

NORTH YORKSHIRE POLICE AND CRIME PANEL

1.0 Introduction

1.1 This submission outlines the response of the North Yorkshire Police and Crime Panel (“the Panel”) to the Police and Crime Commissioner (“the PCC”) regarding her consultation on options to improve collaboration between the Police and Fire and Rescue Services (FRS).

1.2 Our response follows the Panel Members’ careful consideration of the discussions held with the PCC at our meetings of 20th July and 14th September 2017. We would like to thank the PCC and her team for their attendance at our meetings to discuss the proposals. The Panel has also taken into consideration the alternative proposal prepared by the North Yorkshire Fire and Rescue Authority (NYFRA).

1.3 Of the possible options put forward by the PCC to achieve greater collaboration, the preferred option for the Panel, as resolved at our meeting of 14th September 2017, is the Representation Model.

2.0 Background

2.1 The advent of the Policing and Crime Act earlier this year has re-invigorated debate about collaboration between the emergency services. This in itself can only be a positive for communities and the Panel, as with other partners participating in this discussion locally, is clear that simply maintaining the ‘status quo’ on collaboration is not enough for our communities in the longer term. However, the considerable legislative mandate given to PCCs to take on additional responsibility for oversight of a local FRS needs to be carefully considered and weighed up against the current picture of progress, the benefits to communities and risks which can arise as a consequence of destabilising a framework.

2.2 It is evident that in some parts of the country, such as Essex, there has been a clear case for using this legislative mandate to transform governance of the Fire Authority, whole-scale, in order to address significant cultural and organisational issues. Conversely, in North Yorkshire, performance indicators and recent peer assessment suggest that the NYFRA is a high-performing authority with strong leadership. The NYFRA has developed a number of strategic partnerships in recent years to bring benefits to communities through collaboration and these have gone beyond purely looking to the Police. These have included, for example, working with local Clinical Commissioning Groups to develop Safe and Well visits in partnership to communities. In response to the additional “duty to collaborate”, the NYFRA has also put in place a collaboration strategy in February of this year, following which a Collaboration Committee has been set up and on which the PCC is one of two key voting parties.

2.3 Whilst this context of performance and recent initiatives should not preclude further dialogue about what is needed for our communities and whether the impact of collaboration is currently significant enough, it does mean that any vision put forward for a transformation of governance by the PCC would have to be well-grounded in detailed analysis and risk assessment, with clear identification of costed savings and benefits. It would similarly need to be strongly evidenced that the alternative mechanism would not

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bring sufficient benefits to communities in a way that they deserve. For the Panel, we are of the view that the exercise undertaken to develop a proposal for change has not achieved this sufficiently to be able to validate the case made by the PCC. Our reasons are outlined below.

3.0 Panel response to the PCC's business case

Pace of the process

3.1 The focus of the business case and the argument for adopting the Governance Model is around achieving greater “pace” and “scale” of collaboration between Police and the FRS. However, the case presented is problematic in a couple of respects. Firstly, the business case does not adequately explain the reasons why, of the three options put forward for change, the Governance Model will singularly address the suggested deficiencies of the current status quo. Nor does it explain why previous attempts to collaborate have not progressed as quickly as expected.

3.2 The business case does not provide a detailed audit of collaboration to date, which would have provided a firm basis for understanding both progress made and the reasons for any apparent ‘barriers’ to progress. There are some references made to the progress achieved thus far by the FRS on collaborative initiatives but the overriding message is that collaboration has not been progressed at pace or as deeply as is needed. It is suggested that this is due to reasons of organisational sovereignty and cultural issues. Without further contextual detail it is impossible to understand whether - and why - blockages to progress may have occurred and whether or how this was challenged. Additionally, if there are cultural issues which have contributed to ‘progress blockers’, it is arguable that a change in governance itself may not be able to readily address these. The Governance Model represents significant strategic and management risks; a considerable stride up on a spectrum of change from the current status quo. The Representation Model, on the other hand, would enable a low-risk approach to change; with the PCC taking a seat at the table of the NYFRA and sharing the lead of collaboration on the recently-formed Collaboration Committee. This would facilitate better understanding of the challenges facing the FRS and render the model well-placed to progress collaboration in a methodical and well-evidenced way.

