

PCCs AND STATUTORY TRANSPARENCY

REPORT 2018

An examination of the fulfillment of statutory obligations for transparency by Offices for Police and Crime Commissioners

About us

About CoPaCC

CoPaCC was established shortly after the first PCC elections in November 2012 to monitor policing governance in England and Wales. CoPaCC now has a portfolio of services, working together to help organisations meet their governance and management challenges and opportunities.

These include:

- **Policy and delivery** CoPaCC's national overview across policing, criminal justice and blue light provides us with an unrivalled insight into what works
- **Communications and social media** CoPaCC publishes PolicingInsight.com, the UK's foremost online magazine focusing on governance, management and politics in policing and criminal justice
- **Information and insight** CoPaCC produces thematic reports and expert events covering key issues of policy and practice in the policing and criminal justice sectors
- **Monitoring standards** CoPaCC monitors standards in policing governance, assessing OPCC performance and awarding quality marks in key areas of accountability

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Introduction

A commitment to transparency



Bernard Rix
Chief Executive of CoPaCC

Since its establishment in late 2012, CoPaCC has published a number of Thematic reports focusing on key topics in policing. Recently we have provided early insight on the likely implications of Brexit for policing and security; taken a detailed look at police and fire governance; examined potential for police use of drones; and reviewed police use of body-worn video.

This CoPaCC Report is the latest in an annual series examining conformance with statutory transparency obligations by Offices for Police and Crime Commissioners (OPCC). CoPaCC first examined OPCC transparency in Autumn 2013. Early the following year, I gave oral evidence to the House of Commons' Home Affairs Select Committee, during which the Committee suggested that CoPaCC, as a public service, should review OPCC transparency annually.

I am pleased to publish this latest OPCC transparency review. I am particularly grateful to my CoPaCC colleague, Sandra Andrews, for her excellent work in conducting the bulk of the analysis, and to Ian Barrett for his sterling work in preparing this report. I am also

grateful to all OPCCs who responded to our request for evidence on this topic, as well as to those who have contributed articles for this Thematic.

We will be continuing our annual review of OPCC transparency next year. We plan to further improve the detail of CoPaCC's analysis, which I elaborate on in my background article within this report. I would very much welcome your feedback, and the feedback of all interested parties, on those plans.

The next PCC elections are due to take place in May 2020. I hope by then that the OPCC Transparency Quality Mark will be awarded to many more (and possibly all) OPCCs, which would help PCCs and their staff to demonstrate their commitment to achieving their statutory responsibilities for transparency.

As Julia Mulligan, the PCC for North Yorkshire and the APCC Lead for Transparency and Integrity, states in her article: "The Quality Mark recognises a PCC's commitment to transparency and is a clear sign... that information is easy to find and all present and correct." As such, ensuring their OPCC has the Transparency Quality Mark is something that all PCCs, as elected politicians, should wish to be able to share with their electorate. ❖

Contributor quotes

'The importance of a search box that is responsive and intuitive cannot be overstated, as navigating around OPCCs' websites can be challenging particularly when the layout and language is unfamiliar'

Sandra Andrews, CoPaCC researcher

'Real transparency can inspire public confidence and trust... However faux transparency, or downright obstruction and obfuscation has the opposite effect. It corrodes public trust'

Andrew W Dawson, Councillor for Frodsham

'A pre-requisite is mutual respect between PCC and Chief Constable, as this promotes openness amongst the senior leadership'

Julia Mulligan, PCC for North Yorkshire

'There is a risk that the inaccessibility, and lack of consistency that we found could be seen to deliberately frustrate the efforts of whistleblowers attempts to seek justice'

Sandra Andrews, CoPaCC researcher

'These platforms allow me to regularly reach a wide range of audiences and update them on what I'm doing on their behalf'

David Jamieson, PCC for West Midlands

'We are funded by taxpayers and they have an absolute right to know what we do and how we spend their money.'

Arfon Jones, PCC for North Wales

'The public pay a lot of money for our services and it is vital that they can see what we do, how we do it, and how much it costs'

Anthony Stansfeld, PCC for Thames Valley

'Throughout my term in office I have found that being open and transparent helps build trust with our local communities'

Stephen Mold, PCC for Northamptonshire

'I want to operate as openly as possible ... We have made a number of changes to our website to make it easier to search for information and share important documents'

Barry Coppinger, PCC for Cleveland

Background

Examining transparency: Why, and what next?

Bernard Rix explains CoPaCC's approach to examining OPCC transparency



Bernard Rix
Chief Executive of CoPaCC

A Police and Crime Commissioner's (PCC's) performance is assessed democratically by the public in elections every four years. These next take place in May 2020. To make this accountability effective, the public must have access to reliable material which allows them to reach an informed view of their PCC's performance. Between elections, they are scrutinised by Police and Crime Panels (PCPs), which also require timely, open, transparent and relevant information to allow them to be effective in their role to challenge and support PCCs. A CoPaCC OPCC Transparency Quality Mark can thus reassure both PCPs and the electorate that their PCC is meeting the required statutory standards.

Delivering transparency requires a concerted effort on the part of PCCs and their offices at a time when police budgets and public sector resources are particularly tight. However, if done well, the provision of information about the PCC and their activities enables local people to better understand and engage with the PCC to assess how well they are delivering in their role. Transparency is a cornerstone of effective accountability and good governance. More than that, it is a statutory obligation - and therefore a necessity, not a luxury.

Statutory requirements and guidance

The Police Reform and Social Responsibility Act (2011) and the Elected Local Policing Bodies (Specified Information) Order 2011, and subsequent amendment provide the legal framework for PCCs and their statutory duties in respect of transparency. During 2012, the Home Office produced a number of leaflets, summarising expectations of PCCs' duties. The first of these, *Have you got what*

it takes? Your role as Police and Crime Commissioner, stated: "PCCs must be transparent and allow the people who live in the force area to assess their performance and that of the chief constable. Because of this, the Government has set out detailed requirements to allow for this open and transparent assessment."

