Policing the Police and Crime Commissioners

An evaluation of the effectiveness of Police and Crime Panels in holding Police and Crime Commissioners to account

by

Roy John Bailey

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Declaration

Whilst registered as a candidate for the above degree, I have not been registered for any other research award. The results and conclusions embodied in this thesis are the work of the named candidate and have not been submitted for any other academic award.

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Abstract

This thesis, which critically examines the ability of Police and Crime Panels (PCPs) to subject Police and Crime Commissioners (PCCs) to effective and robust scrutiny, presents the findings of a mixed methods study conducted across England and Wales. The views of PCCs, members of PCPs, panel clerks and other stakeholders, were sought in respect of the effectiveness of the current governance model. As politics is central to the new model, the participants reflect the main political parties, including independent PCCs and panel members.

Democratic oversight of policing was changed radically in 2012, with the replacement of police authorities by directly elected PCCs. While the focus was, quite properly, on making the police more accountable, there has been growing concern from criminal justice commentators about the lack of provision in the new arrangements for holding PCCs to account.

There is now a growing body of evidence that PCPs are unable to exercise even a modest degree of scrutiny, leaving PCCs free to ignore advice or censure (Loveday, Lewis and Bailey, 2014). Often cited by the critics are examples of maverick behaviour by PCCs, which have frequently gone unchecked by PCPs. Some have seen an ironic twist in the new model of democratic oversight in that the only effective scrutiny of PCCs has occurred at a national, rather than local level, something not intended by the legislators (Chambers, 2013).

The findings provide compelling evidence that further reform is necessary if PCPs are to be effective in their statutory role of holding PCCs to account. Each of the key research areas attracted critical comments from the study participants, especially in relation to panel funding and training for panel members. Similarly, the lack of representativeness of panel members, their high turnover and brief tenure drew sharp criticism. The potential for undue political influence was recognised by many as a problem, as was the need for strong panel leadership. The research also addressed the challenges in identifying suitable candidates to stand in PCC elections, particularly given this is largely undertaken by the main political parties.

This research suggests that the current arrangements do not equip PCPs with either sufficient powers or adequate resources to be effective in their scrutiny role. There is also evidence that panel members, through growing frustration, are losing confidence in their ability to hold PCCs to account, something which will impact the effectiveness of the governance model.
Other publications by this researcher


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Introduction

This thesis, which has been developed from an earlier case study of the Surrey Police and Crime Panel (Bailey, 2015), will draw upon the relevant literature throughout and highlight the major criticisms of the present governance framework. Following a literature review, it will detail the research methodology, and explore the key factors which appear to limit the ability of Police and Crime Panels (PCPs) to hold Police and Crime Commissioners (PCCs) to account. It will also critically examine the contrasting views of PCCs, PCPs, panel clerks and other important stakeholders and reflect on how those divergent views may help to identify the impact on scrutiny. The findings, which are grouped under five main headings, will include a critical commentary of the major issues emerging from the research. These are:

- Demographics, representiveness and background experience
- Structure and organisation
- Scrutiny
- The role of politics
- Effectiveness of the current model

Prior to the introduction of PCCs in 2012, local police authorities had responsibility for democratic governance of the police. However, they came under mounting criticism, notably for their inability to hold chief constables to account. The key reasons are explored in the literature review.

Given the critical lack of confidence in police authorities, there was an increasing clamour for reform, culminating in the Coalition Government’s Police Reform and Social Responsibility Act, 2011, and the introduction of PCCs in November 2012. Claims soon followed of cronyism, nepotism and antagonistic relationships with Chief Constables (Lister, 2014).

Further serious concerns were raised by the Home Affairs Select Committee (HASC) in May 2013 and by the House of Lords Committee on Standards in Public Life (2015). Concern was raised about the lack of constructive challenge or active support to PCCs and the barriers faced by police and crime panels in their scrutiny role. These included lack of support, inadequate resources and absence of timely, accessible information. The lack of consistency and credibility of representative membership was also seen as a major impediment and, citing Lister (2013), the House of Lords’ report acknowledged the inability of PCPs to hold PCCs to regular and effective scrutiny.

PCPs were a late and unwelcome addition to the legislation by the policing minister, Nick Herbert, who only agreed to their introduction following pressure from the Liberal Democrats, coalition partners with the Tories. He remained of the view that PCPs should be ‘light touch’ in their approach to PCC scrutiny. It is unsurprising that the resulting legislation proved to be ambiguous. In their determination to make the police service more locally accountable, the Tories
have, ironically, introduced a governance model in which the accountability of PCCs has been called into question. Such uncertainty or confusion about the role of PCPs may impact on their ability to provide effective scrutiny (Centre for Public Scrutiny, 2013; Chambers, 2014; Bailey, 2015; Davies, 2016)

PCPs have an important role in the new governance model and this research sets out to explore their effectiveness in holding PCCs to account.
Chapter 1

Literature review

Although there is relatively limited academic literature on the issues of PCP effectiveness (Lister, 2014; Bailey, 2015), there is a wealth of relevant material relating to other public scrutiny bodies, where the structures and objectives are broadly similar to those of PCPs. Local government scrutiny panels and health body scrutiny committees share many of the challenges now being faced by PCPs. There is also extensive literature on police authorities and the tripartite governance model, which preceded PCCs. Police authorities also faced similar criticisms to those now being levelled against PCPs.

Literature on current governance model

November 2012 saw the controversial introduction of PCCs in the 41 provincial forces in England and Wales. In the months that followed, critics drew attention to claims of cronyism, political nepotism and antagonistic relationships with Chief Constables (Lister, 2014).

These concerns led to the announcement of a formal enquiry into PCCs by the Home Affairs Select Committee (HASC) in May 2013. In a highly critical report, the HASC had earlier already made public its concerns about the ability of police and crime panels (PCPs) to scrutinise PCCs. (HASC, 2013C). The Chair of the HASC, Keith Vaz, stated that,

“Police and Crime Panels must redouble their oversight of their PCCs. Already, we have seen the suspension of a chief constable without consultation in Lincolnshire, controversial personal and political appointments without scrutiny by the PCP in Kent and other areas (….). We need to guard against maverick decision-making.”¹

Similar anxieties were highlighted in 2015 by the House of Lords Committee on Standards in Public Life. Concern was raised about the lack of constructive challenge or active support to PCCs and the barriers faced by police and crime panels in their scrutiny role. This included lack of support, inadequate resources and absence of timely, accessible information. The consistency and credibility of representative membership was also seen as a major impediment and, citing Lister (2013), the report acknowledges the inability of PCPs to hold PCCs to regular and effective scrutiny.

There was widespread criticism, notably from the HASC, even before the implementation of the Police Reform and Social Responsibility Act, 2012, about the lack of real power for PCPs to hold their PCCs to account (HASC, 2010). It

seems clear that Nick Herbert, who was the policing minister in the coalition
government in 2010, did not support PCPs. He believed they were inconsistent
with his model of local accountability. Their inclusion in the legislation was due to
pressure from the Liberal Democrats, who were coalition partners with the
Conservatives (Reiner, 2013).

Although Herbert subsequently agreed to the creation of PCPs, he remained of the
view that they should be ‘light touch’ only, with limited powers. This would prevent
any danger of recreating police authorities (Loveday, 2017). Ironically, the only
characteristics shared by police authorities and PCPs are their deep structural
flaws, which fatally undermine their role (Ibid). Indeed, Reiner (2013) notes that,
far from being a balanced counterweight to the power of PCCs, panels were weak,
and without any real authority to challenge. Reiner casts doubt over claims that the
model introduces greater democratic accountability and regards PCCs as
providing a ‘veneer of electoral legitimacy’. The question of their democratic
legitimacy, however, is not addressed in this research.

It is unsurprising that the resulting legislation proved to be ambiguous (Lister,
2014; Raine, 2015; Bailey, 2015). In their determination to make the police service
more locally accountable, the Tories have, ironically, introduced a governance
model in which the accountability of PCCs has been called into question. Such
uncertainty or confusion about the role of PCPs may impact on their ability
to provide effective scrutiny (Centre for Public Scrutiny, 2013; Chambers, 2014;
Bailey, 2015; Davies, 2016)

Despite these reservations, the legislation was enacted. The Police Reform and
Social Responsibility Act, 2011 details several statutory functions, all of which are
aimed at providing checks and balances. However, the Local Government
Association (2012a, p.9) describes most of these as “set piece events” or specific
tasks in a formal setting. Although Section 28(6) of the Act requires the Panel to
‘review or scrutinise’ the PCC in the exercise of their statutory functions including,
for example, the dismissal of a Chief Constable, the PCC is not bound by the
Panel’s decisions. Rather, the legislation states simply that PCCs ‘must have
regard for’ the reports of the Panel. As a result, the Panel relies solely on its
powers of persuasion in its scrutiny role (Lister, 2014; Bailey, 2015).

Section 28(2) of the Act requires Panels to be supportive of their PCCs in the
effective exercise of their functions. Reiner (2013) sees panels as having an
‘explanatory and co-operative’ relationship with their PCCs, in which they have no
real authority. This clearly creates an inherent role conflict, where administrative
bodies are asked to be critical friends (Coulson and Whiteman, 2012; Leach and
Copus, 2004).

As will be evidenced in this study, panel members do not reflect the diversity of the
public they represent, with just 28% of them, in the first year, being women (Gains,
2014). Representativeness is a key requirement for panel membership and,
without it, there may be questions about its legitimacy (Ibid).
There has been a significant reversal in the status of chief constables in the new governance arrangements (Loveday, 2017). Loveday asserts that whereas chief constables appeared to act as the ‘principals’ and the police authorities were, in effect, the ‘agents’ in the former tripartite system, that has been changed fundamentally. In the current model, he argues, PCCs are now the ‘principals’ and chief constables have become the ‘agents’. This has considerable significance in such a key power relationship, something acknowledged by Davies and Johnson (2015), who themselves advocate the use of ‘Principal – Agent’ theory, to help resolve the conflict caused by the new governance arrangements. Centrally imposed performance indicators have now ended, although the reduction of crime remains a target for all forces. Consequently, this means that additional performance targets are now locally derived by PCCs in their force police and crime plans, with no input from central government (Loveday, 2017).

However, the seeming pre-eminence of PCCs has been tested recently in the High Court and its judgement on 9th June, 2017 has significant implications for the power of PCCs to dismiss Chief Constables. The court’s ruling was that the South Yorkshire PCC, Alan Billings, had acted unreasonably and disproportionately in suspending the then Chief Constable, David Crompton, (and later calling upon him to resign) over his response to the Hillsborough Inquest. In doing so, the court sought to tighten the scope for a PCC to initiate a dismissal procedure under section 38 of the Police reform and Social Responsibility Act 2011 (Muir 2017).

A key finding was that PCCs must have proper regard for the operational independence of their chief constable, something not evident in this case. The court had to judge between the conflicting tensions of operational independence and democratic oversight and responsibility (Muir, 2017). Limiting the discretion exercised by the PCC in relation to suspension or dismissal procedures under Section 38 of the Act would appear to be the main outcome of this ruling (Ibid). However, the same judgement also made it clear that the PCC was not just entitled but ‘obliged to hold the relevant chief constable to account in respect of all the functions of the chief constable and for all the functions of those acting under his direction and control’ (QBD Para 76;2017). This seemingly contradictory statement implies that operational independence is not beyond the supervision of the PCC. Whether this can, as Loveday (2017) suggests, be regarded as a significant challenge to the doctrine of police operational independence from both central and local control, remains to be established. This is a legal dilemma, requiring further judicial clarification.

The court also found that the PCC had given insufficient weight to the advice from HMCIC, Tom Winsor. Indeed, it stated that the PCC should only depart from the HMIC’s recommendations if he had cogent reasons for so doing. This judgement seems to imply that the power of HMIC, far from being weakened under the new governance model, has been reaffirmed. It remains to be seen whether the Association of Police and Crime Commissioners wishes to appeal against this judgement, but legal clarification will certainly be necessary.
Muir (2017) believes that while the ruling of the High Court is technically correct, it runs against the spirit of the legislation. Of significant interest to this research, however, is the fact that the PCC had consulted with, and sought approval from, his PCP before issuing his ultimatum to the Chief Constable. The panel offered its full support in respect of the commissioner’s decision.

The new governance model was intended to enhance local democracy and was seen by the Home Secretary, Theresa May, as an opportunity for the public, through the ballot box, to hold their chief constables to account, particularly in relation to cutting crime (Loveday, 2017). However, many challenged the notion that they would enhance local democracy and improve police effectiveness (Reiner (2013). Rather, PCCs are regarded as a populist measure, which run counter to liberal policing traditions (Ibid). A similar point was made by Wood (2016), who argued that liberal values, which have long informed British policing, are a necessary counterweight to populism.

For many authoritative commentators, the new governance model has been interpreted as a failure (King and Crewe 2014, pp 406-407). The average voter turnout of 15.1% in England and Wales was by far the lowest recorded in any comparable round of elections since 1832 (Ibid, pp 406-407). Given this very low turnout, there was arguably no clear public mandate for PCCs. In describing this reform as a blunder, King and Crewe argued that, at best, the new arrangements had not made any tangible improvements to those that existed previously. This was a view shared by the late West Midlands PCC, Bob Jones, who believed the posts should be scrapped (The Economist, 15th March, 2014). In a further article for Democratic Audit, Jones (2013), claimed police authorities were far more successful in the reduction of crime, which was directly at odds with the Home Secretary’s claim. The Stevens Commission (2013), established by the Labour Party, reported that PCCs were a failed experiment and that the role should be abolished. Stevens, a former Metropolitan Police Commissioner, had already recommended to the Labour Party that PCCs should be abolished, because they had neither increased police accountability, nor been cost effective (King and Crewe, 2014, pp 406-407). However, given that the evidence to the Stevens Commission came almost entirely from serving, or recently retired, senior police officers, this conclusion was not at all surprising (Loveday, Democratic Audit LSE 2013).

Nevertheless, it should be noted that the Police Reform and Social Responsibility Act still represents the most significant change in police governance since the 1964 Police Act. Indeed, these reforms are the most far-reaching in the nearly two centuries since the establishment of the modern British police (Reiner, 2013). Furthermore, it is also of interest that Ministers in the Cameron government were to refer to PCCs as ‘disruptive technology’, which would be used to deliberately challenge the existing status-quo (Loveday, 2017).

By introducing direct election for PCCs, as well as according wide-ranging powers, the government sought an end to the relative autonomy of chief constables, established over many years (Marshall, 1965). The legislation also effectively ended the old tripartite system in handing over immediate responsibility for local policing to directly elected PCCs (Loveday, 2017).
It also ended Home Office intervention in local policing, which had increasingly characterized the tripartite system in recent years but especially during the time of New Labour. The Blair and Brown governments, in the name of police performance improvement, pursued ever more intrusive performance measures and central oversight, which served to undermine local police service delivery and local accountability even further (Loveday, 2017). It can be argued that, as the local police service delivery model was introduced, it became significantly more important to ensure police accountability was given a much greater profile locally.

**Literature on local government scrutiny**

Scrutiny in local government has also attracted criticism. Scholars have noted that scrutiny, as an institutional mechanism of public accountability, has met with limited success (Lister, 2014). Lister points to recurring themes from the literature, which suggest a lack of understanding of the role, weak leadership, poor management, ineffectual processes of inquiry, low profile and perceptions of limited impact (Snape and Taylor, 2001; Stoker et al., 2004; Coulson, 2011). Where such barriers exist, it is difficult for effective scrutiny to flourish (Coulson and Whiteman, 2012). Moreover, its capacity is limited by the willingness of councillors to find the time (Ibid). For local government scrutiny to be effective, six conditions are necessary (Snape, 2002; Coulson, 2010). These are panel leadership and engagement, a responsive executive, non-partisan working, effective and dedicated officer support, a supportive senior office culture, and a high level of awareness and understanding of the scrutiny role (Coulson and Whiteman, 2012).

Coulson and Whiteman also found that just one third of councillors and council officers believed that scrutiny was effective (Ibid). This may have a negative impact on their perceived status as a scrutiny body, an issue identified in respect of police authority members (Millen and Stephens 2011). Furthermore, a scrutiny committee depends on the skills of its elected members, with the Chair having a pivotal role (Ibid).

It is not unreasonable to assume that PCPs, given that most members are local councillors, are similarly affected by such issues (Bailey, 2015). In his case study of Surrey PCP, Bailey found that similar problems were evident (Ibid).

Party political allegiance has also been identified as a potential barrier to objective and effective scrutiny in public bodies (Leach and Copus, 2004; Leach 2009; Coulson and Whiteman, 2012; Sandford, 2013). The evidence suggests that party groups engage frequently in discussions on scrutiny investigations. Such discussions may influence the conclusions of the scrutiny panels (Coulson and Whiteman, 2012; Ewbank, 2011). This is especially acute where the scrutinised and the scrutinisers share the same political affiliation (Ewbank, 2011), something similarly identified by Colman and Glendenning (2004), in their study of health scrutiny bodies. Party political affiliation, and its potential for influencing PCP effectiveness, was one of the main research questions in this study.

Representativeness is a major challenge for local government (Rao et al, 2007).
There have been many studies which have drawn attention to a democratic deficit generated by the under-representation of key groups, such as women, minority ethnic groups, young people, and people in paid employment (Ibid). Women and ethnic minorities have never enjoyed significant representation in national or local government. The 2006 Census of Local Authority Councillors revealed that 69.3% of councillors are male (compared to 48.0% of the adult population) and 95.9% are white (compared to 90.5% of the population. Young people and individuals in full time employment are also under-represented. Councillors are, on average, older (58) and not particularly representative of the communities they serve (Rao et al, 2007). Given that most PCP members are local councillors, this poses a problem for their legitimacy (Gains, 2014, page 127).

**Literature on scrutiny of health bodies**

Many of the challenges encountered in health scrutiny bodies appear similar to those found with police governance.

As with PCPs and local government scrutiny panels, health body scrutiny committees have a dual role of support and scrutiny (Coleman, Gains, Boyd, Bradshaw and Johnson, 2009). However, The Local Government and Public Involvement in Health Act, 2007 shifted the interpretation of overview and scrutiny from initial network building to a greater focus on external scrutiny and challenge through the introduction of councillor calls for action (Ibid). However, the study conducted by Coleman et al in 2009, suggested that there has been more evidence of collaboration, as opposed to challenge, within the health scrutiny process (Ibid). Evidence from this research into PCP effectiveness, suggests that many participants find their panel role ambiguous, with scrutiny not being given the priority it needs.

The literature from health body scrutiny points to several key challenges, which appear to parallel many of those experienced with PCPs. Without adequate resources, particularly officer support and material resources for training, consultations, meetings, research and publicity, **effective scrutiny will be compromised** (Colman and Glendenning, 2004; Coleman, Gains, Boyd, Bradshaw and Johnson, 2009). Given that local councillors are overburdened and have neither the time nor the capacity to fulfil their role, more independent committee members should be co-opted (Colman and Glendenning, 2004; Coleman, Gains, Boyd, Bradshaw and Johnson, 2009). The same study also drew attention to the fact that local councillors, because of democratic churn, have insufficient time and capacity to become more knowledgeable and authoritative in their scrutiny role (Ibid).

As will be seen in this research, there is strong evidence that PCPs are inadequately trained, have insufficient resources and have a need for additional independent members. Moreover, the high turnover of local councillors, as with health scrutiny committees, has a negative impact on effectiveness. The absence of training and development presents a major challenge for panels, a point acknowledged in the report of the House of Lords Committee on Standards in Public Life, 2015, (page 126). It reported that panel members often felt insufficiently trained, and therefore unprepared for the role.
Colman and Glendenning (2004) drew attention to the threat of Party political influence, as loyalties may exert a strong influence over scrutiny activities. This is a major risk when NHS policies are also heavily shaped by national political agendas, so that scrutiny may become either wholly uncritical or wholly oppositional, depending on the alignment of local and national political parties. Political interference, as with local government scrutiny, was similarly considered a threat panel effectiveness in this study.

**Literature on police authorities**

Democratic oversight of the police was, until 2012, the preserve of local police authorities. These were independent bodies for each of the 43 forces in England and Wales, charged with setting the strategic direction of their forces, as well as holding their chief constables to account.

The Police and Magistrates’ Courts Act, 1994, determined the composition of authorities, each authority comprising nine local councillors, five independent or appointed members and three magistrates. In London, the Metropolitan Police Authority had 23 members. These seventeen members were intended to assume an acute scrutiny role and undertake a more direct, and local, involvement with policing in their areas.

However, police authorities came under mounting criticism for many reasons. Millen and Stephens (2011) found that they failed in key respects to deliver what was expected of them, principally because of their inability to engage with, and effectively represent, local people. Moreover, the same research identified a low level of trust by police authority members in their own abilities, together with doubts about the rigour with which they were performing their roles (Ibid). Brogden (2013) noted that police authorities frequently had neither the understanding, nor the expertise, to set long-term policing objectives for their local areas. Furthermore, there was considerable public ignorance of police authorities and their remit, partly resulting from poor media coverage (Ibid). Consequently, the ability of police authorities to hold chief constables to account was questionable (Ibid; Reiner, 2013; Loveday, 2013).

The tripartite arrangement between the Home Office, chief constables and police authorities, in which chief constables could appeal to the Home Secretary against a directive from a police authority, served to undermine and inhibit the scrutiny function of the police authority (Reiner, 2013; Loveday, 2013). The pre-eminence of central government in this model meant that police authorities were viewed as weak and invisible (Reiner, 2013). Rather than as a mechanism for sharing governance responsibility, the tripartite system had, over many years, seen a significant increase in central direction, at the expense of both police authorities and chief constables (Loveday, 2013).
Successive pieces of legislation, particularly the Police and Magistrates’ Courts Act, 1994, curtailed the role of the police authority (Loveday, 2013). Whilst it ostensibly sought to protect the police from political interference, it significantly enhanced the status and authority of chief constables (Loveday, 2017). In seeking to preserve the operational independence of the chief constable, democratic accountability became a primary casualty (Ibid).

The growing central government intrusion, through audit and inspection bodies and performance management, was at odds with government claims of local policing (Ibid). Indeed, centrally driven performance targets were a key feature of the New Labour government (McLaughlin, 2005; Loveday, 2006). HMIC, as strong allies of the Home Secretary, reinforced this centralising influence, not least in their role of drawing up shortlists of candidates for vacant chief constable posts (Loveday, 2006). Similarly, the Association of Chief Police Officers (ACPO) could wield significant, and disproportionate, influence in the development of policing policy (Savage, Charman and Cope, 2000; Loveday, 2000). This contrasts markedly with the highly circumscribed National Police Chiefs’ Council, which succeeded ACPO (Loveday, 2017). Reiner (2013), claimed the tripartite system was fundamentally flawed, in that there was an uneven division of power, which left local police authorities effectively impotent.

A further significant development was the appointment of Tom Winsor, as the Chief Inspector of Her Majesty’s Constabulary. With no previous background or experience in policing, this appointment was unprecedented (Ibid). To highlight the significance of this appointment, the Home Secretary, Theresa May, identified her preferred candidate following his highly critical Report on police rewards and remuneration, which recommended substantial reforms of both, something deeply unpopular within the police service (Loveday, 2017).

Given the critical concerns from authoritative commentators about the lack of legal clarity, the absence of effective powers, insufficient knowledge and training, the need for urgent reform was identified as a priority for the incoming Coalition government in 2010 (Millen and Stephens, 2011). The arguments for a transition towards directly elected commissioners were heralded by Howard (2005) and, more particularly, by Loveday and Reid (2003) in their seminal Policy Exchange report, ‘Going Local; Who should run Britain’s Police?’.

**Summary**

Ironically, as will be evidenced in this research, there are marked similarities between the weaknesses exhibited by the former police authorities and the current police and crime panels. While police authorities struggled to hold chief constables to account, police and crime panels have encountered similar problems with PCCs, particularly in relation to the high turnover and calibre of local councillors, inadequate training and resourcing, legal ambiguity and little confidence in the governance system (Bailey, 2015; Loveday, 2017). Moreover, the perceived low status of their role by panel members must be a matter of concern for the model’s effectiveness.
These are not the only issues. The literature from scrutiny in both local government and health bodies suggests that scrutiny may be affected by political affiliation, especially where the scrutinised and the scrutinisers are from the same political party. It also points to the need for the appointment of more independent members, who bring not just political neutrality, but also professional expertise and consistency. All these areas were tested fully in this study.

However, as has been noted earlier, the Police Reform and Social Responsibility Act marks a fundamental change in police governance. With the introduction of directly elected PCCs in 2012, democratic oversight of policing is now locally based, rather than centrally controlled (Loveday, 2017). Moreover, the relative autonomy of chief constables, under the previous governance model, has been diminished considerably, although the recent High Court ruling, on the issue of police operational independence, may cast some doubt on that. Further legal clarification will be required.

This research considers the extent to which the new local accountability model, based, in part, on the work of police and crime panels, has proved to be either relevant or effective.
Chapter 2
Research methods and methodology

Research focus

The aim of this study is to examine critically the effectiveness of PCPs in their scrutiny role of PCCs. Five key research questions are considered pertinent:

- **Demographics, representativeness and background experience** - How important are demographics, representativeness and background experience in respect of panel and commissioner effectiveness?
- **Structure and Organisation** - What is the impact of high panel member turnover, poor attendance, limited training, restricted funding, poor panel management and low public visibility?
- **Scrutiny** - What do panel members think about their role, legal powers, complaint handling ability and the tension between support and scrutiny?
- **The role of Politics** - What is the influence of party politics and how effective are independent panel members?
- **Effectiveness** - Is the model working?

Reflection and Reflexivity

In conducting this study, it was important for the researcher to reflect critically throughout the whole exercise, starting with the identification and selection of the design and methodology, through to the conduct of the research and analysis of the data. The rationale for such reflection is to identify, understand and allow for researcher values and biases in order to make the findings more objective. However, it is now widely recognised that it is almost impossible to keep these values in check when undertaking research (Bryman, 2015). Indeed, Bryman notes that researchers are increasingly prepared to alert their readers to their biases and assumptions, making clear how these values could have affected the findings. (Bryman, 2015; pages 39 & 40)

Models of reflective practice have been developed by a number of academic researchers (Dewey, 1933; Borton, 1970; Schon, 1983; Kolb, 1984). Whereas Dewey spoke of the contrast between routine and reflective action, Kolb developed a model of experiential learning in which an experience would prompt inward self-critical reflection, resulting in the formulation of a new concept or theory to enable an alternative option for handling a similar situation in the future. In exploring the nature of professional practice, Schon argued that reflection played a key role in helping professionals cope with their ‘messy’, complex worlds. He argued that the knowledge of the practitioner is inherent in the action, rather than relying upon a series of simple decision making steps. He coined the term, ‘reflection-in-action’ to describe where practitioners utilise their knowledge from a previous experience when assessing a new situation. Schon also described
another mode of reflection, that of ‘reflection-on-action’, where practitioners consider aspects of practice at times other than the moment of the action. Reflexivity, which is often confused with reflection, is a different concept (Finlay, 2002, p. 532). Whereas reflection can be understood as thinking about an object after an event has happened, reflexivity is more about the researcher’s own immediate, continuing, dynamic and subjective self-awareness. Herz (1997) described it as ‘having an on-going conversation about the experience while simultaneously living in the moment’.

The researcher

As a former senior police officer, local councillor and Labour activist, with strong views on the current model of democratic governance of the police, the researcher had to exercise the utmost care to ensure his pre-existing values and biases did not jeopardise the study. He did this by making explicit to all participants his previous police role and present political affiliation, as well as by building research conditions that helped to mitigate his value assumptions. In doing so, he recognised that even with such discipline, it is impossible to eliminate all researcher bias. Even the most careful planning has to be seen in the context of the social, institutional and political environment in which the research is undertaken (Jupp et al, 2000). While this did not create insurmountable issues for the researcher, he found his neutrality challenged by some of the interviewee responses.

Research philosophy

In designing his research project, the author was aware of the need to be clear about the purpose of the study and of the requirement to have in place a conceptual framework from which he could derive relevant research questions. It was then necessary to develop appropriate methods to conduct the research, whilst also deploying effective sampling procedures to validate his findings (Robson, 2011). In the case of quantitative research, the data would need to be reliable, generalisable and valid. However, in qualitative or mixed methods research, these concepts are problematic in that identical circumstances cannot be re-created for the attempt to replicate (Bloor, 1997). Some proponents of flexible design prefer the use of terms such as credibility, transferability, dependability and confirmability (Lincoln and Guba, 1985, pp 294-301). As will be seen in the subsequent discussion, the researcher opted for a pragmatic, realist approach in order to maximise his mixed methods strategy. In addition, it was important to ensure ethical issues were identified and addressed in order to promote greater research objectivity.

Bryman (2015) highlights two important points in the prominent role of theory in social research. First, a researcher must be clear about the type of theory he or she is talking about and, second, there is a need to differentiate between the data used to test and those used to develop theories. Whereas grand theory, such as symbolic interactionism, operates at a more general, though abstract level, middle range theory is more likely to be deployed in empirical study (Merton,1967). Another important distinction is that between deductive theory, where theory generates research and inductive theory, where research steers the theory.
Merton (1967), in talking about deductive theory, argued that theory and hypothesis prompt inquiry. Inductive theory, on the other hand, uses observations and findings to generate theory. While deductive theory is generally associated with quantitative research and inductive theory with qualitative researched, it is clear from the literature that there are no hard and fast distinctions. Rather they should be viewed as tendencies (Bryman, 2015)

Approaches to social research carry with them important epistemological and ontological considerations (Bryman and Bell, 2003, p.29), and the philosophical standpoint of the researcher must be identified. In terms of epistemology, where the question of what is appropriate knowledge in a discipline, the principal concern is whether the social world can be studied in the same way as the natural sciences. Positivism and interpretivism are the two contrasting epistemological positions (Bryman, 2015). Whereas positivism advocates the application of methods of the natural sciences to the study of social reality, interpretivism is more concerned with the subjective meaning of social action. Positivism, which focuses on measurement, uses theory to generate hypotheses (deductive) and deploys quantitative methods to undertake research. Interpretivism, on the other hand, rejects measurement and uses research to generate theory (inductive) and utilises qualitative methods for research.

Ontological considerations, which focus on whether or not the social world is seen as external to social actions, are also important. The two main ontological positions are objectivism and constructionism. Whilst objectivism implies that social actors are unable to influence social phenomena, constructionism asserts the opposite, reasoning that the interaction between social phenomena and social actors means they are in a constant state of revision.

While it is the case that many methodologists argue that quantitative and qualitative research are two distinct and incompatible approaches (Sale, Lohfeld, and Brazil, 2002), it is clear that many researchers are actually using both in their work (Bryman, 2006b). Bryman suggests there is a new climate of pragmatism and less concern with philosophical doctrine (Bryman, 2006b). Rather, research paradigms should be viewed as shared beliefs among groups of researchers (Morgan, 2007). In essence, a researcher might use whatever philosophical or methodological approach that best serves that study, recognising that no one method or combination of methods is perfect (Denscombe, 2010). One form of the pragmatic approach is realism, in which the researcher, in the field, seeks to find explanations to ‘how’ and ‘why’ questions (Robson, 2011). It offers a model of scientific explanation unencumbered by the philosophical hostilities between positivism and interpretivism.

Although the author inclines more, in epistemological terms, to an interpretative approach and, in ontological terms, a constructionist viewpoint, he has adopted a pragmatic/realism methodology. This will enable him to obtain, and interpret, the subjective views of the PCCs, PCPs members, panel clerks and other stakeholders, and compare and contrast those with data from documentary evidence, press reports and current academic literature.
Research methodology and methods

First, it was important to undertake a review of the current academic literature in order to determine what was already known, what concepts and theories might be relevant, what research methods and strategies have been deployed previously, what controversies and inconsistencies exist and to identify unanswered research questions (Bryman, 2015). Given that PCPs are a relatively new development, there has been little academic commentary, other than in the analogous context of local government scrutiny (Lister, 2014; Loveday, 2013; Bailey, 2015).

Mixed methods

The researcher set out to use a mixed methods approach and selected seven police areas in England and Wales, which offered a wide range of PCC/PCP political relationships. The fieldwork was conducted in late 2015 and early 2016, before the recent PCC elections in May 2016. The areas targeted were Thames Valley, where there was a Conservative Police and Crime Commissioners and Conservative led Police and Crime Panel, Merseyside, South Yorkshire and South Wales, where there were Labour Police and Crime Commissioners and Labour led Police and Crime Panels, and Kent, Avon and Somerset and Hampshire, where there were Independent Police and Crime Commissioners and Conservative led Police and Crime Panels. The fieldwork was subsequently extended to include Devon and Cornwall, where there was a Conservative PCC and a Conservative led PCP, Nottinghamshire, where there was a Labour PCC and a Labour led PCP, West Yorkshire, where there was a Labour PCC and Labour led PCP and Northumbria, where there was a Labour PCC and Labour led PCP.

Both qualitative/interpretivist and quantitative methods were used, as these were thought to be the most effective and pragmatic way of conducting the research, not least because it would enable the researcher to triangulate his findings and thus render them more valid (Denzin, 1988). Triangulation can help to obviate all threats to research validity but also carries the risk of discrepancies and disagreements between different sources of data (Bloor, 1997).

Interviews were seen as the most productive method for recording and distilling the perceptions of all the individual contributors to this research about the pivotal relationships between PCCs and members of PCPs. It was anticipated that cooperation would be forthcoming, despite the busy lives of the individuals concerned.

There were 5 panel chairs included in the PCP members’ category. Semi-structured interviews would enable the researcher to probe further on the key issues outlined above in the research focus paragraph. Such in-depth probing would have proved impossible with structured interviews or self-completion questionnaires. This is illustrated powerfully in the case of two of the PCCs (Avon and Somerset and Northumbria), both of whom declined to be interviewed but, instead, returned completed questionnaires, which proved of little evidential value.
Interviews

Three main types of interview have been identified for use in research and these are structured interview, semi-structured interview and unstructured interview. (Noakes and Wincup (2004, pp. 79-80)

Structured interviews are common in large-scale projects where consistency is required due to the large number of subjects and potentially large numbers of researchers. Being a quantitative tool, it is concerned only with measurement and does not allow for prompting or probing by the interviewer.

A semi-structured interview is a qualitative tool that enables the researcher to probe against an interview schedule. Whereas in structured interviews, where the emphasis is on maximising the reliability and validity of measurement of key concepts, semi-structured interviews focus more on the personal perspectives of those being interviewed. There is more scope and flexibility for the researcher to ask follow-up questions.

Unstructured interviews, also qualitative, are used where the interviewer has a general area of concern or interest and the conversation develops informally. Although the researcher may have prompts, unstructured interviewing tends to be very similar to a conversation (Burgess, 1984)

Self-completion questionnaire

Another valuable method for collecting research data is the self-completion questionnaire, which is very similar to a structured interview but without an interviewer. It has fewer open questions for ease of analysis and is easier to follow and shorter in length. It is both cheaper and quicker to administer and benefits from the absence of interviewer bias. However, as a quantitative tool, it is concerned only with measurement and cannot probe respondents (Bryman, 2015). The researcher opted to conduct semi-structured interviews with each of the 51 targeted subjects, which comprised 10 PCCs (5 Labour, 3 independents, 2 conservatives) 33 PCP members (4 conservatives, 16 Labour, 12 independents, 1 Green), 7 panel clerks and 1 other (chief executive of the office of the West Yorkshire PPC’s office and academic commentator).