3.3 Additionally, the Panel has already registered its concerns (pre-consultation) that in the drive to achieve greater pace of collaboration, the pace at which this process has been driven forward thus far and the timetable for implementation are in themselves over-ambitious and risk overlooking or even bypassing the key issues of concern. The outcome of this is a business case which is too ‘global’ in its suggestion of savings and improvements to be confident of its viability. For example, the business case acknowledges that each collaboration opportunity identified would require its own detailed assessment of risks and benefits and consultation with those involved or affected. This has not yet been done. As such it is extremely difficult to assess whether any of the stated benefits of moving to the Governance Model would – or could – even be effected once this change is in place. This is a critical weakness in the business case. Transformation around any key public service

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should only be attempted where there is some validation of the case put forward, supported by detailed, methodical analysis and planning. Additionally, there is no robust evidence or testing of the argument that the Representation Model would not deliver the same projected benefits over a ten-year period as the Governance Model. It is simply argued that the same organisational and cultural ‘blockers’ to progress would remain in place under the Representation Model so greater scale of change would not be effected, with little validation to this argument.

3.4 It is similarly unclear why there is an urgent need to push for implementation of the Governance Model in North Yorkshire from April 2018. There is reference to the possibility of a deferred timetable – to October 2018 – but no explanation of why slightly deferring the implementation of such a significant piece of work to enable methodical planning would be a great disbenefit. Additionally, the fact that the public consultation was set at 10 weeks rather than 12 (and conducted over peak holiday time for most people), coupled with the apparent lack of robust evidence provided to underpin the case made is suggestive of a push for North Yorkshire to become an ‘early adopter’ at all costs. There is no clarity given as to when an implementation plan would be made available and one isn’t provided within the business case, nor is there any indication of when a benefits realisation plan would be produced. The Panel has previously expressed its concerns at the pace set for this work and now feel that the outcome of this drive for sudden pace has come at the compromise of meaningful engagement with the public and other stakeholders, and at the cost of providing a business case which could have been far more robust than it is.

Risks

3.5 The treatment of risk around implementation of the Governance Model is a key issue and one which is not adequately addressed in the business case. A critical risk factor is the fact that adopting the Governance Model represents an irreversible step forward; as such this places even greater importance on the need for detailed planning and analysis. However, adoption of the Representation Model in the near term is very low risk in terms of management and strategic factors whilst retaining a safe and effective FRS. It also doesn’t rule out the potential for it being used as a stepping stone to further consideration of the risks and benefits of the Governance Model over time. The Panel has already suggested to the PCC that she adopt the Representation Model for a period of at least 12 months, to develop a clear understanding of the issues and challenges facing the FRS. The Chair of the NYFRA has, similarly, agreed that if the benefits of the Representation Model have not delivered as anticipated after a given period then he will give his support to further work to explore implementing the Governance Model.

3.6 The business case highlights that the FRS has to be responsive to meet changing public need and complexity of need, and that its focus increasingly needs to be on prevention rather than response. The NYFRA has already made good headway in developing as a modern and responsive service, looking outwardly to those partners who can help it to provide for a range of preventative of response needs, such as the health and voluntary sectors. There is a risk that in contriving a closer relationship between Police and FRS, the change in governance risks fragmenting some of the close relationships developed

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recently with other such partners and excludes other opportunities for collaboration. Adoption of the Representation Model would enable such partnerships to continue and develop as needed, in addition to progressing any opportunities identified in collaboration with the Police.

3.7 Where there is a lack of evidential support and analysis for a case, the Panel's concern is of the risk to the efficacy of public service provided and as such any risks to public safety. We note that the business case must meet tests against effectiveness, economy and efficiency – or public safety. Under the guidance provided by The Association of Police and Crime Chief Executives (APACE), it is clear that the 'test' around public safety is a binary one; namely that public safety should not be harmed (adversely affected) in implementing a new model. It is unclear whether and how the public safety test has been applied to the Governance Model and there are a number of very broad-brush statements made around "significant improvements to public safety" which do not adequately address the point.

3.8 Should the Governance Model be adopted, the knowledge and expertise of the 16 Members of the current NYFRA would be lost. The business case briefly acknowledges the risks inherent with this in citing that "...careful measures would need to be taken to ensure the PCC has sufficient support and expertise to ensure effective governance of fire while also fulfilling her responsibilities for policing and crime". However, as there is no delivery plan available as part of the business case, this risk factor – and the mitigation of its possible consequences – does not feel to be adequately addressed. Under the Representation Model, the PCC would be able to work alongside the existing NYFRA membership, complementing their overview and expertise with her own and would be better placed to identify and help break down any barriers to progress in collaboration.

3.9 The Panel has already raised concern with the PCC that many doors in local communities will open to the FRS where they would not do so to the Police. We note the possible options identified for joining up on service delivery, such as on Forced Entry procedure. The identity of an organisation and how it is perceived within communities is a significant issue and must not be underplayed. The trusted brand of the FRS could be perceived to be diminished following adoption of the Governance Model. It is interesting to note that reference is made within the business case to the impact on the FRS 'brand' being one reason why such a significant change in governance has been abandoned in other areas. The Representation Model would help to keep this important 'brand' intact while progressing on collaborative opportunities with the Police and other partners.

