serious and Organised Crime.

I receive regular updates on the financial position of the Force and the Alliance. The financial position continues to be very positive with achievement of savings in advance of targets. A more detailed report on financial performance and the medium term financial plan appears elsewhere on this agenda.

3. Major Issues

I have continued to have a number of meetings locally, regionally and nationally. There are three major issues on which I believe I should brief the Panel:-

- The events surrounding the meeting between officers of the Police Federation and the Rt. Hon. Andrew Mitchell MP
- Stage 2 Transfer
- The restructuring of my office

3.1 **The Events Surrounding the Meeting Between Officers of the Police Federation and the Rt. Hon. Andrew Mitchell MP**

3.1.1 The Panel will be aware of the very significant media and public interest in the events surrounding the meeting between officers of the Police Federation, one of whom is a Warwickshire officer, and the Rt. Hon. Andrew Mitchell MP, and the involvement of the Home Affairs Select Committee.

3.1.2 On 28 October I wrote to members of the Panel and included a statement of my position at that time.

A copy of that statement is appended for ease of reference as **Appendix B**.

3.1.3 Since that time and following the appearance of the officers before the Home Affairs Select Committee the Independent Police Complaints Commission have decided that they could and should re-open the investigation into the conduct of the three officers.

I reproduce below a further statement I published on 3 November which again summarises my position:-

Statement Sunday 3rd November 2013

By Ron Ball, Police and Crime Commissioner for Warwickshire

From the start I have called for openness, honesty and transparency in this matter and that due process is followed. I fully support the independent scrutiny of policing which the Independent Police Complaints Commission (IPCC) provides.

As previously stated, I have never supported the actions of the officers following their meeting with Andrew Mitchell at his constituency office. They were unwise to get involved in such a political campaign and they have subsequently brought discredit on the Police service and damaged public confidence in the integrity of the Police. I believe that the officers should have apologised to Mr Mitchell and his family for the hurt their actions caused.

Due to the nature of the matters under investigation and the potential public interest I believe that from the beginning the Independent IPCC as a minimum should have managed the investigation, a decision which would have had no resourcing implications for the IPCC but would have enabled them to retain the ability to direct the outcome of the investigation. This whole issue would not have arisen if they had done so.

During the supervision of the Police enquiry into this matter the IPCC confirmed that they were satisfied with the Police investigation but disagreed with the decision of the Appropriate Authorities and called into question the integrity of the senior officers involved. These allegations of concern have since been withdrawn in the latest statement from the Deputy Chair of the IPCC, which is welcomed. Owing to procedural irregularities that were highlighted in the Home Affairs Select Committee hearing on 23rd October the IPCC have now changed their view and are proposing a fresh independent investigation by the IPCC. This in my opinion should have taken place right from the outset.

In my role of holding the Chief Constable to account and scrutinising his actions I have taken independent legal advice concerning the IPCC's decision to reopen the investigation. This advice raises concerns in my mind that the legal grounds for the proposed investigation may not be legally sound, with the potential for further legal challenges to follow. All of this can only result in additional public expense.

The action of the officers which initiated this issue was ill judged but I have been insistent that due process is followed in reaching a determination as to whether they should face misconduct proceedings. I would hope that the proposed fresh investigation and any subsequent hearing are thorough and fair, so that this matter is brought to a swift conclusion.

Dependent upon developments I do intend to hold a public meeting in Warwickshire when myself and the Chief Constable will answer questions from the public on this issue.

3.1.4 Next Steps

I have throughout this affair been very critical of the IPCC. As I have already said, if the IPCC had agreed, at the very least, to manage this investigation as requested by both Forces, this whole issue which has severely impacted on the trust and confidence of the public in the police could have been avoided. Moreover, I am critical of the public statements of the Deputy Chair of the IPCC which inadvertently but inevitably unfairly impugned the integrity of senior officers in all three Forces. I am also concerned that the decision to reopen the investigation could be challenged and if found to be unsound could result in additional public expense.

In light of this I will be meeting Dame Anne Owers on 12 November to discuss the handling of this matter. I will be stressing that I am in favour of a strong, well resourced and independent complaints body. I support the proposals from the Home Secretary to provide greater resources to the IPCC to enable them to investigate a greater proportion of complaints against the police albeit by top slicing the budgets of police forces to do so.