Focus group interviews

In the case of South Wales, Merseyside and South Yorkshire, focus group interviews were conducted with panel members. Given the large numbers of interviewees present and the problems of time constraints and other logistical challenges, it was thought more practical and efficient to interview members in small groups. Put simply, a focus group is a discussion which explores specific sets of issues involving collective activity (Kitzinger and Barbour, 1999, p.4). Whilst ‘focus groups’, or group interviews, do not discriminate against people who are unable to read or write and encourage participation from those reluctant to be interviewed (Kitzinger, 1995, p229), they are not without ethical concerns (Punch, 1986). One ethical issue unique to focus groups is the fact that what participants
tell the researcher is inherently shared with other group participants as well. This raises serious invasion of privacy concerns and effectively limits the kinds of topics that the researcher can pursue (Smith, 1995). Another important consideration is that the group effect may influence some participants, particularly those who are less assertive, thereby rendering the data less reliable (Heine and Lehman, 2002). It is important that the interviewer strikes the correct balance between being active and passive, so that their involvement does not dominate or project their own bias (Sim, 1997). Although not expected to be an expert in group dynamics, the facilitator should have at least a basic understanding of the potential barriers to effective communication (Sim, 1997). The researcher was mindful of these particular weaknesses but found no evidence of them during the sessions. On all the key areas of possible contention, the focus group participants didn’t hold back on their responses.

Simple observations

Simple observations undertaken at panel meetings in Thames Valley, Avon and Somerset, Merseyside and South Yorkshire were also used to complement the semi-structured interviews. The principal advantage of simple observation is that it can be used to test interview responses with actions in a live setting (Webb et al, 1966; Auge and Auge, 1999; Robson, 2011). There are two main disadvantages and these are in respect of the potential for the researcher to affect the reaction of those being observed (McCall, 1984) and the fact that observations are time consuming (Robson, 2011). In every case, the researcher sought to be unobtrusive in the public gallery and, through his anonymity, was careful to exert no influence over the proceedings being observed. Although time consuming, this did not present the researcher with any practical difficulties. It proved to be an effective method of testing, and validating, interview responses.

The rationale was to compare and contrast the respective viewpoints of the different groups of practitioners on the role of the PCP, focusing particularly on the ‘representativeness’ and high turnover of panel members, the general absence of training for both PCCs and PCPs, the role and effectiveness of independent panel members and PCP role clarity and understanding. Other areas included the possible need for additional powers for PCPs, the impact of funding constraints, the leadership and management of PCPs, the influence of party politics, complaint handling, the effectiveness of PCPs in holding PCCs to account, PCP visibility and perceptions of how the current model is working. A key question was to determine if the PCP would be more robust in its scrutiny where there was an independent PCC.

Research participants

In identifying the seven areas of Kent, Hampshire, Thames Valley, Avon and Somerset, South Wales, Merseyside and South Yorkshire, the researcher was seeking to test the widest possible range of political relationships between PCCs and PCPs, so that the extent to which party political influence played any part could be assessed. At a later stage, research participants from five other police areas were added. These were Devon and Cornwall, where there was a Conservative PCC and a Conservative led PCP, Nottinghamshire, with a Labour
PCC and Labour led PCP, Northumbria, with a Labour PCC and a Labour led PCP, Greater Manchester, with a Labour PCC and a Labour led PCP and West Yorkshire, where there was a Labour PCC and a Labour led PCP. There were particular reasons for including West Yorkshire and Greater Manchester. In the case of West Yorkshire, the interview subject was both an authoritative commentator on police governance, as well as the chief executive of the office of the West Yorkshire PCC. Greater Manchester was included because one of the panel members there had set up, and was chairing, a forum for independent PCP members for all areas in the north west of England.

Interview Schedule

Following a detailed analysis of the available literature (Lister, 2014; HASC, 2013; Leach and Copus, 2004; Whiteman, 2012; CfPS, 2013; Snape and Taylor, 201; Stoker et al, 2004; Coulson, 2011; Reiner, 2013; Loveday, 2013; Bailey, 2015), a semi-structured interview schedule was developed by the researcher and validated by his supervisor. The key questions were developed from the literature, as well as from informal conversations with other criminal justice researchers. It was important for the interviewees to be focused on the main research themes, but in a way that would enable them to expand or clarify where necessary. Closed questions were kept to a minimum, since evidence has shown that such questions can skew responses (Noakes and Wincup, 2004, p.77)

The semi-structured interview schedule used in this study for PCP members is attached at Appendix 1. The schedule for the PCCs is also attached at Appendix 2. The self-completion questionnaires sent to those PCCs and PCP members who had not been interviewed are identical to the semi-structured interview schedules (Appendix 1 and appendix 2)

Ethical issues

Ethics has a very important role in social research, given the potential for harm, stress and anxiety to those upon whom the research impacts (Robson, 2011). Diener and Crandall (1978), in their discussion of ethical principles, have broken down the key issues into four main areas. These concern harm to participants, lack of informed consent, invasion of privacy and deception.

Professional associations, such as the British Sociological Association (BSA) and the Social Research Association (SRA), have formulated codes of ethics. It is clear that researchers should reflect very carefully at all stages of the research journey on issues that may affect the subjects of that research, stakeholders and the wider community, as well as ensuring the integrity of the methodology and any results reported. (Kimmel,1988).

The law also has a part in ethical considerations and researchers must have regard for the Human Rights Act 1998 (Home Office 1998) and the Data Protection Act 2004 (Home Office, 2004), which deals with the handling of personal data.
Politics, in a non party-political sense, similarly plays an important role in social research. The key issues here are around taking sides, research funding, gaining access, getting organizational cooperation, publication restrictions and choice of research methods (Bryman, 2015). While some types of research may be supported, others are suppressed, and decision-makers in government are more likely to support research projects that fit with their current policy priorities (Robson, 2012).

Ethical issues must be resolved prior to the commencement of the research study (Silverman, 2005). In complying with the University of Portsmouth ethical guidelines, the author completed, and submitted for ethical review, an ‘ethics self-assessment form’, together with a research protocol, describing the methodology to be undertaken, and an ethical narrative detailing the ethical issues and the methods for mitigating them. This process was invaluable for the author since it forced him to think carefully about his methodology and the impact of his research on participants.

Politics featured prominently in this study since the majority of those either being interviewed or surveyed are political activists. The author, as a political activist himself, had to think very carefully about how to maximise his objectivity and neutrality in conducting the research. The ethical and political dimensions to this research, including the control measures, are discussed in detail in the ethical narrative documents submitted for ethical review. (Appendix 3)

Following a favourable ethical review, the researcher proceeded with his study, adhering closely to the research protocol and ethical narrative. He recognised that any deviation from the agreed protocol would require further ethical approval.

Selection of research participants

In selecting the seven police areas subject of this study, the author sought to present a full range of political relationships between PCCs and PCPs. This was considered to be the best option to evaluate critically the impact, if any, of the political influences at work in the scrutiny role of the PCP. The intended participants were, therefore, the seven PCCs and as many members as possible from the corresponding PCPs. The researcher was keen to ensure that the PCCs and panel members came from the widest political spectrum, as well as those who were independent. Given the importance and prominence of panel chairs and panel clerks in the governance model, efforts were made to include them in the study. In the case of panel chairs, all but two agreed to be interviewed, whereas with the panel clerks, six participated in the study.

Participants from other police areas (Devon and Cornwall, Nottinghamshire, West Yorkshire and Northumbria) were identified for this study early on in the fieldwork. One Conservative PCC had made some very interesting public observations about the efficacy of the model and he was keen to be interviewed. Similarly, a Labour PCC, an advocate of the new model, wanted to share his views on his relationship with his panel members. Another Labour PCC was included because, as a leading commentator, her views on the evolution of the model were considered important. Her Fabian policy report, Letting in the Light (Baird, 2014) highlighted the ways in
which Labour PCCs were developing their role. In the event, she declined to be interviewed but, instead, arranged for one of her office staff to complete her questionnaire. Two additional participants were recruited from another area, one being the panel clerk and the other, a chief executive from the PCC’s office. Finally, an independent panel member was added because he is the chair of a newly created forum for independent PCP members in the north west of England. A full (coded) list of research participants, including their political affiliation, is shown at Appendix 4

Formal requests were sent to all participants in this study. In the case of the PCPs, these were directed through the panel clerks and, in respect of PCCs, via their personal secretaries. (See Appendices 5 and 6) These were followed by participant information sheets (Appendix 7) and consent forms (Appendix 8).

Although the researcher was satisfied that the participants reflected the major political parties and, despite significant efforts on his part to engage them in this study, he was disappointed with the take-up of ‘Conservative panel members. This is particularly the case in Kent, Hampshire and Thames Valley, where there are big Conservative panel majorities. Ironically, the Conservative panel chairs in both Hampshire and Kent were willing participants. This apparent defensiveness on the part of Conservative panel members was also to be encountered in his earlier case study of the Surrey PCP (Bailey, 2015).

Research Phase

A full schedule of the interviews, including the time, date and venue, is shown at Appendix 9 Every effort was made to conduct the interviews in private rooms to ensure confidentiality but this was not always possible. Some of the interviews were done over the telephone and, in all cases, they were recorded on the researcher’s iPad, using the ‘AudioNote’ application. All of the recorded interviews were transcribed by the researcher.

Prior to commencing the interviews, the author carefully went through the information sheets and the consent forms, which had been sent with the letter previously to the participants (Appendices 7 and 8).

All the semi-structured interviews were conducted using the schedule (Appendix 1 and Appendix 2). The author was careful to listen to what was being said and steering the exchanges in order to elicit the maximum data. He was also mindful of the context and the potential influences he may bring to bear, whether inadvertently or not (Kvale, 1996).

The interview schedule was used as a guide to enable him to cover all the salient research issues, rather than as a restrictive template. This allowed him to probe and pursue issues raised by the participants in their answers to the open-ended questions, whilst simultaneously reflecting on the potential impact of his presence and style of questioning.
Research challenges

This research was not without its challenges. Difficulties were first encountered in respect of the researcher’s failure, despite repeated attempts, to interview two prominent PCCs. Although they subsequently agreed to complete and return questionnaires, their responses were wholly inadequate, in that their answers lacked both clarity and depth. Neither was there a chance to probe further on key questions. Compared with the in-depth interviews of the other participants, the two returned questionnaires offered little in terms of evidential value.

The small number of participants from the Conservative party was another problem. Just four of the 33 panel members were Tories, which meant they were not a representative sample. Considerable efforts were made to recruit additional Conservative panel members but all proved unsuccessful. These included written requests being sent out by panel clerks, in addition to further requests from the researcher to panel chairs seeking their help. It is not possible to identify a reason for this seeming reluctance on the part of the Conservative panel members but it is consistent with the findings from his earlier study (Bailey, 2015), where similar difficulties were encountered. This might suggest that the researcher’s declared political affiliation, despite explicit assurances of neutrality and objectivity, acted as a barrier. Interestingly, two of the four Conservatives were panel chairs, both of whom were enthusiastic contributors to the research.

Maintaining anonymity was difficult but every effort was made to minimize the risk of participants’ names being revealed. This was done by using codes and removing all words and comments from quotations that might have indicated identities. This was far more problematic with PCCs, as just 8 of them were interviewed, giving readers a one in eight chance of identifying them.

Another significant challenge arose during an interview with a panel clerk, who became tearful when talking about her workload and the intolerable pressure this placed on her. The researcher had to adapt his interview style to respond to the clerk’s distress.

Data analysis

The researcher decided to use a thematic content analysis for the semi-structured interviews and the self-completion questionnaire. (Newell and Burnard, 2011, pp.118-129; Krippendorff, 2004). He first reviewed the data to familiarise himself with it and then focused the data on the six research questions, in an attempt to identify themes and patterns. Where meaningful issues were found, they were developed into categories that were deemed relevant to the research questions.

Given that the author himself carried out the categorisation, this analysis strategy is potentially open to bias. This could be removed by using additional analysts to provide ‘inter rater reliability’ (Pope et al, 2000), or by using computer-assisted data analysis software (CAQDAS) such as NVivo (Bryman and Bell, 2003 pp. 444-461).
The researcher took all these considerations into account and, having discussed it with his supervisor, opted to conduct the analysis himself. He used a spreadsheet (see appendix 10), which listed all the key variables, together with the specific themes of the research, such as high turnover of panel members, training and induction, effectiveness and recruitment of independent panel members, PCP role perception, the adequacy of panel powers, support/scrutiny tension, the impact of funding constraints, panel management and leadership, panel visibility, PCP effectiveness, political influence/interference and the efficacy of the current governance model. The spreadsheet proved highly effective, in that it allowed the researcher to list all research participants, together with the variables against which interrogation and analysis could be undertaken. Pertinent comments were inserted into relevant column cells, enabling the researcher easy access to, and analysis of, groups of responses. The spreadsheet allowed the researcher to sort and filter the responses, including the variables of gender, demographics and political affiliation.
Chapter 3

Demographics, representativeness and background experience

Findings and analysis – How important are representativeness and background experience in respect of panel effectiveness?

Panel composition, including the diversity, representativeness and background experience of members, is likely to have some bearing on effectiveness (Bailey, 2015). This chapter considers each of the two key elements that together determine the composition of PCPs and evaluates their potential impact on performance. It will also explore the same issues in respect of PCCs.

Representativeness

Representativeness is a major challenge for local government (Rao et al, 2007). There have been many studies which have drawn attention to a democratic deficit generated by the under-representation of key groups. Women and ethnic minorities have never enjoyed significant representation in national or local government (Ibid). The 2006 Census of Local Authority Councillors revealed that 69.3% of councillors are male (compared to 48.0% of the adult population) and 95.9% are white (compared to 90.5% of the population. Young people and individuals in full time employment are also under-represented. Councillors are, on average, older (58) and not particularly representative of the communities they serve (Ibid).

Given that most PCP members are local councillors, it might be expected that they also experience the same democratic deficit. This is a matter identified by Professor Francesca Gains (2014, page 127) in her evidence to the House of Lords Committee on Standards in Public Life. She suggested that the lack of diversity in PCPs threatened the legitimacy of those panels. The researcher sought to ascertain the demographic profiles of the PCCs and panel members in the areas examined, although it should be noted that not all panel members participated in this research.

Evidence suggests that neither PCCs, nor panel members, in terms of age, gender, ethnicity, education, occupation and class, are truly representative, of the wider communities from which they are drawn (Bailey, 2015).

Aside from concerns about fairness, it is also possible that this underrepresentation may have some bearing on the manner in which panel members and PCCs perform their roles. Without a broad range of views that reflect diverse communities, it could be that some key considerations are being missed by both PCCs and panel members. Indeed, in commenting on local councillors, Rao et al, 2007, suggested that fairer representation would lead to better political debate, improved decision making and, in consequence, more effective service delivery.
Representativeness of Panel members

The Police Reform and Social Responsibility Act, 2011, provides detailed guidance for the composition of PCPs. These guidelines are quite prescriptive, particularly in terms of the number of local councillors to be appointed. For example, where a force area consists of ten or fewer authorities, the number of members of the PCP will be ten, not including the co-opted independent members. In force areas where there are more than ten authorities, there will be as many members as there are local authorities in the force area, plus two co-opted independent members. Additional councillors may be co-opted onto the PCP, as long as two lay independents are also included, the size of the PCP does not exceed 20 and the Secretary of State approves the co-options. Composition should be achieved in accordance to the ‘fair representation’ objective, which means each authority in the force area must be represented by at least one member if the total number of authorities in the area is less than ten, and one member if the number of authorities is ten or more (Local Government Association, 2011). In Thames Valley, for example, there are eighteen local authorities represented on the PCP and two independent members, making a maximum of twenty members. This contrasts with Avon and Somerset. Here, there are ten local authorities and a total of eighteen panel members, including three independent members and five additional co-opted councillors. As will be seen later, panels have no influence in who local authorities co-opt onto PCPs but this contrasts markedly with independent members, who all go through a rigorous selection and interview process. This means that panels, with the exception of their independent members, have no control over their democratic profiles. The consequences, in terms of representativeness, are significant. Given that most local councillors are middle-aged to elderly males, the composition of many panels means that many sections of the wider communities are significantly under-represented. This was confirmed by a panel clerk, who stated that most panel members, excluding independents, were from a similar background (Clerk3)

There was a graphic illustration of this point by a female independent member, who stated that:

“In terms of representativeness, I once turned to a fellow panel member and commented that we had more men called Kenneth on our panel than we had women. Yes, the make-up is mainly old white men. I suspect this is mainly due to the fact that they are councillors, the majority of whom are retired. This county is a Tory stronghold nowadays and so residents are more likely to vote for old white men rather than young black women. The panel is not entirely representative of the wider community.” PCP12

One respondent with an extensive background in police governance was forthright in his criticism of panels and their lack of representativeness. He attributed this to a lack of resolve on the part of the government. He noted that:

“I don’t think they are particularly representative. The issue with panels, of course, is that they were an addition in the legislation forced in by the Lib Dems during the coalition government. The Tories didn’t want the panels at all. They
were put in as a concession. I don’t think they have ever really found their way.”

OS1

Table 1 shows a breakdown of the age ranges, gender, political affiliation and relevant experience of the 33 PCP interviewees. Although it highlights that the majority of panel members are men aged between 51 and 80, it needs to be interpreted in conjunction with Table 4. This provides a gender split of all eleven PCPs covered in this study. This supports the claim that in terms of gender, women remain under-represented.

As will be seen in Table 2, the great majority (84%) of panel members interviewed were white British. From the researcher’s observations at Panel meetings in Thames Valley, Avon and Somerset, South Wales, Merseyside and South Yorkshire, it was clear that there was a similar preponderance of white British panel members. It was also clear from his interviews and observations that there was a similar majority, judging by their appearance, comments, background and demeanour, who were drawn from the middle class, although this is not shown in the table below. Of those interviewed, a majority (70%) were in employment. This was not reflected in the panel meetings observed by the researcher, where it appeared that there was a higher percentage of retired people. As for panel experience, 20 of the 33 (60%) had served on their panels for two or more years.

Interestingly, the independent panel members were much more diverse in terms of age, gender, ethnicity and expertise. Six of the twelve (50%) independents were under 50 years of age, ten of the twelve (83%) were in full time employment, five of the 12 (41%) were non-white, three out the twelve (25%) were women. All of them had received graduate level education with relevant professional expertise and nine out of the twelve (75%) had served on their panels for more than 2 years.
Findings and analysis

Table 1 Age, gender, political affiliation and relevant experience of PCP members

<table>
<thead>
<tr>
<th>Age range</th>
<th>Gender</th>
<th>Politics</th>
<th>Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 - 30</td>
<td>Men</td>
<td>Conservative</td>
<td>Police 5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>23 (69%)</td>
<td>(15%)</td>
</tr>
<tr>
<td>31 - 40</td>
<td>Women</td>
<td>Labour</td>
<td>Legal 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10 (30%)</td>
<td>(6%)</td>
</tr>
<tr>
<td>41 - 50</td>
<td></td>
<td>Green</td>
<td>Probation 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1 (3%)</td>
<td>(6%)</td>
</tr>
<tr>
<td>51 - 60</td>
<td></td>
<td>Independent</td>
<td>Social Services</td>
</tr>
<tr>
<td></td>
<td></td>
<td>12 (36%)</td>
<td>2 (6%)</td>
</tr>
<tr>
<td>61 - 80</td>
<td></td>
<td>None relevant</td>
<td>Other 17</td>
</tr>
<tr>
<td></td>
<td></td>
<td>13 (39%)</td>
<td>(51%)</td>
</tr>
</tbody>
</table>

Table 2 Ethnicity, employment status, time on panel and councillor experience of PCP members

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Working/retired</th>
<th>Time on Panel</th>
<th>Experience as councillor</th>
</tr>
</thead>
<tbody>
<tr>
<td>White British</td>
<td>Working 20 (60%)</td>
<td>Less than 1 year 9 (27%)</td>
<td>N/A 12 (36%)</td>
</tr>
<tr>
<td>White English</td>
<td>Retired 10 (30%)</td>
<td>1 to 2 years 4 (12%)</td>
<td>1 to 5 years 7 (21%)</td>
</tr>
<tr>
<td>White Welsh</td>
<td>Full time councillor 3 (9%)</td>
<td>2 to 3 years 7 (21%)</td>
<td>6 to 10 years 3 (9%)</td>
</tr>
<tr>
<td>Northern Irish</td>
<td>2 (6%)</td>
<td>4 or more years 13 (39%)</td>
<td>11 or more years 11 (33%)</td>
</tr>
<tr>
<td>Black British</td>
<td>1 (3%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mixed race</td>
<td>2 (6%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asian British</td>
<td>2 (6%)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 3 Cabinet member, scrutiny body, policing/community safety brief and experience on former police authorities of PCP councillor members

<table>
<thead>
<tr>
<th>Cabinet member</th>
<th>Scrutiny body</th>
<th>Policing and community safety brief</th>
<th>Former Police Authority member *</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>Yes 9 (42%)</td>
<td>Yes 17 (81%)</td>
<td>Yes 15 (71%) No 27 (81%)</td>
</tr>
<tr>
<td>No</td>
<td>No 12 (57%)</td>
<td>No 4 (18%)</td>
<td>No 6 (28%) Yes 6 (18%)</td>
</tr>
</tbody>
</table>

*Including independent members
Findings and analysis

Table 4 Gender split and number of independents on all 12 PCPs covered in this research

<table>
<thead>
<tr>
<th>Police Area</th>
<th>Male</th>
<th>Female</th>
<th>Independents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avon &amp; Somerset</td>
<td>12 (66%)</td>
<td>6 (33%)</td>
<td>3</td>
</tr>
<tr>
<td>Devon &amp; Cornwall</td>
<td>13 (65%)</td>
<td>7 (35%)</td>
<td>2</td>
</tr>
<tr>
<td>Greater Manchester</td>
<td>10 (83%)</td>
<td>2 (16%)</td>
<td>2</td>
</tr>
<tr>
<td>Hampshire</td>
<td>14 (73%)</td>
<td>5 (26%)</td>
<td>2</td>
</tr>
<tr>
<td>Kent</td>
<td>18 (90%)</td>
<td>2 (10%)</td>
<td>2</td>
</tr>
<tr>
<td>Merseyside</td>
<td>5 (41%)</td>
<td>7 (58%)</td>
<td>2</td>
</tr>
<tr>
<td>Northumbria</td>
<td>6 (46%)</td>
<td>7 (53%)</td>
<td>2</td>
</tr>
<tr>
<td>Nottinghamshire</td>
<td>11 (61%)</td>
<td>7 (38%)</td>
<td>3</td>
</tr>
<tr>
<td>South Wales</td>
<td>8 (66%)</td>
<td>4 (33%)</td>
<td>2</td>
</tr>
<tr>
<td>South Yorkshire</td>
<td>12 (92%)</td>
<td>1 (7%)</td>
<td>2</td>
</tr>
<tr>
<td>Thames Valley</td>
<td>13</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>West Yorkshire</td>
<td>9 (64%)</td>
<td>5 (35%)</td>
<td>2</td>
</tr>
</tbody>
</table>

Representativeness of PCCs

Although there is a fairly even gender balance among the 10 PCCs in this research, the national picture is very different, with 34 (83%) men and just seven (16%) women (figures from the Association of Police and Crime Commissioners). What is also clear is that a majority in this research (70%) were aged between 61 and 80. It has not been possible to obtain the ages for the remaining 24 PCCs throughout the country but it is likely that the age profile would be broadly similar. In this study, all 10 (100%) PCCs were white British and the national picture is little different, with all but one being white British.²

It appears that all 10 PCCs in this study, in terms of their education and professional background are drawn from the middle class. Four (40%) of them had been ministers in a Labour government, two had been senior military figures, two had been magistrates, one had been a social worker and one had been a senior academic. It is likely that this pattern would be repeated across the country. At first sight, it would appear that PCCs are not particularly representative of the wider communities from which they are drawn but this is a relatively new role and there is no precedent as to the ideal candidate. When asked about this, one of the PCCs stated:

“I don’t know what the ideal type of person would be, to be honest. This would apply to people in various organisations at a certain level, like board members. I was, for a time, a board member of the Lottery Panel. I’m a board

² http://www.bbc.co.uk/news/election/2016/police
member of the Youth Justice Board. Yes, it’s helpful if you have some experience of the business, although in this case, I think what you are trying to do is represent the public. Therefore, you need a fairly open mind and a broad general experience and the ability to stand up to people who have got stripes or buttons on their uniforms.” PCC6

As will be seen in subsequent sections, it is not just demographic factors such as age, class, education, gender and occupation that may have some influence on the way in which commissioners regard their role. Politics may also feature as well.

Table 5 Age, gender, political affiliation and relevant experience of PCCs

<table>
<thead>
<tr>
<th>Age range</th>
<th>Gender</th>
<th>Ethnicity</th>
<th>Politics</th>
<th>Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>51 - 60</td>
<td>3 (30%)</td>
<td>Men</td>
<td>White British</td>
<td>Conservative</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Government Minister</td>
</tr>
<tr>
<td>61 - 70</td>
<td>5 (50%)</td>
<td>Women</td>
<td>Labour</td>
<td>Military</td>
</tr>
<tr>
<td>71 - 80</td>
<td>2 (20%)</td>
<td></td>
<td>Independent</td>
<td>Magistracy</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Academia</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Social work</td>
</tr>
</tbody>
</table>

What are the reasons for this lack of diversity and what problems does it generate?

The majority of panel members are local councillors, which means PCPs have little, if any influence, on who is appointed. Given the acknowledged lack of diversity of local councillors, who are mainly middle-aged to elderly white middle class men, there is little wonder panels are unrepresentative of their wider communities. Panels are aware of this problem, although they are powerless to do anything about it. Change can be only be effected if it comes through legislation, something identified by Gains, 2015, in her evidence to the House of Lords Committee on Standards in Public Life. Although the co-option of independent panel members helps to mitigate this lack of representativeness, it has little real impact, given the limitation on their numbers.

PCCs are similarly unrepresentative of their wider communities, with the majority also being middle class, middle-aged to elderly, white men. It is unclear why this situation has arisen but it is possible to speculate on the reasons for this. In the absence of any clearly defined person specification, the role may have appealed more to individuals with a background in senior management, particularly in politics, which may have deterred female applicants. It would not appear that there is a rigorous selection process at the party-political level either, short of the customary hustings events, and these are poorly attended.

The problems this lack of representativeness creates are significant. In the case of panel members, it means there are fewer opportunities for panels to reflect on the full range of relevant community concerns, thereby missing important issues. The same challenge exists for PCCs, although they do have access to a team of
professional advisers, who may be able to compensate by providing a broader and more representative perspective on policy considerations.

Summary

Neither PCP members nor PCCs are representative of the wider communities from which they are drawn. Consistent with earlier studies on local councillors, this is problematic for both but probably more so for panel members. The apparent preponderance of middle class, middle-aged to elderly white men, means that panels, with the exception of independent co-opted members, are less able to understand, and reflect, the wide diversity of community views. The same applies for the commissioners, particularly in respect of their policy development and the mechanisms they use for community consultation. In their case, though, this problem is largely mitigated by the teams of professional advisers at their disposal. However, as will be seen later, it does not always follow that commissioners are restrained in their views on controversial topics.

The evidence from this research suggests that independent panel members are the clear exception in terms of age, gender, professional background and diversity. Not only do they better reflect the wider community, they have specific professional skills for their role and have, on average, spent longer on their panels. The role of independent members is the subject of a detailed discussion, which follows later.
Background experience of panel members and PCCs

The background experience of panel members and PCCs is important because their roles call for knowledge and authority in a wide range of relevant areas, such as criminal justice (in all its forms), scrutiny (particularly in local government), mental health, young people, human resource management, diversity and governance. The more competent they are in these areas, the more confident and effective they will be in the exercise of their roles. The legislation (The Police Reform and Social Responsibility Act, 2011) states that panel members must have the relevant skills, knowledge and experience to discharge the panel’s functions effectively. There is, however, no formal guidance as to what this means, or how it is to be achieved. In the absence of any formal advice, the House of Lords Committee on Standards in Public Life (2015) concluded that relevant skills and experience included.

“knowledge of scrutiny, risk management and governance and an experience, knowledge or interest in policing, community safety partnerships and the justice system” (Page 126)

In respect of PCCs, there is no formal guidance available that sets out the desired skills and relevant background experience. Given their important and powerful role, this is surprising. It could be that the legislators, in framing the new governance model, believed democracy was sovereign and that this was the overriding consideration.

This research sought to ascertain the backgrounds and experience of both panel members and PCCs to assess the possible impact on role effectiveness.
Findings and analysis

Background experience of PCP members

Table 6 Background/professional experience of PCP members

<table>
<thead>
<tr>
<th></th>
<th>No.</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police</td>
<td>5</td>
<td>Two independents</td>
</tr>
<tr>
<td>Lawyers/legal</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Probation</td>
<td>3</td>
<td>Two independents</td>
</tr>
<tr>
<td>Social Services</td>
<td>2</td>
<td>One independent</td>
</tr>
<tr>
<td>Crime reduction panel</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Mental health</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>HR/Diversity</td>
<td>2</td>
<td>Both independents</td>
</tr>
<tr>
<td>Community relations</td>
<td>2</td>
<td>Both independents</td>
</tr>
<tr>
<td>Journalism</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Local government scrutiny</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Assistant Police HMI</td>
<td>1</td>
<td>Independent</td>
</tr>
<tr>
<td>Police Authority clerk</td>
<td>1</td>
<td>Independent</td>
</tr>
<tr>
<td>Senior military officer</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Restorative justice</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Women’s Aid/ Rape crisis</td>
<td>1</td>
<td>Independent</td>
</tr>
<tr>
<td>No relevant experience</td>
<td>5</td>
<td></td>
</tr>
</tbody>
</table>

Three findings stand out in Table 6. The first is that a significant minority of members (15%) have had experience in the police service, something identified in an earlier study (Bailey, 2015). Indeed, the extent to which former police officers are engaged in the current model, both as panel members and PCCs or deputy PCCs, has attracted the attention of many authoritative commentators, who question this trend. Indeed, the Home Affairs Select Committee (2014: 23), in expressing its concerns, noted that interference in operational matters was more likely from ‘commissioners who had prior experience in policing’. In recent research, Wells, 2015, found that the election of former police officers evoked very strong, negative, feelings amongst both PCCs and chief constables. One PCC was quoted as saying:

“**No PCC should ever be an ex copper, because the last bloody thing that a chief needs is some bloke that retired (normally at a significant lower rank than he or she) over them but tempted to get into that operational level of delivery.**”

In the same research, a chief constable noted that:

“In some areas, they do interfere with operational policing. There’s a colleague not too far away from here who is an ex police officer and I know that the chief has much more difficulty because ex police officers think they know how to run a police force.”

One research participant captured this sentiment:
“What is the number of ex-police officers who are PCCs. It seems to be in the public mind that having police experience would be advantageous. This makes no sense to me at all.” OS1

There are, however, mixed views about the involvement of former police officers in the governance model and not all of them are critical. A panel clerk, when asked about this, felt that it was helpful for the panel to have access to the insights brought by former police officers, although she noted they were not always current insights. (Clerk2)

Second, a similar number (15%) of members said they had had no relevant previous experience for their panel role, something which must raise a little concern.

Finally, the evidence from this study suggests that the independents have the broadest range of professional expertise. There is no surprise in this given that, unlike their councillor colleagues, they are all subject to a rigorous selection process and are appointed directly because of their expert skills and authority. There is, perhaps, a certain irony in that while independents are required to possess an array of skills, qualifications and professional expertise, that is all ‘trumped by democracy’ in respect of local councillor members, who are there by virtue of election. The contrast between councillor and independent members is illustrated by one panel clerk, who stated:

“The two current independent members make a significant contribution to the panel. They both have an incredible amount of relevant experience. The original legislation states clearly that the new independent members should plug skills gaps in the panel. We’re supposed to do the skills analysis of all the individual panel members but we don’t do it anymore. It is for the councils to appoint the panel members. We do skills analysis and a gap analysis, and the Independent co-optees are appointed to fill those gaps. The problem is the co-opted members are appointed for four years and the panel members only there for one year. So, in actual fact, you will probably be better off doing it the other way round.” Clerk6

The advantages of independent members, in terms of their professional expertise, commitment and intelligence, was praised by another panel clerk, who much preferred to work with them. She also claimed that, unlike the councillor members, they had the right skills ‘fit’ for panel membership. (Clerk7)

Another important consideration which may have some bearing on the performance of the PCP councillor members is their own experience in their local authorities. It is probable that those members with experience in local authority cabinets, scrutiny bodies or with a brief for policing and community safety might be better able to make a constructive contribution to their PCPs. The majority of councillor PCP members in this study had experience on scrutiny bodies (81%) and 71% of them were portfolio holders for policing and community safety. However, only 42% of them had cabinet responsibility. Of the 33 PCP members subject of this research (including independents), 18% of them had served on the former police authorities. (Table 3) These findings tend to suggest that local
authorities are trying to appoint panel members with an appropriate background. However, as was noted by a panel clerk, this is called into question by council annual general meetings, when port-folio holders are frequently replaced:

“There is also a difficulty in that the individual local authorities have annual meetings during which they nominate who they want to represent them on the various panels. This means that current members of the panel may lose their brief from their local authority. My personal view is that the local authorities should have a duty to try and retain their nominated members for there to be some consistency on the panel.” Clerk6

Interestingly, members with experience on the old police authorities have not always found the transition to the new model either easy or welcome, something identified by the Centre for Public Scrutiny (2014). One panel clerk, in commenting about the challenges this presented, noted that:

“There were quite a few when we started but now I think it is only two or three. It has brought some interesting challenges because they have long memories and they are able to provide a direct comparison between what the previous authority had done in relation to the current arrangements. When the panel was first implemented, there was quite a lot of harking back to what the old police authorities could do.” Clerk2

A similar point was made by another panel clerk, who said:

“When the panel was first set up, it was about five or six who had served on the police authority. We have lost a couple of those so that there are fewer now who were on the police authority. One of our independent members was on the police authority. Some of that expertise and history was quite helpful but also it took them a little while to realise or understand how the panel works differently.” Clerk7

Another panel clerk thought that former police authority members had some relevant contributions to make and that they had made a successful transition to the new model. She noted, however, that it might be problematic if there were too many of them. (Clerk3)

From his observations at panel meetings in five different police areas, it was clear to the researcher that it was the independent members who seemed most authoritative and confident in their questioning of their respective PCCs. This may have been a consequence of the fact that, on average, they had more panel experience than their councillor colleagues. It may also have been because of their professional expertise. As will be seen later, there is not a great deal of effective questioning from panel members in general and, even where there is, it often comes from panel clerks supplying the questions.
Findings and analysis

Background experience of PCCs

Table 7 Background/professional experience of PCCs

<table>
<thead>
<tr>
<th>PCC</th>
<th>Professional Background</th>
</tr>
</thead>
<tbody>
<tr>
<td>PCC1</td>
<td>Senior naval officer</td>
</tr>
<tr>
<td>PCC2</td>
<td>Teacher, magistrate and former Chair of Police Authority</td>
</tr>
<tr>
<td>PCC3</td>
<td>Senior army officer, councillor and former member of Police Authority</td>
</tr>
<tr>
<td>PCC4</td>
<td>Former government minister, youth worker, probation officer and magistrate</td>
</tr>
<tr>
<td>PCC5</td>
<td>Former government minister</td>
</tr>
<tr>
<td>PCC6</td>
<td>Former university vice-principal and deputy leader of a City Council</td>
</tr>
<tr>
<td>PCC7</td>
<td>Former Chair of Social Services Committee, worked with offenders with drug and alcohol addiction. Criminology degree</td>
</tr>
<tr>
<td>PCC8</td>
<td>Former government minister</td>
</tr>
<tr>
<td>PCC9</td>
<td>Business owner, magistrate and former independent member of the Police Authority</td>
</tr>
<tr>
<td>PCC10</td>
<td>Barrister, author, lecturer and former government minister (Solicitor General)</td>
</tr>
</tbody>
</table>

*Declined to be interviewed

As will be seen in Table 7, the PCCs, perhaps unsurprisingly, have all held prominent positions in their respective professional areas. It is also evident they have been used to taking leading roles, something clearly of benefit to them as commissioners. The Labour PCCs stand out, given their considerable experience as government ministers. During their interviews, all three (one refused to be interviewed) spoke confidently, authoritatively and comprehensively about the advantages of being engaged at a senior governmental level and how this had
equipped them for their new positions. Their effectiveness was praised by a Conservative PCC, who noted that;

“Labour put in very senior politicians and about eight of them are ex-government ministers. They are all pretty confident people, I think.” PCC3

Two of the commissioners, both Conservative, had been senior officers in the military and both sought to claim this experience was of benefit to their role. Interestingly, their views on many of the research areas were significantly different from one another, as will become apparent later.