3.10 Many of the strategic and management risks inherent in adopting the Governance Model may not be clear to a significant proportion of the local population who have wanted to participate in this debate as the language of the business case in particular is simply impenetrable in its language and style. The Panel has been clear since earlier this year that for any meaningful dialogue with the public, all materials provided – and the public survey itself – should be written in 'plain English'. The Panel is concerned that many of the public may therefore not have been able to fully exercise a balanced judgment on the options outlined in responding to the survey.

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Scrutiny and accountability

3.11 As the key body responsible for providing scrutiny over the PCC's performance, the Panel has a critical interest in how the role of the PCC will develop if the Governance Model is adopted and, as a consequence of this, what the impact will be for the Panel. As such, the Panel would have liked to have had greater involvement in the process for scrutinising and overseeing the development of the business case and it was disappointing that we were not given an opportunity to participate on the Check and Challenge Panel. It is further disappointing that there is so little information provided within the business case about the engagement framework, including the Check and Challenge Panel, and the value that each of those individual groups brought to the process. It is difficult to make a reasoned assessment on such scant information and lack of access to meeting minutes as to the level of independent rigour that was fed into the development of the case now made.

3.12 Under the Governance Model, the sole body responsible for holding the PCC to account over her performance for policing, crime and FRS would be the extended "Police, Fire and Crime Panel" (PFCP). We have recently taken steps to include two Members of the current NYFRA as observers to the Panel, to assist us in developing a better understanding of the issues affecting the FRS but if the NYFRA is scrapped then it is difficult to see how we would be able to quickly gain sufficient expertise to be able to take oversight of this area of performance.

3.13 Moreover, this is a considerable increase in remit for a Panel whose legal powers and resources are limited. The Home Office has recently indicated that it does not intend to provide any additional resources to Panels to be able to discharge its role under an extended scrutiny remit, nor does it intend to review the powers available to it in holding the PCC to account on behalf of the public. The Panel identified last year that additional meetings would be required to be able to adequately scrutinise the wide range of issues incorporated under the PCC's policing and crime remit and so that the focus isn't purely on areas of 'statutory business'. This has increased the commitment for all Members from attendance at around 5 Panel meetings to up to 8 per year, in addition to any briefings, themed sub-group meetings, site visits and so on. The Panel advised PA Consulting, during the development of this business case, that we expect Members to have to almost double the current commitment required to be satisfied that we can discharge this extended scrutiny remit effectively. This clearly will also impact on the time commitment of officers supporting us. We have fed these points back to the LGA and the Home Office. It is very disappointing that this point has been underplayed within the final business case.

3.14 The key concern here isn't one of seeking remuneration for Panel Members in these circumstances (although it should be noted that the majority receive no remuneration whatsoever), but it is a legitimate and significant concern to us that under the Governance Model, there would really be no accountable body with any great weight behind it to adequately perform the checks and balances that are required. This point is so heavily underplayed within the business case that it is arguable that members of the public responding to the public survey will not have registered how their PCC will be held to account in-between their votes being cast at the ballot box. It is a point of concern for the

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public and also for the Panel. The potential ramifications of being unable to discharge an adequate check and balance role due to lack of time, expertise and adequate resourcing is not a viable position for the Panel; particularly when considering the highly-publicised ramifications for other public bodies in the last few years who have failed to provide adequate scrutiny.

3.15 In our view, the only viable way in which we as a Panel will be able to continue to perform an adequate check-and-balance of the PCC's performance is by remaining in our current form.

4.0 Conclusions

4.1 The Panel is not in disagreement with the broader principles around collaboration and developing opportunities further to achieve savings and benefits for local communities. But the Governance Model represents a step too far and a step which cannot be changed once made if things go wrong. The business case produced does not adequately outline the rationale for urgent change or address some of the risks inherent with adopting such a significant change in governance for us to have confidence that the Governance Model is the only way to take the future of the FRS forward.

4.2 Adopting the Representation Model is low risk, strategically and in terms of management of change. It has the potential to deliver a number of significant changes without impacting on public perception of a well-trusted 'brand' and gives a renewed mandate for the PCC and NYFRA to work together to properly review collaboration – or the reasons for the stated lack of it – and to push forward together, in partnership.

4.3 Looking to the future of our own role, the Panel is concerned that under adoption of the Governance Model, we may not have the capacity and capability to ensure that the PCC encounters sufficient constructive challenge or support in exercising her decision-making powers.

4.4 We urge the PCC to re-consider her proposal and to accept the NYFRA's offer of a seat at the table under the Representation Model.



Councillor Peter Wilkinson

Vice Chair, North Yorkshire Police and Crime Panel

(Acting Chair at Panel meeting of 14th September 2017)

21st September 2017