



Home Office

# **The Policing Protocol Order 2011 Consultation**

## **Government stakeholder consultation**

This consultation begins on 7 March 2022

This consultation ends on 2 May 2022

# Consultation Questions

Role/Job title	
Organisation	Independent Office for Police Conduct

1. Do you agree/disagree that the Protocol should be updated so that it is clear on its face that it refers to PCCs and Mayors with PCC functions, except where specified that there is a difference?

	Please select one of the following options
Strongly agree	
Agree	X
Neither agree, nor disagree	
Disagree	
Strongly disagree	

Please add any comments here:

The IOPC agrees that ensuring that the Protocol clearly refers to PCCs and Mayors with PCC functions, except where specified that there is a difference, would provide greater clarity.

2. Given that Mayors with PCC functions have a wider set of responsibilities, should we specifically clarify that the remit of the Police and Crime Panel extends only to their PCC functions, and not their wider mayoral functions or powers?

Please add any comments here:

The IOPC is not aware of any issues arising from the current wording, however we support this clarification as it could help avoid possible confusion in the future.

## The Home Secretary (paragraphs 27-29)

*Role in policing*

3. Do you agree/disagree with the proposed revised wording on the Home Secretary's role in policing (paragraph 6.3 of the consultation document)?

	Please select one of the following options
Strongly agree	
Agree	

Neither agree, nor disagree	X
Disagree	
Strongly disagree	

Please explain your answer.

We have not expressed an opinion on this as there is insufficient information about the mechanisms by which the Home Secretary would hold PCCs and CCs to account.

The accountability framework within policing is a complex landscape which is often difficult for the public to understand. In considering any changes it will be important to be clear about the different accountability mechanisms, how they differ, what the different responsibilities are and how any overlap or confusion is avoided.

*Powers and tools*

**4. Do you agree/disagree with the proposed revised wording on the application of the Home Secretary’s powers and tools (paragraph 6.7 of the consultation document)?**

	Please select one of the following options
Strongly agree	
Agree	
Neither agree, nor disagree	X
Disagree	
Strongly disagree	

Please explain your answer.

We have no issues with this clarification.

**5. Based on the changes proposed at paragraph 6.7 of the consultation document, can you provide any specific examples, either from previous situations/scenarios or likely future ones, where you would have/would envisage seeking Home Secretary intervention? Please explain why.**

The IOPC has not encountered situations which have required intervention by the Home Secretary, nor can it provide possible examples of when such cases might arise.

*Setting Direction*

**6. Do you agree/disagree with the proposed revised wording (paragraph 6.11 of the consultation document) in relation to the Home Secretary’s role in governance arrangements?**

	Please select one of the following options
Strongly agree	
Agree	
Neither agree, nor disagree	
Disagree	X
Strongly disagree	

Please explain your answer.

We are concerned that the proposed wording is too broad. The new wording states that the Home Secretary “is responsible for holding the policing sector to account for the delivery of the government’s policing commitments” including “the National Policing Body and any related governance”.

As the IOPC is part of the policing sector and could be considered related governance, the proposed wording could allow the Home Secretary to hold the IOPC accountable for delivery of government policing commitments.

While we are rightly accountable to the Home Secretary and Parliament more widely, this could jeopardise the IOPC’s actual and perceived independence, both of which are essential to preserve in order to ensure confidence in the police complaints system and the investigations we conduct.

*Access to Information*

**7. Do you agree/disagree with the proposed revised wording regarding the Home Secretary’s power to request information about policing matters (paragraph 6.14 of the consultation document)?**

	Please select one of the following options
Strongly agree	
Agree	X
Neither agree, nor disagree	
Disagree	
Strongly disagree	

Please explain your answer.

The Home Office’s justification for requesting information about policing matters from PCCs and CCs is reasonable. The expectation that PCCs and CCs may also be asked to report to the National Policing Body would be appropriate if paragraph 6.3 of the consultation document is approved.

## Operational Independence

**The Chief Constable** (paragraphs 21-23)

- 8. Do you agree/disagree with the wording suggested in relation to the role of the Chief Constable (paragraph 6.19 in the consultation document)?**

	Please select one of the following options
Strongly agree	
Agree	
Neither agree, nor disagree	X
Disagree	
Strongly disagree	

Please explain your answer.

The proposed wording specifies that CCs must act in 'a politically neutral manner'. The justification for this addition is to help ensure a line between strategic and operational issues which have at times led to disagreements between CCs and PCCs. However, the current wording already states that CCs must be impartial, as does the proposed wording.

Therefore, it is not clear what the addition of the requirement to be politically neutral would achieve.

If such a change were introduced it would be important to provide clarity about what behaviour is or is not deemed politically neutral. We also question how such behaviour could be proven either in a complaint or conduct matter, and what the appropriate sanctions would be.

**Operational Matters** (paragraphs 30-38)

- 9. Are there specific changes to the Protocol that we could make to further clarify the distinct responsibilities that the PCC and CC have respectively with regard to policing?**

Please add any comments here:

No, the existing Protocol articulates the different responsibilities of the PCC and the CC clearly and effectively.

- 10. In updating and refining the Protocol, are there any specific changes that we could make to the document which you consider would further clarify the relationship between the Home Secretary, the PCC and CC?**

Please add any comments here:

Please refer to our answer for question 3 which requests greater clarity on the lines of accountability between the Home Secretary, PCCs and CCs.

### **Operational matters and the role of the Panel (paragraph 26)**

**11. Do you agree/disagree with the proposed revised wording on operational matters and the role of the Panel (paragraph 6.26 of the consultation document)?**

	Please select one of the following options
Strongly agree	
Agree	X
Neither agree, nor disagree	
Disagree	
Strongly disagree	

Please explain your answer.

The IOPC supports the clarification that it would be “by exception” for a Chief Constable to appear before a Panel as this could help ensure that Chief Constables are not asked questions which are beyond the Panel’s remit (as has been identified as an issue in the PCC Review).

### **Financial Responsibilities**

**12. Do you agree/disagree with the proposed revised wording in relation to schemes of delegation (paragraph 6.29 of the consultation document)?**

	Please select one of the following options
Strongly agree	
Agree	
Neither agree, nor disagree	X
Disagree	
Strongly disagree	

Please explain your answer.

The IOPC feels that questions on financing within forces are beyond its remit and therefore takes no view on the subject.

**13. Do you agree/disagree with the proposed revised wording in relation to schemes of delegation and operational independence (paragraph 6.33 of the consultation document)?**

	Please select one of the following options
Strongly agree	
Agree	
Neither agree, nor disagree	X
Disagree	
Strongly disagree	

Please explain your answer.

The IOPC feels that questions on financing within forces are beyond its remit and therefore takes no view on the subject.

Please send your response by 2 May 2022 to:

**Email:** [ProtocolConsultation@homeoffice.gov.uk](mailto:ProtocolConsultation@homeoffice.gov.uk)

**Thank you for participating in this consultation.**