

# **West Mercia Police and Crime Commissioner's Annual Governance Statement 2018-19**

## **1. Introduction**

The Annual Governance Statement 2018-19 reflects the governance framework established and delivered by the Police and Crime Commissioner (PCC) and his office and provides a review of compliance with that framework during the financial year.

## **2. Scope**

The PCC is responsible for ensuring his business is conducted in accordance with the law and proper standards, and that public money is safeguarded, properly accounted for, and used economically, efficiently and effectively.

In discharging this overall responsibility, the PCC is responsible for putting in place proper arrangements for the governance of his Office's affairs and facilitating the exercise of its functions. This includes ensuring a sound system of internal control is maintained through the year and that arrangements are in place for the management of risk.

A Joint Corporate Governance Framework sets out how governance operates for both the PCC and Chief Constable. The framework consists of:

- Statement of corporate governance – outlining the statutory framework and local policy,
- Code of corporate governance – setting out how the core principles will be implemented,
- Scheme of corporate governance – defining the parameters within which the organisations will conduct their business, scheme of delegations etc,
- Separate policy and procedures for each corporation sole, with protocols where they operate jointly.
- Cooperative arrangements - those arrangements by which the Police and Crime Commissioner and the Chief Constable support the exercise of each others' functions.

The Joint Corporate Governance Framework can be found on the PCC's website [www.westmercia-pcc.gov.uk](http://www.westmercia-pcc.gov.uk) or can be obtained from the Office of the PCC at Hindlip Hall, Hindlip, Worcester, Worcestershire, WR3 8SP.

The Chief Constable is responsible for operational policing matters, the direction and control of police officers and police staff, and for putting in place proper arrangements for the governance of the force. The PCC is required to hold the Chief Constable to account for the exercise of those functions and those of the persons under the Chief Constable's direction and control. The

PCC must satisfy himself that the force has appropriate mechanisms in place for the maintenance of good governance, and that these operate in practice.

The annual governance statement for West Mercia Police is published alongside the accounts of the PCC.

This statement explains how the PCC has complied with the code and also meets the requirements of regulation 6 of the Accounts and Audit 2015(England) Regulations in relation to the publication of a statement on internal control.

### **3. The Governance Framework**

The governance framework comprises the systems and processes, and culture and values by which the PCC directs and control the activities for which he is accountable including engagement with communities. It enables the PCC to monitor the achievement of his strategic objectives and to consider whether these objectives have led to the delivery of appropriate, cost effective services, including achieving value for money.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable and foreseeable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness.

The system of internal control is based on an on-going process designed to identify and prioritise the risks to the achievement of the PCC's policies, aims and objectives, to evaluate the likelihood of those risks being realised and the impact should they be realised, and to manage them effectively, efficiently and economically.

The Chartered Institute of Public Finance and Accountancy (CIPFA) *Delivering Good Governance Framework for Public Services* 2016 sets out seven good governance core principles. The governance arrangements that have been put in place for the PCC and how they adhere to these seven principles are set out below:

#### **3.1 Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law**

The Police Reform and Social Responsibility Act<sup>1</sup> (the Act) sets out the functions of the Police and Crime Commissioner and Chief Constable.

The Act requires the Police and Crime Commissioner to have a Chief

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<sup>1</sup> PRSRA11, s5 – 8,

Executive and Chief Finance Officer<sup>2</sup> (the Treasurer).

The Policing Protocol 2011 requires all parties to abide by the seven principles of public life<sup>3</sup>. Additionally, the Police Code of Ethics<sup>4</sup> combines these values with others enshrined in policing, and sets and provides a framework for upholding high standards of conduct and behaviour. The code also includes two additional principles.

Following his election in May 2016 the PCC signed a code of conduct based on the principles referred to above. The Deputy PCC signed the same code of conduct following her appointment in July 2016. These documents have been published on the PCC's website, along with the declarations of interest of both the PCC and DPCC.

Officers, police staff and staff of the Office of Police and Crime Commissioner operate within:

- Office of the Police and Crime Commissioner and Police Force policy and procedures,
- corporate governance framework,
- conduct regulations and codes of conduct.

Policies, procedures, regulations and the governance framework are reviewed as appropriate. Policy documents are published on the PCC's website.