The reasons for placing requirements on PCCs are summarised in a second Home Office leaflet, *Have you got what it takes? To be transparent*: "Police and crime commissioners (PCCs) will have to publish information to allow the public to hold them to account. The Police Reform and Social Responsibility (PRSR) Act 2011 says what information PCCs should make available."

"For this to be effective, Government has issued the Elected Local Policing Bodies (Specified Information) Order 2011, and subsequent amendment, to make sure that the public have timely access to independent and clear information on the performance of their PCC. This will allow them, when they go to the ballot box to vote, to make their decision based on fact rather than rumour."

"The information order has set a minimum evidence base - a specific set of information to be made available - for the public to use when holding PCCs to account. A consistent minimum evidence base will also allow the public to compare different police force areas."

It continued: "A consistent minimum amount of evidence will also allow the public to compare the performance of their PCC with PCCs elsewhere. The risk in not stating, in legislation, what PCCs should publish is that some may not make available all the information that they need to be held fully accountable by the public. The information order is there to help PCCs to act in line with the expected behaviour of public office holders."

The reasons for setting a minimum requirement are

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Background

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clear; it allows the public to compare the performance of their PCC against that of others and against their priorities for local policing and crime prevention. The order requires specified information is made available to the public. These are grouped under six themes:

- who they are and what they do;
- what they spend and how they spend it;
- what their priorities are and how they are doing;
- how they make, record and publish their decisions;
- what policies and procedures govern the OPCC; and
- public access to a register of interests.

The Home Office subsequently produced a summary of the requirements of PCCs to “publish certain information to allow the public to hold them to account”. The summary included a “simplified list of the information publication requirements and the timings for publication”. This list is shown as an Appendix to this Thematic.

CoPaCC’s dedication to monitoring transparency

The House of Commons Home Affairs Select Committee (HASC) undertook an investigation in early 2014 into PCC’s work. As Chief Executive of CoPaCC, I was invited to give oral evidence to the Committee on how well PCCs were settling in to their work. This included my cross-examination on the results of an examination by CoPaCC just two months earlier of OPCC transparency.

Towards the end of the meeting, the Chair of the Committee acknowledged that there was no statutory body taking an ongoing interest in checking that PCCs and their offices met their statutory obligations on transparency. He suggested that this was something that, as a public service, CoPaCC could undertake. The Committee subsequently published their report, *Police and Crime Commissioners: progress to date*, in April 2014 with a reference to this suggestion. CoPaCC’s assessments of OPCC Transparency have taken place annually since then.

Our approach to comparing transparency

Each year, our approach has sought to determine whether OPCCs have published the information (and met the statutory requirements) set out in the Elected Local Policing Bodies (Specified Information Order) 2011.

Specifically, CoPaCC examines OPCC websites, looking for the information set out in the Home Office’s “simplified list of the information publication requirements and the timings for publication” ([see Appendix](#)). These lists provide: 6 statutory transparency themes; 25 primary statutory transparency disclosures; and 50 secondary statutory transparency disclosures.

Our research, therefore, for each of these annual reviews has focused on looking for the basic presence of this information (i.e. for each statutory transparency disclosure, at least a mention), rather than the overarching quality of that material.

We have refined our approach each year, and have plans to further improve our methodology next year.

Our outline plans for monitoring OPCC Transparency in 2019 and beyond

Our current OPCC Transparency approach has resulted this year in 25 OPCCs being awarded a CoPaCC “OPCC Transparency” Quality Mark. My CoPaCC colleague, Sandra Andrews, has provided details of our current methodology and analysis in a separate article within this Thematic report.

From next year, we intend to provide even more detail on our assessment of OPCC transparency. This is likely to include our production of an OPCC Transparency ‘league table’ (or similar), providing more information on how OPCCs compare in meeting their statutory transparency obligations. In addition, we will no longer simply look for an acknowledgement on OPCC websites of the need for that information, but will additionally provide an assessment of how well that information is presented. We will also provide a more detailed comparison between OPCCs, so that a comparison between OPCCs on transparency is placed firmly in the public domain. ❖

As with much of the work that CoPaCC undertakes, I would very much welcome any thoughts or suggestions on this potential improvement in our approach, and indeed on any other ways in which CoPaCC might improve our annual assessment of OPCC Transparency. Do please let me and the CoPaCC team have your thoughts via office@CoPaCC.org.uk.

Quality Mark Awards

Recognition for transparency

Twenty five OPCCs have been awarded the 2018 Open and Transparent Quality Mark



- Avon & Somerset
- Bedfordshire
- Cambridgeshire
- Cleveland
- Derbyshire
- Devon & Cornwall
- Dorset
- Durham
- Gwent
- Hertfordshire
- Humberside
- Kent
- Leicestershire
- Lincolnshire
- Norfolk
- North Wales
- North Yorkshire
- Northamptonshire
- Nottinghamshire
- Staffordshire
- Suffolk
- Surrey
- Thames Valley
- Warwickshire
- West Midlands

PCC comment

Building trust with openness and transparency

APCC Lead for Transparency and Integrity **Julia Mulligan** on the importance of transparency and accountability



Julia Mulligan
PCC for North Yorkshire and APCC Lead for Transparency and Integrity

The Quality Mark recognises a PCC's commitment to transparency and is a clear sign that information about what I do and how I go about my work, is easy to find and all present and correct. As someone who is elected to ensure the police do a good job on behalf of the public, it's important that the public and others with an interest in my work have ready access to the decisions I make on their behalf, as well as the money I raise and spend, the way I scrutinise the police service and how I understand the needs of the public in my area. Indeed, PCCs are subject to clear legal guidelines about publishing information, and I've gone beyond these minimum statutory requirements, to actively promote an open and transparent culture in all of my work.

