

GWENT POLICE AUTHORITY

Date: 29th May 2009 **Item No:** 5e.

Heading: Response to HMIC and Audit Commission Consultation on the Inspection of Police Authorities

Report Author: Chief Executive

SUMMARY

The consultation document was issued on 29th April and responses have to be presented to the HMIC and Audit Commission by 10th June 2009. Members held a Task and Finish Group meeting to which all members were invited on 20th May. The contents of the Appendix to the report reflect the discussions at the group and incorporate views of other members who provided written responses.

RECOMMENDATION(S)

Members are asked to agree the response to the Consultation document attached at Appendix 1 to be sent to the HMIC and Audit Commission by 10th June and to PAW for inclusion in an all Wales response, subject to any further amendments/additions discussed at the meeting.

1. BACKGROUND

- 1.1 In November 2008, the government confirmed its intention to proceed with police authority inspections in its response to the Policing Green Paper consultation. The powers to inspect are already in existence through the Local Government Act 1999 and the Police Act 1996. The Policing and Crime Bill will change the way police authorities are expected to carry out their duties and so invites HMIC to inspect police authorities with a special emphasis on the consideration of the views of the public. For the first time, police authorities will be jointly inspected across the full range of their activities by the Audit Commission and HMIC. The Wales Audit Office will provide resources to undertake inspections of the Welsh police authorities jointly with HMIC.
- 1.2 The Inspection Framework Consultation was launched on 29th April 2009 and the responses will need to be with the inspection bodies by 10th June.

2. PROPOSAL FOR CONSIDERATION BY COMMITTEE AND CURRENT POSITION

- 2.1 Members are asked to agree the response to the consultation questions attached at Appendix 1 and agree to forward them to PAW to be included in an all Wales response as well as being sent separately as Gwent Police Authority.

3. STAFFING/PERSONNEL IMPLICATIONS

- 3.1 There are no direct staffing implications relating to the consultation document. However the staffing implications relating to the inspection will be significant in terms of providing the inspection team with the level of support they require.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial resources required to respond to the consultation. However there may be financial implications arising from any recommendations following inspection.

5. CONSULTATION

- 5.1 The Members of the Authority have all had an opportunity to feed into the consultation response. Staff in the Secretariat have also been asked to contribute their views to the document.

6. PROJECT ASSESSMENT FOR EQUALITY AND DIVERSITY MATTERS

- 6.1 This project/proposal has been considered against the general duty to promote equality, as stipulated under the Police Authority's Equality Scheme, and has been assessed not to discriminate against any particular group.

7. RISK ASSESSMENT

- 7.1 The Police Authority has some important points to raise in relation to the consultation and therefore there would be a high level of risk should the Authority fail to respond.

8. STAYING AHEAD (2011 REVIEW)

- 8.1 Not applicable.

9. CONCLUSION

- 9.1 It is essential that the Police Authority respond to the consultation in as positive and constructive way as possible. Whatever the final outcomes inspection for Gwent will take place in October. It is important therefore that any issues or concerns are raised with the inspection authorities at this stage. The Appendix reflects discussions at the Police Authority on this issue.

10. CONTACT OFFICER

- 10.1 Mrs S A Bosson, Chief Executive.

11. BACKGROUND PAPERS

- 11.1 Consultation document April 2009 on Framework for Police Authority inspection.

12. APPENDICES

- 12.1 Appendix 1 – Response to Consultation.

HMIC & Audit Commission Consultation On Police Authority Inspections

GWENT POLICE AUTHORITY RESPONSE

General Issues

It is noted at paragraph 2 that the Wales Audit Office will be undertaking the Inspections in Wales in place of the Audit Commission. However the whole document is very much based on the English perspective and fails in its current format to recognise the very significant differences within Wales. The Police Authorities in Wales operate with parts of the policing agenda delegated to Welsh Assembly Government (WAG) and other parts remaining at Westminster. For example all the references to Comprehensive Area Assessments (CAA) are not applicable to Wales. However there is no clear explanation in the document of how the inspection will be consistent in its approach if in Wales there is no CAA framework to take advantage of. In addition how will there be consistency of approach in England and Wales when there are two different audit bodies involved in the inspection process? We feel that these issues should be addressed in the document for the avoidance of doubt and in any event prior to the start of inspections, otherwise, it is not a level playing field for scoring.