Two independent commissioners had both been magistrates and former members of their respective police authorities. Whilst one had been a teacher, the other had been a business owner. Another independent had been a social worker and had chaired his county’s Social Services Committee.

One Labour PCC was a priest and a former vice principal of a theological college in Oxford. He had also been deputy leader on a large City Council. Another Labour PCC had also had extensive experience in youth work and probation, as well as having been a magistrate.

PCCs are elected senior officials with considerable executive powers in the new governance arrangements. Like the councillor members of PCPs, there are no formal requirements, in terms of education, professional expertise and relevant background experience, and no detailed ‘recruitment’ processes to validate their candidature either. This is in marked contrast with senior public appointments, where there would be detailed job descriptions, person specifications and rigorous selection procedures. While all the incumbents in this study may well be highly suitable, the present arrangements do not appear to provide sufficient safeguards to ensure that only properly qualified candidates can stand in elections. This must be a cause for concern. The democratic mandate of PCCs, notwithstanding the low turn-outs at elections, might have more weight if they had all been through an identical ‘suitability’ process. This would need to be overseen by an independent panel to which all the political parties and independent candidates would need to subscribe. This would, though, be highly contentious and it might be argued that it runs counter to the democratic ideal of the new model. Yet it would, perhaps, reduce the risk of attracting maverick candidates, or people with highly questionable populist views on policing.

Why are so few panel members and PCCs coming to their roles with limited relevant background experience and what problems does it cause?

Given that most members are local councillors, who are appointed to the panels by their local authorities, it seems clear that panels have little influence on the constituent councils in respect of their nominations. Although the evidence from this study suggests that councils attempt to nominate members who are port-folio holders for policing and community safety and/or those with scrutiny experience, the high turnover of panel members and poor attendance (covered in the next section), effectively negates any attempts to strengthen panel expertise. The
contrast between independent and councillor members in this regard could not be more marked.

PCCs, many of whom have been either prominent politicians or senior leaders in their respective fields, have no reference frameworks and so what represents relevant background experience or knowledge, remains unclear.

Unless panels and PCCs have recognized and demonstrable skills, along with knowledge and relevant background experience, their effectiveness may be impaired. The introduction of independent panel members has shown that it is possible to detail relevant and identifiable professional expertise and that individuals with these skills can make a profound difference.

Summary

Relevant background experience would appear to give both panel members and PCCs a distinct advantage in their roles. Evidence from this study suggests that independent panel members are generally much better qualified, with relevant professional expertise, in comparison to their councillor colleagues. Despite the best efforts of local authorities to appoint experienced councillors to their panels, evidence from observations at panel meetings suggests there is more effective questioning from independent members, which may, in part, be because of their greater professional expertise. PCPs have little choice in the appointment of their councillor members, which is not the case with independents, who undergo a competitive selection process.

The same does not necessarily apply to independent commissioners. The PCCs participating in this study had an impressive list of background skills and qualifications.

The model, in its current form, does not allow panels to apply the same rigorous recruitment processes for its councillor members. It is difficult to see, given the overriding priority of the democratic ideal, how this would ever change. The situation may be less problematic, although still contentious, with PCCs. It should be possible to introduce an independent panel to validate all candidates putting themselves forward for election.
Chapter 4

Structure and Organisation

Findings and analysis – What is the impact of high panel member turnover, poor attendance, limited training, restricted funding, poor panel management and low public visibility?

The structure and organisation of a PCP may have some impact on its effectiveness (Bailey, 2015). Indeed, without an effective and properly resourced structure, panels are likely to be ineffective (Ibid). The key elements, which are all addressed in this chapter, are high panel member turnover and poor attendance, limited training, restricted funding and resourcing, panel management and low public visibility.

High turnover and poor attendance

There is clearly an issue with the high turnover of panel members and, in some areas, this has been destabilising (Bailey, 2015). This problem was also highlighted in the report of the House of Lords Committee on Standards in Public Life, 2015 (page 125), which drew attention to the consequent inability of panels to build a body of knowledge. The problem has been made worse by the poor attendance of some members, which has affected the continuity, consistency and effectiveness of those panels. This is an important area for investigation and the researcher sought to assess the extent of the problem and the impact that it might have on panel effectiveness.

Research findings

Table 8 Breakdown of views on attendance record of PCP members

<table>
<thead>
<tr>
<th></th>
<th>All</th>
<th>PCP independent</th>
<th>PCP Tory</th>
<th>PCP Labour</th>
<th>Green</th>
<th>Panel clerks</th>
<th>PCCs</th>
<th>Other stakeholder</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is a problem</td>
<td>29 (56%)</td>
<td>8 (66%)</td>
<td>1 (25%)</td>
<td>10 (62%)</td>
<td>6 (85%)</td>
<td>4 (40%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>It is not a problem</td>
<td>21 (41%)</td>
<td>4 (33%)</td>
<td>3 (75%)</td>
<td>6 (37%)</td>
<td>1 (100%)</td>
<td>1 (14%)</td>
<td>5 (50%)</td>
<td>1 (100%)</td>
</tr>
<tr>
<td>No answer</td>
<td>1 (2%)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As will be seen in Table 8, a majority (56%) of respondents thought that high turnover was a problem. This majority increased with independents (66%) and, most tellingly, with panel clerks (85%). The only two groups where there was not seen as a problem were Conservative panel members and PCCs. In the case of
the former, just four members participated in this study, two of whom were panel chairs, who appeared keen to promote their panels. As for the PCCs, they are not as close to the issue as the panel members and therefore their knowledge was more limited. However, one PCC, as will be seen later, had trenchant views on the subject.

The independent members had the most critical comments to offer when asked about this problem. Many noted the benefits of having new members but also warned how this might impact on panel business.

"I think there is a problem with high turnover of panel members. It is good to have some change, especially if the new members bring more interest and enthusiasm. There has been, however, a high turnover of members and this has not been a good thing. This has impacted on continuity, consistency and authority. New members always take quite a while to find their feet and this can hold the panel back." PCP1

"There is a high turnover of panel members. About half of the current panel members don’t really know the time of day!" PCP4

There was recognition that it takes time for panel members to acquire knowledge, authority and effectiveness and that the regular replacement of members is a barrier. An independent member claimed that continuity and consistency came only from independent members because, unlike their councillor colleagues, they do not face elections. (PCP12)

This churn of members is not entirely down to the turnover of local councillors at elections. In fact, local authorities frequently change their panel delegates at their annual council meetings. There is also, as one independent member commented, a problem with councils taking insufficient care to ensure the right people are nominated for panel membership. He suggested that councils often see it as a role that must be filled, without proper regard to what is required, or whether that councillor has the appropriate skills. (PCP9)

There can be an additional problem with the frequent change of panel chairs. Chairs have an important role to play in the conduct of panel business. One independent member, the longest-serving on his panel, expressed his frustration by noting that:

"Yes, after two years of service as an independent panel member, I am the longest serving member of this panel. I think I must have sat in meetings under the chairmanship of at least six or seven different councillors. This is not a very satisfactory arrangement. The turnover of chairs is dramatic. There has been no consistency or continuity. Frequently, you get someone in the chair who has no particular brief for policing or community safety." PCP32

Some Labour panel members also expressed concern about poor attendance.

"Yes, there is a problem. People from the local authorities appoint someone on a 12 months’ basis and so, every year, there is probably a 50% churn, if not
Findings and analysis

more. Of the council nominated individuals, that, in itself, becomes a problem. Here, it started out as council leaders as PCP members and has since switched to some being the cabinet members with responsibility for policing or safer neighbourhoods. Yes, there is a churn and very few people are on there now who were there at the start. This represents a problem in terms of consistency and continuity. For scrutiny, it means that people are not starting from a point of knowledge.” PCP13

Another Labour member suggested that the lack of remuneration may have an impact on panel attendance. The same member also noted that, given the limited powers of panels, some members were not fully committed. (PCP25)

When deputies or substitutes are sent, they are not always equipped to add anything significant to the meetings. One independent member was particularly critical of this practice.

“It is appalling. Basically, I had in front of me a list and I know quite a few of the elected members anyway, and most of them weren’t there. They tend to send a substitute and some of those substitutes don’t even open their mouths.” PCP5

The panel clerks are probably the most authoritative on the question of high turnover and poor attendance. When asked if this was a problem, one complained about the numerous changes to councillor membership on his panel and of the problems this caused for continuity and consistency. (Clerk4)

Some of the clerks commented about the impact to panel membership generated by the annual general meetings of the constituent local authorities.

“The electoral cycle means that things can change. Appointments to the panel are made on an annual basis and, although we might hope for some continuity and consistency, the reality is that you never will. We have been given an indication that our current chair, who has only been in that role for the last 12 months, may not be continuing in May.” Clerk5

For others, it was a combination of the electoral process combined with the changes made by the local authorities at their annual general meetings. An experienced panel clerk also commented critically about the impact this had on the turnover of panel chairs. (Clerk6)

The problems caused by poor attendance were acknowledged by another clerk. Her panel had decided not to have deputies or substitutes because of their lack of knowledge and understanding. However, because of the large geographical area covered by the panel, meeting attendance remained a problem. (Clerk3)

Another clerk alluded to the influence of internal politics in some of the constituent authorities in the way it appeared to restrict panel membership to one year only. (Clerk7)
PCC perspective

Although 50% of PCCs didn’t see this as a significant problem, some had very critical views. One gave a graphic account of how poor attendance manifested itself.

“I think there are several issues. People don’t turn up. There’s one panel member who has been to just one meeting since June 2014. We are sent substitutes sometimes. Halfway through last year, there was a clear-out, as many councils had elections and they had a clear-out. It is appalling. The panel: A they don’t turn up. B they send a substitute who doesn’t know what their remit is or what they should be doing. C they don’t read the papers. They ask the most inane questions but if they looked, the answer was in the paper. They will ask you something that has just popped into the head about something and I have this thing in front of me, which is awful actually, with the names of all the members down one side and the dates and what they turned up for, and what we discussed. I do say to panel members when they ask such questions that we had discussed this at the relevant panel meeting, at which you were not present. I feel very sorry for the clerks; they do their best. The clerk here has to give them questions to ask. They have a pre-meet but only half of them turn up.” PCC2

Another PCC, a former local councillor, cited two possible causes for poor attendance, one being geographical coverage and the other the lack of recompense for the time and effort put in by panel members. (PCC3)

While, as has already been acknowledged, PCCs, unlike panel clerks, do not have the in-depth knowledge of this problem, they can offer important insights. It seems clear from their observations that poor attendance is a problem and that it has a negative impact on panel business. It also appears to be the case that having to travel long distances to attend meetings and the absence of adequate remuneration for their time, may also disincline some members from being fully committed.

Possible reasons for high turnover and poor attendance and the problems it causes

The evidence from this research suggests that the principal reason for a high turnover of panel members is the current practice of councils, at their annual general meetings, to change their panel delegates. Although panels have tried to argue for consistency and continuity, their constituent local authorities appear to have been either unwilling or unable to help. Council leaders will have their own priorities and they may not always coincide with what is best for PCPs. That will not change unless legislation is introduced, which requires a commitment to keep panel delegates in post for a minimum of two to three years. Poor attendance, which is a problem in the main for councillor members, is most likely as a result of those members having other, equally important, roles on their authorities, which leads to diary conflicts and absences. There is also, as one PCC indicated, an inherent problem with large police areas, which has implications for additional time, travelling and expense. Unless there is a financial incentive, at least to cover the additional cost incurred by those members, there is likely to be a reduced
commitment. It is clear from the evidence in this research that panel effectiveness is severely impaired by an unacceptable churn, and poor attendance, of panel members.

Summary

The evidence from this research supports the view that there is a high, and damaging, turnover of panel members, which is made worse by their poor attendance at formal meetings. This inevitably has a negative impact on the effectiveness of PCPs, especially in their central role of holding commissioners to account. Given the relatively few formal panel meetings throughout a year (between four and six), this problem is bound to impact the continuity, consistency and authority of panels, a point made by several of the respondents. The use of deputies or substitutes has also been criticised by many of the respondents, particularly in relation to their inability to make effective contributions to panel business.

The most critical, and possibly most authoritative, observations came from the independent panel members and the panel clerks (Bailey, 2015). Independents who, on average, have spent longer on, and have more experience in, panels point to the delays, time-wasting and general disruption caused by the frequent changes in panel membership and the poor attendance of their councillor colleagues. One independent member noted that this churn also applied to panel chairs, as his own PCP had suffered ‘dramatic’ problems because of changing and inconsistent leadership. Neither is this problem unnoticed by the PCCs, one of whom spoke of the challenges this presents at formal meetings, where business is frequently delayed because of poor attendance, the ineffective use of substitutes, lack of preparation and a misunderstanding of their role.

The evidence suggests this situation has been brought about by several factors. These include the electoral process, the regular changing of portfolio holders at council annual general meetings, a lack of adequate remuneration to cover time, travel and effort of the councillors involved and, finally, there may be a perception that the panel is powerless and that the role is therefore lacking in prominence and influence.
Findings and analysis

Training

Training is clearly an important requirement for members of public bodies with a scrutiny role. Evidence suggests that effectiveness will suffer where adequate provision for training and development is not made. This was acknowledged in the report of the House of Lords Committee on Standards in Public Life, 2015, (page 126) which found that panel members often felt insufficiently trained, and therefore unprepared for the role. It recommended training for both panel members and PCCs in support of better working relationships between all parties, as well as giving clarity on the respective roles.

In recognition of the need to support their elected members, many local authorities have signed up to the Charter for Member Development, which has been jointly developed with the Local Government Association. Through a structured approach to councillor development and support, it aims to build elected member capacity, which is essential for any council dedicated to meeting the needs of its community. This means investment in training and development so that local councillors are better able to discharge their duties in an effective manner. ³

Research findings for panel members

Table 9 Training provision for panel members and PCCs

<table>
<thead>
<tr>
<th></th>
<th>All</th>
<th>PCP independent</th>
<th>PCP Councillor</th>
<th>Panel clerks</th>
<th>PCCs</th>
<th>Other stakeholder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received training</td>
<td>6 (11%)</td>
<td>1 (8%)</td>
<td>4 (19%)</td>
<td>1 (14%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>None or insufficient</td>
<td>43 (84%)</td>
<td>11 (91%)</td>
<td>17 (81%)</td>
<td>6 (85%)</td>
<td>9 (90%)</td>
<td></td>
</tr>
<tr>
<td>training</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No answer</td>
<td>1 (2%)</td>
<td></td>
<td></td>
<td></td>
<td>1 (10%)</td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td>1 (2%)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 (100%)</td>
</tr>
</tbody>
</table>

Members of PCPs have an important public duty. This demands that they have a good working knowledge of the new governance arrangements and that they understand their own powers and responsibilities. They should also be competent scrutineers in terms of the PCC’s activities. Given this can only come with regular training and development, this research sought to ascertain the extent to which panel members received training and thereafter assess its effectiveness.

As will be seen from Table 9, it appears that very little training is offered to panel members. 85% of them claimed they had received none or, at best, very little training. This is confirmed by six of the seven panel clerks (85%). Most, though, claimed to have been given induction briefings at the start of their panel

³ http://www.seemp.co.uk/index/cllrgov/emcharter.htm
membership. One Labour member stated he had received ‘not one scrap’ of training. When asked to elaborate, he noted that:

“Now you mention it, it is strange that there is no formal induction program for all new members. Had I not have had my background experience and information, it could have posed lots of difficulties for me in my new role.” PCP1

Another councillor panel member was similarly disparaging about the poor standard of training being provided and noted that:

“There was something they called training. It was done by external facilitators. Our panel clerk briefed me on the issues and the way in which the panel worked. I don’t think I was particularly aware of the specific nature of the panel. I just thought of it as another kind of scrutiny committee but I wasn’t really aware that it had its clearly defined legal frameworks. What surprised me was the amount of time taken up in discussing events that had taken place two years previously. I thought there was insufficient focus on current policing activities.” PCP3

Many respondents alluded to ‘pre-meetings’, which are held immediately prior to formal panel meetings. One Labour member noted that pre-meetings were a good way to learn on the job. (PCP7) The researcher attended pre-briefing meetings in South Wales and Merseyside, where the discussion in both cases was on the agenda and the ways in which members should make their contributions. The panel clerks’ principal role appeared to be that of providing pertinent questions. Pre-meetings are an essential means to help members focus on, and prepare for, the agenda items. Although important, they could not be described as training.

One panel chair, while acknowledging the lack of clarity in the guidelines, thought that training for him was unnecessary. He believed that officer briefings were adequate. (PCP8)

It seems the principal reason for the lack of PCP member training is explained by inadequate resources, a matter picked up by one of the panel clerks, who said:

“There is some training given to members. They will probably have said you they don’t get much and the truth is, they don’t. This is mainly as a result of budget limitations.” Clerk1

Why are PCP members not being trained and what are the consequences?

There is a general acceptance that panel members are not being trained adequately. It is not just the lack of resources that limits the amount of training. Time is also a major constraint, and many councillor members cited it as a barrier. Most of them have other roles within their own local authorities and this means they often have full diaries. On top of that, in large police areas, additional travelling and expense would also be incurred by those councillors.

The absence of regular training is problematic for panel members and must be a cause for concern in respect of the new governance model. This is made much
Findings and analysis

worse by the high turnover, and poor attendance, of members at panel meetings. It limits their ability to be effective in their scrutiny role, something observed by the researcher at some of the panel meetings attended. He frequently saw panel clerks pass questions to members, a practice which seems to be widespread. Poor knowledge of their role and responsibilities inevitably limits their confidence and authority. As will be seen later, there are other factors which exacerbate this problem. These include inadequate funding, limited time and a lack of clarity about their role.

Research findings for PCCs

Given their wide-ranging remit and executive powers, it would not be unreasonable to assume that commissioners would need to have some expertise, competence and authority in such an important role. Whilst many of them have relevant background experience, it might still be thought that regular training in key areas would be appropriate. As noted earlier, other than through a ballot every four years, there are no available mechanisms to validate candidates running for election. Neither do the main political parties provide a rigorous selection process. Given these inherent weaknesses, it might be argued that a formal training and development programme for all new commissioners would be essential.

None of the 9 PCCs (90%) responding to this question had received any training and their comments appeared to be quite disparaging about the need for it. Most felt their considerable experience in former senior roles was more than adequate. One of them noted that:

"Who could give it to me?! I probably know more about it than anybody else."  
PCC3

However, there was recognition that some newly appointed PCCs may not have a relevant background and that training would be beneficial for them. The same PCC, when pressed for clarification, accepted that commissioners without his police authority background might struggle to understand police jargon. In those situations, training would be useful. (PCC3)

Why are PCCs not being trained and what are the consequences?

There are two main reasons why PCCs are not being trained. First, as the evidence from this study reveals, commissioners believe it is not required, as their experience in senior leadership positions is more than sufficient. Second, there has been no requirement from government for them to be trained and neither has there been any pressure from groups such as the Association of Police and Crime Commissioners. Rather, there has been an assumption from the legislators that the democratic process will ensure the right people are elected.

The absence of training for PCCs is problematic, principally because, as with panel members, they will be less effective without a current working knowledge of criminal justice administration. Although this is somewhat mitigated by professional support staff, it remains the case that PCCs are powerful individuals, with considerable sway over their staff and chief constables. A relevant and effective
Findings and analysis

training and development programme would, arguably, help them to be more knowledgeable, understanding, consistent and authoritative.

Summary

The evidence suggests that the absence of effective training is a problem for both panel members and PCCs. Not only does it constrain their effectiveness, it may also undermine the whole governance model. The additional problems of high turnover and poor attendance make the situation much worse for panel members, and the evidence from this study suggests there is little consistency, continuity and authority in the way in which they approach their responsibilities. While PCCs have dedicated teams of expert advisers on hand and, despite their confidence in their own abilities, that still does not compensate for the gaps in their own professional knowledge.
The impact of funding limits on PCPs

The issue of inadequate funding has long been acknowledged as a problem (Bailey, 2015). The Home Office calculations were based originally upon an expectation that panels would require a single full-time scrutiny officer, and that they would meet only four times a year. It is now clear that the current funding does not reflect the workload of panels, most of which have met at least seven times a year (HASC, 2014). Although many panels have been subsidised informally by host authorities, to help with legal, finance and HR advice, as well as policy and administrative support, the current funding levels are insufficient for their growing workloads (HASC, 2014; Lister, 2014; Bailey 2015). Proactive scrutiny, in which panels could undertake their own independent enquiries into the activities of their commissioners, would almost certainly be impossible under the current funding arrangements.

As has been seen, evidence from this research suggests that, given the legislation in respect of PCPs was an after-thought forced upon a reluctant minister by the Liberal Democrats, there was never any real intention of creating a fully-funded and effective scrutiny body to hold commissioners to account (Reiner, 2013). At most, panels were intended as being just ‘light-touch’ in their approach to PCC accountability. The evidence from the last four years suggests that such a restrictive view, and limited role, is no longer tenable (Bailey, 2015).

Funding is not just an ideological or political issue, it is also important from a practical perspective. If panels are to succeed in their principal role of holding commissioners to account, they must be equipped with qualified staff and sufficient resources to support them. Training is also affected by funding and, as already has been noted, few panels are able to provide it for their members. As panels evolve, and the work of their committees develop, more meetings, rooms and resources will be required, quite apart from the time and expense incurred by the members.

Research findings

Table 10 The impact of funding limits on PCPs

<table>
<thead>
<tr>
<th></th>
<th>All</th>
<th>Independent members</th>
<th>Councillor members</th>
<th>PCCs</th>
<th>Panel clerks</th>
<th>Other stakeholder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>43 (84%)</td>
<td>10 (83%)</td>
<td>20 (95%)</td>
<td>6 (60%)</td>
<td>7 (100%)</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>7 (13%)</td>
<td>2 (17%)</td>
<td>1 (5%)</td>
<td>3 (30%)</td>
<td>1 (100%)</td>
<td></td>
</tr>
<tr>
<td>Ask Panel</td>
<td>1 (3%)</td>
<td></td>
<td>1 (10%)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
As will be seen from Table 17, a large majority of all respondents (84%) thought funding constraints had a negative impact on the ability of panels to undertake proactive scrutiny. All seven of the panel clerks (100%) believed panel work was limited by inadequate funding. Even with PCCs, there was still a large majority (60%) who thought scrutiny was affected by limited funding.

The first two quotations below are from independent panel members, both of whom are highly critical of panel funding. The picture they paint is of organisations starved of resources and struggling to carry out their work.

“Proactive scrutiny is affected by funding constraints. We have no money to spend. The officers who have been supporting the panel have just been made redundant. All we have now is the democratic minute taker coming to meetings. We have no one to do any groundwork on our behalf. We don’t have any direct relationship with the clerk to panel. We don’t have a dedicated staff. With the recent announcement of redundancies for the officers, I’m not sure how we are going to progress.” PCP4

“Funding constraints limit the number of meetings we hold, as well as limiting the amount of administrative support we need. If we were to generate the amount of work we would like to do, we would need a dedicated secretariat. If we go to any meetings outside of the four held annually, we would have to go on a voluntary basis at our own expense.” PCP18

The next two examples are from councillor panel members, who all make similar points about the lack of funding impacting their work.

“I would say from all my experience on local government, yes. The more money you put into it, the more committee resources can be at your disposal. That would mean more scrutinising and you will be able to generate more meetings and bring in more experts. Basically, the more resources you put into it the better able you are to do it.” PCP11

“Yes, if there was a separate unit full of paid staff working full time on it, our scrutiny would be more effective. But it is limited. In fact, the scrutiny team are the paid staff on our County Council and they have other jobs in addition to their work on the PCP. And because we are not elected to the body, we are appointed by various routes, it is one of many, many hats that people wear. Being on the PCP and scrutinising the PCC is one of many tasks we have and it’s not our sole task. The financial restrictions limit our resources.” PCP13

Panel clerks are also concerned about the impact of limited funding on the work of their members. In the three examples below, the clerks raised anxieties about both the need to rely on the goodwill of panel members and officers as well as the extent of their reliance on information they receive from their commissioners. Because of poor resourcing, they are unable to independently triangulate information received from the PCC with their own local sources.

“Yes. We have additional meetings and sub-committees and it is important that we have a good relationship with the PCC so that he feels able to attend
these extra meetings. I sometimes feel that having outside experts to do some research on our behalf would be useful. The complaints part of our role takes up an awful lot of time. We have to rely on the goodwill of members and officers. Panel clerks have occasional network meetings in order to share best practice. It is an informal arrangement.” Clerk3

“Yes. With just me as a part time clerk, the panel is severely limited as to its capability.” Clerk1

“It is very difficult for us to conduct proactive scrutiny because of our lack of time and resources. Everybody is rushed off their feet and we mustn’t be allowed to take up too much time with the commissioner’s staff. They have already made that very clear. Most of the information we get is from the Commissioner’s office and if we didn’t put any time into that, we can simply rubberstamp that things look quite okay. To try and triangulate that information, our panel like to check with the local community safety partnerships and trying to assess what the view on the ground is.” Clerk7

The views of the panel clerks are endorsed by one of the commissioners, who argued that his panel, which lacks resources, would not manage without help from his team. Panels should, he believed, have dedicated officers.

“The county treasurer gives them a little bit of support around budget time but, again, it is me and my staff doing some work with them beforehand around the issues. This whole business of local authority scrutiny committees, again with the cuts, scrutiny committees really need dedicated officers. They are there to hold Cabinet officers to account. The officers work with the cabinet members but the poor old backbencher gets bugger all!” PCC7

Why panel funding is contentious and what are the problems it generates?

There are three main reasons why panel funding is contentious and these are concerned with government policy on public sector finance, the philosophy underpinning the present governance model and the practical consequences of adequately resourcing panels.

In an age of austerity, where public sector resources are being cut back, increased funding for PCPs is very likely to be contentious, particularly in a climate where police numbers are falling and the criminal justice system is facing unprecedented challenges. Even though the additional funding required to properly equip panels, in relation to overall spending, would be minimal, it is likely that any request would be refused by the Treasury.

As has been noted earlier, panels were not envisaged in the original legislation and were added at a late stage. The democratic model proposed by the Tory policing minister was focused on police accountability, with PCCs being held to account by their electorates, through direct election. This was regarded as true democratic accountability and any deviation from that model was not welcomed. Thus, the underpinning philosophy plays an important part in Tory government thinking and it remains an obstacle in relation to further reform.
Leading on from the philosophical challenges above, it appears likely that any reform which fully funded and resourced panels, could see a further erosion of the original model, particularly in respect of the balance of PCC accountability moving more towards panels and away from the public. Moreover, as one of the research participants has noted, emboldened and more powerful panels might demand a disproportionate amount of PCC time, something he sees as undesirable.

Summary

Additional funding for panels is supported strongly (84%) by all groups in this research, the only exception being the ‘other stakeholder’. Most tellingly, perhaps, all seven (100%) of the panel clerks argued for more resources and, given their close working knowledge, their views cannot be ignored.

Consistent themes have emerged from this research of underfunded organisations, struggling to carry out their work in an efficient and effective way. Without the goodwill and support of panel members, officers and their commissioners, most panels would be unable to function at all. For panels to be truly effective, they need to be able to undertake their own proactive scrutiny programmes, something rarely possible under the present funding arrangements.

Although there is compelling evidence that panels need extra funding, it is unclear how the government would respond, both in terms of its current austerity agenda and in respect of the impact it might have on its preferred democratic governance model.
Panel management and leadership

The importance of strong and effective panel leadership was acknowledged by the Committee on Standards in Public Life (Tone from the Top, 2015, page 126) in which it was noted that a good chair can enhance the overall effectiveness of a panel. Lister (2014), in commenting critically on the analogous literature in respect of local government scrutiny, pointed to the poor management and weak leadership of local government scrutiny panels. In his case study of the Surrey Police and Crime Panel, Bailey (2015) sought to test this hypothesis on police and crime panels. Bailey found that although there was strong endorsement of the PCP Chair’s leadership and management by the four panel respondents, he advised caution since the chair had selected each of them to participate in the study.

Given all the challenges confronting panels, particularly in respect of their role ambiguity, composition, representativeness, limited powers, the impact of funding constraints, the high turnover of members and the potential for undue political influence, it is especially important for panels to have strong, effective and independent leaders, who can provide good and consistent direction. One of the aims of this research was to get a greater understanding of how panel chairs performed in their pivotal roles and to assess the impact of their leadership, both in respect of their panels and of individual members.

Research findings

Table 11 The importance of panel management and leadership

<table>
<thead>
<tr>
<th></th>
<th>All</th>
<th>Independent members</th>
<th>Councillor members</th>
<th>PCCs</th>
<th>Panel clerks</th>
<th>Other stakeholder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strong and decisive</td>
<td>17 (33%)</td>
<td>2 (17%)</td>
<td>6 (28%)</td>
<td>7 (70%)</td>
<td>2 (28%)</td>
<td></td>
</tr>
<tr>
<td>Good but hampered by poor guidelines</td>
<td>18 (35%)</td>
<td>5 (41%)</td>
<td>10 (47%)</td>
<td>1 (10%)</td>
<td>1 (14%)</td>
<td>1 (100%)</td>
</tr>
<tr>
<td>Poor</td>
<td>15 (29%)</td>
<td>5 (41%)</td>
<td>5 (23%) (all Labour)</td>
<td>2 (20%)</td>
<td>3 (42%)</td>
<td></td>
</tr>
<tr>
<td>No Comment</td>
<td>1 (2%)</td>
<td></td>
<td></td>
<td></td>
<td>1 (14%)</td>
<td></td>
</tr>
</tbody>
</table>

As will be seen from Table 11, an overall minority (33%) of respondents thought that panel management and leadership was strong and decisive. This percentage was much smaller with the independent panel members, where just two of the twelve (17%) took the same view. Similarly, only two of the seven panel clerks (28%) believed panel management and leadership was strong and decisive. The only exception among the groups of participants was the PCCs, where seven out of the ten (70%) thought there was good panel management and leadership. While a similar number overall (35%) thought panel management and leadership was
Findings and analysis

good but hampered by poor guidelines, a significant minority (29%) thought it was poor. However, in the case of both the independent panel members (41%) and the panel clerks (42%), this was much higher and must give rise for some concern, given the prominence of these groups in this research.

Of the six councillor members (28%) who thought panel management and leadership was strong and decisive, two were panel chairs. Similarly, out of the ten (47%) councillor members who said it was good but hampered by poor guidelines, three were also panel chairs. Consequently, caution should be exercised when interpreting this data.

Dealing first with those who thought panel management was strong and decisive, quotations from an independent panel member, a councillor member (also a panel chair) and a panel clerk are given below. In the first example, the independent panel member, who is also a vice chair, highlights the significance of the officers, as well as that of the panel chair. In the second, a panel chair explains why he feels that category is appropriate and, in the third, a panel clerk applauds her chair for his effectiveness at scrutiny.

“\text{I would say it’s strong and decisive because of two factors – our clerk and Chair, give strong leadership. I would say directional leadership because leadership comes in different aspects as you know. Our Chair is someone I would support and I always scrutinise the leader, he gets my total support.}” PCP9

“I have been chair for the last five years and so perhaps the best judge of my leadership would be my peers on the panel, who nominated me for the role. My continued chairmanship has been supported during the last five years. I take that as a signal that they are comfortable with the way I operate. I will describe my style as strong, decisive and inclusive.” PCP10

“I would say it is very good. I think our chair is very keen on robust scrutiny. He is very experienced at scrutiny and likes to be very challenging. He is both supportive and committed.” Clerk3

In the category of ‘Good but hampered’, there are two main themes emerging, one in relation to inadequate resourcing and the other concerned with poor guidelines. In the first quotation, the independent panel member, who is also a vice chair, is critical of the poor guidelines. In the second, the independent panel member highlights the problem of insufficient resourcing while, in the third, the panel chair is critical of poor guidance. In the final quotation in this category, the councillor panel member asserts that her chair is unduly influenced by his personal and political views, sometimes in direct contravention of advice from his clerk.

“\text{From my perspective, as vice-chair, I have to acknowledge that the guidelines are rubbish and I think we have done the best we could do given our limitations.}” PCP6

“I think again, there is a problem. The chair of the panel is very committed to it but doesn’t have enough time, or support resource. The local government officer who supports the panel is professional but has minimal time and no
Findings and analysis

resource. So, I don’t think you can blame other people who are there to do the job. They are not given the tools.” PCP12

“I think it is somewhere between one and two, quite frankly. I try to be decisive, although am fettered by somewhat inadequate guidelines. We try and make it work.” PCP8

“I think our chair has been good up to a point but he sometimes has allowed his personal or political views get in the way. He has sometimes voiced opinions in complete opposition to guidance from the clerk.” PCP3

In the final category of ‘poor’, there are concerns raised about ineffectual leadership, the bias towards supporting, rather than scrutinising commissioners, the lack of panel cohesion, the absence of strategy, the excessive and rigid control of panels and the impossibility of leading panel members from different areas with different agendas. The first two quotations are from independent panel members, one being critical of the chair’s ineffectual leadership and the other expressing concern about the chair’s bias towards supporting, rather than scrutinising, the PCC. In the third example, a councillor panel member highlights the lack of cohesion and strategy in panel meetings and, in the fourth, a panel clerk is critical of her chair’s excessive control over panel meetings, something which restricts effectiveness. The final quotation is from a PCC, who asserts that her panel chair is frightened of his members because of their negative conduct at panel meetings. She also suggests that it is impossible to get a clear strategic view from a disparate group of councillor members with their own different agendas.