Building trust

Openness and transparency are both extremely important because they engender trust. If people can see what you are doing, they are far more likely to trust what you do. And this is important, particularly in respect of policing. The introduction of Police and Crime Commissioners was controversial for a number of reasons, but particularly as people felt there may be a risk of 'politicising' the police service. So it is doubly important for PCCs to take their responsibilities for openness and transparency seriously and I very much welcome CoPaCC's continued commitment to this scheme, awarding 24 other PCCs with their Quality Mark this year.

There are a variety of steps PCCs can take to engender a culture of transparency in their own offices, but this

also has a direct impact on the police service. Because of the nature of much of their work, culturally the police can find it challenging to be more open. But for the public to retain their trust and confidence in the police when attitudes to people in positions of power and authority are changing, it is essential for the police to 'move with the times'. Police and Crime Commissioners are now essential to encouraging positive change in policing culture, towards a more transparent *modus operandi*.

For this to happen, I believe a pre-requisite is mutual respect between PCC and Chief Constable, as this promotes openness amongst the senior leadership. And in the traditional 'top down', hierarchical culture that is policing, leadership by example is essential. Sometimes this can be challenging. For example, every month I live

'A pre-requisite is mutual respect between PCC and Chief Constable, as this promotes openness amongst the senior leadership'

stream my Public Accountability Meeting, which people can watch whilst we're 'on air' or catch up on later. They can also ask questions on Twitter, which we will answer during the meeting. The police found this uncomfortable to begin with, but now it's become routine. The Chief Constable also ensures that a range of officers at different ranks are able to present and be quizzed on their area of work in public. It sounds like a small thing,

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PCC comment

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but changes such as these are important in opening up the police service to greater public scrutiny, and thus protecting the concept of ‘policing by consent’ which is so important to our society.

It’s not all plain sailing of course. Sometimes like the police service, PCCs cannot be as open as we may like, as immediately as we may like. For example, I am in the process of selling North Yorkshire Police’s former HQ. The move will save a lot of money, especially as the building is a grade 2 listed hall. So it’s challenging, commercially sensitive and controversial, being a matter

of real public interest. But to reveal all now wouldn’t be in the public interest either as I also have a duty to the public to get the best deal I can, after all it’s their asset and their money.

So for me, being open and transparent is not just about what you put on your website, important as that is, but it is also about your personal beliefs and the way you make decisions.

This can be very difficult at times, but a genuine commitment to transparency will give you every chance of demonstrating the openness and authenticity that is so important in this day and age. ❖



Calling all OPCCs

Are you ready for your 2019 transparency assessment?

27 OPCCs took part in the programme this year with 25 receiving the Open and Transparent Quality Mark for their achievements.

The Quality Mark is an important statement of PCC and their office’s commitment to transparency and accountability.

If your office did not take part in this year’s assessment, please feel free to contact CoPaCC CEO Bernard Rix about the next programme and discuss what is required to ensure your successful participation this year.

“It is doubly important for PCCs to take their responsibilities for openness and transparency seriously and I very much welcome CoPaCC’s continued commitment to this scheme, awarding 24 other PCCs with their Quality Mark this year.”

Julia Mulligan
PCC for North Yorkshire and APCC Lead for Transparency and Accountability

Contact
office@CoPaCC.org.uk

CoPaCC
the police governance experts

Policinginsight

PCC comment

PCC commitment to transparency

PCCs react to their offices being awarded the CoPaCC 2018 Open and Transparency Quality Mark

'Make transparency a priority at all levels'



David Jamieson
PCC for West Midlands

I am honoured to have received the CoPaCC Transparency Quality Mark which demonstrates my office's commitment to being an accessible and visible public body, which is directly accountable to the public it serves. When Police and Crime Commissioners were first elected in 2012, they were intended to act as a bridge of democracy which connected the public to its policing service. Making a positive difference to local policing is important, however it is equally important to ensure that the public are aware of change, and are able to have a say in how they are policed.

Simplifying methods of contact

I have prioritised transparency at all levels in my office, ensuring that the public are aware of my office policies, decisions, budget and expenditure. I have made it as simple as possible to contact me about local policing issues via my Strategic Policing and Crime Board, members of the public can ask questions answered live in public. I also have an array of social media accounts, including Facebook and Twit-

ter, and an external newsletter. These platforms allow me to regularly reach a wide range of audiences and update them on what I'm doing on their behalf. It is important that these digital platforms are used effectively and consistently, as the public continue to seek quick and easily digestible information relating to the governance of their police forces.

I have talked about diversity on numerous occasions, and how important it is that we as a police service are representative of the communities we serve. I am leading by example with 37% of my own staff being from BAME backgrounds, and details of the BME breakdown of my office are published on my website.

The Budget and Reserves section on my website is also important as reserves have recently come under criticism from government. I am responsible for making important decisions which have a direct impact on the public and the ways in which their police service develops. These decisions and background information associated with them are published on my website and updated regularly.

Police and Crime Commissioners have opened up policing to scrutiny, change and improvement. Therefore it is only right that the public can also scrutinise me and my actions. ❖

PCC comment

'We are accountable to the public so operating in a transparent way is part of the process'



Arfon Jones
PCC for North Wales

The Office of the Police and Crime Commissioner North Wales has once again been presented with a Transparency Quality Mark by CoPaCC. The accolade was given for making information accessible on the PCC's website so that members of the public can find out easily what I do.

As a former police inspector and during my election campaign in May 2016 I called for more openness and transparency in public life. I am particularly proud of this award because I believe passionately in the importance of being totally open about what I do.

People in public office should publish more than the information they are legally obliged to disclose. Openness should be the norm and not the exception, and I hope that other organisations will follow suit.

We are funded by taxpayers and they have an absolute right to know what we do and how we spend their money.

We are accountable to them so operating in a transparent way is part of that process, rather than hiding away behind legislation and exemptions to the Freedom of Information Act (2000).