Secondly, I have been kept fully briefed throughout by the Chief Constable but as I have said in my statement, I have asked for a full report on the investigation and subsequent events with all the supporting documentation which I intend to publish on my website. I had also intended to hold a public meeting in order that members of the public could ask questions both of me and the Chief Constable, who readily agreed to the meeting. In light of the most recent decision of the IPCC to re-open the investigation, I have put that meeting on hold on legal advice. I will consider the position again as I am determined, as is the Chief Constable, to be as open and transparent about this matter as possible.

Finally I have been considering for some time how I can best fulfil my responsibility to ensure that complaints more generally against the police are investigated. It is important to emphasise that my role is not to investigate complaints against the police which is the responsibility of the Professional Standards Department within the Force and the IPCC in some cases, but to ensure that processes are robust and fair.

At present I receive regular reports on investigations carried out by the police at a Professional Standards meeting. I also look into complaints from members of the public who believe that their complaint has not been properly investigated. In addition I have agreed with PSD that I should have free and unannounced access to the department to look at any file at any time, to ensure due process is being followed. In order to increase my capacity and to increase public confidence I am minded to appoint a small team of volunteers to undertake this 'dip sampling' and will publish proposals shortly.

3.2 Stage 2 Transfer

In my last report to the Panel I informed you of my intention together with the Commissioner from West Mercia to ask the Home Secretary to agree that in the unique circumstances of the Alliance we should not have to prepare a transfer scheme to identify those civilian staff who should transfer to the employment of the Chief Constable and those who should remain in my employment.

In the event, following a meeting between officers of both OPCCs and officials from the Home Office where a number of issues were resolved, we have decided that we will submit a transfer scheme with a view to the scheme being implemented by April 2014, in line with the Home Secretary's report. Officers took the opportunity at the meeting to make the case for additional funding from resources set aside to promote collaboration to help take forward the Alliance.

In common with a number of other PCCs we have agreed that with the exception of my immediate staff in my Office, all other civilian staff should transfer to the employment of the Chief Constable who already has direction and control of those staff. The staff we are proposing not to transfer are the Directors of Finance and Enabling Services. This is because land

transactions and settlement of claims cannot be delegated to the Chief Constable.

This proposal fulfils the principles underpinning the proposed transfer set out by the Home Secretary and seems the best approach to cause the minimum of disruption while ensuring the effective deployment of operational staff. In practice I do not envisage any change to current practice.

3.3 Restructuring of the Office of the Police and Crime Commissioner

3.3.1 Neil Hewison took up post as Chief Executive of my office on 28 October 2013.

3.3.2 Restructuring

On my election as Commissioner I agreed that the staff of the former Police Authority should transfer to the OPCC, so that I could take time to consider the support I would need to fulfil my statutory responsibilities and deliver my priorities. Six months into my period of office I carried out a review of the staffing of my office to ensure that I had the capacity and staff with the capabilities I need to carry out my role. It was clear to me that the roles of the Commissioner and of the Police Authority were very different. The internal review I conducted was informed by a report from an external consultant, a former member of HMIC.

As a result of the restructuring two members of staff opted to take voluntary severance and have left the Office. I am now advertising to appoint three replacement Policy & Research Officers (one to cover maternity leave).

Final formal interviews are planned on 4 December 2013 and I hope very much a member of the Panel can assist me in making these very important appointments.

3.3.3 I am very pleased to say that I have appointed an Apprentice to join my administrative team. She is proving a real asset and is already making an important contribution to the effectiveness of the Administrative Team.

4. The Strategic Alliance with West Mercia

The implementation of the people movement plan which allocated officers and many civilian staff into the new model of policing was largely completed by the end of September 2013. This massive exercise seems to have been completed very successfully. I will however be monitoring carefully the impact of the changes and will, if appropriate, bring a report to this Panel in due course when the changes have had time to bed in and any problems identified.

5. Office of the Police and Crime Commissioner

With staff vacancies capacity in my office is limited. The focus however in the next two months is:-

- To complete the recruitment of three new Policy and Research Officers.
- To develop the Medium Term Financial Plan and Budget proposals
- To monitor the impact of Community Safety Ambassadors
- To review our support for Independent Custody Visitors
- To have in place a strategy for allocating Community Safety Grants and for support for victims
- To begin discussions on the 'refresh' of the Police and Crime Plan

Ron Ball
Warwickshire Police & Crime Commissioner