“Our panel clerk is wonderful. The leadership and direction of the panel by the chair is ineffectual. It just isn’t there. It’s also a question of poor guidelines for the panel.” PCP1

“One of the things I find difficult is that I actually don’t know everyone’s political affiliations. We all have these name cards in front of us when we are sitting there that they don’t indicate the political party. That makes it confusing for me. Our chair is very personable and he is very cautious in terms of what he wants to give away. He seems quite good at getting me to tell them what I think and yet he never says what he thinks. He is a poor leader, although he genuinely wants to be good at it. He is more concerned with supporting the commissioner rather than scrutinising him.” PCP12

“We’re not a single body and there is no camaraderie. On the day of the panel meeting, we have a pre-meeting where we go through the agenda about an hour before and then we have meeting. The pre-meeting doesn’t deal with the strategy for that meeting. I wouldn’t see myself as part of the dynamic team that scrutinises the Commissioner. I just see myself as a member of that panel with my own mind and I just focus on certain areas and that’s how it is done. For an overall assessment of the management of the meetings. We are not a group of 18 or 20 who are focused on looking at everything our PCC does.” PCP13

“The first 12 to 18 months of the panel were really difficult because a very firm lid was kept on the proceedings as to who spoke and what was allowed to
happen. That situation relaxed after about two years when it was realised that there were not conspiracies on every corner. There was no desire to go down any real scrutiny route. They felt that that wasn’t their job. To be absolutely fair to the panel members, they have had very little time for effective scrutiny because of the number of complaints coming in. The Chairman’s role is really important and there was a shift at one point when members around the table said they did not like the way things were being run and asked the chair to give them more room. There was a shift after that.” Clerk1

“I actually think our Chair is frightened of them. They are nasty and they do turn on one another. They think it is okay to be rude and offensive because they are in the council chamber. I would not allow that at my meetings. So, there is no strong leadership. How can you be a leader of such a disparate group of people who, quite frankly, haven’t got much respect for you anyway. They are all the districts and the leader is the County Council portfolio holder. Just think of the dynamics.” PCC2

What are the possible reasons for panel management and leadership being highly contentious and what are the resulting problems?

As has been noted earlier in this section, panel chairs have a key role in the overall effectiveness of their panels. While it is not uncommon for panel vice-chairs to be independent members, it is almost invariably councillor members who are elected as chairs. Where a political party has a majority, the chair will inevitably come from that party. The extent to which political influence plays any part in the new governance model will be the subject of a subsequent discussion but, for the purposes of this debate, it is important to note that politics is a relevant dynamic in the relationship between panels and their commissioners. Similar findings were identified by Lister (2014) in his review of the literature regarding local government scrutiny.

Panel chairs, if they are to be neutral, authoritative and respected, must be mindful of the dangers of political influence, as well as having a clear understanding of their panel’s purpose. In addition, they should be experienced and competent in chairing meetings, particularly where complex and challenging issues are under discussion. Not only are good facilitation skills necessary, chairs should be intelligent, fair, pragmatic, insightful and able to delegate where necessary. Finally, chairs should be effective communicators, good strategists and competent relationship builders.

All these skills will be demanded, given the many challenges faced by panel chairs, which include role ambiguity, limited powers, political conflicts, personal agendas, poor attendance and high turnover of members, lack of funding/resources and concerns about the current governance model. The evidence suggests that where good chairs are in place, panel business will be better conducted (Tone from the Top, 2015). Clearly, chairs can make a significant difference to panel business, notwithstanding all the other potential barriers to effectiveness.
Findings and analysis

This is a contentious topic for several reasons and these include politics, appointment/election, the lack of effective monitoring/review, the absence of effective protocols and, finally, the understanding of, and commitment to, the new governance model.

The potential for political bias has been acknowledged (Lister, 2014; Bailey, 2015), although this is not surprising, given the new model is explicitly political and that most of the key actors are members of political parties. This is discussed in some detail later.

Chairs are elected by their fellow members and they will almost inevitably be from the majority political party on the panel, irrespective of their suitability for the role. Although contentious, it might be beneficial for panel members to agree protocols and elect the most able member to the chair.

The new governance model has many critics but it is important that panel chairs, some of whom have served on the former police authorities, are committed to the new arrangements. Unless they are, there are likely to be problems with panel effectiveness.

Summary

A minority (33%) of all respondents believed their panels had strong leadership but this minority was reduced significantly in two key groups, independent members (17%) and panel clerks (28%). These groups are particularly noteworthy because they are independent from the councillor members from whom the chair is normally chosen. There was a significant contrast with the PCCs, 70% of whom thought the panel chairs showed strong leadership. This difference may be explained by the commissioners having different perceptions of panel powers and responsibilities.

While a similar number overall (35%) thought panel management and leadership was good but hampered by poor guidelines, a significant minority (29%) thought it was poor. However, in the case of both the independent panel members (41%) and the panel clerks (42%), this was much higher and must give rise for some concern, given the prominence of these groups in this research.

Several themes emerged from the responses and these include ineffectual leadership, poor guidelines, inadequate resources, personal and political bias, an undue emphasis on support, lack of panel cohesion, an absence of strategy, excessive and rigid control, bad behaviour and the sheer difficulty of trying to manage disparate groups with different agendas.

Unsurprisingly, ineffectual leadership was highlighted as a problem, particularly in relation to developing clear panel objectives regarding scrutiny. Several respondents commented about the poor guidelines, which was seen to restrict the ability of chairs to lead incisively. Poor resources were also thought to be a barrier to effective panel management. Some respondents were critical of the personal and political bias shown by some panel chairs, including that of support over scrutiny. The lack of a strategic approach and the absence of cohesion were
similarly identified as problems. Excessive and rigid control by chairs over panel business was also claimed to be problematic. The bad behaviour of some panel members was thought to be intimidatory, particularly towards panel chairs. Finally, it was claimed that the role of the chair is made much more difficult by having to manage disparate political groups with their own agendas. Taken together, these issues present a significant challenge to effective panel management and leadership.
Public visibility of Police and Crime Panels

Given that panels have a public responsibility to scrutinise their commissioners, it might be expected they would need a prominent public profile. Poor panel engagement with the wider public is a matter of concern and part of the problem is their low public visibility (CfPS, 2014). Without public engagement and a dedicated web presence, panels are unable to get a sufficient understanding of wider public concerns in respect of their scrutiny role (Bailey, 2015). Moreover, without sufficient knowledge of its local panels, the public will be unable to make an informed choice at the time of PCC elections (Ibid). This research sought to get a better understanding of the issues affecting panel visibility.

The Local Government Association (2015) noted that panel chairs have expressed concern about the apparent zeal of some PCCs to court media attention, particularly in respect of their own reputation management. Such over-exposure can damage the relationship between the police and the public and this is a difficult balance to achieve. Clearly, the public profile of a commissioner is bound to have some bearing on the profile of that panel, something examined by this research.

Another issue identified by the LGA (2014) is that many PCCs are active on social media. However, their panels are more reluctant, particularly given their limited resources, to follow suit. A similar concern was raised by the House of Lords Committee on Standards in Public Life (2015), where it was recognised that panels may not be always able to maintain an online presence and engage in social media. This may present a challenge for panels and it was important for this study to get a clearer understanding of current practice.

Research findings

Table 12 Public visibility of Police and Crime Panels

<table>
<thead>
<tr>
<th></th>
<th>All</th>
<th>Independent members</th>
<th>Councillor members</th>
<th>PCCs</th>
<th>Panel clerks</th>
<th>Other stakeholder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visible</td>
<td>1 (2%)</td>
<td></td>
<td></td>
<td>1 (10%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not visible</td>
<td>49 (96%)</td>
<td>12 (100%)</td>
<td>21 (100%)</td>
<td>8 (80%)</td>
<td>7 (100%)</td>
<td>1 (100%)</td>
</tr>
<tr>
<td>Ask panel</td>
<td>1 (2%)</td>
<td></td>
<td></td>
<td></td>
<td>1 (10%)</td>
<td></td>
</tr>
</tbody>
</table>

As will be seen from Table 12, the overwhelming majority (49 out of 51 or 96%) of all respondents believe that panels are invisible to the wider public. Of the remaining two, both of whom were PCCs, one thought panels had sufficient visibility and the other, as in many of her responses, suggested that the question would be better answered by the panel. Interestingly, neither of these two PCCs consented to being interviewed and both chose, instead, to complete questionnaires. This restricted the researcher’s ability to conduct more in-depth questioning.
Findings and analysis

What is clear from all the responses, some of which are quoted here, is that panels are low profile, something which frustrates some members. Public apathy, disquiet about the mix of policing and politics, confusion about the role of the panel, commissioner notoriety and the better use of IT and social media are all given as key factors in respect of panel visibility.

As will be noted in the first two quotations, members feel there is both public apathy towards panels, as well as a firm belief that policing and politics should be kept separate.

“The panel is low profile. No one knows what it is. No one is really interested or cares about its role”. PCP1

“Low profile. I think that people, generally, just don’t know that we exist and most of them would wish that we didn’t, to be honest. The same applies to the role of the commissioner. Most people think that policing and politics should be kept quite separate.” PCP2

Confusion about the panel’s role is also a relevant factor. In the first quotation below, the respondent suggests there first needs to be a clear and accepted role definition, which is understood by the public. In the second quotation, the panel chair questions the need for a panel profile.

“Low profile but needs to be high profile only if you can explain to the public what our role genuinely is and that comes back to responsibility and accountability.” PCP9

“I think it is probably low profile. I am not quite sure why we need a profile, actually. We are a scrutiny body and are there to provide checks and balances. I don’t think local people need us to have a profile.” PCP8

The profile of a panel is largely determined by the conduct of its commissioner, particularly where there has been national media interest. This point is made strongly by a commissioner in the first quotation and a panel clerk in the second.

“I would say it’s pretty low profile because there is nothing very contentious. It would only be high-profile if there was something contentious. This is no change from the police authority……This business of profile is a red herring, largely. It only becomes high-profile when there are high-profile reasons.” PCC3

“We only get the press along on those occasions when the commissioner has attracted national attention, like the recent whistle-blower incident.” Clerk1

The importance of social media is acknowledged by the final two respondents, although both recognise that not all panel members support the idea.

“I think we could do better on the Public engagement front. I know that I need to do a bit more work with Twitter and Facebook because we need to engage better with social media.” Clerk3
“I don’t think people even know we exist. I did suggest that the panel considered having its own Facebook page in which we sought the views of the public but there was no enthusiasm for that idea. I have no idea what their reluctance was because we didn’t discuss it.” PCP12

The researcher, who attended panel meetings in Thames Valley, Avon and Somerset, South Wales, Merseyside and South Yorkshire, saw no media presence at any of them, although at one meeting in South Yorkshire, he observed a small group of residents participating in the proceedings, something they have been doing since the introduction of the panel.

Why have these findings been identified and what problems do they highlight?

The near unanimity of all respondents in this research confirms that low panel visibility is widespread, and this is consistent with findings from earlier studies (CiPS, 2014; LGA, 2014; Tone from the Top, 2015).

A consequence of poor visibility is lack of public engagement but it may also be that popular disapproval of the new governance model has tempered the enthusiasm of panels to promote their work to the wider public. Both public apathy and general disquiet about the current model are identified as relevant factors in this study. It seems axiomatic that without adequate knowledge, information and effective communication channels, the public will be unable to interact effectively with its panels. This is bound to impact panel effectiveness, not least because it weakens the authority of those panels to scrutinise their PCCs.

The public profile of a commissioner would also seem to have a significant impact on panel visibility, something also identified by the LGA, (2014) and Tone from the Top (2015). Respondents in this research cited the examples of South Yorkshire and Avon and Somerset, where the profiles of the two panels increased dramatically, following the sustained national media attention given to the two commissioners. Although panel visibility was quite considerable in these two examples, it was a natural consequence, given the media focus their commissioners had attracted. There is no evidence in this research to suggest that panels are either willing, or able, to be proactive in their own marketing. This may, in part, be attributed to inadequate skills and resources but it might also be a result of a more general uncertainty by panel members of their role in the governance model.

Another finding, also identified by the LGA (2014), is the failure to utilise social media effectively. Again, this may be a consequence of poor resourcing, particularly in respect of marketing and IT expertise. It may also stem from a general reluctance on the part of panels to engage in such activity. Given the frequency and confidence with which PCCs resort to social media, panels need to develop their own expertise and authority, rather than always being seen to react to posts from their commissioners. This is an area requiring attention (LGA, 2014), starting with social media protocols being established between PCCs and panels.
Summary

This research supports the findings of earlier studies that panels, like police authorities before them, suffer from low visibility with the public. This not only deprives them of key information from many communities, it weakens their authority to undertake their scrutiny role.

Panel visibility, the evidence suggests, is affected considerably by the public profile of its commissioner. Where commissioners have attracted national media scrutiny, their panels invariably get caught up in the media spotlight, as was the case in both South Yorkshire and Avon and Somerset. There is no evidence that panels embark on proactive marketing and this may result from both poor resourcing and a general reluctance to pursue such activity.

Unlike PCCs, who are adequately resourced with relevant professional expertise, panels are under-funded and have neither the time nor skills to compete with their commissioners. Many PCCs have become adept in the use of social media and, although there is some recognition on the part of panels that more must be done, there remains some resistance to marketing themselves in this way. This may be an inevitable consequence of the pre-eminence of commissioners in the governance model but the imbalance might be mitigated by the introduction of agreed social media protocols at an early phase of the PCC/PCP relationship.
Chapter 5

Scrutiny

Findings and analysis – What do panel members think about their role, legal powers, complaint handling ability and the tension between support and scrutiny?

Scrutiny, one of the key panel roles, is at the heart of this research. If scrutiny is impaired, a panel will be unable to fulfil its statutory function (Bailey, 2015). This chapter explores the key elements that together determine a panel’s ability to scrutinise its commissioner. These questions include how the key stakeholders perceive the panel role, an examination of panel powers, including their effectiveness in handling complaints against the PCC and, finally, an evaluation of the tension between support and scrutiny.

PCP role Perception

Evidence from recent literature points to considerable role ambiguity, which may undermine the work of panels. Prior to the implementation of the Police Reform and Social Responsibility Act 2011, there was widespread criticism about the lack of real power for PCPs to hold their PCCs to account (HASC, 2010). Ironically, there was originally no intention to create such bodies and PCPs came into being because of Coalition pressure from the Liberal Democrats (Loveday, Lewis, Bailey and Watts, 2014; Reiner, 2013). It was never the intention of the incumbent Policing Minister to create such a body since it might challenge the notion of direct election and also lead, he feared, to the possible recreation of the former police authorities (Loveday, 2017).

Despite this criticism, the legislation was passed. The Police Reform and Social Responsibility Act 2011 details several statutory functions, which are aimed at providing checks and balances. However, the Local Government Association (2012a, p. 9) describes most of these as ‘set piece events’ or specific tasks in a formal setting. Section 28(6) of the Act requires the Panel to ‘review or ‘scrutinise’ the PCC in the exercise of his/her statutory functions including, for example, the dismissal of a Chief Constable.

However, the PCC is not bound by the Panel’s decisions. Rather, the legislation states simply that PCCs ‘must have regard for’ the reports of the Panel. Consequently, the Panel relies solely on its powers of persuasion, which is perhaps insufficient for its scrutiny role. Section 28(2) of the Act requires Panels to be supportive of their PCCs in the effective exercise of their functions. This clearly creates an inherent role conflict, where administrative bodies are asked to be critical friends (Leach and Copus, 2004; Coulson and Whiteman, 2012).
Role ambiguity has also been identified by the Centre for Public Scrutiny, which has called for the Home Office to provide much greater clarity to both PCCs and PCPs on their mutual responsibility to ensure accountability, transparency, and good governance (Centre for Public Scrutiny, 2014). Chambers (2014) similarly argues that the ambiguity of legislative guidelines is a probable cause of ineffectual local scrutiny.

The evidence from local government suggests that the scrutiny function, as an institutional mechanism of public accountability, has met with limited success. Lister, (2014), suggests that recurring themes from the literature point to a lack of understanding of the role, weak leadership, poor management, ineffectual processes of inquiry, low profile, and perceptions of limited impact (Snape and Taylor, 2001; Stoker et al., 2004; Coulson, 2011).

Role clarity was identified as an important issue in the Report of the Committee on Standards in Public Life (Tone from the Top, 2015), which drew attention to the debate about the meanings of scrutiny and accountability. Whilst the LGA and the Centre for Public Scrutiny regard the terms as interchangeable, many PCCs argue that they are accountable only to the public and not to PCPs. The committee took the view that independent scrutiny is integral to accountability.

Given the acknowledged absence of PCP role clarity, the researcher sought to examine the perceptions of all the participants in this study.

**Research findings**

<table>
<thead>
<tr>
<th>Table 13 Role perception</th>
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</thead>
<tbody>
<tr>
<td>All</td>
</tr>
<tr>
<td>Understand role</td>
</tr>
<tr>
<td>Don’t understand</td>
</tr>
<tr>
<td>Difficult to assess</td>
</tr>
<tr>
<td>Ask panel</td>
</tr>
</tbody>
</table>

Unsurprisingly, there were mixed views from the research participants. As will be seen from Table 13, 56% overall declared that panel members understood their role, while 38% took the opposite view. There was a more even spread between independent panel members (50% understood and 50% did not) and councillor members (52% understood and 42% did not). The panel clerks appeared more certain in their case (71% thought their members understood and 28% thought they didn’t). As far as the PCCs are concerned, 60% thought panel members understood, while 20% thought they didn’t.
Findings and analysis

Dealing first with those who believed panel members understood their role, the comments are presented in the order of independents, councillor members, panel clerks and PCCs.

Two of the independent panel members thought there was now a clear understanding of the difference between the words ‘operational’ and ‘strategic’. Reference was also made to the challenges of working with PCCs and the need for collaborative working:

“The panel does have a clear understanding of its role. It is now very clear that we are not monitoring the chief constable. We do stray, though, by asking operational questions of the chief constable when he is present. Here, we have two alpha males in the form of the chief constable and the PCC and that has a bearing on their relationship. There has to be a mediation of their relationship in order for it to be productive. The ability of the chief constable to manipulate the PCC should not be underestimated. We now have more of the partnership working between the PCP and the PCC.” PCP4

“I think the panel does have a good understanding of its role. We were extremely clear as to what we wanted to achieve on the panel. However, communicating that to the local commissioner was difficult at first but I think we now have a very good relationship in terms of each other’s expectations. The good workings of our panel were almost entirely due to the strong leadership of our first panel chair. He was a good leader and a highly effective communicator.” PCP24

The views of two councillor members, one Conservative and one Labour, suggest the level of understanding is not as clear as might be expected. In the first response, there is perhaps an excessive emphasis on the need to support commissioners whilst, in the second, there is recognition that there is still much learning to be achieved on the part of both the PCC and panel members. There is, in the first, an explicit disapproval of the new governance model and, given this is from a panel chair, it can only be assumed that the level of scrutiny in that panel is far from robust.

“We do discuss specific issues at considerable length. We do this mainly by working through the problems we face. I’ve tried to create my own definition of success, which for me is having a first class police force and a first class Commissioner. We’re not here to trip anyone up and neither are we here to create failure. We’re here to support the Commissioner and if we can support her to be a first class commissioner, we’ll end up with a first class police force. I think support takes a priority over everything. I am not wedded to the idea of police commissioners at all. As far as I am concerned, the chief constable runs policing. Everything we do must be to make his life easier.” PCP8

“It is evolving and learning on both sides. You would almost like them to be appointed for four years but, as local government works on an annual cycle, that is not possible.” PCP13

The next comments are from two panel clerks. In the first, concerns were raised about panels being an after-thought, with insufficient time given to think clearly
about the proposed role. This same clerk also highlighted the early relationship issues between the PCP and the PCC, particularly around the commissioner’s assertion that she was accountable only to the electorate. The second clerk, in commenting about some of her early experiences, believed there was now a better understanding by panel members of their role and that there is more of a balance between support and scrutiny:

“Panels were an afterthought in the original legislation and not sufficient time or attention was given to how they would fit in with the overall model. Some members think that the role itself is not worth doing. One of the strong messages that came back from the commissioner’s office in the early days was that it was not the job of the panel to hold her to account. Her view was that it was the electorate that held her to the account. Working in that kind of context and that environment, where the understanding from the person you are expected to have a relationship with has that approach to it, implies that the panel has no real role to play. Through ongoing meetings with panel members, we always do our best to ensure our members understand their role.” Clerk5

“We do have a clear understanding of the role. I think our members would err on the side of scrutiny rather than support. They take their support role seriously and that has been a little bit of a battle we’ve had with some members champing at the bit to support the Commissioner but without compromising the scrutiny element of their job. There has been a lot of attention there. We have now kind of left the support a little bit more but they are kind of supportive of the Commissioner, particularly where he wants to raise issues nationally.” Clerk6

A majority (60%) of the commissioners interviewed believed that panels now had a better understanding of their role. Comments from three of them are reproduced below. The first feels there has been dual learning and that the panel has learned in tandem with him. He feels, however, that the panel is not reflecting accurately the views of the communities they serve, which he sees as a problem. The second PCC, in agreeing there is a better understanding of the panel role by its members, takes issue with them on their right to hold him to account. The third PCC argues for the need of collaboration between him and the panel, something he currently encourages. They are all quoted in full to ensure none of the context is lost.

“I think some of the lack of understanding in the early days led to some unacceptable behaviours in terms of blunt party politics. I have been particularly lucky with the chairman, who is a tough disciplinarian but he has also been a critical friend. I have had to say to him that if I send him any papers prior to the panel meeting, they are immediately public knowledge. His panel is worse than the police, it leaks like a sieve. Because of this, I will only send papers to panel members on the day of the meeting. I will not have my papers chopped and changed by the BBC before I have a chance to explain them to the board. The discipline of the panel is now much better and they do understand their role. The party politics around the table has diminished. I think they now have a more collective sense of responsibility. For me, I need the police and crime panel as a lever of endorsement of some of the things I am doing. I have seen them exercise both scrutiny and support but whether the panel does what I think it should do, which is to reflect the views of the people they represent, I am not sure that works
Findings and analysis

particularly well, yet. My view is that they act rather like isolated members that neither called on the views of the local population or transmit them back again afterwards.” PCC1

“Yes, I think they have a fair understanding of holding me to account but it is, of course, not their job to tell me what to do. Some of the members are from the former police authority and they rather forgot that they still were not the police authority. I sorted that out fairly early on. It is not their job to tell me what to do. You may disagree with them and to be held to account for something which you disagree with them on is not reasonable.” PCC3

“The panel is the only reference group I have got. I have a good relationship with the force but we do fall out occasionally. It leads to accusations that I am a bit too close to the Chief. The only place I have got to report to is the panel. I've put a lot of store in working with the panel because I think it is important that the panel fulfils its functions and here we're quite lucky in that over the years they have become sharper, ask more difficult questions. Part of the problem the panel has got, is that the chief generally comes with me and they want to talk with the chief rather than me. We have to remind them that it is me who is scrutinising him and not them. He has come to give support. It’s been kind of edgy at times but I think they have got there. We have a good clerk who I know because I come from a local authority background and he is a good bridge between us and the panel. There has been learning on both sides and, as I say, I have made it a priority from day one to get on with the panel. That doesn’t mean that sometimes they don’t ask difficult questions, they do.” PCC7

In respect of those who felt that panel members did not understand their role, first are the thoughts of three independents, followed by the views of councillor members, panel clerks and PCCs.

The independent members quoted here express concern about the lack of scrutiny and their frustration about their impotence in holding their PCCs to account. The first of these is quoted in full, to convey accurately his sense of complete frustration, as well as his lack of confidence in the current model.

PCP1 “The panel does not have a clear understanding of its role. We have found ourselves quite often in a position of, what can we do? Are we in the right place? Are we able to ask that question?”

Researcher: “What did you do? Did you seek advice?”

PCP1 “Yes, we had a QC come along a couple of times to give us a legal perspective but it all boiled down to, ‘what is the wider remit of that police and crime panel?’ The Commissioner went away and said one thing. We then had to call her back in and explain to her that she had misrepresented us. We then had to state publicly that our view had been misrepresented. I just feel that the legislation is so fluid that it doesn't give us any certainty about our role. We have struggled to properly understand our role and responsibility. We know we’re supposed to be there to scrutinise and support the Commissioner. We support her on the one hand but how do you effectively scrutinise her on the other. I do find that we are
restricted in the number of opportunities to scrutinise her. I have always understood that in my role as an independent member, it is my duty to hold the Commissioner to account on a fairly regular basis. It shouldn’t be just a case of approving the commissioner’s decisions. If it is that, then I am sorry because I have better things to do. It feels like the legislation for PCPs was written on the back of the cigarette packet. That doesn’t help us when we’ve had some really serious issues to address as a police and crime panel. It always seems that we never know what to do in such serious cases. We all, even the clerk and council officers, scratch heads and ask what can we do? I know we have written to The Home Office, which I suspect was wasted effort. We need much greater clarity about what we can and can’t do.”

Similar views were expressed by another independent, who felt that the role perception of her fellow members had been influenced, perhaps unreasonably, by the panel chair, who had unduly emphasised the support role of the panel. She considered that there was little effective scrutiny on her panel. She noted that her panel colleagues did not understand that their role was to hold the PCC to account. (PCP12)

Another independent member openly acknowledged that his panel had not once discussed its role and nor had it provided any training or development to prepare members for their work on the panel. This member also felt that independents were somewhat excluded from the general decision-making process.

“*It feels that the two independent members of the panel are strangers to the broader family of members. They are all elected members and know one another, whereas we don’t have that same level of familiarity. Some of the business obviously gets done before the two independent members get there. I think there needs to be a bit more consciousness on the part of elected members to involve the independent members in the decision-making processes.*” PCP33

There were particularly scathing comments from two councillor members. In the first, there is an admission that panels, because of lack of role clarity, contrive to ‘muddle through’. The damaging influence of political loyalties is raised by the other, who thought there was no effective scrutiny on his panel.

“I wouldn’t think it does, actually. I will be awfully honest with you (chuckle). It is still relatively new but I don’t believe the guidelines are very clear at all. We don’t necessarily make it up as we go but we muddle through.” PCP2

Loud laugh. “No. I think, candidly, they see their political loyalties as trumping any scrutiny. It is as basic as that. They are happy to undertake some scrutiny exercises into areas that the commissioner is happy to see them explore but I don’t see anything being done by the panel that hasn’t been cleared by him.” PCP17

The two dissenting panel clerks appeared somewhat philosophical about the current level of understanding by their members:
“To be fair, they have been tied up with the complaint function but I still hear them saying, as individuals, ‘I’m not sure what we’re here to do’. If they need clarification on anything, they come to me.” Clerk1

“No, but it is getting better. I just hope that we can keep hold of our existing panel members, as that would be very beneficial.” Clerk4

There were critical views from two of the PCCs. The first challenged the right of the panel to hold her to account. She also was both critical of, and frustrated by, her panel’s failure to understand its role.

PCC2 “The panel doesn’t hold me to account. Their role is to review and support. They can ask commissioners to come along and say why they have made various decisions, they can ask for reports on various things but that isn’t holding to account. That is asking you to explain your actions, which I do. As for the support bit, I have seen no support at all. There are reasons for that.”

Researcher “As we approach the elections, most panels have now realised their remit is not that of the police authority. Are you saying that is not the case here?”

PCC2 “Take for instance, papers. They tell me what they want a paper on. Fine. How we work it is that they decide what they want. I don’t care. It doesn’t matter. They may want something, say, on child sexual exploitation. That’s fine. But what they want is for me to be held to account for the way the force is delivering on Child exploitation. Now, that is not their job. My job is to hold the force to account. They should be asking me how are you doing it? That is not what they want. That is not what they do. I have been trying, trying, trying to say to them what you mean it is what are you doing to hold the chief constable to account? Or, what are you doing to help the force to deliver? They just don’t understand that. Because, in the old police authority that is what they would be doing.”

The second commissioner, whilst also claiming that his panel misunderstands their role, suggests that the absence of a stable panel chair has not helped. Again, it is quoted in full to ensure none of its meaning or context is lost.

“…Well, I have seen a panel which has had five different chairs in the 12 months plus that I have been here. They have been in turmoil. They haven’t been well resourced by the local authority that resources them. That is been very difficult, as I have never been clear as to who is going to be the chair at the next meeting, or who the panel members are. We think they are now in a more stable position. Having said that, the chair they thought was going to be the stable chair has had cancer has had to withdraw. So, we have a new chair. Going forward, we think that it is going to be more stable now. The panel I first encountered had no clue as to what their role was. On one occasion, they asked for the chief constable to accompany me and they wanted to hold to the chief constable to account, which is my role. So, they were obviously in a state of confusion there. Quite consciously, as an office here, we have tried to help them without unduly interfering or undermining their independence. They did need some help. Where else does it come from if it is not getting it from the local authority? We can now step back a little from that as they have become more organised.” PCC6
During observations at panel meetings, the researcher heard questions from panel members. These were clearly operational matters relating to their wards and did not require strategic level answers from the commissioner. When effective questions were posed, they had frequently been provided by panel clerks at pre-briefing meetings. Indeed, evidence from this research suggests that it is normal practice for panel clerks to supply members with appropriate questions, in order for them to scrutinise their commissioners. This was made explicit in the comments from a Labour councillor member, who also claimed that panel questions were frequently supplied by the PCC’s staff!

“Well, I question what we do or what we are trying to achieve at pre-meeting briefings. Only today, we were talking about the apparent lack of clarity around new members as to what we’re trying to achieve. Being in a minority of perhaps three Labour members, some of whom don’t attend regularly, you feel that it is a bit of a done deal. Scrutiny is about holding to account but in the supportive role, it seems to be more about that in my view. I think that is demonstrated by the officers having to feed questions. The questions today were given to them by the panel staff rather than the Commissioner’s staff.” PCP16

Further evidence came from another councillor member, who thought the practice of supplying questions arose because of insufficient resourcing. (PCP17)

It appears to be the case that funding constraints and inadequate resources will have an impact on panels to undertake proactive scrutiny. Yet, it may also suggest that panel members are not sufficiently aware of their role. The impact of funding constraints is explored in some depth in a later section.

The influence of party politics was alluded to by a Labour councillor member, when he asserted that it has prevented any real scrutiny of his PCC. His colourful comments also included an allegation of superficiality on the part of the commissioner. A lack of resources, he felt, was also a significant obstacle to effective scrutiny.

“Basically, I see the police and crime panel here as a group of Tory councillors, who are there to provide a circle of defensive carriages, with the one exception of the commissioner’s claim for expenses in the early days but since then, there hasn’t been any real scrutiny of his activities. There just isn’t the resource to do it. None of us will - I am not willing to recommend to my colleagues to contribute to such a thing, which is basically a protection organisation for the existing commissioner. Other people do not see the discussion that takes place at pre-meetings and any attempt to make a political point is jumped upon. The Commissioner has always been superficial. He was superficial on the old police authority. The whole basis of the deal that was done between him and his deputy commissioner was that the deputy would be able to buy off the Tories in that particular part of the force area.” PCP17

Political influence is covered in more detail in a later section.
Possible reasons for lack of role clarity and the problems this causes

Role clarity is demonstrably important if PCPs are to be effective and the evidence from this research suggests that although a small majority of these participants believe members do have a clear understanding of their purpose, some of their comments suggest this is not the case at all. There are several reasons why this is so and these relate to legislative uncertainty, inadequate training, insufficient funding, high turnover of panel members, political influence, the enduring legacy of police authorities, together with poor panel management.

As noted earlier, there remains much confusion about the role of panels, particularly in relation to the legislation which created them. There is considerable ambiguity about their dual requirement to support and scrutinise PCCs. Many of the commissioners have asserted they are accountable only to the electorate and not to panels. A more detailed examination of the tension between support and scrutiny will follow in a subsequent section.

Inadequate training may be a part of the problem. Unless there is regular and effective training for panel members, they can hardly be expected to be knowledgeable, confident and competent in performing their role.

Poor funding and insufficient resources have a significant impact on training, effective briefings, preparation time and officer commitment. This is the subject of detailed discussion later.

High turnover of panel members, as was noted earlier, has a damaging effect of the performance of panels. The constant churn of members, some of whom may be ill-suited to their role, is bound to limit the overall confidence and authority of panels, especially in respect of understanding their remit.

The impact of political influence, which is analysed in a subsequent section, may also have some bearing on the way in which members perceive their role. As noted later, most participants in this research claimed that politics played no part in their activities. Yet, nearly all acknowledged its potential to do so. However, the excoriation from the Labour councillor in this section suggests that its effects can be potentially very damaging in respect of effective scrutiny by the panel.

The legacy of police authorities remains in some areas, although it is arguably less intrusive than it was at the outset. Its influence relates more with the mind-set of the panel member, in that it inclines them more towards holding the police, rather than the PCC, to account.

Panel chairs have a pivotal role in the management and the overall effectiveness of panels. A panel chair quoted in this section stated that he disagreed with the new governance model and that he saw his job, and that of the panel, to support the chief constable. This appears to be quite remarkable, not least because it suggests the panel is clearly not fulfilling its identified statutory role.
Summary

This research has demonstrated that confusion and uncertainty about the role of PCPs is a problem that requires attention. Not only is the legislation unclear, perhaps deliberately so, there are several significant structural issues around funding/resourcing, training, panel churn and tenure, political influence and panel management that also need to be addressed. Even among those participants claiming they understand the role, it seems clear from the evidence, that is not the case. As a first step, much greater clarity is required, possibly through a revision of the legislation, followed by improvements in the areas highlighted within this research thesis.
Do panels have sufficient powers? If not, what additional powers are needed?

Police and Crime Panels were proposed by the government at a late stage in the passage of the Police Reform and Social Responsibility Bill, in response to concerns about the lack of accountability for the decisions and actions of commissioners (Reiner, 2013). As has been noted by the Home Affairs Select Committee (HASC, 2013) the government’s intention was for this to be a ‘light touch’ scrutiny and this was reflected in their funding formula for panels. However, the low turn-out for PCC elections, combined with the absence of effective opposition between elections, means that there is a growing expectation that panels should fulfil this role. In his study of the Surrey PCP, Bailey (2015), found that the key issue to emerge was the absence of effective scrutiny, something acknowledged by both the PCC and the PCP. Although the PCC believed the PCP had too many powers, the panel thought it needed more powers to fulfil its scrutiny role. The evidence from the formal minutes supports the PCP’s claim that it was powerless to enforce any of its recommendations. Similar concerns have been expressed by other commentators (Loveday, Lewis, Bailey and Watts, 2014; Chambers, 2014). This research sought to clarify the views of panel members, PCCs, panel clerks and other relevant stakeholders in order to comment critically on the effectiveness of current panel powers.