I must pay tribute to the staff in my office because they have worked extremely hard to ensure that we received this quality mark. I am very grateful to them. ❖

'We want the public to know what we do'



Anthony Stansfeld
PCC for Thames Valley

I am delighted that the OPCC for Thames Valley achieved the Transparency Quality Mark. We place great importance on being open and transparent and this award helps us to demonstrate this to the public. Our aim is always to publish information that is accessible and easily understood. We want the public to know both what we do and also how we do it which helps us to gain public trust in how decisions are made and public funds are spent.

Universal openness

We place the same importance on providing victims of crime with clear and accessible information. Alongside and linked to our PCC website, is our Victims First website which is dedicated to supporting victims of crime. The site includes details of the

vital victims' services we commission and, as well as a service directory of third party services, victims are able to find information and support to help them cope and recover from the impact of the crime.

We also felt it was important to provide the Victims Code in an accessible and digestible format to ensure that victims are fully aware of what support and information they should get from criminal justice agencies such as the police, Crown Prosecution Service and the courts. We've done this through a series of infographics on the website to help them navigate their way through the document.

I believe that all public bodies have a duty to operate in a transparent way. This should always be a priority but has become increasingly important for the public who continue to see reduced levels of funding for many public services. The public pay a lot of money for our services and it is vital that they can see what we do, how we do it, and how much it costs. ❖

PCC comment

'Being open and transparent helps build trust'



Stephen Mold
PCC for Northamptonshire

When I was elected as the Police and Crime Commissioner for Northamptonshire, I was determined that transparency would underline my term in office. With this in mind, I was clear that the pledges set out in my Police and Crime Plan were underwritten with integrity and honesty so residents could easily understand our work and hold me to account. I am delighted that, for the first time in its history, the Office of the Northamptonshire Police and Crime Commissioner has achieved CoPaCC's Transparency Quality Mark. This is an important step and helps to underline the importance I have placed on ensuring my office provides clarity and ensures information can be easily found.

Sadly, this is not always the case across the public sector. For elected officials such as PCCs to be held publically accountable, it is vital that resources are

easy to find, easy to understand and easy to navigate. When we were reviewing our website, although all the required information was published, it was not easy to find, or in a format that would help residents to interrogate the data should they wish.

After a great deal of work, coupled with additional training for OPCC staff, we now have a clear and simple website that is easy to use and update. Without this, we would not have been able to meet CoPaCC's Transparency Quality Mark for 2017/18. This award is fantastic recognition for the work we have undertaken to improve this vitally important aspect of our work. It also provides us with a benchmark from which we can hopefully only improve upon.

There is no room for opacity in modern, forward thinking public organisations. Throughout my term in office I have found that being open and transparent helps build trust with our local communities and helps people to better understand the work we do to deliver real improvements to the people of Northamptonshire." ❖

'We must make sure residents are fully informed'



Barry Coppinger
PCC for Cleveland

I'm delighted that my office has been awarded the Transparency Quality Mark for the third year in a row. It is a fantastic achievement, only made possible by the hard work of my team in keeping my website and social media channels up-to-date and informative. As an elected representative, I want to operate as openly and transparently as possible for the people of Cleveland, to make sure residents are fully informed about the work I do on their behalf.

That's why we have made a number of changes to our website to make it easier to search for information and share important documents. Decisions,

FOIs and details of PCC grant funding are now published on a web page – rather than within a downloadable document – meaning residents can search for keywords and find the information more easily.

The OPCC has also redrafted its web policy to include the Open Government Licence (OGL), which allows users to copy, publish, adapt and distribute information published by the OPCC. The OPCC also now publishes Expenditure over £500 material in open data format, in compliance with best practice guidance.

These improvements have been made to ensure that not only is Cleveland OPCC satisfying the Specified Information Order, but that the information is easy to find, analyse and reuse. ❖

PCP comment

'Faux transparency corrodes public trust'

Real openness and transparency can inspire public confidence and trust, but **Andrew W Dawson**, from his experience as a local councillor and Police and Crime Panel member, believes that PCCs are still far from accountable



Andrew W Dawson
Cheshire Police and Crime Panel member

In 2018 you'd have thought that the concepts of openness and transparency would be fully embedded in all aspects of public governance. After all, in a democracy, in a society when we expect all of our elected and unelected public officials to be accountable we need openness and transparency so we can check and test the quality of decision making.

Real openness and transparency can inspire public confidence and trust – even when delivering bad news. However faux transparency, or downright obstruction and obfuscation has the opposite effect. It corrodes public trust.

Early scrutiny

I'm a Cheshire West and Chester Councillor, a member of Cheshire's Police and Crime Panel, a practising regulatory lawyer, and in earlier days I was a local government solicitor. I was 'cutting my teeth' as a local government lawyer just as the Local Government (Access to Information) Act 1985 was passed. That Act amended local government law and practice effectively establishing the principle that everything in local government was open to scrutiny unless there was a 'good reason' to keep things private. Those 'good reasons' had to be one drawn from a specific list of good reasons – such as criminal investigations, legal advice privilege, commercially sensitive information or personnel matters.

Since 1985 we've had many further changes to the law and practise all directed to ensuring greater openness and transparency such as the various Data Protection Acts, the Freedom of Information Act and the switch by local government to 'cabinet style governance.' This latter change means that most councillors are used to performing a scrutiny role – and for that they need access to the relevant information and papers.

I've been a councillor now for ten years. Over those 10 years I've found that nothing irks me more than those in power – whether politicians or officers – wrongly or inappropriately seeking to keep informa-

'Nothing irks me more than those in power – whether politicians or officers – wrongly or inappropriately seeking to keep information private that should be available to the public'

tion private that should be available to the public.