This leads onto the references in the document to National and Regional and Local. We need to be absolutely clear whether these sorts of reference relate to National, i.e. Home Office or WAG for those Authorities in Wales particularly when dealing with community engagement issues and the local authority involvement in Wales.

At Paragraph 3 we would like confirmation that Welsh equivalent of the organisations mentioned have been involved in the development of the process e.g. the Home Office Director for Crime Reduction in Wales, the Welsh Local Government Association who have the role of the IDeA in Wales.

Could there be a clear confirmation that all the inspectors understand that operational issues are not within the control of the Authorities. This can be a very difficult concept to grasp – that the governing body does not have the power to direct all resources. However, this is a fact which will impact on how much influence on occasions the Police Authority can have on an area of business.

Leading on from the above, we would like to have confirmation in the final document that the Inspectors are trained and will take cognisance of the 'soft' elements relating to how the Police Authority 'influences' the policing outcomes in the area. As a body of governance it can sometimes be difficult for a Police Authority to demonstrate and exemplify its role in the delivery of improved policing. A suggestion made informally to a Chief or influence exerted at meetings or elsewhere can ultimately have a significant impact. Frequently the source of the improvement will be forgotten or wrongly ascribed. Sometimes it is best if you want to achieve something not to say that you thought up the idea but let others actually think they thought of it. This type of influencing activity needs to be captured in the evidence gathering at the inspection stage.

In paragraph 9, the final bullet point, why is there an emphasis on failure. It should perhaps be more balanced and refer to both areas of best practice and underperformance. The current wording only reinforces the impression that the Home Secretary is out to discredit Police Authorities.

Paragraph 10, the 3rd bullet states that inspection will be 'proportionate'. There needs to be a balanced view from the inspection team about the capacity of a Police Authority secretariat to meet the requirements of an inspection whilst still maintaining and doing their day job. In larger authorities this may not be an issue but for most authorities preparing and supporting the inspections team will be very resource intensive.

Based on the fact that the paragraph goes on to state that the team will rely on other audits and inspections etc, could there be a situation where the inspection team could be reduced and as a result the time spent on site also reduced? Otherwise there could be a suggestion that its inspection for inspections sake.

Paragraph 11, this has no applicability in Wales in the way it is written. The point has been made already that the document needs to reflect all police authorities and a separate section on how the inspection is going to be contextualised for the Welsh Authorities needs to be included in the final framework.

Paragraph 13, the last sentence refers to inspections of Policing pledges being fed directly into the judgements regarding how well the Police Authority is dealing with Community Engagement. We are concerned that this may result in a poor report relating to a Force impacting unfairly on the work of the Police Authority particularly when the role of community engagement is much wider and deeper than just the police pledge.

Question 1

Do you agree with our proposed assessment themes, key questions and assessment criteria? If not what do you think is missing?

It is imperative that HMIC ensures that all Police Authorities (PAs) are aware of the exact processes with clear and concise guidance and clearly identified outcomes.

We understand that the HMIC and AC are developing characteristics that will be provided to police authorities in terms of the types of activity/evidence the Inspectors would expect to see under each of the bullet points in the assessments. While some additional guidance would be useful, this should not lead to a tick box approach and there should be (as there is now in the assessments) some flexibility within each police authority to deliver outcomes in the best way for them. Leading on from this we need to include in the training of inspections the value of the relationship between the Chair, Chief Executive and the Chief Constable while understanding that this relationship is not being tested.

We generally accept the proposed assessment themes, albeit some overlap exists between themes. For example, page 11, paragraph 14, talks about 'beyond immediate area', whereas the assessment criteria looks at 'local', where will the balance be in gathering evidence at an inspection. In addition issues regarding leadership seem to be covered in both theme 1 and 2 this could result in duplication of effort.