Research findings

**Table 14 Do panels have sufficient powers?**

<table>
<thead>
<tr>
<th></th>
<th>All</th>
<th>Independent members</th>
<th>Councillor members</th>
<th>PCCs</th>
<th>Panel clerks</th>
<th>Other stakeholders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>17</td>
<td>3 (25%)</td>
<td>4 (19%)</td>
<td>5 (50%)</td>
<td>4 (57%)</td>
<td>1 (100%)</td>
</tr>
<tr>
<td>No</td>
<td>30</td>
<td>9 (75%)</td>
<td>16 (76%)</td>
<td>3 (30%)</td>
<td>2 (28%)</td>
<td></td>
</tr>
<tr>
<td>Difficult to assess</td>
<td>2 (4%)</td>
<td>1 (4%)</td>
<td></td>
<td></td>
<td></td>
<td>1 (14%)</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 (10%)</td>
</tr>
<tr>
<td>Ask the panel</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 (10%)</td>
</tr>
</tbody>
</table>

As will be seen in Table 14, an overall majority (58%) of research participants felt the panel had insufficient powers to make them efficient in their role. This majority increased significantly with independent panel members (75%) and councillor members (76%) although, in the case of PCCs (30%), and panel clerks (28%), this picture was reversed. What also becomes clear is that even among those who believed panels had sufficient powers, there remains some uncertainty and equivocation about what the power balance between PCC and PCP should be.
Some key themes emerged from the responses to this question and these are identified below. It seems clear that panel members, both independents (75%) and councillors (76%), believed their formal powers were insufficient for their role. Perhaps unsurprisingly, only 30% of PCCs took this view. A majority of panel clerks (57%) thought the current powers were appropriate. As will be seen from the responses, there were many qualifications in these responses and they require careful analysis.

First, there will be an examination of the responses from those who argued that panels had insufficient powers. This will begin with the independent panel members, followed by the councillor members, PCCs and panel clerks. There will then be a discussion about the responses from those believing PCPs had adequate powers. The views of those who found this question difficult to assess will then be considered and, finally, there will be some critical commentary on the suggestions for additional panel powers.

The independent panel members quoted below all felt the panel was toothless and that, in particular, it lacked the ability to conduct meaningful investigations into the conduct of the commissioner. One of them, in voicing his frustration, claimed that panel business had become bureaucratic and was little more than a box-ticking exercise, where he and the other panel members just waited for the next meeting.

This same member was angry that neither he nor his panel could censure their PCC, following her public dispute with the chief constable. It is quoted in full below:

“The panel does not have sufficient powers to fulfil its role. We had a good example with the former chief constable. We had no investigatory powers into the way the commissioner had handled that issue. We were therefore unable to request copies of the email traffic between the commissioner and the chief constable. Sight of those emails would have given us an informed perspective. We would have liked to have interviewed the key players based on the email traffic. This has been really frustrating for the panel. I feel that the commissioner has been let off the hook by the panel. There has been a whole manner of things that we should have been addressing in the handling of this case and others before it, which has meant we have had five chief constables in a four-year period. They had only been five Chief constables in the entire history of our force prior to the election of the Commissioner. Our obligation, as the police and crime panel, is to look into the commissioner’s handling of these issues and hold her to account. We have been denied the opportunity to do this. We have not held the commissioner to account. We have not asked her any searching questions. To me, this has been fundamental failure of this panel. The chair of the panel ought to have pushed on our behalf. Without these essential powers we have been unable to hold the commissioner to account. The commissioner turns up for meetings and we have to be there and I know it is a waste of time because the panel is toothless. It becomes a bureaucratic exercise where we go along, tick the boxes await the next meeting.”

PCP1

Another alluded to the fact that panels were a last minute after-thought by the legislators, with little or no attention given to how panel members could fulfil their role with just four meetings a year. He, like most of the independent panel
members, thought panels should have more power to scrutinise his commissioner, rather than having to wait three months between each panel meeting. (PCP18)

A panel’s ability to reject a commissioner’s precept proposal was seen by another independent member to be pointless, given that the panel would be bound to accept the second submission, even though it had minimal alterations. The legislation empowers a panel, subject to a two thirds majority, to reject a PCC’s first precept proposal. However, no such power exists for a second precept proposal, which this respondent found frustrating. She thought panels almost had no choice, other than to accept what the commissioner was proposing.

“No. What I find most frustrating is that we can reject a precept request but the consequences of that rejection are such that the commissioner could come back with it minimally different and then we have no choice but to accept that. That feels entirely pointless. Then, there is a whole issue that the commissioner is required to undertake a referendum if he wants to raise the precept above 2%. We know how much that referendum would cost and that the Commissioner would be most unlikely to ask for one. My perspective is that we are never going to get shifted from what he wants. He won’t ask for too much because he wouldn’t want to spend the money required for a referendum and the panel has that pragmatic realism that says that even if we send him away with a rejection, he’s just going to return with a .1% difference. We have no actual power that I can see.” PCP12

Similar concerns were expressed by councillor members, who noted that panels, at best, functioned merely as advisory bodies, without any real authority to sanction PCCs. One of them, who felt panels were impotent, made the point that unless PCPs are given more executive powers, the only way in which commissioners can be held to account is through the ballot box every four years.

“I think the power is with the commissioner and our role is sometimes to simply note the progress. The police and crime panel have no powers. So, we need sanctions, we need funding, we need a change in legislation and we need some teeth to do exactly what is needed. More fundamental than that, I think somebody has got to make a decision of what exactly they want the police and crime panel to do. Are we just going to be an advisory / scrutiny panel or are we going to have any powers to make any meaningful decisions? Because, at the moment, we simply don’t. If you look at the role of the commissioner, the commissioner goes for election every four years, and in that four-year period, the only way the public can hold him to account is through the PCP. And as independent and locally elected members of that body, that is the only mechanism during that four years to hold the commissioner to account. We must ask ourselves two very key questions here. Capability and capacity. We are certainly capable of holding the commissioner to account but do we have the capacity and that is the issue here. Capacity, in terms of legislation, capacity in terms of time and unless you address those two issues, you will never have the answer. That is the anomaly here.” PCP18

In the second example, the respondent commented, perhaps somewhat cynically, that panels were never intended to wield any power over PCCs. Rather, they were simply a fig leaf added at a late stage. He also noted that, as PCCs were elected
officials, it might be thought that panels should not be able to challenge the will of the electorate. He went on to argue that given panels were never intended to have any real power, it was easier to reconcile the fact that funding would never be a problem.

“Well, it doesn’t because it wasn’t intended to be the case. Police and crime panels were a fig leaf added at a late stage. The fact is, the police and crime commissioner is an elected official with a mandate and it might be said, ‘who do you think you are to second-guess that?’ The role of the police and crime panel has always been and add-on and it’s little more than a token to local government. This goes back to the point about resourcing. Why resource something that was never intended to be effective?” PCP17

Just two of the panel clerks thought PCPs needed greater powers in their key role of holding commissioners to account. In the first response, the clerk expressed her concern about the panel’s impotence in respect of complaint handling. The other clerk, in drawing attention to the considerable power invested in the commissioner, believed panels needed much more authority in respect of scrutiny, to the extent of formally requiring PCCs to publish forward plans, so that decisions could be called in for review before they were acted upon.

“I think that has got to be a ‘no’, really. I particularly found the complaints process quite difficult and they are reviewing that at the moment. All we have is the budget veto. We are very limited in what we can do.” Clerk3

“As far as the commissioner is concerned, there is a lot of power vested in one individual and that is a scenario which demands even greater scrutiny. What I find frustrating is that the requirement to publish decisions was found remarkable by our commissioner. Personally, I do not think that is enough. There should be a formal requirement for the commissioner to publish a forward plan. That should be a statutory obligation. I would imagine that the commissioner has a work programme and that she will have some idea of the timetable for decisions to be made. A commissioner should be formally expected to make public their decisions. As far as the powers of the panel are concerned, there should be an obligation for the commissioner to give advance notice of decisions. I also think they should have the power to call in those decisions in before they are implemented.” Clerk5

One of the PCCs argued for more panel powers, and suggested that the current arrangements could be seen as a ‘democratic deficit’. He argued instead for more powers and resources for panels. When asked if his panel had sufficient powers, he responded in a conciliatory manner:

“No. The current powers are pretty limited to delay the budget, to make comments about the police and crime plan and to endorse the appointment or dismissal of chief constable. Those are pretty minimal powers and one of the things we could talk quite a lot to the panel about is that, almost by definition, I report to them retrospectively, when I have made the decision. I do try to talk to them about things that are coming up in the future so they feel they have a say in that. I guess one way of ameliorating what I perceive as a democratic deficit is to give the panel more power and more resources. Some of my colleagues don’t take
that view. Others take the view that their mandate is to the wider electorate and that is right and I understand that but I do think there is a bit of a middle ground by giving the panel a bit more power. That will make it a bit more comfortable for everybody.” PCC7

One of the most striking issues to emerge from the comments of those who consider panels already have sufficient power is that they are also more equivocal. The experience of the two independent members below suggests that where there are good relationships between commissioners and their panels, there is far less opportunity for misunderstanding and frustration. Yet, the potential for division is still acknowledged.

“As for required level of power for the panel to perform its function, that has been a bone of contention since day one. It seems to be that we can make recommendations but the Commissioner does not need to follow them. The panel does have the power of veto for high-level appointments made by the Commissioner. It has never been discussed openly because we have developed such a good relationship with the commissioner. Our PCC seems to take on board our observations and recommendations. We have therefore never been in a position where we have felt the need to discuss our ability to scrutinise the commissioner. We’re lucky in that we have developed a good relationship with our PCC but I can understand the potential for problems. There doesn’t seem to be any feedback for panel members to raise concerns to local government about the lack of power to implement recommendations made to the PCC. We have always felt that we did not wish to hinder the commissioner in her role. It’s a very fine balancing act between giving us too much power and not having enough power. Again, I come back to the point, that when we’ve had a strong view or recommendation, our commissioner has always listened. However, we have an election coming up and there may well be a new Commissioner and so things could change. Please ask me the same question again in 12 months!” PCP24

“I think our panel has sufficient powers to fulfil its role. We have not been faced with challenges that other panels have had. There has never been any occasion when the panel has refused to accept the views of the two independent members. Some of the elected members are strong and will challenge robustly, whereas others just turn up and, whatever their Chief Executive writes down for them, they end up saying. Some of the elected members are very much led by their chief executives because the chief executives are also present at the panel meetings. So, in my view, who amongst them does the independent thinking?” PCP33

There was a similar equivocation from the councillor panel members. In the first example, a Conservative panel chair, while acknowledging an absence of power, felt that his panel’s scrutiny of the PCC was effective because it was publicised. His response might be viewed with care, as he had earlier made explicit his disdain for the new governance arrangements. In the second example, the power of influence is also seen as an effective tool by the councillor, although she thought that an election every four years fell short of holding the commissioner to account.
“Well, I think it does, actually. We have had much discussion about this. We don’t have any particular power but nor do I think we could exercise it. Our main power is to scrutinise her actions in a public. We do that, we web cast that. That is quite powerful weapon because she has to explain to us why she has made particular decisions.” PCP8

“In its present form, yes, there is enough power. However, I think the role should be revisited and that would be the time to determine the power required for that new role. Ultimately, we just have power of influence. On reflection, having an election every four years is not sufficient to hold the commissioner to account.” PCP25

The panel clerks who argued that panels had sufficient power, also highlighted the power of influence through their public scrutiny of PCCs, along with the need for greater understanding by panel members of their role. In the first example, the clerk made a specific point about the difficulty of complaint handling (a topic covered in a later section). This was a matter she thought needed clarification, since the present arrangements did not work.

“I think it has the powers it needs to scrutinise and support the commissioner. We have long made the case about complaints. We have made submissions to the House of Lords Committee on Standards in Public Life. That is an area where the powers have to change, either to reduce to nothing and go somewhere else or expand the powers.” Clerk2

“Yes, this is a difficult one. At one point, I would have probably said, No, I don’t think it does. But I think the longer I have worked with the panel, I have changed my mind and think it probably does. The panel cannot, obviously, make the Commissioner take any particular action. However, they can make recommendations and they can make their voice heard. Then, it is for the electorate to make decisions about it. We do a regular press release after our meetings and so that can be picked up by the media. The Commissioner knows that and he can see that we are constantly keeping him on his toes. We saw in South Yorkshire that it was the power of the public that eventually forced Sean Wright to stand down.” Clerk7

There were also some very robust views from the PCCs. In the first example, the outgoing Conservative commissioner believed that any changes to the current model would interfere with the democratic balance. He also argued that panels are underfunded and under-resourced, which meant they are unable to conduct effective proactive scrutiny. While he disagreed with a proposal that panels should be able to appeal against decisions made by a PCC, he felt that in exceptional circumstances, where the panel had lost confidence in their commissioner, it should be possible to refer that disquiet to the Home Secretary. He further expressed concerns about the process for selecting suitable candidates, something he felt had received insufficient attention by the legislators. He was similarly, and emphatically, critical of the party-political nature of the present model.
“Yes, I think it does. I think those powers need to be limited at a certain point. I think it is difficult that they can veto the precept and the appointment of the Chief Constable, but only once. If you accept, as I do, that you cannot allow the panel to mandate, because then they become the decider and the model changes. It is frustrating for them but I think we’re stuck with this model. I think what I would say, and I don’t have sight of it, is that their budget may restrict them from conducting as much scrutiny as they would like. The model means that the PCC has the ultimate decision. I don’t think the panel should be able to go off to somebody to appeal and then have that external body compel the PCC to change his decision. It may be that a panel, with reasonable justification for losing confidence in their PCC, could refer their disquiet to someone like the Home Secretary, who would then be able to either remove or question the Commissioner. That would, of course, pose a risk of political influence, particularly where the commissioner and the Home Secretary are from the same political party.

The risk is that the wrong person is identified to stand as a candidate for the commissioner role. The selection process is politically based and will have themes that may not be entirely objective to the ambition of finding the right person for the job. I believe deeply in the role of the police and crime commissioner but I think it was set up without enough attention. It was set up as if you were appointing an MP.

The inclusion of party politics of something that cries out for objectivity and impartiality is a fundamental difficulty for me. I am a member of a conservative group but they know me very well. I am a thorn in their side because I will not tow the line. Only two weeks ago, I had cause to criticise publicly the Home Secretary, Theresa May. Although I have enormous respect for her, I was amazed that on the one hand she had praised a Labour PCC, Vera Baird, but then suddenly released a press statement saying that the only safe PCC was a conservative PCC. I was infuriated by that. I will surely be going on the Sunday politics show on television where I will be criticising the growing politicisation of policing.” PCC1

In the second quotation, the PCC was keen to point out that the panel should not be attempting to act like the former police authority which, for him, was a problem.

“They want to be the police authority. The panels have a public voice, which should be sufficient. They do have the powers on disciplinary matters if I have broken the law or done something like that. If you’re not careful, though, it becomes a matter of opinion of the person who speaks loudest on the police and crime panel.” PCC3

Another commissioner felt the balance of powers was appropriate, as long as members were sufficiently knowledgeable, confident and intelligent to ask the right questions. (PCC6)

In the final example, the PCC took exception to the very existence of panels. As will be seen, she believed that commissioners were answerable to the electorate alone. This commissioner stepped down from her post in May, 2016.
“The panel has no powers and neither should it have any powers. I don’t think panels have a role. I am answerable to the electorate. I’m answerable to the people collectively. I should not be answerable to appointed members, who are appointed by their political party as some form of cabal.” PCC2

There was forthright criticism from one participant (OS1), who claimed that to give more powers to the panels would undermine the balance to such an extent that it would render the model unworkable. Like many other respondents, he noted that panels were never intended to be part of the governance arrangements. He argued that:

Two respondents (a councillor panel member and a panel clerk) found the question of additional powers difficult to assess. As will be seen in the first example, the respondent felt that, with the exception of complaint handling and the involvement of the IPCC, the panel had sufficient power. She acknowledged she might have been a lone voice on her panel with that view.

“I think this is hard to judge because it depends on how you interpret that role. I personally have felt that we had enough power. I don’t think most of the panel members would agree with me. I think the other members would like to be able to impose some sort of discipline on the Commissioner and to be able to veto some of her decisions, perhaps. We have had major issues with the IPCC and the panel was very unhappy with them. In the context of that, I would say the panel is lacking in power but any additional powers would have to be exercised very carefully.” PCP3

The other quotation is from the panel clerk of the same panel, where clashes between the PCC and chief constable had attracted national attention. In acknowledging the frustration felt by her panel members about their inability to censure the PCC, the panel clerk admitted that the only power her panel had was to issue a press release outlining its reasons for having no confidence in the commissioner.

Clerk1 “I seem to remember that after the first 12 to 18 months they were asking if they wanted any additional powers and they said they didn’t. I think they were consulted because there was a review at the time being done by the Centre for Public Scrutiny. They found themselves to be a toothless tiger in respect of investigating complaints. I think they would’ve wished to have gone further in that respect.”

Researcher “I picked up really strong concerns from some of the panel members I interviewed about their inability to censure the Commissioner.”

Clerk1 “The strongest thing they could have done would have been to issue a press release saying they had no confidence in the commissioner and that she had been guilty of a serious error of judgement. They did as much as they possibly could in the circumstances.”

Researcher “I understand from one of the independent members I interviewed that he believed different things were being said by the chief constable and the
Findings and analysis

PCC and that he felt the panel was unable to discharge its duty in an effective way. He told me that he had sent an email to other panel members and that no one had got back to him.”

Clerk1 “He did. What happened was, they looked at her conduct in the context of the whistle-blower complaint. They found her guilty of a serious error of judgement and issued a two-page press release. It was on all the local news channels. What PCP1 wanted, and what we couldn’t do, was to revisit the case after the chief constable had resigned. We opened the complaint and looked at it again but had no power. What didn’t help was that in separate press releases, members kept saying that we were going to look at this again. I was really worried at the time because I knew we would be unable to reinvestigate.”

There was one response in the ‘other’ category and this came from an independent panel member, who thought the answer had more to do with the lack of resources, rather than inadequate powers. For her, panels need authority and this could only be achieved through proper funding.

“What they need is authority, and authority is more about information and capacity. There is the issue between the role of the Commissioner and the role of the chief constable and I don’t think that is about more powers. I think there are bits of the role that could strengthened in terms of authority.” PCP12

Additional powers

As will be seen in the responses below, there is a palpable sense of frustration from the panel members about their inability to enforce sanctions where they are felt to be needed.

In the first response, a panel member from a police area where there has been tension between the PCC and PCP, felt that panels should be consulted before commissioners make public their decisions. In his case, the PCC had gone public with the name of the new chief constable without first consulting the panel. He and his panel colleagues were unable to sanction their PCC.

“We are unclear about the actual powers we have got. The only power we have actually got is to veto the budget and we can also veto the appointment of the Chief Constable. The whole thing is pretty woolly. Our new chief constable was appointed and announced in the press the week before we had our panel meeting. This meant we were unable to ratify the appointment. I complained bitterly at the time because it made us, as panel members, question our purpose. As it happened, myself, the chair and one other panel member had sat on the appointments panel and, of the four candidates, I thought we had selected the right one but I did think it a bit odd that the panel had not been consulted formally before the announcement was made. I would hope that we will now put in place something to make sure this omission doesn’t happen again. The record here with chief constables isn’t very good and so it may well happen again very quickly. I think we should have been able to censure the commissioner over this.” PCP2
In the second example, the respondent argues for an ability, in exceptional circumstances, to refer concerns about the PCC to a higher authority.

“The panel needs to have the means whereby it can, in exceptional circumstances, refer its disquiet to an intermediary authority for further investigation. There doesn’t seem to be any capacity to refer issues elsewhere. At present, the only thing we could do is to bring an issue into the public domain and that has its own problems in respect of creating misunderstandings about what is going on.” PCP3

Another panel member believed panels should be able to require their commissioners to resign.

“I think we need more clout, particularly in a situation where there was a vote of no confidence. We should have the power to require the commissioner to resign.” PCP6

In the fourth response, the respondent felt that panels, in order to be better able to constructively challenge PCCs, should be empowered to pose operational questions to the police.

“There is a fearful tendency with the police to say, no, that is an operational matter. I think, as a panel, we should have more opportunity to get behind some of those operational matters and find out why it is going wrong. It is a similar situation with health authorities. We need to be able to ask the Commissioner why she had not asked those particular questions.” PCP8

Two independent members argued that panels needed to be better able to investigate complaints against PCCs.

“While we have responsibility for overseeing complaints made by the public against the PCC, we do not have any authority in dealing with those complaints to correct them or to investigate them. You can’t even uphold the complaint – all you can say is we will write a letter and you have to be very careful with the letter saying maybe you should think about how your practices and procedures are for the future to avoid these types of complaints coming through.” PCP9

“I would like to have an input that reflected my particular background and professional skills. I have absolutely no power to make any difference. I find that very frustrating because I would like to question the commissioner and the police about their policies. I think our powers of scrutiny should be enhanced so that we could influence the commissioner more effectively.” PCP14

Another independent argued for additional sanctions, more resources and some investigatory authority, including the power of suspension. (PCP18)

One of the PCCs asserted that panels should have the power to veto budgets, as well as being given the authority to require all decisions to be endorsed by panels prior to them being taken.
“I would like them to have the power to block the budget. I would like to see them have the power to endorse my decisions before they are made. By giving them more power, it means more self-preservation for me. One of the things there has been fascinating about the job is that I will go to a meeting, I get in the car afterwards, and I say to myself, yes, I’m going to do that. But then I reprimand myself for thinking that is not appropriate justification for taking the action. I just struggle with this quite a bit. I was a Minister for quite a long time and in many ways I feel that I now have broader powers than I did as a minister. The panel is unable to draw me before a select committee in the way that the House of Commons can.” PCC7

Why is the question of powers for PCPs such a contentious issue and what are the consequences for failing to address it?

At the heart of this particular discussion is the debate around the original purpose of panels. Clearly, as has now been widely evidenced, the governance model initially proposed by the government did not incorporate panels. This was an intentional omission, since the government’s view was that PCC accountability would be achieved through elections every four years. When panels were subsequently added, following increasing concern from both academics and practitioners, their anticipated remit was ‘light touch’.

However, this approach has not worked and major anxieties remain about panel effectiveness, some of which derive from perceived panel impotence (HASC, 2013). As noted, comments from some of the respondents in this study support that view and there is little surprise why many commentators believe that panels, without sufficient powers and inadequate funding, have been unable to hold commissioners to account. Where relationships between panels and their commissioners are good, the potential for friction and misunderstanding can be reduced, mainly through sharing of forward planning and collaboration. However, where such good relationships do not exist, and the panels take issue with the actions or decisions of their commissioners, they have no authority to impose their will, other than the power of influence (Bailey, 2015). Complaint handling, as will be seen in a later section, is a particular area of concern for both panel members and panel clerks, although the role of the Independent Police Complaints Commission (IPCC) in this process is seen as problematic and unhelpful. Similar concerns about the IPCC were expressed by some panel members participating in this research.

This research has revealed a dichotomy between panel members, who feel the present model does not give them adequate powers and PCCs, who argue that the current system works well and that it should not be amended. This is discussed in much more depth in a subsequent section.

Unless there is a formal review, and clarification of, panel powers, panel uncertainty and frustration will not abate. Greater clarity and certainty, combined with better training and resourcing, will enable panels to be considerably more effective in their scrutiny role.
Summary

PCPs were never intended to be an integral part of the new governance model (Reiner, 2013) and, when the government reluctantly agreed to add them, their powers were deliberately constrained. The accountability of chief constables was central to the model, with little real thought given to how PCCs might, in turn, be scrutinised effectively (Loveday, 2017). This ‘light touch’ approach implied that funding requirements would be minimal, which meant there would be no need for additional resources to help with proactive scrutiny. Some respondents were very critical of the legislation, one saw it as nothing more than a fig leaf and as a token to local government. Funding remains a very contentious issue and it is the subject of a separate analysis later.

A significant majority of panel members in this study believed panels were toothless, bureaucratic and ineffective with, at best, an advisory role, and argued for additional powers. However, not unsurprisingly, most of the PCCs thought no additional powers were needed. One of them challenged the existence of panels, claiming that she was accountable only to the public who directly elected her. One respondent, a chief executive of one of the PCC’s teams, argued strenuously against giving panels more powers, believing that would make the current model unworkable. He thought that could lead to a situation where the PCC had to divert his time away from his business just to comply with panel demands.

Consistent themes emerged from this study. Complaint handling, which is covered elsewhere, was highlighted by many respondents, on both sides of the argument, as problematic. This was especially in respect of conducting formal investigations. The IPCC was regarded as very unhelpful and bureaucratic. Panels, as they are currently comprised, do not have the time, resources or expertise to manage investigations.

The four-yearly election cycle for PCCs was seen by most panel members as an unacceptable mechanism for public accountability. Panels, with the requisite funding, support and resources, should undertake that role between elections. However, given that some panels have just four meetings a year, this was also seen as an obstacle to effective scrutiny.

Many of the panel members argued for effective sanctions, particularly in respect of referring their disquiet about a commissioner’s conduct to a higher authority, such as the Home Secretary. This was supported by one of the PCCs. Another PCC thought, given their lack of real powers, panels were suffering from a democratic deficit and that they should be given both more powers and also more resources.

One of the PCCs argued that the real issue was about the intelligence and ability of the panel members, rather than any deficiency of powers on their part. From his observations at panel meetings, the researcher witnessed some very poor questions from members. While, as noted earlier, it is possible to recruit intelligent and able independent panel members, the same cannot be said for councillor members. These are allocated to the panels by their own local authorities. While
this PCC has a strong point, it does not detract, it might be thought, from the need for more panel powers and resources.

Several respondents acknowledged the need for good working relationships between panels and their PCCs. Where commissioners also shared their future programmes of work with panel members, much friction could be avoided. One of the panel clerks felt that there should be a formal requirement placed on PCCs to publish their planning programmes so that members could be engaged at an early stage.

It seems clear from this research that panels see themselves largely as ineffectual. This is principally because of inadequate powers but also the result of poor funding and resources. A full review of the model is required now so that the powers of panels can be properly assessed. This may mean fresh legislation and an amended governance model.
The tension between support and scrutiny and should there be more emphasis on scrutiny?

The Home Affairs Select Committee, in recognising the importance of panels as ‘critical friends’ of their commissioners, also acknowledged that many panels have struggled to understand both their role and powers (HASC, 2013; Bailey, 2015). This is problematic because of the confusion around the terms, support and scrutiny, which have been considered to have different, even antagonistic, meanings. (Lister, 2014; Bailey, 2015). The role of critical friend implies that constructive scrutiny is an integral part of the support given to PCCs by their panels. However, much of the friction between commissioners and their panels has been generated by their different understanding of these terms. While panel members see scrutiny as an important part of their remit, many PCCs argue that panels are principally there to support them, rather than hold them to account. (Tone from the Top, page 59)

It was important for this study to determine the extent to which tension existed between support and scrutiny and to understand what the consequences might be for the panels in their scrutiny role. Additionally, the research examined the views of all respondents on whether a scrutiny role should have greater prominence.

Research findings

Table 15 Is there tension between support and scrutiny?

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<thead>
<tr>
<th></th>
<th>All (72%)</th>
<th>Independent members (75%)</th>
<th>Councillor members (66%)</th>
<th>PCCs (70%)</th>
<th>Panel clerks (85%)</th>
<th>Other stakeholder (100%)</th>
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<td>1 (2%)</td>
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As will be seen in Table 15, a significant majority of respondents (72%) considered that the dual role of support and scrutiny involved a level of tension. In the case of the panel clerks, where six out of the seven claimed tension was apparent, the majority was even higher (85%). A similar majority of PCCs took the same view (70%).

The independent panel members, where the majority was 75%, gave some interesting answers to this question. Three examples are cited. In the first response, where the panel was very critical of its commissioner, the respondent describes how relationships deteriorated rapidly following the panel’s public censure of her. The second just acknowledged the existence of tension but, in the third response, the respondent offered an interesting perspective on why some panel members and commissioners get confused over the terms being used. He
noted, perhaps with a degree of cynicism, that some PCCs could use this confusion as a means of helping with their re-election.

“There is a tension between supporting and scrutinizing the PCC. The commissioner’s attitude towards the panel changed markedly during the ….. affair. Before, the relationship was quite light and breezy and we were living in Telly Tubby Land but that all came to an end during that case. Relationships became quite strained and I could sense the tension when the Commissioner came into the room.” PCP1

“There can be a tension between scrutiny and support. More emphasis should be given to the scrutinising role.” PCP4

“A lot of people get this confused because if you just accept what the PCC says that is taken as support; if you seek clarity of what they’re doing and why they’re doing it, sometimes that’s seen as over-scrutiny and you’re impinging on their role. That’s my question – is it a challenge, or do they not really understand? A lot of this is down to the way that individual PCCs see their role and more importantly now, in my opinion, as to how they can get re-elected. A complaint came in recently and I said the level of detail in this complaint is not what it seems, it’s there for an alternative reason and we have to be mindful of that.” PCP9

There was also a significant majority of councillor members (66%) who thought tension existed between support and scrutiny. As will be seen from the three examples below, concerns were raised about the ambiguity of their role, as well as the capacity of some members to understand and fulfil their role. In the second quotation, the respondent highlights the difference between the panel chair, who is supportive of the PCC, and his members, who are more critical. As was noted earlier, this panel chair is unhappy with the present governance model and, like his PCC, was a member of the former police authority. In the final quotation, the respondent expresses concern about trying to reconcile support with scrutiny, which he sees as incompatible.

“Yes, it is incredibly difficult to both and it is not very clear about what sort of support is wanted or required. I don’t really know what that support means.” PCP3

“Despite the fact that our PCC is independent, although her ‘independence’ is interesting because the people who ran her campaign are Liberal Democrats. I would say that our chairman is quite supportive of the Commissioner. I don’t think the rest of them are that supportive. To be candid, their intellectual equipment does not enable them to scrutinise in the most effective way. There is no problem between being supportive and critical at the same time. We are there as her critical friend. There is a degree of tension.” PCP7

“You have to describe what the group is for. Are you there in a support role to advise, or are you there basically to hold the PCC to account? Try to do both at once is clearly difficult. It should be one or the other. To be honest, I wouldn’t mind if the group was simply there in an advisory purpose you would then know what it was, as doing two things at once is clearly very difficult.” PCP11
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Consistent with the other groups, a large majority (70%) of PCCs also believed there was some tension between support and scrutiny. In the examples below, the first commissioner, in acknowledging that some tension is healthy, makes clear that panels have a duty to support PCCs. In the second quotation, the PCC implies that his panel may have a different interpretation of support from the one he uses. He believes his panel sees scrutiny as their main vehicle for support, something which he finds difficult to reconcile.

“I think there is, inevitably, a bit of a tension and it is probably a healthy one. Two chairs of other police and crime panels visited our panel. It was quite clear that one of these two was more interested in getting at his PCC. I found that chairman very difficult to deal with because he had no intention of supporting his commissioner. His only intention was to criticise as much as he could, which was not the point of the job.” PCC3

“I suspect they think the scrutiny part of that role is the way they give me support! I am trying not to be unfair to them. I am not aware of support in quite that way other than through the scrutiny they give. The panel do understand the particular financial pressures and the legal pressures that have come on someone like myself and so in that sense, they are supportive.” PCC6

The panel clerks also (70%) believed that there was tension between support and scrutiny. In the first example below, the panel clerk stated clearly that when questions were asked of the commissioner, there were tensions, implying that tension only comes when PCCs are scrutinised. In the second example, the clerk described an improving relationship between the panel and the commissioner, during which both sides have recognised the value of critical friendship. In the final response, the clerk made the point that challenge and support were complementary and not antagonistic.

“There hasn’t been that much opportunity to have that conflict between support and scrutiny but, in the last few months, we have started to ask things. So, yes, there is a tension. We are in the process of forming a strategic alliance with another police and crime panel. We are looking to do joint work. If the two police forces are coming together to do that, it makes sense that we also form an alliance with their PCP. Our first briefing is on 8 April. I need to be able to devote some time to finding out what this strategic alliance is.” Clerk1

“There is always going to be a tension. When we first started, the Commissioner was very reluctant to take on board any of our recommendations but I’m pleased to say that has changed. I think she is beginning to realise importance of the panel as a critical friend.” Clerk4

“They should be two sides of the same coin. Challenge and support are complementary” Clerk5

The views of the small minority (25%) of respondents who thought tensions did not exist are noteworthy in the sense that there is a recognition of the potential for relationships to be strained. The two examples cited below are both from male panel chairs. In the first, the respondent argued that support and scrutiny were
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compatible and, in the second, there was an implication that some of his members have got the balance wrong. It should be noted that these two panel chairs were lone voices on their panels in respect of this question, as all their panel members (in this study) took the opposite view. The role and importance of panel chairs is the subject of a later discussion.

“I don’t see any tension. It is just a recognition. The two are compatible. I don’t have any difficulty with it. There may come a time when there is a tension and we are alert to that.” PCP10

“Yes, I think there could be. I think we manage to avoid it, quite honestly. I have sometimes to explain to members that we are there to support the Commissioner, however irritating some members might find that.” PCP8

Should more emphasis be given to scrutiny?

Table 16 Should more emphasis be given to scrutiny?

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<tr>
<th></th>
<th>All</th>
<th>Independent members</th>
<th>Councillor members</th>
<th>PCCs</th>
<th>Panel clerks</th>
<th>Other stakeholder</th>
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<tr>
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<td>36 (70%)</td>
<td>11 (91%)</td>
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<td>1 (100%)</td>
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As will be seen in Table 16, an overall majority of all respondents (70%) were of the view that more emphasis should be given by panels to their scrutiny role. This majority increased significantly with independent panel members (91%) and councillor panel members (85%). Panel clerks (71%) similarly thought more emphasis on scrutiny was needed. The only exception, unsurprisingly, was PCCs, where just 20% thought more scrutiny was appropriate. The views of three independent panel members, one panel clerk and one PCC, who all believed more scrutiny was needed, are quoted below. In the first example, the respondent expresses his frustration about the time delays in getting answers to his questions which, in his view, is not scrutiny.

“More emphasis should be given the role of scrutiny by the panel. I regularly ask questions in relation to the commissioner’s plans and I can sometimes be waiting for months before I get an answer. That is not effective scrutiny. In my view, the panel should be setting deadlines for a response.” PCP1

Another independent member, in the second quotation, blames inadequate funding for the lack of effective scrutiny. This is covered in much more detail in a later section.

“There can be a tension between scrutiny and support. More emphasis should be given to the scrutinising role. I have no way or platform to represent the
people here. Proactive scrutiny is affected by funding constraints. We have no money to spend. The officers supporting the panel have just been made redundant. All we have now is the democratic minute taker coming to meetings. We have no one to do any groundwork on our behalf. We don’t have any direct relationship with the clerk to panel. We don’t have a dedicated staff. With the recent announcement of redundancies for the officers, I’m not sure how we are going to progress. The LGA did offer training for panel members and it may still do but I will need to check it out.” PCP4

The third example is from another independent member, who feels that the emphasis put on support by commissioners is misplaced, since they already have the time, funding and resources in place, without needing support from their panel.