The catalogue of shame I've encountered over the years has included attempts to keep budget papers

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PCP comment

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from me, attempts to prevent the public learning about proposals for Gypsy and Travellers sites, and the refusal to allow members of the public to speak in meetings when they have been given the right to do so.

In the few years that we've had Police and Crime Commissioners I've served on Cheshire's Police and Crime Panel and attempted to scrutinise the two PCCs that we've had.

My desire to see openness and transparency has led to me clashing with those commissioners over a number of issues such as:

- the repeated failures to provide or publish up to date crime statistics; and

'I am frustrated that the panel's legal powers to compel the disclosure of information appear not to be strong enough, or sufficiently well thought through'

- a failure to state which Town and Parish Councils had decided to withdraw partner funding for PCSOs – information that was already public through the budget decisions of those councils.

In the latter case I ended up submitting an FoI request in the middle of the meeting requesting the information – which was subsequently provided to me a few days later, after the BBC made the same request!

Cheshire Police and Crime Panel, has had a couple of well publicised spats with the current commissioner (and current serving Warrington Borough Councillor) over his recruitment decisions. These have included recruiting a former Warrington Council senior Trading Standards officer as his Chief of Staff, and the daughter of his co-ward councillors in the Penketh ward as his deputy. As Policing Insight reported at least part of our concerns stemmed from the limited disclo-

sure the Commissioner gave the panel. In the case of his deputy – he did not provide the panel with a CV to study, nor did he disclose the 20 year long standing relationship he had with his deputy and her family.

We've also challenged him over his decision to relocate the Commissioner's office from Police HQ in the centre of the county to a peripheral location within Warrington and very much nearer his home without us being able to review his detailed business case for doing so. The present commissioner claims he is being open, however the impression that he creates is the polar opposite.

On a personal level I am frustrated that the panel's legal powers to compel the disclosure of information appear not to be strong enough, or sufficiently well thought through to give Police and Crime Panels proper powers when facing a Commissioner intent on not providing full information.

If you'd like to see a further example – just watch the webcast from the panel's meeting in January 2018 where we asked about the suspension of Cheshire's Chief Constable and wanted to learn what stage had been reached in that process.

Strengthening powers

I'm lobbying the LGA and the Home Office to strengthen Police and Crime Panel's powers specifically because of these experiences.

Of course, none of this would be necessary if the Commissioner's natural approach was simply to disclose everything in the absence of a good reason to keep things private.

To my mind the question of openness and transparency isn't just a matter for me or the Cheshire Police and Crime Panel – it is a matter for all of us. This is about ensuring we have real democratic accountability and the tools to hold those who have been elected to office to account. Fundamentally we are all losers, and the public are cheated of being able to test whether our decision makers are effective if we are not able to hold such people to account.

In the final analysis democracy and accountability demands more than 'the Commissioner says: 'no.' ❖

Analysis

Six steps to transparency

CoPaCC researcher **Sandra Andrews** examines this year's analysis and explains why CoPaCC focused on six of the statutory transparency disclosure areas imposed on OPCCs



Sandra Andrews
CoPaCC researcher

This year CoPaCC have undertaken another in-depth review of transparency, examining how well Police Crime Commissioners are meeting their statutory transparency requirements, and focussing on 6 specific areas of interest. Our first review of transparency took place in 2013, since then, CoPaCC has conducted an annual review of OPCCs' transparency, accompanied by thematic reports.

In September 2017, we invited OPCCs to take part in our latest Transparency Review by submitting information that demonstrated how they were complying with the statutory transparency requirements. The following 27 OPCCs responded, each submitting information for us to analyse:

- Avon and Somerset
- Bedfordshire
- Cambridgeshire
- Cleveland
- Derbyshire
- Devon and Cornwall
- Dorset
- Durham
- Essex
- Gloucestershire
- Gwent
- Hertfordshire
- Humberside
- Kent
- Leicestershire
- Lincolnshire
- Norfolk
- North Wales
- North Yorkshire
- Northamptonshire
- Nottinghamshire
- Staffordshire
- Suffolk
- Surrey
- Thames Valley
- Warwickshire
- West Midlands

We conducted a review of the statutory transparency disclosures ([see Appendix](#)) but focussed principally on 6 specific areas, listed below, which we examined in greater detail. The results of our Transparency review make interesting reading and whilst there is clearly a good level of transparency across the OPCCs that took part, there are some key areas where further improvement is needed to ensure consistency across OPCCs.

The findings in this article largely relate to the six areas selected for close examination:

- Staff Diversity
- Allowances and Expenses
- Gifts and Hospitality
- Whistleblowing Policy
- Freedom Of Information Requests
- Land and Property Registers

Statutory requirements and guidance

The Electoral Local Policing Bodies (specified Information) Order 2011 placed a statutory duty on PCCs to publish a minimum level of information about themselves and their work, the intention was that this would allow the electorate to compare forces using a consistent set of published data.

It states "We do encourage PCCs to publish more than the minimum; transparency is at the heart of the government's agenda, and to make certain that the public are in a position to hold them to account, PCCs may, as specified in the Act (s11, (5)) make available any additional information they wish to."

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The Order specifies that the PCC must publish information in the following areas.

- Who they are and what they do;
- What they spend and how they spend it;
- What their priorities are and how they are doing;
- How they make decisions;
- What policies and procedures govern the operation of the office of the police and crime commissioner; and
- Lists of gifts and donations, Freedom of Information requests, and registers of interests.

Our approach to comparing OPCC transparency

Transparency is important for a number of reasons beyond the need to satisfy the statutory requirements. One

of the principal objectives is to enable the public to make comparisons between OPCCs. In order to successfully achieve this, not only does the information have to be present and accessible but also the quality has to be of such that comparisons can be meaningful. In this review we looked for the presence of the information required under statute and also acknowledged the quality of those disclosures in the 6 areas examined.