With the introduction of a tripartite Equality & Diversity Strategy 2009-12 and the NPIA launching the Equalities Standard, there may be a need to identify which strand equalities will be considered under for the purposes of providing evidence. Equalities is covered in theme 3 bullet 4, but if it's a golden thread throughout the work of the PA how would this be addressed by inspectors in the other themes.

If a Force is performing not to standard as identified by the Rounded Assessment process and the Authority has challenged the Force and has taken steps to address the identified gap in performance, how will the poor performance interact/impact on the police authority inspection criteria? (As the Authority is actually acting in a positive manner to address, therefore, if a Force is performing poorly it may not necessarily be an indication that the Authority is also under performing.) This is a key question regarding the inspection process as there is an acknowledged difficulty around police authorities evidencing challenge and influence as a process that leads to positive outcomes as raised above. Paragraph 11 refers to the 'balanced scorecard approach' this has a different meaning to different organisations and it is doubtful that members of the public will be familiar with the concept.

A further question is raised around weighting and if any will be applied to other public service provision (Local Authorities, Fire Service, Health etc) and it's associated affects on public satisfaction/confidence? As this will have the potential to have a proportionate effect on police resource allocation particularly in Wales where much of the public service delivery is devolved to Welsh Assembly Government (WAG).

In theme one, second bullet, it would be helpful if the characteristics gave an indication of what is meant by 'longer – term'. This could mean different timescales in relation to this theme than in say the theme of VFM. Bullet 3 refers to 'properly', it would be helpful to know what inspectors understand to be the proper resources required.

In theme two, the emphasis on engaging with our communities is very clear. We would suggest that bullet 2 of theme 2 should state 'properly holds the Chief Constable to account' which clearly sits under this theme. The point about community engagement is more than adequately covered in the third theme. Bullet 4 refers to 'fulfils its own role in delivering the single confidence target'. The devil will be in the detail. However, this role is integral to the community engagement responsibilities which are covered in theme 3. We would therefore suggest that this part of the sentence is removed and then states, 'sets challenging targets for performance and the policing pledge and drives

In theme 3, bullet 2 should be covered in questioning and evidence gathering at the first bullet in theme 1. This could result in duplication of effort. Bullet 6 refers to collaboration and although we understand inspectors will be visiting local partner/ stakeholders, what involvement will other PA's have in relation to the inspection of one PA in regional arrangements?

Theme 4 seems to cover everything in the PURE assessment. If the police authority gets good scores in these areas does it follow that the inspection will not be focusing on this theme but used the PURE results to calculate a score?

Question 2

Do the proposals provide a clear focus on how police authorities make a difference to securing improved policing outcomes for local people? If not, please suggest how we could make this focus clearer?

There should be a clear focus on how Police Authorities challenge the Force and hold the Chief Constable to account also evidence where the Authority can be seen to influence change and drive business. However there needs to remain a balance between the local priorities and protective services/regional issues.

If the inspection and assessment framework is to be focused on outcomes – how will the inspection team/process seek to identify what these are? As raised earlier this will have to be acknowledged in the final framework and details of how the influencing skills will be assessed and interpreted need to be clear to the police authorities before the inspection commences.

There are a number of considerations regarding the inspection of collaboration and partner stakeholders. How will they be carried out? Who will be involved? How will the scoring work for each constituent Force/Authority?

Question 3

Do you agree with our proposals for scoring?

The scoring framework methodology will need to be flexible to develop and adapt as identified through the initial inspections and subsequent learning process to identify what is most suitable for purpose. It is important that the first tranche of police authorities being inspected are not disadvantaged. It is for this reason we query why scoring was added into the process late on?

We do not understand the rationale for an aggregate score. This doesn't happen in the Force and therefore why has this been adopted in this case? Indeed in the emerging process the aggregation of scores will be used (whether intended or not) to formally and publicly compare one police authority with another. It seems unfair given the timescales involved and individual scores for each of the assessments may be enough for the first round of inspections.

We do not accept that the rounding up for average score of 1.5 etc should be left to just the HMIC/AC. This should be a matter for the whole of the inspection team. Our view is however that scores of .5 should automatically go up anyway as is normal convention.