“I don’t see why we are supporting him at all. I don’t understand why he needs us to support him. He has a whacking great budget. I don’t understand why a PCP’s role is to support him.” PCP12

In the fourth quotation, a panel clerk highlighted the efforts he makes, including the provision of appropriate questions for his members to put to the PCC, to help them with their scrutiny role. Candidly, he explained that without his briefing papers, there would be very little scrutiny taking place. The researcher also observed similar practice at pre-panel briefing meetings, where panel clerks provided ready-made questions for their members.

“We do prepare a briefing paper for members before each meeting and prompt them with suggested questions and lines of enquiry. They are not obliged to take any of this advice but we do try to encourage them to scrutinise. Scrutiny is now getting better. Sometimes panel members can get bogged down with their own specific ward issues rather than performing the strategic scrutiny that they are there to do. We do as much as we can. Without our briefing papers, not a lot would happen, really.” Clerk4

In the final example, a PCC expressed his belief that his panel members needed a lot more help if they are to be effective scrutinisers. To compensate for their lack of knowledge and support, he has developed a much closer working relationship with them, to make their job easier.

“I think my panel gives me a bit of an easy ride and why do they give me an easy ride? In part, because I go out of my way to be helpful. They say I tell them too much but, in part, because they are very much part time, they don’t know what to ask. They need a lot more support.” PCC7

The views of those arguing that the current balance is about right

As has already been noted, the PCCs are the only group of respondents in this study who feel no further emphasis on scrutiny is required. In the two examples cited below, one from a panel clerk and the other from a PCC, both felt the current balance between support and scrutiny was about right. The PCC, though, seemed to imply that on his panel he would appreciate more help.
"No, I don’t think the panel has ever really made any comments about the fact they feel they are doing more of one than the other. Generally, I think the panel has the right balance." Clerk2

“I think that the scrutinising role is alive and well. You might have rephrased that question to ask if more emphasis should be given to the supporting role. I think the balance in my area is healthy.” PCC1

What are the reasons for this tension between support and scrutiny and what problems does it cause?

There are many probable reasons behind the tension between support and scrutiny and these are concerned with the enabling legislation, the differing views of the PCCs and panel members, the capacity of panels and poor resourcing.

Dealing first with the legislation, the inclusion of PCPs was due to pressure from the Liberal Democrats, who were coalition partners with the Conservatives (Reiner, 2013). Although the minister responsible subsequently agreed to the creation of PCPs, he remained opposed to giving them too much power. The resulting legislation was, unsurprisingly, ambiguous. Indeed, as Reiner (2013) notes, panels were weak, without any real authority to challenge. There has never been any real clarity about what is expected from panels in respect of their scrutiny role and this uncertainty and confusion impacts on their ability to provide effective scrutiny (Centre for Public Scrutiny, 2013; Chambers, 2014; Bailey, 2015; Davies, 2016).

One of the consequences of poor role definition is that it has allowed the key actors in this new model, the commissioners and panel members, to develop their own interpretations of how their relationship should work. While the PCCs acknowledge the scrutiny role of panels, it seems their view of scrutiny is quite different from that of the panel members, something evidenced in this research. As has also been noted earlier, some PCCs take the view that they are accountable only to the public who elected them. Such a position implies that any power held by the panels is secondary to that of the electorate. The panel members, on the other hand, see their principal role as that of a critical friend, part of which is subjecting their commissioner to robust scrutiny. Where the relationship between PCCs and their panels is good, much of the tension can be alleviated.

Another source of the tension between support and scrutiny comes from the frustration of some panel members who have struggled, through a lack of knowledge or capacity, to understand their role, particularly where they are more concerned to ask operational questions of the police, rather than holding the commissioner to account. However, this is inevitable, as councillors will raise constituents’ issues, despite this not being part of their brief. PCCs invariably take exception when this happens, which means levels of tension increase.

Inadequate funding for panels can also cause friction for members who feel impotent when it comes to scrutinising their PCCs. Whereas PCCs have professional, fully funded staff, with sufficient resources to undertake detailed programmes of work, the poor funding levels for PCPs does not allow them to
compete, especially in respect of proactive scrutiny. It is an unfair contest. This can cause frustration and disquiet on the part of the panel members. The impact of poor funding on proactive scrutiny is the subject of a detailed discussion later.

Where levels of tension between support and scrutiny remain high, relationships between commissioners and panels can be strained and this may impact the work of both. One way of ameliorating this tension is through the development of proactive relationships between panels and commissioners, as evidence from this research shows that early engagement by panels in work programmes can obviate a lot of mistrust.

**Summary**

The evidence from this research clearly supports the view that not only is there tension between support and scrutiny, the resulting friction has a negative impact on the relationships between commissioners and panel members. Large majorities in each group of research participants believed such tension existed and that it derived principally from a variety of factors, including ambiguous legislation, poor role definition and differing interpretations of the respective remits, the inconsistent capacity and/or intelligence of panel members, inadequate panel funding and poor leadership of panel chairs.

As has been noted, the legislation which created PCPs was, arguably, deliberately opaque and this has resulted in confusion and ambiguity in respect of role definition. This, in turn, has created a vacuum within which both panels and PCCs have derived their own interpretations of their respective roles, including perceptions of support and scrutiny. In consequence, some relationships have suffered from increasing levels of tension.

Another contributing factor is the inability of some panel members, through a lack of capacity, to comprehend their role in a way that enables them to be effective. Evidence from this research suggests that where panel members misunderstand their remit, relationships with their commissioners are likely to be affected.

Panel funding is also a key factor in this discussion. This research suggests that where panels feel frustrated about their inability to effectively scrutinise their PCCs, there is likely to be resulting friction between them and their commissioners. Inadequate funding, which is analysed later, does not allow panels to match their PCCs in terms of resourcing, expertise, independence and confidence.

In addition, there is some evidence from this study to suggest that where panel chairs are too heavily biased in favour of supporting their PCCs, other members of their panels will feel resentment and frustration. The role of panel chair, which is explored in a later section, is pivotal in determining the key commissioner/panel relationship. They must accept responsibility for leading their panels in a way that promotes relationships based on being critical friends, where effective scrutiny is regarded as integral to support.
Having seen that there is tension between support and scrutiny, it is interesting to discover that a large majority (70%) of all respondents in the study, with the notable exception of the PCCs, believe that there should be more emphasis on the scrutiny role of the panels. Contrary to the view of panel members, 70% of commissioners think the current balance is about right, some suggesting that there should be greater emphasis on support.
Ease and effectiveness of complaint handling

Given that a key part of a panel’s role is to hold its commissioner to account, complaint handling is an important element of that scrutiny responsibility.

The Local Government Association (2012) argues that the central features of an effective complaint handling procedure are accessibility, communication, timeliness, fairness, credibility and accountability. Any limitation on one or more of these core components will be bound to have a negative impact on a panel’s ability to fulfil its disciplinary function and this research touches upon most of them.

The Home Office guidance in respect of The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, provides panels with guidelines regarding complaint handling. These are quite revealing, particularly in so far as they point to the limited powers of panels. While panels are required to informally resolve non-criminal complaints against commissioners, they have no sanctions available, other than to require attendance at a hearing and answer questions. The ultimate sanction, in the words of the Home Office, is the ballot box every four years. As has already been stated earlier, this is a contentious issue and worthy of further analysis.

Effective complaint handling requires sufficient resources and the Home Office guidance simply states that panels will be resourced to perform their vital scrutiny role, without giving more detailed information. It also makes clear that panels can delegate the initial handling of complaints to the PCC’s chief executive, which is promoted as a way of minimising costs. This, clearly, is another contentious area deserving critical appraisal.

The Home Office guidance states that there would be no conflict of interest where the PCC’s chief executive handles complaints against his/her employer because the ultimate responsibility rests with the panel. In terms of public perception and wider credibility, this is highly questionable and needs further examination.
Findings and analysis

Research findings

Table 17 Ease and effectiveness of complaint handling

<table>
<thead>
<tr>
<th></th>
<th>All</th>
<th>Independent members</th>
<th>Councillor members</th>
<th>PCCs</th>
<th>Panel clerks</th>
<th>Other stakeholder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Simple &amp; effective</td>
<td>30 (58%)</td>
<td>6 (50%)</td>
<td>13 (62%)</td>
<td>4 (40%)</td>
<td>6 (85%)</td>
<td>1 (100%)</td>
</tr>
<tr>
<td>Difficult &amp; ineffective</td>
<td>18 (35%)</td>
<td>6 (50%)</td>
<td>7 (33%)</td>
<td>4 (40%)</td>
<td>1 (14%)</td>
<td></td>
</tr>
<tr>
<td>Don’t know</td>
<td>2 (4%)</td>
<td></td>
<td>1 (4%)</td>
<td>1 (10%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ask panel</td>
<td>1 (2%)</td>
<td></td>
<td></td>
<td>1 (10%)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As will be seen in Table 17, a majority (58%) of respondents considered the current processes for handling complaints against commissioners to be simple and effective. A larger percentage of panel clerks (85%) feel that the present arrangements are working well. However, as is noted in the examples below, many of the respondents qualified their answers and their comments should not be interpreted as a blanket endorsement of current practice. There remains a significant minority (35%) who are critical of the present complaint handling framework.

Notwithstanding the differences of opinion, there were some consistent themes identified by the research participants and these are captured below.

Dealing first with those respondents who believe the current arrangements are working well, there is still concern expressed about the limited powers of the panel, as well as criticism of the Independent Police Complaints Commission (IPCC). These issues are both highlighted in the first quotation, which is from a panel chair.

“Well, we don’t have any powers really. We have to refer things, as you know, to the Independent Police Complaints Commission. Our experience of that is not good.” PCP8

In the next example, which is also from a panel chair, there is similar anxiety about the lack of powers for panels to conduct investigations into allegations of misconduct by commissioners, something which would require a significant training investment.

“I think the processes are clear. We have the benefit of a legal adviser who has been extremely good. Not always, though, do the outcomes meet the expectations. We have to live with that. The challenge that it presents is the complaint relates more to what the police have or have not done, rather than how the commissioner has handled it. We’re very limited in our powers. For me, with my background as a former police officer, I think that is an area where the panel
needs some additional powers so that the commissioner knows we have teeth. There is a weakness there that requires a greater degree of investigatory power for the panel. However, to bring that about professionally and effectively, there would be a training need for the panel members.” PCP10

In the next two quotations, which are both from panel clerks, there is similar concern raised about the lack of powers in respect of complaint handling. The second clerk, while acknowledging the unacceptable problems for complainants under the present system, highlights the challenges for panels if they were to be given more extensive investigatory powers. The final example is from a chief executive of a PCC’s office. He is extraordinarily critical of giving panels more powers, principally on the grounds it might obstruct the work of the commissioner.

“Our complaints process is very effective. We have a clear protocol of processes that we follow. There are ongoing issues with complaints but I don’t want to go into but the process itself is quite limited but the panel has no control over that.” Clerk2

“Yes, it is very difficult because the powers of the panel are very limited as to what we can get involved in. From a customer’s point of view, it is awful and I can understand their frustration. The whole system is not set up well for them. The system is not ideal for the people who are complaining. But, I’m not sure about wanting the powers to do more because you would have massive investigations and we really don’t have the expertise to handle those. Some complaints are triaged with the Commissioner’s office, depending upon their nature. The Commissioner’s office are very good at helping us out with information because it is usually someone who has complained to them in the first place. We have to rely upon the goodwill and information of the police and crime commissioner. The legislation doesn’t give us authority to investigate, although I am unclear about the difference between scrutinising and investigating.” Clerk7

“To give them more powers as well, would make it a nightmare, as commissioners would never be out of the place, spending all their time accounting to the panel. This will be at the cost of representing the people who elected the commissioners.” OS1

Complaint handling not effective

It is interesting to note that identical themes were raised by respondents in this category. In the first two quotations, which are both from independent members, strong concerns were raised about the inability of panels to conduct investigations. This is illustrated clearly in the second example, where the respondent cites a case in which the IPCC instructed his panel to investigate an allegation that might include some criminal behaviour. The final two quotations are from PCCs. In the first, there is scathing criticism of the IPCC and, in the other, there is a recognition that the current arrangements, which involve triaging complaints through his chief executive, are not always seen to be fair. He also acknowledges their lack of funding and resources to undertake investigatory work.
Findings and analysis

“The processes and procedures for formal enquiry are unclear and ineffectual. Had we have had robust powers of investigation, we could have been much clearer on our role.” PCP1

“They are clearly defined but not effective. They are limited in their effectiveness because you can’t investigate, for example. There’s a line – here’s an example. A complaint came in and we thought there was a possible element of criminal conduct so we sent it off to the IPCC. They looked at it and said that there is a possibility but not of a sufficient nature for us to deal with it and we will send it back to the PCP to deal with it as they see fit. That’s the actual wording of the letter that came back.” PCP9

“The processes are unclear and ineffective. They involve immediate referral to the IPCC. One experience that we’ve had was actually a complaint against my deputy and the IPCC’s participation in dealing with that was rubbish. The person from the IPCC who was put in charge of that investigation was inexperienced, inadequately trained and didn’t understand the relationship between the chief constable and the Commissioner. She didn’t even understand the concept of the ‘Two Corporations Sole’ and so it was singularly unproductive and absurd.” PCC4

“They are just bringing in a new complaints procedure, which they’re having a row about. What they are going to do is route in the first place through my chief executive, who will do a kind of triaging. There was a discussion last time as to whether that was really objective. Also, whether it would be seen to be objective. They are stuck on that. The Lib Dem opposed it and the Labour people just fell in behind it. I was talking to the new chair about that today and she is completely open-minded about the proposed changes. The thing is, they are not resourced to do it properly by anyone else. If complaints don’t go through my chief executive, where do they go? That’s their problem, I think. My chief executive is a lawyer and I think that makes a difference.” PCC6

Why have these findings been identified and what are the possible problems they cause?

Even though the majority of respondents believed that the overall system for managing complaints was simple and effective, some interesting themes emerged from these findings. First, the limited investigatory powers of panels were seen by most as a handicap, although there was widespread recognition that the government had neither intended, nor properly resourced, panels to conduct full-scale investigations into complaints against commissioners. The Home Office guidance alluded to earlier appears to bear this out. As for the problems this generates, most panel members appear frustrated at their impotence to apply any effective sanctions, which may erode their confidence in the current model.

Second, some respondents were critical of the practice of ‘triaging’ complaints through the PCC’s chief executive, which they thought was neither sufficiently objective nor credible with the wider public. The LGA guidance, also referred to earlier, makes clear that credibility and fairness are key components of an effective complaints system. The most significant problem arising from this practice is that the public may have little confidence in its objectivity.
Findings and analysis

Third, the IPCC, which deals with allegations of criminal behaviour, also received strong criticism. This arose particularly in respect of its slow, bureaucratic and poor handling of complaints, which led to time delays and widespread dissatisfaction by all parties. The IPCC has been subjected to widespread criticism, almost from its inception, about its inability to handle complaints against the police and it is not surprising to discover similar concerns regarding PCCs. The specific LGA guidance in respect of accessibility, communication, timeliness and fairness would also appear to be compromised by the IPCC’s involvement in this model.

Fourth, there was recognition that panels were simply unable to undertake rigorous investigations into complaints because they had neither the resources nor the expertise to carry them out. This is a problem because it means panels, who bear responsibility for managing non-criminal complaints, frequently have to rely on their PCC’s chief executive to do most of the work, something which undermines the integrity of the governance model.

Summary

As has been shown from the Home Office Guidance, it was never the intention of the then coalition government for panels to manage in-depth disciplinary investigations. Instead, and to help minimize cost, it was suggested that panels should seek the cooperation of their PCC’s chief executive, who would be better able to triage all complaints. Given the ‘light touch’ approach envisaged at the time and the fact that panels have neither the resources nor necessary expertise to manage such complaints, the Home Office Guidance is consistent with current practice. However, that guidance seems to fly in the face of the LGA’s key principles of effective complaint handling, as these research findings would tend to support.

Although the majority (58%) of respondents in this study believed the processes for complaint handling were simple and effective, there were, none-the-less, some major concerns expressed about current arrangements. These included a feeling of impotence, resulting from limited powers and resources, concerns about the objective handling of complaints against PCCs, criticisms of the IPCC and inadequate resources and expertise to manage complaints.

Respondents across the board felt that the current powers, in conjunction with limited resources, did not equip them to assume full responsibility for managing non-criminal complaints. Many of them thought this was an impediment, since it forced them to rely on the PCC’s chief executive to triage complaints, something they said could not be seen to be either objective or fair. Some argued that legislation was required to enhance their powers, together with additional resources and effective training. This would clearly be a major challenge for panels, particularly given the many other significant problems that have been addressed by this research. It should also be acknowledged, as has been noted by one respondent, a more emboldened panel, with full investigatory powers, might take up a disproportionate amount of a commissioner’s time and therefore interfere with the balance of the government’s preferred model. The weight of evidence from this study, however, supports the argument for enhanced investigatory powers. This would mean additional resources and rigorous training.
The need for objectivity and fairness in handling complaints against PCCs is a clear finding from this research. Panel members welcome the support of chief executives in triaging complaints. There is a strong feeling that the practice is not ideal because it is not seen to be either objective or fair. Even though there was no evidence to suggest that the current practice was biased in favour of commissioners or that it was in any way unfair, panel members would prefer the disciplinary framework to be completely independent of their commissioners.

The IPCC, which manages criminal complaints against PCCs, is viewed by most respondents as problematic, principally on the grounds it is bureaucratic, slow and unhelpful. One PCC complained bitterly about the IPCC’s lack of professional expertise. This is a major issue for panels when managing complaints since they are constrained, and delayed, by the timetable of the IPCC’s investigation, which causes them, and their panel clerks, frustration. It also upsets complainants, who feel let down by the process.

Finally, the evidence suggests that the lack of adequate resources has a significant impact on complaint handling. Were complaints to be managed independently, and perhaps more effectively, panels would need additional support staff, appropriate training and more funded time to feel confident in their role. The evidence from this study supports that view.
Chapter 6

The Role of Politics

Findings and analysis – What is the influence of party politics and how effective are independent panel members?

There is a recognised potential for undue political interference in panel business, particularly where the scrutinised and scrutinisers are from the same political party (Bailey, 2015). Evidence from both local government and health bodies similarly points to this danger (Lister, 2014; Coleman and Glendenning, 2004; Coulson and Whiteman, 2012). This chapter assesses the potential for political influence on the current governance model, given that most of the participants are affiliated to political parties. It also examines the effectiveness of independent panel members and how their contributions are evaluated.

The role of politics

The new governance model is based on democratic legitimacy and all but three of the PCCs elected in 2016 are from the established political parties (Loveday, 2017). Moreover, a significant majority of panel members are also from the same political parties, which means politics is inevitably at the heart of the new arrangements.

Given the dominance of political parties in the current governance arrangements, it would not be unreasonable to assume there is a risk of political influence in respect of Commissioner accountability by panels. Indeed, this was a question raised by Lister (2014), following his detailed examination of the literature regarding political influence in local government scrutiny. Party political allegiance has also been identified as a significant factor in the scrutiny role of public bodies (Leach and Copus, 2004; Leach, 2009; Sandford, 2013). This is especially acute where the scrutinised and the scrutinisers share the same political affiliation. Bailey (2015) sought to address this question in his case study of the Surrey Police and Crime Panel but was unable to come to any firm conclusion, principally because the Conservative Chair had herself selected the limited number of members for participation in the research and a full evaluation had not been possible. The findings from that study were submitted, as evidence, to the House of Lord’s Committee on Standards in Public Life: concerning public accountability structures of the police in England and Wales (Loveday, Lewis, Bailey and Watts, 2014).

This research attempted to further explore the potential for political influence, particularly where the key players were from the same political party. The target areas in this study were selected because they provided a full range of political relationships. This question became even more relevant, following the PCC
elections in 2016, when the number of independent commissioners was reduced from nine to three.

Research findings

<table>
<thead>
<tr>
<th></th>
<th>All</th>
<th>Independent members</th>
<th>Councillor members</th>
<th>PCCs</th>
<th>Panel clerks</th>
<th>Other stakeholder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>23 (45%)</td>
<td>7 (58%)</td>
<td>10* (47%)</td>
<td>4** (40%)</td>
<td>2 (28%)</td>
<td></td>
</tr>
<tr>
<td>Potentially</td>
<td>2 (4%)</td>
<td>2 (16%)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>23 (45%)</td>
<td>1 (8%)</td>
<td>11 ***</td>
<td>5**** (50%)</td>
<td>5 (71%)</td>
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<td></td>
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<td></td>
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<td></td>
<td></td>
<td>1 (10%)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Three Tory, six Labour and one Green

**Three independent and one Tory

***Ten Labour and one Tory

****Four Labour and one Tory

As Table 18 shows, respondents were split on this question, with 45% suggesting politics was problematic and 45% saying it was not. There were some variations amongst the practitioners, with most (58%) of independent panel members claiming politics was a problem, while a majority (71%) of panel clerks took the opposite view. However, even though there was an explicit concern about political influence, none of the respondents alleged it had played any significant part in the deliberations of their panels. The most strident criticisms came from independent panel members and the first two quotations illustrate the problems that political interference can bring.

“*In my view, there is real potential for problems where the PCC and the PCP are from the same political background. You can’t keep politics out of policing. Party politics should not be involved in policing but it is impossible to keep politics out of it. In an ideal world, the panel should be independent and the commissioner should be independent.*” PCP1

“*From the way I have observed people on the panel that I sit on, their loyalties are so political. They kind of gather themselves in little groups. Their focus is on their own political careers. I can see that if our commissioner were a Tory, I couldn’t imagine any of the Tory councillors wanting to p… him off. I think there could well be issues.*” PCP12
Findings and analysis

These concerns were not restricted to the panel independents, as councillor members echoed similar anxieties. The following quotation highlights the problem of political loyalties.

“If you end up with the PCC from one party, with panel members from the same party, they will essentially turn up and not ask too many difficult questions. They are ‘bums on seats’ because it will then fall mainly to the minority on the committee to actually ask the difficult stuff, particularly where politics is involved. The consequence of this is if you have a political PCC. It’s not that you can’t scrutinise but rather the majority of the difficult questions all fall on the shoulders of the minority members.” PCP11

PCCs similarly expressed their fears about undue political influence. In the first quotation, the commissioner (who stepped down last year), describes clearly how political affiliation can impair effective panel scrutiny. This same PCC, who subsequently resigned from the Conservative party, argued for all roles to be independent. A similar allegation is made by another PCC in the second quotation. An independent commissioner with a strongly Conservative panel, she did not seek re-election in 2016. The third quotation is from an independent PCC who lost his post to the Conservative candidate in 2016. He also acknowledges the danger of ineffective challenge when just one political party is involved.

“I believe it probably would be because I know from my own experience I would always be treated more leniently by Conservatives to excuse my actions whatever I do, in a way. I feel I always get a soft treatment from Conservative people I meet and I think that is unhealthy. I think an independent PCC and an independent PCP would be the best of both worlds.” PCC1

“All that happens is that everybody has a go at the Independent commissioner. I mean, if I was a Labour Commissioner and the Tories had a go at me, I would have the Labour lot sticking up for me and vice versa. Because you are independent, as genuinely I am, I am fair game for everybody. As an independent, I think if the next Police and Crime Commissioner here is Conservative, the vast majority of the panel are Conservative and they would give him an easy ride. Because they will have helped to get him there but there is no such thing as a free dinner.” PCC2

“I think it would be a problem yes; and I think it would be a problem for the public actually because they wouldn’t be getting the best out of the Police and Crime Commissioner, who isn’t, you know, being challenged.” PCC10

The views of practitioners who feel politics is not a problem also make interesting reading. Some respondents suggested that, far from constraining robust scrutiny, political allegiance can sometimes cause it. This is something illustrated in the first quotation from an independent panel member. Similar points were made by commissioners in the subsequent three responses:

“I don’t think I seen anything yet that worries me about political interference. On the contrary, I have seen some Labour panel members really getting stuck in to the Commissioner.” PCP24
“Funnily enough, I don’t really get that impression. If you really want to see councils squabbling, you ought to see one where there is a big majority.” PCC3

“I don’t see it would make any difference. Here, where the Labour Party has been very dominant, the Labour Party tends to make its own opposition.” PCC6

“I have never had a problem in talking to anybody on the panel. Even when it comes to the budget, I’ve never even telephoned Labour Party colleagues beforehand to request any particular help. I’ve just left them to get on with things independently. Actually, some of my Labour colleagues ask the more difficult questions.” PCC7

The views of the panel clerks are especially pertinent and the two quotations that follow, both from panel clerks, also dispute the claim that political allegiance can get in the way of effective scrutiny.

“It is difficult to say. My experience has been that although they are all from the same party here, that has not stopped them being robustly challenging.” Clerk5

“I have thought about that because the Chairman is a Conservative and most of the panel are Conservatives. The guy (one of our panel members) who is running to become the next commissioner is a Conservative and I have wondered how that might work if he were elected. But, you would be surprised. I am beginning to think it’s not going to be as I would have assumed. The reason is that they haven’t necessarily got one another’s backs. Just because they are in the same party, it doesn’t mean that they will support another.” Clerk1

The final quotation in this section is from a Labour PCC who expressed disparaging views about independent commissioners, especially in respect of their ‘blandness’. He made the point that, as a politician, he had long-standing, principled views, which the public knew and understood. The same could not be said for independent candidates.

“No, I think everything is more difficult if you’ve got independents, because nobody knows what they stand for, unless they are ex-police officers coming in with a grudge. Independents exist and I think the number of them was probably an accident of the very odd election we had in 2012. I don’t share the view that having a lot of independents is a good thing because an independent doesn’t stand for anything. People know what I stand for. They know my track record, concerns and political views over the years, which are very much about crime reduction and intervening early with young people, so on and so forth. There may be some good independents. There will always be the exception rather than the rule. The question with an independent is against what frameworks do you challenge?” PCC4

During his fieldwork for this study, the researcher attended panel meetings in some of the target areas. At one of them, where the PCC and most of the panel members were from the Labour Party, he observed challenging questioning from
the panel, which clearly required the commissioner to account for his actions. It seemed to the researcher to be a highly effective panel meeting, where there was no evidence of undue political influence. However, this was exceptional since at all the other meetings observed by the researcher, questioning seemed much less robust. That may, however, have resulted from other factors unconnected with politics.

**Why have these findings been identified and what problems do they highlight?**

The findings from this study suggest opinions on political influence are divided, with the notable exceptions of independent panel members and panel clerks. In the case of the independent members, 74% of them claimed that political influence was, or had the potential to be, a problem. Only one (8%) of them thought it was not. This is significant because independent members, as has been shown in this study, tend to be better qualified for, and have spent longer in, their role. Without any political baggage, it might be thought that independents can be more dispassionate on this question. Their claims are supported by 40% of the PCCs, with one commissioner reporting he was given an easier time because of his political allegiance. This is a major criticism of the current model and something which requires closer examination.

The panel clerks, however, see this differently, with 71% of them saying politics is not a problem. Their view is that political affiliation is not a bar to robust challenge, something supported by 50% of the PCCs. The commissioners claim that they are frequently challenged more by members of their own party, something witnessed by the researcher at one panel meeting. At other panel meetings attended by the researcher, however, there was little evidence of robust questioning. Some of the clerks admitted providing panel members with questions to make sure commissioners were challenged. This practice would appear to be relatively common and probably has more to do with factors outside politics.

**Summary**

Evidence from the literature regarding local government scrutiny (Lister, 2014; Bailey, 2015) cautions against a system where the scrutinised and the scrutinisers are from the same political party. This research sought to examine the extent to which party politics has any influence on the panel’s scrutiny role.

Although the findings in this study were divided (see Table 21), two groups of respondents stood out. Most independent panel members were, for example, strongly of the view that political influence was, or had the potential to be, a problem. The panel clerks, however, disagreed. The independents were supported by 40% of the PCCs, one of whom argued he had been given undue leeway by panel members from his own party. This is a serious challenge and raises major concerns about effective commissioner scrutiny.

The panel clerks found no evidence of any political impropriety. Instead, they asserted that panel members were not in the least inhibited by political affiliation. This was supported by 50% of the PCCs, who felt some of their toughest questions came from their own party panel members. The researcher observed
one such panel meeting, where panel members did not hold back in their questions.

Significantly, however, one PCC believed political influence was a factor, since he had been shown undue leniency by his PCP, most members of which were from the same political party. The same PCC argued that politics should be taken out of the governance model.

One PCC raised concerns about the role of independents standing as commissioners, primarily because the public had no idea of what they stood for. His argument was that, as a politician, his views on policing were public and known. Independents, however, might claim political neutrality but, in the absence of any public record, there was no way of establishing their political leanings.

Interestingly, the initial fears around the potential for populism in policing, were focused more on the PCCs from the political parties, rather than the independents. (Lister, 2013; Morgan, 2012). Evidence suggests, however, that independent PCCs are not immune to populism (Bailey, 2015).
The effectiveness and assessment of independent panel members

Given the important scrutiny role of PCPs and the fact that independent members have been specially selected for their specialist skills and professional expertise, it seems appropriate that their performance should be subject to regular appraisal. Unless their performance, and that of the panel, is routinely assessed, there is no way of identifying the overall effectiveness of the panel.

Research findings

Table 19 Effectiveness of independent panel members

<table>
<thead>
<tr>
<th></th>
<th>All respondents</th>
<th>PCP independents</th>
<th>PCP councillors</th>
<th>PCCs</th>
<th>Panel clerks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Highly effective</td>
<td>35 (68%)</td>
<td>9 (75%)</td>
<td>13 (65%)</td>
<td>7 (70%)</td>
<td>6 (85%)</td>
</tr>
<tr>
<td>Not effective</td>
<td>4 (8%)</td>
<td>1 (8%)</td>
<td>1 (5%)</td>
<td>2 (20%)</td>
<td>0</td>
</tr>
<tr>
<td>Difficult to assess</td>
<td>12 (23%)</td>
<td>2 (16%)</td>
<td>6 (30%)</td>
<td>1 (10%)</td>
<td>1 (15%)</td>
</tr>
</tbody>
</table>

As will be seen in Table 19, the majority of all respondents (68%) believe independent panel members are highly effective. Perhaps the strongest endorsement comes from the panel clerks, with six out of the seven (85%) commending them. It is the combination of background skills, professional expertise, intelligence and commitment that impresses them most. One of the clerks noted that:

“Our two independent members are absolutely fantastic. I don’t know where we would be without them. They are extremely effective and committed. They both have complementary backgrounds but it’s really more about their commitment and intelligence. They are currently two of the key members on a scrutiny review that we have been conducting. Three of the elected members should have been on that but I think we have only had one elected member turn up, which has been very disappointing. It is just much easier to work with two independent members. The independent members are the only appointments that we can really ensure fit the bill. The first time around, when we had the elected members in place, we tried to do a bit of analysis around skills gaps but then to look around appointing independent members to fit those gaps. It was quite difficult to do that. The two independent members we got was as result of a rigorous interview. As for the wider panel, we did draw up a skills set, perhaps not quite a job description, for members of the panel and, actually thinking about it now, it is probably worth me digging that out again. Democracy does trump that but everybody brings something different to the table." Clerk7

Another panel clerk, in commenting on the significant contribution made by her independent members, lamented the inability of panels to undertake rigorous gap analysis of all panel members, primarily because they have no control over their
councillor members, who are appointed by the constituent councils. She was also
critical about member tenure, pointing out that most councillors, unlike
independent members, are only on the panel for one year. (Clerk6)

The independent panel members have also impressed some of the PCCs with
their competence, energy and engagement. One PCC was particularly struck by
their political neutrality, something he welcomed:

“I have been very impressed by our independent members. They are
noticeable in their engagement. My preference would be to actually increase the
numbers of independent members with specific skills. I find that they are a very
healthy element. They lift the conversation away from petty party politics and I like
them being around. That chimes entirely with my view of the whole thing –
impartiality, objectivity and absolute distance from party politics. I would love to
see an independent as chair and I would definitely support the idea.” PCC1

The independence and ability of the independent members was also highlighted
by another PCC, who thought that their questions were often by far the best.
(PCC6)

Another PCC welcomed the independent members, arguing that they subjected
him to more effective challenge because of their wide ranging complementary
skills.

“In our case, they have been very effective. The panel clearly looked for the
best people. One individual is a former acting assistant chief constable who, on
retirement, hasn’t gone into the security industry. He does things like chairing the
Local Community Health Council. He has done a lot of work on mental health
issues. So, he is very much embedded in the community but with a knowledge of
policing in the background. He is one of the most challenging members of the
panel in a very positive way. The other independent panel member is of mixed
raced background with a background in race relations and the needs of the
elderly. Again, very complementary elements of challenge. My inclination, on the
basis of experience so far, would be to retain the level of local government
representation but to increase the number of independents and to have a template
for the profile of independent members, in order to try and get the right balance.”
PCC4

There were, however, some discordant views from PCCs. The first quotation is
from a commissioner who felt his independent members were too ‘one
dimensional’. The second commissioner admitted that he did not know who his
were.

“There are two. One is co-opted. They are both one dimensional. They are
both independent members of the police advisory group and that is all they talk
about is equality. Not that I’m saying it is not important because it is. They’re not
especially effective. One is the deputy Chair but I think it was just a case that no
one else wanted it, really.” PCC2
“I don’t think they are more effective than anybody else. It’s not up to me to select them. It is for those people who volunteer to do it. To be quite honest, I can’t remember who they are. It doesn’t really matter to me who is asking the questions. It doesn’t really affect me.” PCC3

The councillor panel members were also very complimentary about their independent colleagues. A panel chair drew attention to the skills, background experience, education, political neutrality and commitment his members brought to the panel. (PCP10)

Another councillor member praised the commitment of the independent members, commenting on their diligence and effectiveness. She also thought their independence meant they wanted to be at panel meetings, unlike their councillor colleagues. (PCP14)

The independent panel members in general believe they play an active and important part in the workings of the panel. One of them described it like in this way:

“The independent members are the backbone of the panel. The other independent member is the young woman (auditor) in a wheelchair. She doesn’t say much but when she does say something it is always spot-on. I’ve been working with her to support her as she is a new addition to the panel” PCP4

Another independent panel member was keen to emphasise the importance of providing support networks for all independents. He had created such a network for all independent panel members in the north west, something he had lauded to the Home Secretary at the time. (PCP33)

Not all independent members had such a sanguine view. The lack of support and absence of training, together with a level of complacency, were cited as problems by one, who noted that:

“I don’t think the independent members are especially effective at all. There are just two of us. I really struggle with the other one because he knows so much and I’ve only met him just once. I know he is very involved with the complaints subcommittee and my guess would be that is where he spends much of his panel time. Strange as it may seem, I have only spoken with him once. He has amazing capability and he’s probably the most knowledgeable of all the panel members but he is just not there when I am there. I am there but I’m not especially effective because I am not getting support from others with difficult questions and also I have not had the training and also, in my view, there is not a culture of real scrutiny on that panel. We are simply not doing enough. Our Chair and Clerk, to an extent, are almost resting on their laurels, as we are all doing.” PCP12

For some, the effectiveness of independent members was difficult to assess. One respondent was troubled, philosophically, given the democratic nature of the new model, and commented:
“It is a bit like the old police authority. If it is a democratic model, then get yourself elected. I think there is something slightly discordant about in a very conspicuously elected position being questioned by someone who isn't. It is the same for complaints. There is a fundamental difference because if you put yourself up to be elected and you are accountable to the people who elected you, why would you be scrutinised by people who have just applied to an advert in the paper? I think they are highly effective but, as a model, it is kind of flawed. For police authorities, it was the same and the independent members did a lot of valuable work. The cops were very cautious of those independent members but took little notice of the elected members.” OS1

From his observations at panel meetings in Avon and Somerset, Merseyside, South Wales, Thames Valley and South Yorkshire, the researcher found that the independent members appeared both better engaged with the formal business and more authoritative in their questioning. This was particularly the case in South Wales, where both independent members impressed with their knowledge, authority and focus, something already alluded to in an earlier section, and commented upon by the PCC.