Our findings represent the information we were able to locate on the websites of the 27 OPCCs that participated in our 2017 Transparency Review, which was carried out in December 2017. The results of this review remain anonymised with the exception of examples of good practice. We have communicated our findings with OPCCs who have sought our guidance.

Overall analysis and key findings

Overall OPCCs performed very well in the following 6 areas selected for closer examination: staff diversity, expenses, gifts and hospitality, whistleblowing policy, FOIs and land and property registers. It was encouraging to see 92% satisfied the land and property category, and 18% satisfied all six categories. We found OPCCs performed less well when we reviewed their FOI requests (disclosure log), with only 59% satisfying this category.

As expected, all OPCCs published details on the name and address of their PCC and Deputy PCC, suggesting members of the public would be able to find out who they are and access contact details relatively easily. The vast majority also published the required information on their internal structures, some of which used extremely effective methods to display their data on staff structure, by including colourful infographics.

A prominent feature of a user friendly website is the search box, in only a small number of cases did the search box produce successful results. In the majority of cases, use of the search box failed to provide any useful responses to our searches. An irritating factor

that appeared in a number of cases was the opacity of the words when typed into the box, making it extremely difficult to read. The importance of a search box that is responsive and intuitive cannot be over-

'Improving the search box function would assist the public in locating information and could possibly reduce the number of FOIs sent to the OPCC'

stated, as navigating around OPCCs' websites can be challenging particularly when the layout and language is unfamiliar. Improving the search box function would assist the public in locating information and could possibly reduce the number of FOIs sent to the OPCC as a result of being unable to find the information required.

It was particularly encouraging to see how the layout

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and design of OPCCs' websites are becoming more consistent. The familiar layout on many of the websites, with similar tabs and drop downs greatly assists the public when comparing OPCCs. Unfortunately, we did not see this consistency extend to the language and format used in certain areas, particularly when we examined whistle-blowing policies. The result of this could have unhelpful implications for OPCCs.

Staff diversity

Information about internal structures of the OPCC, including organograms, salary bands, demographics including ethnicity, gender and disability.

Overall we found a high degree of transparency in this category although we were unable to find the correct data on staff diversity on 5 OPCCs' websites.

Two failed to publish organograms, one had no staff ethnicity data, and we found no staff diversity at all on one website. Rather surprisingly we found one OPCC that stated: 'We do not record staff diversity centrally.' Of the remaining 22 OPCCs who satisfied this category, some exceeded the statutory requirement and included members of staff who were divorced, married or in civil partnerships, and another published data on highest and median salary. Leicestershire OPCC provided a good example of staff structure and diversity data.

Allowances and expenses

Expenses claimed or incurred by PCC and Deputy PCC. A published breakdown should include, their name, force area, financial year, month, date, claim reference numbers, expense type, short description, amount claimed, amount reimbursed, amount not reimbursed, reason why it was not reimbursed; For travel and subsistence claims; date, place or origin, place of destination, category of journey, class of travel, mileage, length of hotel stay, category of hotel.

Overall, OPCCs performed well in this category, although a large number of expenses lacked the required detail such as claim reference numbers, category of hotel, length of stay, or class of travel. We found no evidence of any claims not reimbursed. In five cases, we were unable to find any information on the PCC

and Deputy PCC's expenses for 2017 from their websites. However, it is possible that the PCC/Chief Finance Officer/Chief Officer deliberately chose not to claim any expenses: it not clear from the website whether this is an unintentional omission or a deliberate act. In cases where members of staff choose not to claim expenses, it would be good practice to make this explicit to ensure the public are properly informed. Otherwise, this can create ambiguity particularly when the majority of senior staff claim expenses, even for small amounts as is the case of one PCC who claimed £0.67 on one expense.

'OPCCs performed well in transparency over allowances and expenses, although a large number of expenses lacked the required detail'

In one case, we found no detail at all on the nature of the expenses, just totals per month. A further three claimed only mileage, again it would be useful for the public to know whether this was intentional rather than an oversight. Examples of inadequate detail on a number of claims that we saw include 'hotel required for meeting', and travel and car park for various meetings.

We only found a handful of OPCCs who included both the origin and destination, amount claimed and amount reimbursed on their expenses. West Midlands OPCC expenses were one of the good examples we came across.

We believe the lack of consistency across OPCCs in the way they publish their expenses and lack of detail on the nature of the claims, could hamper the public's attempts to fully scrutinise their PCC and Deputy's expenses.

Gifts and hospitality

List of all gifts/donations and hospitality offered to staff of the OPCC and whether accepted or declined.

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We saw an excellent response from OPCCs in this category, with only three OPCCs failing to publish any record of gifts or hospitality for 2017. However, without any negative entries, it is difficult to know whether they simply didn't receive any gifts or offers of hospitality or whether this is an omission.

When we looked at Gifts and Hospitality, it was interesting to see wide differences across OPCCs in both the nature, and number of gifts and hospitality disclosed, with one OPCC accepting flights. At the same time, we found two OPCCs who only claimed one item over an entire year, and a small number disclosed fewer than five items, whilst some OPCC's disclosures were up to six pages long. We saw poor examples where all items were valued at less than £25 regardless of the type of gift or hospitality, and a large number of OPCCs failed to indicate whether they accepted or declined the offers. However, we found a good example of gifts and hospitality on Northamptonshire OPCC's website which included a lot of detail and authorisation was needed for items valued at more than £25.

Whistleblowing Policy

The whistleblowing statutory requirement requires a *clear guideline on what to do if concerns over the conduct of the PCC and/or staff are raised*, therefore, we would expect this key disclosure to be termed Whistleblowing, and to be easily accessible and located under 'Policies' on each OPCC website. We noted a number of policies that in addition to a clear explanation on how to raise a concern included helpful names and contact details, which in our view is best practice.