The joint independent Trust Integrity and Ethics (TIE) Committee met twice within the financial year before merging with the Joint Audit Committee to become the Joint Audit and Standards (JASC) Committee from 1 September 2018. The JASC has met on two further occasions within the financial year. The JASC has agreed work programme seeking to ensure that the two forces within the alliance embrace the highest levels of integrity and ethical standards of behaviour. This is a public meeting and copies of all papers are published on the PCC's website.

On a monthly basis TIE committee members dip sampled complaints made against the police that are subject to investigation by the Professional Standards Department. The monthly dip sampling was continued by an OPCC Policy officer until the training of two new JASC members was completed. The findings are reported to the JASC Committee.

The dip sample process has been reviewed and revised to ensure it is fit for purpose and better aligned to the statutory guidance and with other performance / inspection programmes. The JASC members now undertake dip sampling on a quarterly basis.

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<sup>2</sup> PRSRA11 sch 1 p6

<sup>3</sup> Standards in Public Life, 2005 as amended by the 14<sup>th</sup> report of the Committee on Standards in Public Life: Selflessness; Integrity

<sup>4</sup> Code of Ethics(College of Policing 2014)

Quarterly Professional Standards Department performance meetings are held between the Head of the Department and the DPCC. to coincide with the publication of IOPC performance data to provide oversight and challenge on PSD performance.

### **3.2 Principle B: Ensuring openness and comprehensive stakeholder engagement**

The protocol<sup>5</sup> highlights that the Police and Crime Commissioner is accountable to local people and draws on this mandate to set and shape the strategic objectives for the force area in consultation with the Chief Constable. The Police and Crime Plan sets out what the strategic direction and priorities are and how they will be delivered. The Safer West Mercia Plan 2016 – 2021 was published in October 2016 following a two phase public and stakeholder consultation.

In conjunction with West Mercia Police the PCC has commissioned a public perceptions survey. Members of local communities are being interviewed and asked their thoughts on police visibility, accessibility and integrity on a quarterly basis.

The PCC consulted with Town and Parish Council on a range of subjects, including the visibility of local policing, relationships with officers and local crime priorities. The feedback is being used to inform the PCC's and to help identify where and how local police relationships are working well, or if they can be improved.

The PCC has also consulted on the Precept for 2018/19 and 2019/20. He reported the outcomes of the consultations to the Police and Crime Panel for their information and scrutiny before setting the precepts.

Social media is widely used by the PCC as well as more traditional methods of engagement. The PCC actively uses Twitter and Facebook to engage with communities. Facebook advertising has also been successfully used to promote the public consultations that have taken place.

A consultation and engagement strategy for the term of office has been published. This sets out how local people will be involved with the Police and Crime Commissioner and the Chief Constable to ensure they are part of decision making, accountability and future direction.

The PCC has a Community Ambassador Scheme, appointing an ambassador for each local policing area. These individuals act as the 'eyes and ears' for the PCC and ensure community concerns and issues are fed back and dealt with accordingly.

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<sup>5</sup> Policing Protocol Order 2011, art14

To further improve openness and transparency notes of the discussions and decisions made at the Alliance Governance Group are published on the PCC's website. The website also contains details of key decisions made by the PCC and agendas, reports and minutes from the Joint Audit and Standards Committee.

The PCC has an annual holding to account programme. The 2018 programme included performance, thematic topics and two public meetings, on policing concerns and the police budget. Following review, the programme has been revised for 2019 to incorporate virtual holding to account reports. Notes of the holding to account meetings held between the PCC and the Chief Constable and copies of the virtual holding to account reports are published on the PCC's website. The public meetings are also available to view on the website.

The Annual Report sets out how the PCC has exercised his functions in each financial year and the progress which has been made in the financial year in meeting the police and crime plan objectives set out in the police and crime plan. An Annual Report was published in June 2018. This was updated and published again in respect of 2018/19.

### **3.3 Principle C: Defining outcomes in terms of sustainable economic, social and environmental benefits**

The PCC has issued a Police and Crime Plan. It outlines the police and crime objectives (outcomes) and the strategic direction for the policing of the Force area.

Collaboration agreements set out those areas of business to be undertaken jointly with other Forces and Local Policing Bodies, whether to reduce cost, increase efficiency or increase capability to protect local people.