What are the reasons for the apparent difference in effectiveness between independent and councillor panel members and what are the resulting implications?

There are five key factors which differentiate independents from elected panel members and these are concerned with representativeness, political neutrality, professional expertise, commitment to the role and tenure of office.

Independent panel members, as was evidenced in an earlier section, tend to be younger, more diverse, better skilled and more representative of the communities from which they are drawn. This is important because it enables them to be more in touch with the lives of ordinary people.

In addition, unlike their councillor colleagues, they are not affiliated to any political party and are therefore not hide-bound by party discipline, something alluded to by several respondents in this research. It may also mean they can be more strategic in their approach to panel activities, without the concerns of re-election, and the pressures that brings of focusing more on parochial ward issues.

Independent panel members, unlike the elected members, are appointed through a rigorous selection process to meet identified skills gaps. The evidence from this research suggests that they are often highly skilled professionals with relevant expertise for panel activities. The evidence might suggest they are better able to grasp some of the complexities routinely faced in panel business and are therefore more authoritative in their deliberations.

The commitment of independents, as was noted earlier, seems to be greater, not least because, unlike their councillor colleagues, they have all applied for the role, rather than simply being allocated to the panel by their home local authorities. This means they have all gone through a tough selection process, during which they have demonstrated a real desire to join the panel. The evidence suggests that the attendance of independents at panel meetings is much more regular than that of
their elected colleagues. This may give them a much greater degree of continuity, consistency and authority.

Finally, independent panel members, unlike the councillors, do not have to face annual council meetings and the likelihood of replacement. This means their tenure of office is much longer on average, which gives them greater knowledge and authority. However, unlike their councillor colleagues, they have no direct link to their local communities and this might be considered a disadvantage in terms of democratic accountability.

There are major problems arising from this apparent anomaly. Independent members form a very small element of panels. The bulk of members are elected councillors. The evidence from this research suggests that the independents are far more effective than their councillor colleagues, which places a burden on those independent members. Unless there is a much greater spread of skills and expertise across all panels, it is likely that panel effectiveness will be impaired. It is difficult to see how this can be improved significantly, given the democratic nature of the governance model.

Summary

There is strong evidence from all respondents in this research that independent panel members are highly effective in their role. This would appear to come from their wider knowledge and greater professional expertise, better representativeness, political neutrality, greater commitment and longer tenure in post. However, the governance model now in use has democracy at its core. This means that most panel members are local councillors, who are appointed by their local authorities. Councillor members are on average less representative, less knowledgeable, bound by political affiliation and have less commitment. They also spend less time in post. Given the lack of training available, this poses major difficulties for panels. Consideration might, as a result, be given to increasing the proportion of independent panel members.
Evaluation of independent members’ effectiveness

Research findings

Table 20 Monitoring of independent members’ effectiveness

<table>
<thead>
<tr>
<th></th>
<th>All respondents</th>
<th>PCP independents</th>
<th>PCP councillors</th>
<th>Panel clerks</th>
<th>PCCs</th>
</tr>
</thead>
<tbody>
<tr>
<td>In place</td>
<td>1 (2%)</td>
<td>0</td>
<td>1 (4%)</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Not in place</td>
<td>26 (51%)</td>
<td>10 (83%)</td>
<td>9 (42%)</td>
<td>7 (100%)</td>
<td>0</td>
</tr>
<tr>
<td>Don’t know</td>
<td>21 (41%)</td>
<td>2 (17%)</td>
<td>11 (52%)</td>
<td>0</td>
<td>8 (80%)</td>
</tr>
<tr>
<td>Ask panel</td>
<td>1 (2%)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1 (10%)</td>
</tr>
<tr>
<td>No answer</td>
<td>2 (4%)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1 (10%)</td>
</tr>
</tbody>
</table>

As will be seen in Table 20, only one of the research participants (4%) thought the effectiveness of the independent members was being measured. Most significantly, all seven panel clerks (100%) confirmed there was nothing in place to monitor and assess their performance.

The panel clerks all acknowledged the absence of formal assessment. It became clear during the research that this is a problem for all panel members and not just the independents. The response from one panel clerk suggested an air of complacency.

“They generally regulate themselves through the Chairman. He takes a leading role in identifying where the panel needs additional help. Panel members are quite open in talking to one another about their own development needs. As an officer, I certainly wouldn’t seek to manage their performance.” Clerk2

Interestingly, this is completely at odds with the response from one of her independent members, which is identified later in this section.

A similar complacency was also revealed in the comments of another panel clerk. She was asked if there were procedures in place to assess the performance of the independent members. She stated that:

“We probably have a review of the panel’s effectiveness about once a year. I think we are certainly improving on the proactive scrutiny. We have a very good relationship with the PCC, which you might say we shouldn’t have. Talking with other panel chairman, it seems they have quite a confrontational relationship with their PCCs and although we are there to scrutinise him, we’re also there to work with him.” Clerk3

Another panel clerk, in acknowledging the absence of formal assessment procedures, appears to have missed the point about the need for critical reflection:
“No, we tend not to have any procedures. There has never been any major issue apart from poor attendance” Clerk4

The independent members would welcome feedback on their panel performance and they are also critical of the absence of critical reflection. The comments of two of them are recorded here.

“There are no procedures or processes to monitor the effectiveness of independent members. Neither are there any procedures or processes to monitor the effectiveness of elected members. We have never had any formal sessions to discuss performance. All we have is our AGM, which is simply a box ticking exercise.” PCP1

“I’m not aware of any evaluation process that enables panel members to take stock and reflect on their effectiveness in holding the commissioner to account. I have no idea what they think of me. They might think I’m effective but I don’t know. Having said that, we do meet up with the chair for pre-panel meetings, which is really positive and I really welcome that.” PCP33

Another independent panel member, in contradiction of both her clerk and panel chair, was scathing about the lack of critical reflection. The following brief exchange, which is quoted in full, conveys her strong sense of frustration and disappointment.

PCP12 “I would be very surprised if anybody on the panel told you it was a robust scrutiny instrument. People are terribly tight-lipped about that kind of thing. Nobody has really spoken to me about my thoughts of how the panel works or sought my views on how it could be made to work better.”

Researcher “Do you think there should be regular sessions during which the panel reflects on its performance?”

PCP12 “They might tell you that they do, because we have an AGM and because we have these proactive scrutiny sessions in the afternoon, they really think they are doing a brilliant thing. The clerk writes all the questions beforehand and invites us to pose those questions at the main meeting. Everything, though, seems to be very gentle and there is no challenge. No one wants to cause any offence, which means that we don’t ask any difficult questions. This is frustrating for me because I have no political affiliation. Some of the other panel members are very cautious because they are playing a long game. We have real difficulties in getting anything scrutinised. Our chair is a very nice guy and easy to chat to but his instinct is to be automatically supportive of the Commissioner. He always says that we are there to scrutinise, as well as to support but I don’t believe he has the balance quite right as the chair. I had originally thought that as a former senior police officer, he had the right experience to put to good use as the panel chair but we have had none of that from him. I have asked some difficult questions but have felt exposed because I don’t have any backup. When my term of office comes to an end in July this year, I will not be seeking reappointment. It feels like a complete waste of my time. It is just not what it should be. It is too support focused...
and this is just too filled with politicians. It may be that there is no other way around is that in that the PCC should be seen to be scrutinised by locally elected representatives. The panel members are not necessarily bad people but they are bound, in their own minds at least, by what their party expects them to do on their own councils, never mind on the PCP. That dual role thing means that they will be anxious about their party and what other members of their local authority think about what they are doing on the PCP. This means they are not necessarily doing what they think is best in respect of policing. Rather, they are doing what they think is best for their political careers. I find this incredibly frustrating.”

It will be seen from her comments, that this independent panel member has been disillusioned by what she has encountered. Not only has there been no reflection on her contribution, or on the panel’s performance, she feels there has been no effective scrutiny of the PCC and that the councillor members are unduly influenced by their party allegiance. It was the intention of this panel member to step down from her role.

Summary

There are no formal procedures in place in any of the PCPs covered in this research to reflect critically on the effectiveness of the independent panel members. Neither, as the research has shown, is the performance of councillor members subject to assessment. While there was a general acknowledgement that monitoring and assessment should be on-going for all panel members, there was little enthusiasm shown by the panel clerks for its introduction. There may be several reasons for this apparent complacency, and these may centre around a lack of adequate funding and resources, a topic which is covered later.

The independent members appear to feel under-valued and, in some cases, disillusioned. Not only is this unsatisfactory in terms of undermining panel effectiveness, it is unfair on these unpaid, independent members, who have offered their professional services for an important public role.
Chapter 7

Effectiveness

Findings and analysis – Is the model working?

Given the concerns of the Home Affairs Select Committee and a range of other authoritative commentators about panel impotence (Bailey, 2015), this research sought the views of the key practitioners about the effectiveness of the current arrangements and whether, or not, reform was necessary.

Role perception

All 51 respondents in this study are key practitioners in the new governance arrangements. Their views as to its effectiveness, particularly in respect of commissioner accountability, were thought to be especially pertinent by the researcher. Given their close, practical engagement and their wide range of backgrounds, skills and knowledge, they will have unique insights not available from other sources.

The views of these practitioners were also considered essential by the Committee on Standards in Public Life (Tone from the Top, 2015) and its report highlighted the problems of holding PCCs to account.

Research findings

Table 21 Are PCCs held to account?

<table>
<thead>
<tr>
<th></th>
<th>All</th>
<th>Independent members</th>
<th>Councillor members</th>
<th>PCCs</th>
<th>Panel clerks</th>
<th>Other stakeholder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>16 (31%)</td>
<td>4 (33%)</td>
<td>4 (19%)</td>
<td>6 (60%)</td>
<td>2 (28%)</td>
<td></td>
</tr>
<tr>
<td>No</td>
<td>24 (47%)</td>
<td>5 (41%)</td>
<td>14 (66%)</td>
<td>1 (10%)</td>
<td>3 (42%)</td>
<td>1 (100%)</td>
</tr>
<tr>
<td>Difficult to assess</td>
<td>10 (19%)</td>
<td>3 (33%)</td>
<td>3 (14%)</td>
<td>3 (30%)</td>
<td>1 (14%)</td>
<td></td>
</tr>
<tr>
<td>No comment</td>
<td>1 (2%)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1 (14%)</td>
</tr>
</tbody>
</table>

As will be seen from Table 22, just sixteen (31%) of the fifty one participants in this study believed the current model was effective in respect of PCC accountability. However, perhaps unsurprisingly, six of the ten PCCs (60%) were confident that their panels were holding them to account. More respondents overall (47%) took a different view and considered the current arrangements to be ineffective. In respect of councillor panel members, this figure rose to 66%. A significant minority (19%) found this question difficult to assess, including independent panel members (33%) and PCCs (30%). Whilst 2 (28%) of panel clerks thought the
system was working, 3 (42%) believed it was not. Another found this difficult to assess and one felt unable to comment.

Dealing first with the responses from those who were confident with the current model, one consistent theme emerged and that is the model depends crucially on the personality and cooperation of the PCC. This point is made powerfully in the first two quotations, both of which are from independent panel members.

“The panel is now having a significant impact on holding the PCC to account because he listens to us. Over time, it has become more of partnership working. I shudder to think what would happen if the panel wasn’t here to monitor the effectiveness of the PCC. The public would know nothing. You are relying on the goodwill and personality of the PCC to make the system work.” PCP4

“I think it’s significant because of who the PCC is. It could be different with a more difficult PCC. It depends on the attitude of the PCC and the willingness of the PCC to accept scrutiny.” PCP9

Another independent member, however, suggests that the model works well on his panel because, with just Labour politicians, there is no place for party squabbling. The impact of party politics on the governance model is addressed in more detail in a different chapter.

“I think the panel does have an impact on holding the commissioner to account. I think things are fine in Manchester and there haven’t been any issues. That may be because they are all Labour party members. It might be different if there were Conservatives and Liberal Democrats on the panel.” PCP33

PCCs are much more confident and, as will be seen from the three quotations below. They feel panels have a significant impact in holding them to account. The first of these was a Conservative commissioner and the other two, who were re-elected last year, are both from the Labour Party. All three of them appeared to the researcher to have highly effective communication skills and took the view that panels were an important reference group and scrutiny body. The Conservative PCC, who stood down at the last election, has since resigned from the Conservative party. His view was that party politics should have no place in the governance model.

“Significant impact. The panel generates a lot of activity and it feels to me like an effective scrutiny.” PCC1

“It has a significant impact in holding me to account. I take very seriously what they say and go away and think about it quite a lot.” PCC6

“I think it is significant because, as I say, I know I need the panel. I know this is a lonely job and I have to make some unpopular decisions.” PCC7

The independent panel members were both sceptical and cynical about their effectiveness. That frustration is illustrated vividly in the first two quotations, where there is also a sense of impotency and pointlessness.
“The panel has no impact at all in holding the commissioner to account. We have to rely on asking lots of questions. Sometimes, we might get answers, and other times we won’t. The PCCs know that they are answerable only to the electorate every four years. The Panel is simply there for a box ticking exercise. It is nothing more than window dressing.” PCP1

“I think it is a safety net for the commissioner so that he’s able to say he’s reporting to a particular body. Truth be known, it is a reporting tool body. It is just words. There is no sanction there. It has not been designed for public scrutiny. That is what needs to change. I don’t think they have thought any of this through. It was just a political gesture at the time” PCP18

The third quotation, which is also from an independent panel member, reinforces the point that any success depends entirely on the personality and cooperation of the PCC, rather than the effectiveness, or authority, of the panel.

“I think it is very limited. To be fair to him, he does give us quite a lot of feedback on things and he seems quite open. That is not necessarily as a result of anything the panel is doing to make that happen.” PCP12

The next three quotations, which are from a panel clerk, a PCC and a chief executive of a PCC’s office, all believed panels have limited effect on PCC accountability. The views of the PCC and chief executive, who both rejected the panel’s authority, were particularly trenchant.

“The panel has a limited impact in holding the commissioner to account. The current relationship is very cosy. He is a really good commissioner and the members of the panel are really good at what they do but, do they really seriously do deep probing into his activities? No, they don’t” Clerk6

“It is limited because they can’t hold me to account. The powers are not there.” PCC2

“They should not be holding him to account and so they should not have any impact at all. It is not their job. They have a limited impact on getting him to explain himself.” OS1

Some respondents found this question difficult to assess. One councillor panel member, quoted below, felt that his panel’s authority was limited only by a lack of time and resources. The second quotation is from a PCC, who appeared more concerned to defend his propriety, rather than provide an answer to the question. His point was that his good professional behaviour gave his panel no grounds to hold him to account. During his interview, this same commissioner went on to make some wholly unsubstantiated claims about the rise of violent crime being attributable largely to eastern Europeans, for which he admitted he had no evidence.

“The panel has the capability to hold PCC to account but not the capacity. Just four meetings a year is not enough.” PCP18
“I haven’t had much to be held to account for! The performance is very good. What is there to hold me account for? There hasn’t been anything of a major cause-celebre to cause them problems.” PCC3

Why have the practitioners responded in this way and what problems does this pose for the future of this governance model?

It might have been predicted that the views of the practitioners taking part in this study would be dependent upon their roles and political allegiance. However, the only significant confirmation of that prediction was that 60% of the PCCs thought their panels held them to account and just 10% did not. The answers from the other practitioners, as will be seen from Table 20, were less conclusive. Only 2 (28%) of the panel clerks thought their commissioners were held to account, while 3 (42%) did not. Of the remaining two, one declined to comment and the other felt unable to decide. The responses from the panel members were also interesting. While independent members were more evenly spread with their answers, there was a noticeable difference in respect of the councillor members. While just 4 (19%) said there was sufficient PCC accountability, 14 (66%) took an opposite view. Political allegiance did not appear to be relevant in respect of the councillor members.

It seems from the evidence in this study that the PCCs are keen to use panels as sounding boards, viewing and valuing that relationship as one of a critical friendship. There was, however, no explicit acknowledgement from the commissioners that panels wield any real power or authority over their actions. Significantly, under the present arrangements, PCCs are the dominant players and the success or otherwise of the panels in holding them to account depends almost entirely on their personality and cooperation. Where PCCs are proactive, collaborative and approachable, panels have an opportunity, at best, to influence their actions. Where that is not the case, as was found in Surrey (Bailey, 2015), panels would appear to be entirely impotent.

These views are important as the frustration of some panel members about their inability to exercise any real authority is palpable. Some respondents were disdainful of the current model and this may have a negative impact on the commitment and effectiveness of those panel members.

Summary

Apart from PCCs, the clear majority of practitioners participating in this research (47%) think panels do not hold their commissioners to account. This increases to 66% with councillor members. Politics would not appear to play any significant part in these perceptions of effectiveness.

It seems clear, from both sides of the argument, that the key determinant is the personality and cooperation of the commissioner. Where PCCs are proactive and collaborative, there is an opportunity for panels to exercise a level of influence. However, this does not extend to sanctions where panels wish to censure their commissioners.
Given the strength of feeling from some of the practitioners in this study, it seems reasonable to suggest that some reform is necessary if panels are to command the respect and authority they need to be effective.
Findings and analysis

Does the present model require improvement?

Given their experience, authority and unique insights, the views of those charged with operating the current model of governance are fundamental to a better understanding of its effectiveness. These practitioners alone are best placed to comment authoritatively on how the model works in practice. There have been surveys conducted to test the perceptions of stakeholders, the most recent of which was completed in June 2016 (Grant Thornton), just when the newly elected commissioners were about to take office for the second term. This was a quantitative study, where questionnaires were sent to PCCs, PCPs and chief constables. The only similar finding to emerge from that survey was that 42% of PCPs felt their panels were either very, or extremely, successful. Given the different methodology and different questions, it is difficult to compare that survey with this study.

Research findings

Table 22 Does the present model require improvement?

<table>
<thead>
<tr>
<th></th>
<th>All</th>
<th>Independent members</th>
<th>Councillor members</th>
<th>PCCs</th>
<th>Panel clerks</th>
<th>Other stakeholder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>47 (92%)</td>
<td>11 (91%)</td>
<td>21 (100%)</td>
<td>7 (70%)</td>
<td>7 (100%)</td>
<td>1 (100%)</td>
</tr>
<tr>
<td>No</td>
<td>4 (8%)</td>
<td>1 (9%)</td>
<td></td>
<td>3 (30%)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

As will be seen from Table 22, there was an emphatic response from the respondents in this study, in that 47 out of 51 (92%) believed some reform of the present model was required. With the panel clerks and councillor panel members, this rose to 100%. Indeed, even 7 out of the 10 PCCs (70%) thought adjustments were necessary. This was the clearest possible statement from key practitioners about perceived shortcomings in the current arrangements. While some thought minor changes were required, others were far more disparaging. They believed more fundamental reform was necessary.

The key issues highlighted included role clarity, funding, training, panel powers, independent members, the need for an intermediary, such as an ombudsman, PCC selection process and the lack of thought given to PCPs by the legislators.

The issues of role clarity, powers and the use of an intermediary are touched upon in the first quotation from an independent panel member. The second quotation, also from an independent, draws attention to the need for more independents, together with the need for more training, particularly on leadership and performance evaluation. Another independent member, in the third quotation, suggests panels need more power to require cooperation from their commissioners.

“As far as the current model is concerned, I think the introduction of Commissioners is the most interesting development in police reform for a long
Findings and analysis

time. In terms of the people holding commissioners to account, the current model falls well short of what should be expected. It needs massive improvement, particularly in terms of role definition and power for PCPs. Unless this reform happens soon, panels will cease to have any credibility. I also think the panel should have an ombudsman to whom it can take complaints or concerns. There is lots that needs to be done and we just need to get on with it as soon as possible. We must not allow this to become yet another layer of bureaucracy that serves no useful purpose.” PCP1

“The present model needs improvement. Perhaps there should be fewer councillors and more independent members. There is no way in which 20 people around the table can be effective. The challenge is how you would square this democratically. There should be more training and formal induction to the panel. There needs to be more training especially focused at how to scrutinise. There should also be more on leadership and how to better understand their own performance.” PCP4

“It definitely needs improvement. There needs to be something in there that requires the commissioner to be more cooperative. It is almost like she rocks up, she has done her bit and talks down to the members. It is a power thing with her. This goes back right to the beginning, when she kept reminding members that she had a democratic mandate for the whole of the county. The panel needs to be more dedicated and have the right people in place” PCP5

Councillor panel members were also very critical and, in the two responses below, attention was drawn to the excess of parochial thinking, the difficulties in attending all day meetings, whether independent members were truly independent, concern about the number of ex police officers and the need for an intermediary body to whom panels can refer disputes.

“One of its weaknesses is there is lots of parochial thinking. All-day meetings make it very difficult for anyone in full time employment to attend. Anyone with children of young age will find it difficult. The way it operates restricts a wider membership. My concern about independent members is how are they selected? Very few people I know are genuinely independent. They all have a political allegiance. Putting aside their politics, the competence they bring is something that is valuable. The problem is, you’ve got people scrutinising the PCC and there is probably a disproportionate number of ex-police officers who believe they are experts in strategy and budgets. In fact, they may well have been very good police officers in whatever role they performed but they are not necessarily competent in their panel role.” PCP13

“Because they are elected, it seems there is little that we can do. There needs to be some form of intermediary, like an ombudsman, that we can appeal to. There needs to be a major review of the model. For me, taking part in the system that I don’t agree with, is an interesting position to be in.” PCP2

The PCCs similarly had much to say about the inadequacies of the present model. In the first quotation, a commissioner acknowledged that not all PCCs were suited to their role and that more should be done in the initial selection process. In the
second quotation, the PCC asserted that while the model had improved
democratic governance of the police, there remained concerns about the panel
which, in her view, was dysfunctional. She also complained that panels were a sop
to the Liberal Democrats and that they were never wanted by the Home Secretary
or the Policing Minister. Another PCC, in the third quotation, claimed that
independent PCCs were, in reality, Liberal Democrats. In the fourth, and final PCC
quotation, there was an explicit acknowledgement that panels needed more
powers, more value and more resources.

“I am also aware that there are PCCs who are ill-suited to do the job and
that comes back to the selection process and everything else.” PCC1

“I think the PCCs have brought democratic accountability to policing. They
can react to local issues far quicker. As far as the panel is concerned, I think it was
a sop to keep the Liberal Democrats quiet. Theresa May, I think, somebody said to
her initially and to Nick Herbert. I think they wanted to keep the panel away from
holding PCC’s to account. I think the panel does not figure on my radar apart from
making my life really unpleasant. I hate the meetings because they are rude. They
take up an awful lot of time and effort beforehand to get stuff together, that half of
them don’t read, half of them don’t turn up. They have their own political agendas
when they turn up and they could be a force for good but they are not.” PCC2

“Labour put in very senior politicians and about eight of them are ex-
government ministers. They are all pretty confident people. Some of the
Independents, of course, stood under false colours and they were not
Independents at all. They were Liberal Democrats, who stood as independents
because they would not have been voted for. I think they’re going to have to
rethink a number of things. As for politics, I don’t think that enters into it but I do
have a concern about an extreme government, like Corbyn’s would be. Then you
put in PCCs who are extreme and I think that is a danger.” PCC3

“I would like to see some change. The easy change is to give the panel
more powers, more value and more resources. You can do that just by amending
legislation in a very small way.” PCC7

The panel clerks, as will be seen in the two quotations below, also took the view
that needed more resources and more power to require cooperation from
commissioners.

“I think there needs to be some firmer foundations in respect of the panel’s
ability to be able to contribute to decisions made by the Commissioner.” Clerk5

“I just think it is really, really time-consuming and bureaucratic and therefore
under-resourced to be effective.” Clerk6

The final comments are very critical of PCPs, claiming that not only were they not
an integral part of the original concept, they were a ‘bureaucratic distraction’.

“Not confident at all. Dealing first with the panel constitution, it thinks it is a
scrutiny committee from the local authority and so it behaves as such. That is not
Findings and analysis

a very effective form of governance. Panels were a bolt on to the whole concept. It wasn’t a fundamental part of the model anyway. It is unnecessary as a device. It is a bureaucratic distraction. What could you replace it with? I would have thought that there should be system where the PCC should meet quarterly with council leaders. You are then getting the key people who are principal decision-makers in local authorities. The key relationship will be between commissioners and local authorities.” OS1

Why have these findings been identified and what problems do they highlight?

Of all the questions posed in this study, the response to this was unambiguous across the board. All practitioner groups made clear that reform of the present model was required. The only conclusion to be drawn from this near unanimous finding is that the respondents, irrespective of their political affiliation or role, felt reform was needed. The problem it presents is also unambiguous. There is an urgent need for review of the current arrangements. Failure to recognise this is likely to undermine further the credibility of the governance model.

Summary

The findings in respect of this question were unambiguous. Thus, 92% overall stated that some reform of the present system was necessary. With the panel clerks and councillor panel members, this rose to 100%. Indeed, 7 out of the 10 PCCs (70%) also thought some adjustment was needed. The respondents could not have been clearer. Further reform is now required.

Many respondents believed that, as panels were an afterthought, insufficient attention had been given by the legislators as to how they would operate in the governance model. They argued this had led to the current position, where few people had real confidence in their effectiveness.

There was a strong demand for greater role clarity, training and resources for panels, which have all been covered at length in this research. Some respondents argued for the role of independent panel members to be enhanced. Others thought panels should be empowered to require cooperation from their commissioners. There was also a call for the introduction of an intermediary body, such as an ombudsman, to whom panels could refer disputes. One PCC, in acknowledging the existence of some maverick commissioners, suggested the selection process needed to be strengthened. This has also been identified elsewhere in this study. There were also questions about the term, ‘independent’, from some practitioners. They felt that it was impossible to be truly independent. One PCC suggested the term was used to conceal their real identity as a Liberal Democrat.  

4 The 51 respondents comprised 21 councillor PCP members (16 Labour, four Tory & one Green), twelve independent PCP members, ten PCCs (five Labour, two Tory & three independent), seven panel clerks and one chief executive of a PCC’s office
Chapter 8

Summary and Observations

This research has revealed a compelling need for urgent reform of the current governance model. Significantly, the desire for reform came from panel members, PCCs and panel clerks, with 92% overall claiming that some change was necessary. Not only was this response emphatic, there is also evidence that panel members are losing confidence, primarily through the absence of role clarity but also because of insufficient powers and inadequate resourcing.

Evidence from this research points to significant issues affecting PCP effectiveness. These include panel composition, high turnover of panel members and tenure, funding and resourcing, the need for additional powers, training, panel management and political influence.

Although the current governance model is quite different from police authorities, which preceded it, there are striking similarities between the identified weaknesses of both systems. Police authorities were deemed to be invisible and impotent, with significant challenges in respect of high member turnover, low status of the authority among councillors, poor resourcing and inadequate training. The absence of legal clarity, lack of effective powers and poor information were also factors. These criticisms all featured in this research in respect of PCPs. The evidence from the literature around health service scrutiny paints a similar picture, particularly in respect of limited funding, inadequate training and ineffectual scrutiny.

The composition of PCPs, as well as the extent to which they were representative of their wider communities, has an impact on panel effectiveness. A significant majority of panel members are local councillors, who are appointed by their host authorities. Given that panels are unable to select their councillor members, they have no ability to recruit the most suitable people. As with local councillors, panel members are unrepresentative of the wider public and tend to be middle-aged to elderly white men.

The position is different with independent members, who are recruited through a rigorous selection process, which identifies their relevant background skills. They are also considerably more diverse and can better represent the wider community in terms of age, gender, ethnicity and class. Politically neutral, they are unaffected by party politics, something highlighted by many of the independent panel members in this study. Their overall effectiveness was praised by the panel clerks.

While this research demonstrates independent panel members have greater commitment and remain in post longer, the present political model dictates that most panel members will continue to be local councillors. The evidence from this research would, however, support the appointment of additional independent members to panels.
High turnover of panel members and limited tenure in post were also identified as significant problems. This research found that councillor panel members, unlike their independent colleagues, spent less time on their panels. There are two principal reasons. First, the electoral process itself and second, portfolio changes at council Annual General Meetings. Moreover, the ineffective use of substitutes, lack of preparation and a misunderstanding of their role by panel members, are also significant factors. This means that panels suffer from a lack of continuity, consistency and authority. The small number of independent members are unable to compensate for the disruption to panel meetings.

Inadequate financial support has led to a reliance on the good will and support of panel members, officers and their commissioners, without which most panels would be unable to function. For panels to be truly effective, they need to be able to undertake their own proactive scrutiny programmes. This is something rarely possible under the present funding arrangements.

This research also sought the views from participants about the need for additional powers. The four-yearly election cycle for PCCs was seen by most panel members as an unacceptable mechanism for public accountability. Panels, with the requisite powers and resources, should undertake that role between elections. However, given that some panels have just four meetings a year, this was also seen as an obstacle to effective scrutiny.

While some panel members felt there was a need for additional powers to require cooperation from PCCs, many argued for effective sanctions, particularly in respect of referral to a higher authority, such as the Home Secretary or an ombudsman. This was supported by one of the PCCs. Another argued that, given their lack of real powers, panels were suffering from a democratic deficit and that they should be given both more powers and additional resources.

The absence of training is a problem for both panel members and PCCs. It constrains their effectiveness and it also undermines the whole governance model. Whilst there was a general acknowledgement that monitoring and assessment should be on-going for all panel members, there was little enthusiasm shown by the panel clerks for its introduction. There could be many reasons for this apparent complacency and these could emanate from insufficient funding and a lack of resources.

Ineffectual panel leadership was also highlighted as a problem, particularly in relation to developing clear panel objectives on scrutiny. Evidence from this study suggests that panel chairs can be unduly influenced by their own personal and political agendas. Given their pivotal role, more thought needs to be given to their selection, training and performance.

Although many respondents recognised political influence as a potential problem, there were no claims from panel members that it had affected their impartiality. However, one PCC claimed that he had been given undue leeway by panel members from his own party. This is a potentially serious allegation and raises major concerns about effective Commissioner scrutiny where one party dominates.
Conclusions and observations

PCCs are central to the new governance model and this research explored some of the key issues around their suitability as candidates, as well as the ways in which they can help improve panel relationships.

There was a call from some respondents to introduce a more rigorous selection process for PCCs to reduce the risk of attracting maverick candidates. At present, the only selection criteria, in the case of politicians, are provided by the political parties. Independent candidates are self-selecting and there are no external safeguards in place. Evidence from this research suggests that consideration should be given to setting up a neutral panel, perhaps through the Home Office, whereby all PCC candidates could be assessed as to their suitability for the role. Approved candidates would then be able to go forward to the election process.

Evidence from this research clearly shows that where PCCs and PCPs engage collaboratively, there is less friction and greater trust. This enables panels to exercise more influence on the policy programmes of PCCs.

This research has demonstrated an urgent need for reform of the current governance model. Not only is there a danger of a public loss of confidence, there is also a significant risk of panel members becoming disillusioned because of their perceived impotence and low status. Unless PCPs are given the role clarity, additional powers and resources they seek, PCC accountability can only be further diminished.


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Bibliography


Bibliography


Bibliography


Appendices

Appendix 1  Interview questions for PCP members

### Interview Questionnaire

**Study title:**
Policing the PCCs: An examination of the current statutory and political frameworks for holding Police and Crime Commissioners to account.

**Name of researcher and supervisor:** Researcher – Roy Bailey; Supervisor – Barry Loveday

**Contact details:** Please see above.

**Invitation**
Thank you for reading this. I am conducting this research study as a student of the Professional Doctorate programme at the university of Portsmouth and would like to invite you to take part by agreeing to be interviewed. It is entirely up to you whether you participate but your responses would be valued. As a member of the Police and Crime Panel, your views are pivotal. My study is aimed at determining the effectiveness of the Police and Crime Panel in holding the Police and Crime Commissioner to account. Critics of the current model have argued that the dual role of support for, and scrutiny of, the Police and Crime Commissioner has served to blur the focus and priorities of the scrutiny role. The Home Affairs Select Committee, in acknowledging this issue, has pointed to the need for PCPs to redouble their scrutiny effort. There are also other criticisms and this research is designed to look closely at each of them in seven PCPs across the country. Although I will be asking for your name and role, I will take all reasonable steps to ensure anonymity throughout the research and in the references and citations. No information gleaned from this study can be used for Human Resources in respect
of performance issues. However, should any information emerge which suggests practice that places an individual at risk, or is illegal, will not be covered by the confidentiality clause and will be reported appropriately. Responses from completed questionnaires will be collated for analysis and, once this is complete, the original questionnaires will be retained until the completion of my doctorate. Up to this stage, completed questionnaires will be stored in a locked filing cabinet. If you wish to learn more about the results of the research please contact me at my university email address – up710610@myport.ac.uk. Should the study be published, you will be forwarded a copy. It may be necessary to retain the data from this interview until the conclusion of my doctorate. Should that be the case, I will first seek your consent, unless you are able to provide that now.

Y/N

**Questionnaire instructions**

Although in questionnaire form, I shall be conducting these interviews and will explain carefully the questions as we go through the questionnaire.