We were unable to find a Whistleblowing policy on six OPCC websites, but in 11 cases the policy was correctly referred to as Whistleblowing and found under a standalone whistleblowing policy. Out of the remaining 10 OPCCs, the quality and standard of the policy varied greatly, with a minority publishing just a couple of paragraphs with no outline on how to raise a concern, and no contact details. However, we found some very good whistleblowing policy examples, including Humberside OPCC.

We noted the Whistleblowing policy was referred to differently by a number of OPCCs, and the format of the information and the location of the policy differed greatly. Commonly found under anti-fraud and corruption policy, we also found it under seven different headings: public interest disclosure policy, support for person reporting wrongdoing policy, reporting wrongdoing, handling qualifying disclosure, complaints, code of conduct, and confidential reporting.

We found a rather worrying trend on at least four occasions where the whistleblowing policy had exceeded the review date; there were at least two policies that had not

'We found a rather worrying trend on at least four occasions, where the whistleblowing policy had exceeded the review date'

been reviewed in over five years. Not all policies indicated the next review date, therefore it is difficult estimate how many are out of date. This is significant given that many policies contain names and contact details; ensuring they are up to date and relevant is of particular importance.

Inaccessibility and inconsistent terminology were key factors that could be seen as a barriers to transparency, and frustrate whistleblowers' attempts to raise concern.

Freedom of Information

List of FOI requests received, and their responses.

OPCCs tended to perform less well in this area, compared to the other categories. We found 13 OPCC's failed to satisfy this category, three published nothing at all on FOI that we could find, eight published nothing for 2017, but did publish FOIs from previous years, and two OPCCs published FOIs up to 2013 and 2015 respectively. We frequently came across error messages when searching for FOIs, which we didn't experience when researching other areas of transparency. We found significant variation in the way the remaining 14 OPCCs who fulfilled this

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 requirement presented their FOIs. In one case, the OPCC published a short sentence on the nature of the FOI, but failed to publish the actual request and response, another used a tick box method to access the information. However, Suffolk OPCC produced a well laid out, easy to access and up to date FOI format that is a good example.

Land and Property Register

The identity of any premises or land owned by or occupied for the purposes of the work of the PCC.

Overall we saw a very good the performance in this category; in only two cases we were unable to find any disclosures on land and property, although on one of those websites there was mention of the need to publish data on land and premises. The majority of the remaining 25 OPCCs satisfied this requirement by publishing a basic list of addresses, but there were four OPCCs who went beyond this, and included how premises were currently being utilized, and highlighted those that were shared assets. They indicated which properties were owned or leased, properties that were being considered

for sale and whether they were freehold or leasehold. Another went as far as publishing the size of each property in square metres. Norfolk OPCC published a good example of Property and Land Registers.

Out of the four OPCCs who published additional infor-

'In one case, the OPCC published a short sentence on the nature of the FOI, but failed to publish the actual request and response'

mation on their land and premises we were able to see that some of the properties were the subject of discussions and that the register had been recently updated, but in the majority of cases it was difficult to know how up to date this information was. It would be extremely useful to include the next review date to ensure the public are viewing up to date information.

Conclusion

Our findings indicate a high level of transparency across the six categories we examined in detail. Overall the 27 OPCCs that we reviewed performed very well, with the best performance in Land and Property category.

Percentage of OPCCs satisfying the required standard of transparency in each of the six categories (27 OPCCs)

Category	Satisfied (%)
Staff Diversity	81
Allowances & Expenses	81
Gifts & Hospitality	88
Whistleblowing Policy	77
Freedom Of Information	52
Land & Property	92

The need for OPCCs to publish more than the minimum was clear to us, and was highlighted in the Land and Property category that requires OPCCs to publish "The identity of any premises or land owned by or occupied for the purposes of the work of the PCC". A respectable 92% of OPCCs satisfied this requirement, most by simply publishing a list of addresses.

'The need for OPCCs to publish more than the minimum was clear'

However, it could be argued that this list is of limited value to the public without additional information such as how the premises are used, whether they are shared

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with neighbouring forces, vacant or earmarked for demolition etc. We found only four OPCCs in this category who in our view sought to meet the spirit as well as the letter of the requirement.

Top performing OPCCs

The following five OPCCs performed very well and satisfied all 6 categories.

- Avon and Somerset
- Leicestershire
- Cleveland
- Northamptonshire
- Humberside

Overall, our findings from across the 6 categories chosen for closer examination produced positive results, however, they also highlighted an important area concerning the absence of data. We failed to find any data on Gifts and Hospitality on three OPCCs' websites and in the case of Expenses we were unable to find data on five sites. We took the view that unless otherwise stated we would assume this was an omission, however, it is not clear whether expenses were deliberately not claimed or if gifts and hospitality were not offered.

It would be best practice to publish negative entries, which would help to remove any doubt and avoid confusion. We noted Kent PCC's salary was helpfully published with an explanation that the sum reflected the £10K that was donated to charity.

The findings from the Whistleblowing Policy category were less positive and have much wider implications for OPCCs. The importance of this policy is threefold. Firstly, like all transparency disclosures, it enables the public to scrutinise and compare them to other OPCCs. Secondly, it demonstrates the OPCC's commitment

to transparency, even when it risks exposing their internal flaws, but most importantly it empowers the whistle-blower to raise the flag should they wish to uncover wrongdoing within the OPCC. There is a risk that the inaccessibility and lack of consistency that we found could be seen to deliberately frustrate the whistle-blowers' attempts to seek justice.

In the wake of the recent scandal over high profile figures abusing their positions of power and institutions failing to address victim's allegations correctly, the implications of having a policy that is seen as inaccessi-

'There is a risk that the inaccessibility and lack of consistency that we found could be seen to deliberately frustrate the whistle-blowers' attempts to seek justice'

ble and incoherent could have damaging effects.

The Transparency Review focuses on OPCCs who engage in this process and who successfully fulfil the transparency requirements, and we recognise their commitment to transparency by awarding them CoPaCC's Transparency Quality Mark. However, as relatively little comparative analysis is carried out on OPCCs, it's worth noting that those who underperform or choose not to take part in our Transparency Review receive no attention at all.