A Medium Term Financial Plan (MTFP) has been developed to support delivery of the Police and Crime Plan. It is monitored closely throughout the year, and reviewed and updated formerly as part of the budget setting process each year.

The Police and Crime Commissioner's grant scheme is based on identified need, with clear outcomes. The approach is set out in the Commissioning and Grants Strategy.

### **3.4 Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes**

The Police and Crime Commissioner's Police and Crime Plan outlines the police and crime objectives (outcomes) and the strategic direction for the policing and supporting services of the Force area.

The PCC has developed a delivery plan which sets out monitoring and progress against the commitments within the Police and Crime Plan. This programme is subject to scrutiny by the West Mercia Police and Crime Panel.

Weekly, monthly and quarterly performance reports are produced which enabled both the PCC and Chief Constable to assess and scrutinise force performance. The quarterly performance report is published on the PCC's website.

The PCC and Chief Constable have a Joint Risk Management Strategy in place.

The development of the commissioning intentions and the grant scheme will ensure the right interventions are used to achieve the intended outcomes set out in the Police and Crime Plan.

### **3.5 Principle E: Developing the entity's capacity, including the capability of its leadership and the individuals within it**

The organisations' training strategies set the climate for continued development of individuals. The respective performance development review processes will ensure that these strategies are turned into reality for officers and members of staff.

This principle is also included within the Police and Crime Plan.

The Corporate Governance Framework provides a clear statement of respective roles and responsibilities and how they are delegated. The framework was reviewed and updated version in 2019.

### **3.6 Principle F: Managing Risks and performance through robust internal control and strong public financial management**

The PCC and Chief Constable each have a Strategic Risk Strategy in place to ensure that the risks facing the force and PCCs office are effectively and appropriately identified, evaluated and reported. The Treasurer, on behalf of the PCC has reviewed the strategic risks on a quarterly basis. The strategic risks have been subject to scrutiny on a quarterly basis by the Joint Audit Committee and Standards Committee (formerly the Joint Audit Committee).

The Corporate Governance Framework sets out the parameters for decision making, including the delegations, consents, financial limits for specific matters and for contracts.

The Joint Audit and Standards Committee has met on a quarterly basis; agendas, papers and minutes are published on the PCC's website. As part of

its work programme the Committee receives regular updates on internal and external audit, HMICFRS inspections and treasury management. The Committee operates in line with CIPFA guidance and within the guidance of the Financial Management Code of Practice<sup>6</sup>.

The Warwickshire and Worcestershire County Council Law and Governance Service are commissioned by the PCC and Chief Constable to provide internal audit functions, conducting independent and impartial audits of PCC and Police processes.

The PCC has a Publication and FOI scheme in place. All FOIs are dealt with by the PCC's office or passed onto the force by agreement as appropriate.

### **3.7 Principle G: Implementing good practices in transparency, reporting and audit to deliver effective accountability.**

The PCC has produced and published an *annual report* which details performance against objectives for the previous year.

Information published on the PCC's website is in accordance with the Elected Local Policing Bodies (Specification Information) Order 2011.

The PCC's website is kept up to date with the publication of key decisions, performance reports and details of HMICFRS inspections including the PCC's response to the Home Secretary on the reports. Additionally, the PCC publishes notes from the Alliance Governance Group and Holding to Account meetings.

The PCC and Chief Constable have appointed internal and external auditors. Audit recommendations are reported to the Joint Audit Committee. Further details on audit outcomes are in section 4 below.

## **4. Review of effectiveness**

The PCC's office has responsibility for conducting, at least annually, a review of the effectiveness of the governance framework, including;

- The system of internal audit
- The system of internal control

The governance framework within the OPCC is reviewed regularly and influenced by the internal and external audit reviews for its effectiveness by the PCC, Chief Executive and Treasurer. The roles and processes applied in maintaining and reviewing the effectiveness of the governance framework are outlined below.

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<sup>6</sup> Financial Management Code of Practice for the Police, s11.1.3

#### **4.1 PCC**

The PCC has overall responsibility for the discharge of all the powers and duties placed on him and has a statutory duty to maintain an efficient and effective police force. The effectiveness, review and maintenance of the governance framework is undertaken by the Joint Audit and Standards Committee who discuss governance issues, referring reports to the PCC when necessary.