We are concerned that the approach adopted could potentially result in inspectors trying to 'fit' a score into a mathematical formula which could skew the overall score. We believe there are grounds to move to a five or third point scale, as currently is the case with HMIC inspections.

We note the position on why this method of scoring has been introduced, but would emphasis again that CAA does not apply in Wales and it would therefore be more understandable to the public to receive inspection results in the same format that the Force does.

We welcome the process of quality assurance for the scoring process to ensure consistency across the board particularly due to the concerns we have regarding the WAO/AC representation on inspection teams. This is particularly relevant in the decision to publish aggregated scores, which will be interpreted as a league table. Care should be exercised to ensure that public confidence/satisfaction is not undermined as part of the AC/HMIC reporting process.

We would request that the central quality assurance panel includes representation of APA and that there is a Welsh representative with cognisance of Welsh governance structures and the issues surrounding devolution and policing. We welcome and support the opportunity that Authorities will be given to consider and comment on the inspection report prior to publishing.

Reporting at paragraph 21 refers to 'in the public domain', we would wish for more details in relation to the proposals for example in different formats, languages etc. In Wales the reports will automatically have to be published in Welsh and this should be factored into the timetable. All reports should also be written to the Crystal Mark standard.

Question 4

Which of the options for peer involvement do you think we should adopt and why?

Neither, we would suggest an option 3 that would allow for two police authority representatives, with one member and one officer to be trained from each Authority as accredited peer reviewers. This will ensure a balanced outlook and provide additional sustainability/resilience to the process. Members will provide the strategic oversight of the police authority's business delivery and the officer will have a greater knowledge of the machinations and governance processes of an Authority. There is a need to have the right calibre of properly trained people in place.

However there are some questions around the accreditation process. What does the training look like? Is there enough timescale to ensure all peer reviewers are adequately trained and accredited? How will the accreditation process be funded? We would suggest that as this is government led they will need to ensure that the necessary funding for accreditation is made available.

We need to be assured that the accreditation process includes training on the policing landscape in Wales to give confidence to the police authorities in Wales that they will not be prejudiced due to a lack of understanding and knowledge.

Police authorities need to be assured that they will enjoy open access to NPIA resources in terms of training, development and guidance for both members and officers to facilitate the inspection process.

Additionally the overall make up of the inspection team should take a balanced approach that ought to consider membership of 2 HMIC members of staff, 2 Welsh Audit Office/Audit Commission representatives and 2 Police Authority representatives (1 member & 1 officer). This would prevent an inspection report being skewed by one perspective.

Question 5

Do you agree with our proposals for the Police Authority Inspection Framework?

Generally we do, we view the AC/HMIC inspection of police authorities as a tool to inform an environment of continuous improvement that will support future practice and delivery. However there are a number of questions to be considered.

When inspection teams are forming judgements they will draw upon a range of evidence that includes reality checks. Please explain how these operate and on what criteria are they based?

When briefings and/or evidence are given from the CAA lead – has a Welsh alternative been agreed?

Views of key stakeholders – consideration should be given to the representatives that have had most police authority involvement. e.g. Local Authority Policy and Research departments, as opposed to only Chief Executives, and Community Safety Partnerships.

We believe the Police Authority Self Assessment is a valuable document that holds a great deal of evidential information and should be considered as part of the inspection process.

We agree to the 18 week inspection timeline but would advise that the dates are agreed well in advance and key stakeholders and interviewees are booked well in advance and prior to this timeline.

Query regarding paragraph 48 – To undertake a future evaluation of the inspection framework and its impact on improving *policing services* and outcomes for citizens should this read 'on improving police authority practices'.

In the follow up to post inspection we request that there is a focus on shared learning and how best practice can be promoted and shared.

Finally, Inspection teams should always recognise that Police Authorities are usually small organisations with an operating budget of around £1m per annum. The burden that inspection places on an authority will be great. Any reduction in the preparation of documents would be welcomed. In addition, during the inspection week itself the inspection team will need to recognise that they will be utilising a significant proportion of the working resources of a Police Authority.

09.05.21 -SAB