1. Name:

2. Gender M/F

3. Age:
   - 21 to 30
   - 31 to 40
   - 41 to 50
   - 51 to 60
   - 61 to 70
   - 71 to 80

4. What is your ethnic group?

Choose one option that best describes your ethnic group or background

**White**
1. English / Welsh / Scottish / Northern Irish / British / Irish
2. Any other White background, please describe

**Mixed / Multiple ethnic groups**

**Asian / Asian British**

**Black / African / Caribbean / Black British**

5. Occupation:

6. Councillor: Y/N
7. If Yes, how many years have you been a councillor?
   1 to 5
   6 to 10
   11 or more

8. If a local councillor, what experience do you have?
   Cabinet member Y/N
   Scrutiny body Y/N
   Policing and community brief Y/N

9. Political affiliation: (Please tick against your answer below)
   Conservative
   Labour
   Lib Dem
   UKIP
   Independent
   Other
   No political affiliation

10. Independent member of PCP? Y/N

11. Relevant experience
   Former Police Authority member Y/N
   If Yes, detail experience:
      Role held:
      Number of years in that role:
      1 to 5
      6 to 10
      11 or more
   Other relevant experience:
      Police Y/N
      Probation Y/N
      Social Services Y/N
      Lawyer or legal training Y/N
      Magistrate Y/N
      Other – Please describe

12. Local authority for which you are a councillor

13. Position/role on PCP:

14. How long have you been a member of the PCP?
Appendices

Since the outset  
2 to 3 years  
1 to 2 years  
Less than 1 year  

Y/N  
Y/N  
Y/N  
Y/N

15. Is there a problem with high turnover of PCP members?  
Yes, there have been problems.  
If yes, please outline those problems below  
Y/N

16. Have you received any training for your PCP role?  
Y/N

17. What did that training entail?  

18. How effective are the independent experts on the panel?  
Highly effective with relevant expertise  
Not especially effective  
Difficult to assess  
Y/N  
Y/N  
Y/N

19. Does the PCP have a clear policy on identifying and appointing independent expert members?  
Yes  
No  
Unclear

20. What procedures and processes are in place to identify and appoint independent expert members?  

21. What procedures and processes are in place to monitor the effectiveness of independent members?  

22. Does the PCP have a clear understanding of its role?  
Y/N

23. If No, have you or other PCP members sought clarification and, if so, from whom?  

24. Does the PCP have sufficient powers to fulfil its role?  
Y/N

25. If no, what additional powers are required?  

26. Is there a tension between scrutinising and supporting the PCC?  
Y/N

27. Should more emphasis be given to the scrutinising role?  
Y/N
28. Do you consider that proactive scrutiny is affected by funding constraints? Y/N

29. How would you describe the leadership of the PCP:
   Strong and decisive
   Good but hampered by poor guidelines
   Poor

30. How would you describe the management of the PCP:
   Strong, clear and supportive
   Good but hampered by poor guidelines
   Poor

31. Are the processes of formal inquiry for the PCP:
   Clear, simple and effective
   Unclear and ineffectual

32. How visible is the PCP?
   High profile
   Low profile

33. What impact do you think the PCP is having on holding the PCC to account?
   Significant
   Difficult to assess
   Limited

34. Would your ability to scrutinise the PCC be made easier if he/she were independent? Y/N

35. Would interference be a problem where the scrutinisers and the scrutinised are from the same political party? Y/N

36. How confident are you in the current model of democratic police governance?
   Very confident
   Present model needs improvement
   Not confident

   Please outline your views

Thank you for participating in this interview.
If you have any concerns regarding this research, please contact me or my supervisor in the first instance. If you are not entirely happy with a response, please contact Dr Francis Pakes (see contact details above)
Appendices

Appendix 2  Interview questions for PCCs

Interview Questionnaire

Study title:
Policing the PCCs: An examination of the current statutory and political frameworks for holding Police and Crime Commissioners to account.

Name of researcher and supervisor: Researcher – Roy Bailey; Supervisor – Barry Loveday

Contact details: Please see above.

Invitation
Thank you for reading this. I am conducting this research study as a student of the Professional Doctorate programme at the university of Portsmouth and would like to invite you to take part by agreeing to be interviewed. It is entirely up to you whether you participate but your responses would be valued. As the Police and Crime Commissioner, your views are relevant. My study is aimed at determining the effectiveness of the Police and Crime Panel in holding the Police and Crime Commissioner to account. Critics of the current model have argued that the dual role of support for, and scrutiny of, the Police and Crime Commissioner has served to blur the focus and priorities of the scrutiny role. The Home Affairs Select Committee, in acknowledging this issue, has pointed to the need for PCPs to redouble their scrutiny effort. There are also other criticisms and this research is designed to look closely at each of them in seven PCPs across the country. Although I will be asking for your name and role, I will take all reasonable steps to ensure anonymity throughout the research and in the references and citations. No information gleaned from this study can be used for Human Resources in respect of performance issues. However, should any information emerge which suggests
practice that places an individual at risk, or is illegal, will not be covered by the confidentiality clause and will be reported appropriately. Responses from completed questionnaires will be collated for analysis and, once this is complete, the original questionnaires will be retained until the completion of my doctorate. Up to this stage, completed questionnaires will be stored in a locked filing cabinet. If you wish to learn more about the results of the research please contact me at my university email address – up710610@myport.ac.uk. Should the study be published, you will be forwarded a copy. It may be necessary to retain the data from this interview until the conclusion of my doctorate. Should that be the case, I will first seek your consent, unless you are able to provide that now.

Y/N

Questionnaire instructions

Although in questionnaire form, I shall be conducting these interviews and will explain carefully the questions as we go through the questionnaire.

1. Name:

2. Gender M/F

3. Age:
   21 to 30
   31 to 40
   41 to 50
   51 to 60
   61 to 70
   71 to 80

4. What is your ethnic group?

Choose one option that best describes your ethnic group or background

White
1. English / Welsh / Scottish / Northern Irish / British / Irish
2. Any other White background, please describe

Mixed / Multiple ethnic groups

Asian / Asian British

Black / African / Caribbean / Black British

5. Occupation:

6. Past Political affiliation:
   Conservative
   Labour
   Lib Dem
Appendices

UKIP
Independent
Other
No political affiliation

7. Relevant experience

Former Police Authority member Y/N
If Yes, detail experience:

Role held:
Number of years in that role:

1 to 5
6 to 10
11 or more

Other relevant experience:

Police Y/N
Probation Y/N
Social Services Y/N
Lawyer or legal training Y/N
Magistrate Y/N
Other – Please describe

8. How long have you been the PCC?

Since the outset Y/N
2 to 3 years Y/N
1 to 2 years Y/N
Less than 1 year Y/N

9. Have you received any training for your PCC role? Y/N

10. What did that training entail?

11. Does the PCP have a clear understanding of its role in holding the PCC to account? Y/N

12. Does the PCP have sufficient powers to fulfil its role? Y/N

13. If no, what additional powers are required?

14. Is there a tension between scrutinising and supporting the PCC? Y/N

15. Should more emphasis be given to the scrutinising role? Y/N
16. Do you consider that proactive scrutiny is affected by funding constraints?  
Y/N

18. Is there a problem with high turnover of PCP members?  
No, there have been few changes in members  Y/N  
Yes, there have been problems.  Y/N  
If yes, please outline those problems below

19. How effective are the independent experts on the panel?  
Highly effective with relevant expertise  Y/N  
Not especially effective  Y/N  
Difficult to assess  Y/N

20. How would you describe the leadership of the PCP:  
Strong and decisive  
Good but hampered by poor guidelines  
Poor

21. How would you describe the management of the PCP:  
Strong, clear and supportive  
Good but hampered by poor guidelines  
Poor

22. Are the processes of formal inquiry for the PCP:  
Clear, simple and effective  
Unclear and ineffectual

23. How visible is the PCP?  
High profile  
Low profile

24. What impact do you think the PCP is having on holding the PCC to account?  
Significant  
Difficult to assess  
Limited

25. Would the ability to scrutinise the PCC be made easier because he/she were independent?  
Y/N
26. Would interference be a problem where the scrutinisers and the scrutinised are from the same political party? Y/N

27. How confident are you in the current model of democratic police governance?

- Very confident
- Present model needs improvement
- Not confident

Please outline your views

Thank you for participating in this interview.

If you have any concerns regarding this research, please contact me or my supervisor in the first instance. If you are not entirely happy with a response, please contact Dr Francis Pakes (see contact details above)
Appendices

Appendix 3 Ethical Narrative

Introduction
There is widespread critical concern about the ability of Police and Crime Panels (PCPs) to subject Police and Crime Commissioners (PCCs) to effective and robust scrutiny. Often cited by the critics, are examples of ‘maverick’ behaviour by PCCs, which have frequently gone unchecked by PCPs. Although some of these ‘celebrated’ examples, such as the dismissal of Gwent’s chief constable by the PCC, have attracted national attention, there is now a growing body of evidence that PCPs are unable to exercise even a modest degree of scrutiny, leaving PCCs free to ignore advice or censure (Loveday, Lewis and Bailey, 2014). Some have seen an ironic twist in the new model of democratic oversight in that the only effective scrutiny of PCCs has occurred at a national, rather than local level, something not intended by the legislators (Chambers, 2013).

Several issues are at the heart of this disquiet, all of which will require thoroughgoing examination. First, the statutory framework does not empower PCPs to exercise full disciplinary authority, despite explicit criticism from the Home Affairs Select Committee prior to the legislation being enacted. It has been suggested that PCPs were forced upon a ‘reluctant’ policing minister, Nick Herbert, by the Liberal Democrats since the main (Conservative) focus had been on the democratic governance of the police by the PCC, rather than ‘policing the PCC’ by the PCP (Loveday and Lewis, 2014). Moreover, it may also be that PCPs were explicitly constrained by the legislators in their scrutiny role and this needs to be examined.

Second, PCPs have a dual support and scrutiny role and this may cause conflict and ambiguity. The evidence gleaned from the researcher’s case study of the Surrey PCP points to both a lack of clarity, and confusion, about its role and responsibility as a ‘critical friend’.

Third, the political dimension is important since there is a concern that it might have an impact on the scrutiny role. Evidence from local government scrutiny suggests that oversight may be less critical when the scrutiniser and the scrutinised are from the same political party and this will need to be tested in respect of PCCs and PCPs. The political nature and composition of PCPs therefore needs further exploration, particularly in respect of the role played by the independent ‘expert’ members. The research will examine the procedures used to identify and appoint independent members, together with a focus on what is meant by ‘expertise’. This will entail a critical review of PCP structure and the rationale used to identify both the independent members and their expertise. It will also be important to establish how expert members are used in the scrutiny role and how their contributions are measured.

Leading on from this is the fourth issue, the appointment of panel members, their suitability, their training and their retention. Some PCPs have suffered from high turnover of members and this needs investigation. Are issues such as time commitment and recompense for their time important? Are the panel members representative of the wider community and is there a gender imbalance? Should
there be a clear job or role description with a list of required skills and experiences? Can, or should, party affiliation override a requirement for minimum skills and experience? What do panel members think of their remit? Should they have more authority in their scrutiny role and should that role also be extended to include democratic oversight of the police?

Fifth, what is meant by political balance – both within the PCP and between the PCC and PCP? Can political influence usurp ‘professional objectivity’? One example often cited by critics is in Thames Valley, where the PCC has made rural crime a priority and it will be important to test whether that decision and others like it, impede the professional objectivity of the police.

Sensitivity of research topic

There is some potential for political sensitivity but I’m confident this can be managed without too much difficulty. PCP members would quickly discover, via Google, that I’m a former senior police officer in Thames Valley and a former Labour councillor in Bracknell. I will need to make this very clear to all respondents and provide strong reassurance that my research would be conducted dispassionately and transparently.

Permission from host organisation

I have established contact with all seven PCPs (Kent, Hampshire, Thames Valley, Avon and Somerset, South Wales, Merseyside and South Yorkshire) and they have all given permission, in principle, for this research to be undertaken, on the understanding that a formal written approach will follow. My draft letter is attached.

Reputational issues

I anticipate no reputational issues for either the university or the seven PCPs. As for myself, I will need to be mindful at all times of my political bias and ensure my research is demonstrably objective. See earlier paragraph.

Anonymity and confidentiality

It’s important that all PCP members are reassured that their comments will be anonymised. It is clear that not all PCP members believe the current model is without fault and my belief is that responses will be more forthright if their identities are withheld. This will be made clear both in my introductory letter and at the start of each interview. As for confidentiality, much, if not all, of the quantitative data is already in the public realm. I do not envisage any confidentiality issues in the qualitative aspect of my research but should any emerge, I will ensure they are handled appropriately. I will also need to reassure respondents that nothing they divulge during the course of their interviews will be passed on.

Data protection and storage

I will ensure that all data collected by me for this research is secured on my laptop and not released to any third parties.
Appendices

Role conflict

I do not envisage any role conflict, save for my earlier comments above.

Access to privileged data and privileged resources – and action to mitigate risks and concerns arising from accessing this type of data

I will not be accessing any privileged data or resources.

Risks posed by research – to participants and researcher

I do not anticipate any risks.

Ownership of research data

The University of Portsmouth and I will jointly own all data obtained during this research.
Appendices

Appendix 4  Form UPR16

**FORM UPR16**
Research Ethics Review Checklist

Please include this completed form as an appendix to your thesis (see the Postgraduate Research Student Handbook for more information)

<table>
<thead>
<tr>
<th>Postgraduate Research Student (PGRS) Information</th>
<th>Student ID: UP710610</th>
</tr>
</thead>
<tbody>
<tr>
<td>PGRS Name: Roy Bailey</td>
<td></td>
</tr>
<tr>
<td>Department: ICJS</td>
<td></td>
</tr>
<tr>
<td>First Supervisor: Barry Loveday</td>
<td></td>
</tr>
<tr>
<td>Start Date: (or progression date for Prof Doc students)</td>
<td>2013</td>
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<tr>
<td>Study Mode and Route:</td>
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</table>

<table>
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<th>Thesis Word Count: (excluding ancillary data)</th>
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</thead>
</table>

If you are unsure about any of the following, please contact the local representative on your Faculty Ethics Committee for advice. Please note that it is your responsibility to follow the University’s Ethics Policy and any relevant University, academic or professional guidelines in the conduct of your study.

Although the Ethics Committee may have given your study a favourable opinion, the final responsibility for the ethical conduct of this work lies with the researcher(s).

**UKRIO Finished Research Checklist:**
(if you would like to know more about the checklist, please see your Faculty or Departmental Ethics Committee rep or see the online version of the full checklist at: http://www.ukri.org/what-we-do/code-of-practice-for-research)

- a) Have all of your research and findings been reported accurately, honestly and within a reasonable time frame? YES ☒ NO ☐
- b) Have all contributions to knowledge been acknowledged? YES ☒ NO ☐
- c) Have you complied with all agreements relating to intellectual property, publication and authorship? YES ☒ NO ☐
- d) Has your research data been retained in a secure and accessible form and will it remain so for the required duration? YES ☒ NO ☐
- e) Does your research comply with all legal, ethical, and contractual requirements? YES ☒ NO ☐

**Candidate Statement:**

I have considered the ethical dimensions of the above named research project, and have successfully obtained the necessary ethical approval(s)

**Ethical review number(s) from Faculty Ethics Committee (or from NRES/SCREC):**

If you have not submitted your work for ethical review, and/or you have answered ‘No’ to one or more of questions a) to e), please explain below why this is so:
Appendices

Appendix 5

Ethical approval letter

October 20th 2015

Dear Roy,

<table>
<thead>
<tr>
<th>Study Title:</th>
<th>Policing the PCCs: An examination of the current statutory and political frameworks for holding Police and Crime Commissioners to account.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethics Committee reference:</td>
<td>15/16:02</td>
</tr>
</tbody>
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Thank you for submitting your documents for ethical review. The Ethics Committee was content to grant a favourable ethical opinion of the above research on the basis described in the application form, protocol and supporting documentation, revised in the light of any conditions set, subject to the general conditions set out in the attached document.

You must also attend to the following minor conditions:
1) Clarify issues around retention of documentation (see University policy)
2) Provide a complete phone number for Barry Loveday

There is no need to submit any further evidence to the Ethics Committee; the favourable opinion has been granted with the assumption of compliance.

It is the supervisor’s responsibility to oversee that these conditional are fulfilled.

The favourable opinion of the EC does not grant permission or approval to undertake the research. Management permission or approval must be obtained from any host organisation, including University of Portsmouth, prior to the start of the study.
## Appendix 6  List of research participants (anonymised)

<table>
<thead>
<tr>
<th>Participant</th>
<th>Role</th>
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<th>Age</th>
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</table>
Police and Crime Panel members

Study Title: Policing the PCCs: An examination of the current statutory and political frameworks for holding Police and Crime Commissioners to account.

Dear Panel member,

Further to our previous telephone conversations, I'm writing formally to seek approval for me to conduct a research study on the effectiveness of Police and Crime Panels in holding the Police and Crime Commissioner to account. Yours is one of seven targeted panels.

A former senior police officer in Thames Valley, I'm a criminal justice professional doctorate student with the university of Portsmouth, where my main focus is on the democratic governance of the police. I'm a former local Labour councillor in Bracknell but would like to reassure you that my research will be scrupulously objective and politically neutral at all times.

For this study, I'm proposing a mixed methodology, using both quantitative and qualitative tools. For example, I'd like to determine the number of meetings the PCP has had with the PCC and the frequency of certain items that appear on meeting agendas, in order to build a better quantitative understanding of the nature of the relationships. This would be supplemented with a more qualitative account, where I might attend meetings, read minutes for previous meetings, search for media reports on the PCP and conduct interviews with PCP members.
and the PCC. This could then be put into a qualitative data analysis programme, where I could pull out various themes about the power balance between key actors.

The reason I have chosen PCPs is that there is currently considerable academic interest in their dual role of scrutiny and support, which some suggest is antagonistic, in that it blurs the focus and priorities of the scrutiny role. Recurring themes from local government literature suggest that where the scrutinised and scrutinisers are from the same political party, scrutiny may be less robust. Current literature points to problems that include a lack of understanding of the PCP role, weak leadership, poor management, ineffectual processes of inquiry, low profile and perceptions of limited impact. The political nature and composition of PCPs therefore needs further exploration, particularly in respect of the role played by the independent ‘expert’ members. Leading on from this is another issue; the appointment of panel members, their suitability, their training and their retention. Some PCPs have suffered from high turnover of members and this needs investigation. What do they think of their remit? Should they have more authority in their scrutiny role and should that role also be extended to include democratic oversight of the police?

I have enclosed a copy of the questions to be put to members of the PCP and can reassure you that all responses will be anonymised. No information gleaned from this study can be used for Human Resources for performance issues. However, should any information emerge which suggests practice that places an individual at risk, or is illegal, this will not be covered by the confidentiality clause and will be reported appropriately. The interviews, which will be done in groups of four to five individuals, will be conducted by me and should take no longer than thirty minutes per group. In addition, it would be helpful if all panel members completed and returned a questionnaire prior to the interview.

I would welcome your advice on the organisation of an interview schedule. I’m very conscious of the time pressures on Panel members and will do what I can to avoid adding excessively to their diaries. Should this research be published, I will ensure copies are made available for you and the PCP members.

I’m most grateful for your kind offer of help. Perhaps it might be useful if we had a telephone discussion soon in order to agree a timescale? I will, of course, keep you up to date with all developments from my end. In the meantime, don’t hesitate to call me if you have any remaining questions or concerns.

I look forward to receiving your approval.

Thanks again for all your help and encouragement. It is much appreciated.

Yours sincerely,

Roy Bailey
Professional Doctorate student
Appendices

Appendix 8  Letter of introduction to PCCs

Police and Crime Commissioners

Study Title: Policing the PCCs: An examination of the current statutory and political frameworks for holding Police and Crime Commissioners to account.

Dear Police and Crime Commissioner,

Further to our previous telephone conversations, I’m writing formally to seek approval for me to conduct a research study on the effectiveness of Police and Crime Panels in holding the Police and Crime Commissioner to account. Yours is just one of seven targeted areas.

A former senior police officer in Thames Valley, I’m a criminal justice professional doctorate student with the university of Portsmouth, where my main focus is on the democratic governance of the police. I’m a former local Labour councillor in Bracknell but would like to reassure you that my research will be scrupulously objective and politically neutral at all times.

For this study, I’m proposing a mixed methodology, using both quantitative and qualitative tools. For example, I’d like to determine the number of meetings the PCP has had with the PCC and the frequency of certain items that appear on meeting agendas, in order to build a better quantitative understanding of the nature of the relationships. This would be supplemented with a more qualitative account, where I might attend meetings, read minutes for previous meetings, search for media reports on the PCP and conduct interviews with PCP members.
Appendices

and the PCC. This could then be put into a qualitative data analysis programme, where I could pull out various themes about the power balance between key actors.

The reason I have chosen PCPs is that there is currently considerable academic interest in their dual role of scrutiny and support, which some suggest is antagonistic, in that it blurs the focus and priorities of the scrutiny role. Recurring themes from local government literature suggest that where the scrutinised and scrutinisers are from the same political party, scrutiny may be less robust. Current literature points to problems that include a lack of understanding of the PCP role, weak leadership, poor management, ineffectual processes of inquiry, low profile and perceptions of limited impact. The political nature and composition of PCPs therefore needs further exploration, particularly in respect of the role played by the independent ‘expert’ members. Leading on from this is another issue; the appointment of panel members, their suitability, their training and their retention. Some PCPs have suffered from high turnover of members and this needs investigation. What do they think of their remit? Should they have more authority in their scrutiny role and should that role also be extended to include democratic oversight of the police?

I have enclosed a copy of the questions to be put to the PCC and can reassure you that all responses will be anonymised. No information gleaned from this study can be used for Human Resources of performance issues. However, should any information emerge which suggests practice that places an individual at risk, or is illegal, this will not be covered by the confidentiality clause and will be reported appropriately. The interview will be conducted by me and should take no longer than thirty minutes. Should this research be published, I will ensure copies are made available for you and the PCC.

I’m most grateful for your kind offer of help. Perhaps it might be useful if we had a telephone discussion soon in order to agree a timescale? I will, of course, keep you up to date with all developments from my end. In the meantime, don’t hesitate to call me if you have any remaining questions or concerns.

I look forward to receiving your approval.

Thanks again for all your help and encouragement. It is much appreciated.

Yours sincerely,

Roy Bailey
Professional Doctorate student
Appendices

Appendix 9  Participant information sheet

University of Portsmouth
Institute of Criminal Justice Studies

Researcher: Roy Bailey
Email: up710610@myport.ac.uk
Tel: 07717 755146

Supervisor: Barry Loveday
Email: barry.loveday@port.ac.uk
Tel: 023 9284 3458

Course Director: Dr Andy Williams
Email: andy.williams@port.ac.uk
Tel: 023 9284 3067

Participant Information Sheet

Study title:
Policing the PCCs: An examination of the current statutory and political frameworks for holding Police and Crime Commissioners to account.

I would like to invite you to take part in my research study. Before you decide, I would like you to understand why the research is being done and what it would involve for you. Talk to others about the study if you wish. Ask me if there is anything that is not clear.
The study is aimed at determining the effectiveness of Police and Crime Panels in holding Police and Crime Commissioners to account.

What is the purpose of the study?
There is widespread critical concern about the ability of Police and Crime Panels (PCPs) to subject Police and Crime Commissioners (PCCs) to effective and robust scrutiny. Often cited by the critics, are examples of ‘maverick’ behaviour by PCCs, which have frequently gone unchecked by PCPs. Although some of these ‘celebrated’ examples, such as the dismissal of Gwent’s chief constable by the PCC, have attracted national attention, there is now a growing body of evidence that PCPs are unable to exercise even a modest degree of scrutiny, leaving PCCs free to ignore advice or censure (Loveday, Lewis and Bailey, 2014). Some have seen an ironic twist in the new model of democratic oversight in that the only effective scrutiny of PCCs has occurred at a national, rather than local level, something not intended by the legislators (Chambers, 2013).

Several issues are at the heart of this disquiet, all of which will require thoroughgoing examination. First, the statutory framework does not empower PCPs to exercise full disciplinary authority, despite explicit criticism from the Home Affairs Select Committee.
prior to the legislation being enacted. It has been suggested that PCPs were forced upon a ‘reluctant’ policing minister, Nick Herbert, by the Liberal Democrats since the main (Conservative) focus had been on the democratic governance of the police by the PCC, rather than ‘policing the PCC’ by the PCP (Loveday and Lewis, 2014). Moreover, it may also be that PCPs were explicitly constrained by the legislators in their scrutiny role and this needs to be examined.

Second, PCPs have a dual support and scrutiny role and this may cause conflict and ambiguity. The evidence gleaned from the researcher’s case study of the Surrey PCP points to both a lack of clarity, and confusion, about its role and responsibility as a ‘critical friend’.

Third, the political dimension is important since there is a concern that it might have an impact on the scrutiny role. Evidence from local government scrutiny suggests that oversight may be less critical when the scrutiniser and the scrutinised are from the same political party and this will need to be tested in respect of PCCs and PCPs. The political nature and composition of PCPs therefore needs further exploration, particularly in respect of the role played by the independent ‘expert’ members. The research will examine the procedures used to identify and appoint independent members, together with a focus on what is meant by ‘expertise’. This will entail a critical review of PCP structure and the rationale used to identify both the independent members and their expertise. It will also be important to establish how expert members are used in the scrutiny role and how their contributions are measured.

Leading on from this is the fourth issue, the appointment of panel members, their suitability, their training and their retention. Some PCPs have suffered from high turnover of members and this needs investigation. Are issues such as time commitment and recompense for their time important? Are the panel members representative of the wider community and is there a gender imbalance? Should there be a clear job or role description with a list of required skills and experiences? Can, or should, party affiliation override a requirement for minimum skills and experience? What do panel members think of their remit? Should they have more authority in their scrutiny role and should that role also be extended to include democratic oversight of the police?

Fifth, what is meant by political balance – both within the PCP and between the PCC and PCP? Can political influence usurp ‘professional objectivity’?

Why have I been invited?
As a member of the Police and Crime Panel, your views are absolutely essential.

Do I have to take part?
The decision to participate is yours. I will describe the study and go through this information sheet. If you agree to take part, I will then ask you to sign a consent form.

What will happen to me if I take part?
I will be collecting and analysing both quantitative and qualitative data from the seven participating panels. For example, I would like to determine the number of meetings the PCP has had with the PCC and the frequency of certain items that appear on meeting agendas, in order to build a better quantitative understanding of the nature of the relationships. This would be supplemented with a more qualitative account, where I might attend meetings, read minutes for
previous meetings, search for media reports on the PCP and conduct interviews with PCP members and the PCC. The interview is an important component and will last about thirty minutes. I’m sure none of the questions will come as any surprise to you. Interview responses, together with other data, will be fed into a qualitative data analysis programme, from which I hope to identify various themes about the power balance between key actors. Responses will be anonymised so that individuals will not be able to be recognised in any published material that follows. Your specific consent will be needed if published material identifies you. I may ask your permission to record the interview.

**Expenses and payments**

I’m not in a position to provide funding for expenses and hope that any additional costs incurred by you, for this interview, will be met by your Council.

**What will I have to do?**

Your participation and cooperation with the study is all that is requested.

**What are the possible disadvantages and risks of taking part?**

I’m aware that, for some, this is a controversial area and that personal views may not always coincide with the wider Panel and/or political group formal views. There is a slight risk that some of these tensions will emerge, although I will do my utmost to conceal identities.

**What are the possible benefits of taking part?**

You will be providing valuable insights into the work of PCPs, particularly in respect of the important role of scrutinising the PCC.

**Will my taking part in the study be kept confidential?**

Unless you state otherwise, my intention is to keep all your responses anonymised.

If you join the study, it is possible that some of the data collected will be examined by Portsmouth University academics to check that the research is being carried out correctly. All will have a duty of confidentiality to you as a research participant and will do their best to meet this duty.

Confidentiality will be safeguarded during and after the study and my procedures for handling, processing, storage and destruction of data will be overseen by my supervisor. Data will be collected on my personal laptop (password protected) and completed questionnaires will be stored safely by me up to twelve months after the conclusion of my doctorate and then destroyed.

Should it be necessary to retain the data for use in future studies your consent will first be sought.

The only people having access to view identifiable data will be authorised persons, such as researchers, supervisors, regulatory authorities & R & D audit (for monitoring of the quality of the research). You will be informed of both the additional time it is proposed to hang onto the data and the anticipated date of its destruction.

Participants have the right to check the accuracy of data held about them and correct any errors.

**What will happen if I don’t want to carry on with the study?**

Before, and during, the interview, you will have every right to withdraw. However, it may not be possible, or desirable, for data to be extracted and destroyed after the interview. Once the interview data have been analysed, it might prove impossible to withdraw any individual’s
personal contribution. The position on retention and destruction of data, should you withdraw from the study, is as described previously (above).

**What if there is a problem?**
If you have a concern about any aspect of this study, you should ask to speak to me, or my supervisor, Barry Loveday, and we’ll do our best to answer your questions. You can reach me on 07717 755146 and Barry on 023 9284 3458. If you remain unhappy and wish to complain formally, you can do this by calling Dr Andy Williams, the course director, on 023 9284 3067.

**What will happen to the results of the research study?**
It is proposed to publish the findings of this study, and arrangements will be made for all participants to be given a copy of the report. Unless you explicitly tell me otherwise, none of your comments will be attributed to you.

**Who is organising and funding the research?**
The University of Portsmouth is sponsoring this research and no other sponsors are involved.

**Who has reviewed the study?**
Research in the University of Portsmouth is looked at by independent group of people, called an Ethics Committee, to protect your interests. This proposed study has been reviewed and given a favourable opinion by the Institute of Criminal Justice Studies Ethics Committee.

**Further information and contact details**
1. The course director for the professional doctorate in criminal justice (DCrimJ) is Dr Andy Williams. He can be telephoned on 023 9284 3067 and his email address is andy.williams@port.ac.uk For more information about Portsmouth’s Institute of Criminal Justice Studies, see [http://www.port.ac.uk/institute-of-criminal-justice-studies](http://www.port.ac.uk/institute-of-criminal-justice-studies)

2. This research project forms the major part of my criminal justice doctorate. My supervisor is Barry Loveday, a well known and highly respected academic commentator on police governance. Barry can be contacted on 023 9284 3607 and his email address is barry.loveday@port.ac.uk

3. As a member of the PCP, your participation would be greatly appreciated. I hope sincerely you’ll agree to participate.

**Concluding statement**
Thank you for taking the time and trouble to read this information sheet, regardless of your decision to participate or not. Should you agree to take part, you will be given a copy of this sheet to keep and your consent will be sought.
Appendices

Appendix 10  Consent form

Consent Form

Study Title: Policing the PCCs: An examination of the current statutory and political frameworks for holding Police and Crime Commissioners to account.

Name of Researcher: Roy Bailey

Please initial box

1. I confirm that I have read and understand the information sheet for the above study. I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.

2. I understand that my participation is voluntary and that I am free to withdraw at any time, up to the point of data analysis without giving any reason.

3. I understand that data collected during the study, may be looked at by individuals from the university of Portsmouth or from regulatory authorities. I give permission for these individuals to have access to my data.

4. I agree to my interview being audio recorded

5. I agree to the data I contribute being retained for future, REC approved, research
6. I agree to take part in the above study.

Name of Participant: Date: Signature:

Name of Person taking consent: Date: Signature:

When completed: 1 for participant; 1 for researcher's file;
## Appendix 11  Data spreadsheet (anonymised)

<p>| Code | No | Role of interviewee | Problem with high hierarchy | Have you had any training? | Are independent members effective? | Is there a clear policy on appointing independent members? | Is the effectiveness monitored? | Does panel understand its role? | Have you sought advice? | Does the panel have sufficient powers? | What additional powers are needed? | Is there tension between statutory &amp; support? | Should more emphasis be given to scrutiny? | Impact of funding limits on positive scrutiny | Strong leadership | Simple processes for complaints | Is PCC visible? | Would reassessment by PCC occur if panel members change? | Does present model need improvement? |
|------|----|-------------------|-----------------------------|-----------------------------|----------------------------------|-------------------------------------------------------------|---------------------------------|---------------------------------|-----------------------------|----------------------------------|----------------------------------|------------------------------------------|---------------------------------|-----------------------------|----------------------|---------------------------|----------------|------------------------------------------|
| PCP1 | 1  | PCP member        | Y                           | N                           | Y                                | Y                                            | Y                              | N                               | Y                           | Y                               | N                               | Inserted comment                | Y                             | Y                           | N        | Poor   | N           | N           | N     | N           | Y           | Y       |
| PCP2 | 2  | PCP member        | Y                           | N                           | Y                                | Y                                            | N                               | Y                               | N                           | Y                               | N                               | Inserted comment                | Y                             | Y                           | Y        | Strong &amp; decisive | N           | N           | N     | N           | Y           | Y       |
| PCP3 | 3  | PCP member        | Y                           | N                           | Y                                | Y                                            | N                               | Y                               | N                           | Y                               | N                               | Refer to higher authority         | Y                             | Y                           | Good but hampered by poor guidelines | Y        | N        | N           | N           | Y     | Y           | Y           | Y       |
| ClrS1| 4  | PCP clerk         | N/A                          | Y                            | See inserted comment            | Y                                            | Y                               | Y                               | N                           | Difficult to assess            | N                               | Inserted comment                | Y                             | Y                           | Poor    | N        | N           | N           | Y     | Y           | Y           | Y       |
| PCC1 | 5  | PCC               | Y                           | N                            | Y                                | Y                                            | Y                               | N                               | N                           | Required                        | N                               | Strong &amp; decisive                | N                             | N                           | N        | Y        | Y           | Y           | Y     | Y           | Y           | Y       |
| PCC6 | 6  | PCP member        | Y                           | N                            | Y                                | Y                                            | N                               | Y                               | N                           | Y                               | N                               | Transcript                      | Y                             | Poor                        | N        | Y        | Y           | Y           | Y     | Y           | Y           | Y       |
| PCC2 | 7  | PCC               | Y                           | N                            | Y                                | N                                            | N                               | N                               | N                           | Required                        | N                               | N                             | N                             | Strong &amp; decisive                | N        | N        | N           | N           | Y     | Y           | Y           | Y       |
| PCC5 | 8  | PCP member        | Y                           | N                            | Y                                | Y                                            | N                               | Y                               | N                           | Inserted comment               | Y                             | Y                             | Potentially difficult to assess | Poor   | N        | N           | N           | Y     | Y           | Y           | Y       |
| PCC6 | 9  | PCP member        | Y                           | N                            | Y                                | N                                            | N                               | Y                               | N                           | See above                       | Y                             | Y                             | N                             | Difficult to assess             | Y        | Y        | Y           | Y           | Y     | Y           | Y           | Y       |
| PCC7 | 10 | PCP member        | Y                           | N                            | Difficult to assess             | Don't know                                   | N                               | Y                               | Y                           | Inserted comment               | Y                             | Y                             | Poor                        | N        | N        | N           | N           | Y     | Y           | Y           | Y       |
| PCC8 | 11 | Panel Chair       | N                           | N                            | Y                                | Y                                            | N                               | Y                               | N                           | Required                        | N                               | N                             | n/a                          | Good but hampered by poor guidelines | Y        | Y        | Y           | Y           | Y     | Y           | Y           | Y       |
| PCC9 | 12 | PCP member        | Y                           | Y                            | Difficult to assess             | N                               | Y                               | N                           | Inserted comment               | N                             | Y                             | Strong &amp; decisive                | N                             | Y                           | Y        | Y        | Y           | Y           | Y     | Y           | Y           | Y       |
| PCC10| 13 | Panel Chair       | N                           | Y                            | Y                                | Y                                            | Y                               | Y                               | N                           | Transcript                      | N                             | Y                             | Strong &amp; decisive                | N                             | Y                           | Y        | Y        | Y           | Y           | Y     | Y           | Y           | Y       |</p>
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