#### **4.2 West Mercia Police**

The Chief Constable has responsibility for conducting a review of the effectiveness of the governance framework within the Force at least annually. This review is informed by the work of senior officers and managers, the Head of Internal Audit and the Risk and Assurance managers within the Force who have responsibility for the development and maintenance of the governance environment.

#### **4.3 Joint Audit and Standards Committee**

A decision was taken by the Alliance Governance Group to merge the Trust, Integrity and Ethics (TIE) Committee with the Joint Audit Committee, with effect from 1st September 2018, ending the tenure of the existing TIE Committee members. This merger has resulted in the creation of a single Joint Audit and Standards Committee (JASC). Terms of reference for the JASC have been developed to reflect the whole remit of the committee. Two new members have been appointed to the committee to provide additional capacity, particularly in relation to the standards remit of the committee.

The Joint Audit and Standards Committee receives regular reports on governance issues. This will include the review of the Annual Governance Statement for inclusion in the Annual Statement of Accounts and update reports on progress made in addressing significant governance issues included in it.

The Joint Audit and Standards committee receives regular reports on policy and procedure, decision making, leadership, culture, people, performance and conduct. This also includes update reports on progress made in addressing any significant issues identified.

#### **4.4 Head of Internal Audit**

In maintaining and reviewing the governance framework, the Treasurer places reliance on the work undertaken by Internal Audit and in particular, the Head of Internal Audit's independent opinion on the adequacy and



effectiveness of the system of internal control. The Head of Internal Audit's annual report is of the opinion, taking into account all available evidence that internal control environments give "moderate assurance". The internal audit service is compliant with all CIPFA and industry requirements and standards. The Joint Audit and Standards Committee reviews internal audit performance.

#### **4.5 External Audit and other external review bodies**

External Audit are an essential element in ensuring public accountability and stewardship of public resources and the corporate governance of the PCC services, with their annual governance report particularly providing comment on financial aspects of corporate governance, performance management, value for money and other reports.

An unqualified audit report was issued on the 2017/18 Statement of Accounts at the end of July 2018 together with an unqualified value for money conclusion. The External Auditor's Annual Audit Letter issued in August 2018 did not identify any matters to be addressed. Grant Thornton have indicated that they intend to give "a qualified VFM opinion" relating to the process for terminating the Strategic Alliance with Warwickshire Police .

In addition to the above other review/assurance mechanisms are relied upon by the PCC, such as HMICFRS who are charged with promoting the effectiveness and efficiency of policing, improving performance and sharing good practice nationally. In its 2018/19 PEEL Assessment, HMICFRS assessed the Force as requiring improvement.

### **5. Significant governance issues**

#### **5.1 Strategic risks**

The AGS referred to the Strategic Risk register earlier in the report. The register is compiled by the Treasurer in conjunction with the PCC and Chief Executive. It is reviewed quarterly. A supporting narrative is provided for each risk and the Register is reviewed by the Joint Audit and Standards Committee. The reported position as at October 2018 is summarised and shown below.

<b>No</b>	<b>Risk</b>	<b>Mitigating activity</b>
1	The risk of the Police and Crime Commissioner not meeting his statutory responsibilities	A number of measures are in place to mitigate this risk. The activity continues to be monitored and reviewed on a regular basis.
2	The risk that the Strategic Alliance fails	Formal structures are in place and reviewed regularly. Informal relationships have been built and are maintained. The risk has increased slightly due to the financial challenges faced and the added pressure and

		tensions that this can bring, however marginal there is a recognition that failure would affect both parties significantly.
3	The risk of failing to manage our finances effectively	There is a significant amount of activity to mitigate against this risk. The 2018/19 provisional and subsequently final funding settlement covered two years which has provided greater certainty in the medium term and greater flexibility on precept increases. Activity does however continue throughout the year to ensure that we can meet any challenges and manage the financial risks accordingly
4	The risk that the Police and Crime Commissioner does not hold the Chief Constable to account	An OPCC assurance programme sets out what issues are to be considered to ensure that the CC is held to account for all key matters.
5	The risk of inadequate commissioning of Victims Services	A number of measures are in place to mitigate this risk including external additional scrutiny provided by MoJ returns for grant expenditure.
6	The risk that we do not manage our partnerships effectively could lead to our objectives not being achieved, poor value for money and adverse impact on the reputation of the Police and Crime Commissioner	A number of formal and informal processes are in place to mitigate this risk. Although it is recognised that the OPCC can only mitigate against some of the risks.
7	The risk of failure in performance by external partners including the Force impacting negatively on the delivery of the Police and Crime Plan	There is much ongoing activity to ensure that external partners including the Force achieve or exceed the level of performance expected. Where this is not achieved there is a clear understanding of the issues that inhibited performance.
8	The risk of the Police and Crime Commissioner failing to engage with the community	A consultation and engagement strategy is in place to ensure that the PCC fully engages with the community