We would like to thank participating OPCCs for their commitment to accountability and good governance, and for providing us with the information we needed to conduct this latest *CoPaCC Transparency Review*. ❖

Appendix

List of statutory transparency disclosures

The primary statutory transparency disclosures are listed below. Note that secondary transparency factors are represented by the i) ii) iii) iv) subdivisions within primary factors.

a. Who they are and what they do (4 primary statutory transparency disclosures)

- a1. {U} The names and contact details of the PCC and Deputy PCC
- a2. {U} Information about the internal structures of the office of the PCC, including: i) organograms (with names of senior staff, if they agree); ii) salary bands; iii) demographics, including ethnicity, gender and disability (by proportion)
- a3. {U} Information about any arrangements that the PCC has to make use of the staff of the chief officer of police or a local authority
- a4. {U} The identity of any premises or land owned by, or occupied for the purpose of the work of the PCC

b. What they spend and how they spend it (8 primary statutory transparency disclosures)

- b1. {FY} The budget for the office of the PCC, including: i) all planned expenditure; ii) all anticipated revenue sources; iii) the planned precept levels; iv) the draft precept (which must go before the PCP for comment); v) the response to the PCP's report on the proposed precept
- b2. {M} Details of each grant (including crime and disorder reduction grant) made by the PCC, including: i) the conditions (if any) attached to the grant; ii) the recipient of the grant; iii) the purpose of the grant; iv) the reasons why the body considered that the grant would secure, or contribute to securing,

crime and disorder reduction in the body's area, where appropriate

- b3. {M} Information as to any item of expenditure over £500 (other than crime and disorder reduction grants) by the PCC or the Chief Officer, including: i) the recipient; ii) the purpose of the expenditure; iii) the reasons why the PCC or Chief Officer considered that VfM would be achieved (except contracts over £10,000)
- b4. {Q} Allowances and Expenses - details of the allowances and expenses that have been claimed or incurred by the PCC and Deputy PCC. Police and Crime Commissioners and their Deputies should publish a breakdown of their expenses including: i) their name, force area, financial year, month, date, claim reference numbers, expense type (eg travel, accommodation), short description, details amount claimed, amount reimbursed, amount not reimbursed, and the reason why a claim was not reimbursed; ii) for travel and subsistence claims: date, place of origin, place of destination, category of journey, class of travel, mileage, length of hotel stay, category of hotel stay
- b5. {Q}/{U} Contracts and Tenders: i) a list of contracts for £10,000 or less - to include the value of the contract, the identity of all parties to the contract and its purpose; ii) full copies of contracts over £10,000; iii) copies of each invitation to tender which is issued by the PCC or the Chief Officer where the contract is to exceed £10,000
- b6. {U} Senior salaries: the salary amounts above £58,200 including: i) names (with the option to refuse name being published); ii) job description; iii) responsibilities in the office of PCC

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b7. {FY} Audit: i) audited accounts (the specialist examination of the accounts of the office of the PCC); ii) auditors opinions of the audited accounts of the force and PCC, covering any significant issues and any comments; iii) the annual accounting statement showing how the budget has been spent; iv) Audit Reports on the accounts of the office of the PCC (see the Accounts and Audit (England) Regulations 2011 and the Accounts and Audit (Wales) Regulations 2005).

b8. {FY} Investment Strategy: the investment strategy of the PCC (see Local Government Act 2003 s15)

c. What their priorities are and how they are doing (3 primary statutory transparency disclosures)

c1. {A} Police and Crime Plan (see s5(10) of PRS-RA20112)

c2. {A} Annual Report (see s12(6) of PRSA2011)

c3. {no deadline specified} A copy of each collaboration agreement, or the fact that an agreement has been made and such other details about it as the PCC thinks appropriate (see s23E of the Police Act 1996)

d. How they make, record and publish their decisions (4 primary statutory transparency disclosures)

d1. {U} The dates, times and places of all public meetings and public consultations held by the PCC

d2. {U} Agendas and discussion documents for the meetings

d3. {U} Copies of the agreed minutes (to ensure transparency and the decisions made by the elected officials)

d4. {U} A record of every significant decision taken by or on behalf of the PCC as the result of a meeting or otherwise

e. What policies and procedures govern the office of PCC (3 primary statutory transparency disclosures)

e1. {U} The following policies and procedures to

which the PCC and Deputy must adhere to [sic] in the course of their role: i) code of conduct (if any); ii) decision making (policy on); iii) the procedure for the handling of complaints and the number of complaints against the PCC recorded by the Police and Crime Panel (as required by regulations); iv) information about the operation of the ICV [Independent Custody Visitor] scheme including the process and policies of the scheme

e2. {U} Record management: i) record management information security policies, relating to records retention and destruction/archive policies; ii) data sharing policies (minimum standards to responding for requests for information).

e3. {U} HR: i) numbers of staff employed by the office of the PCC; ii) diversity data on staff employed by the office of the PCC, including the number of women, ethnic minorities and those who are disabled; iii) whistle blowing - a clear guideline on what to do if concerns over the conduct of PCC and/or staff are raised (see section 43B of Employment Rights Act 1996)

f. Public access to a register of interests (3 primary statutory transparency disclosures)

f1. {U} Register of any interests which might conflict with the role of the PCC and Deputy PCC, including every other pecuniary interest or other paid positions that they hold

f2. {Q} List of FoI requests received, and their responses (disclosure log)

f3. {U} List of all gifts/donations and hospitality offered to staff of the office of the PCC, and whether these were accepted or declined

Note: Home Office timeliness criteria:

- {U} = updated when changes are made (including "as soon as practicable")
- {FY} = published before the start (or at the end) of each financial year
- {M} = published each month
- {Q} = published quarterly
- {A} = published annually