## 5.2 Significant Governance Issues 2018-19

In the last AGS no *significant governance issues* as defined by CIPFA were identified, however a number of areas were identified to be addressed during 2018-19 across the Alliance. These were:

Issues identified	Mitigating activity
Preparation for the potential transfer of Fire and Rescue Authority responsibilities to the Police and	<ul style="list-style-type: none"> <li>A business case for the transfer of responsibilities was submitted to the Home Office. The Home Office</li> </ul>

Crime Commissioner under the Policing and Crime Act 2017	<p>decision is subject to judicial review</p> <ul style="list-style-type: none"> <li>• Public consultation on fire governance</li> <li>• CEx engaged at a national level through APACE in developing awareness of legislative changes for both fire authorities.</li> <li>• APCC involvement by PCC and CEx.</li> <li>• PCC actively engaged with both Hereford and Worcestershire and Shropshire Fire Authorities</li> </ul>
Preparation for the changes in the arrangements for dealing with police complaints	CEx engaged at a national level through APACE in developing awareness of legislative changes for complaints.
Implementation of the alliance transformation programme and monitoring of the benefits realisation and delivery of savings	Governance of the Change Programme through the Transformation Board
Review arrangements for the governance and oversight of ethical issues for when the current term of appointments to the Trust, Integrity and Ethics Committee end in August 2018.	<ul style="list-style-type: none"> <li>• AGG decision taken to merge the Trust Integrity and Ethics Committee with the Joint Audit Committee and for the TIE committee members' term to end.</li> <li>• Joint Audit and Standards Committee formed from 1 September with terms of reference to reflect the remit of the committee.</li> <li>• Two new members successfully recruited.</li> </ul>

### 5.3 Potential significant governance issues 2019-20 and 2020-21

West Mercia served notice in October 2018 to terminate the collaboration between West Mercia Police and Warwickshire Police from October 2019., The Secretary of State directed that the existing collaboration agreement be extended for a further six months. The collaboration between Warwickshire and West Mercia ended in April 2020. A financial settlement has been reached between Warwickshire and West Mercia. New S22A collaboration agreements have been put in place covering four services. The governance of the organisations within West Mercia was reviewed and new arrangements covering both West Mercia only and the collaboration with Warwickshire have been put in place from April 2020.

Other governance issues which will have been addressed but which are not considered significant:

- Following the successful defence of a Judicial Review and the impact of the current COVID19 pandemic, the Secretary of State has decided that the potential transfer of governance of Hereford and Worcestershire and

Shropshire Fire Authorities to the PCC should not take place during 2020/21.

- Changes in the arrangements for dealing with police complaints have been put in place during 2019/20
- Implementation of the alliance transformation programme and monitoring of the benefits realisation and delivery of savings could not take place due to the termination of the collaboration with Warwickshire. However West Mercia has developed and is now implementing its transformation with revised governance arrangements.

2020 saw the emergence of a new threat, the COVID 19 virus. Robust arrangements have been put in place by both the PCC and the Chief Constable to safeguard the public and ensure that services continue to be delivered and statutory responsibilities met.

## **6. Conclusion and commitment statement**

I am satisfied that this report is an accurate summary of the governance arrangements in place and of their effectiveness during 2018-19.

I shall continue to ensure all the necessary steps are taken to implement and scrutinise effective governance during 2019-20 and 2020-21 and that the areas identified in 5.3 are suitably addressed.

Signed

John Campion  
Police and Crime Commissioner

Andy Champness  
Chief Executive  
West Mercia OPCC

Elizabeth Hall  
Treasurer  
West Mercia and Warwickshire OPCC