Comisiynydd Heddlu a Throseddu
Dyfed-Powys
Police and Crime Commissioner

Mae'r ddogfen hon ar gael yn Gymraeg yn ogystal â Saesneg.

This document is available in Welsh as well as English.

SWYDDOGOL OFFICIAL
Gweithredol Operational

Mae'r ddogfen hon ar gael yn Gymraeg

This Document is available in Welsh

Police and Crime Commissioner's Office

COMPLIANCE REPORT 2023

01/04/2022 – 31/03/2023

Introduction

This paper has been compiled to give a brief overview of compliance within the Office for the Police and Crime Commissioner over the period from April 2022 – March 2023.

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1. Publishing Requirements

The OPCC is required to publish a raft of information at various intervals throughout the year in order to be transparent, provide information to residents and comply with legislation. All OPCC's must adhere to the requirements as set out in the Elected Local Policing Bodies (Specified Information) Order 2011. The Order ensures that PCCs will make available to the public information on:

- Who they are and what they do
- What they spend and how they spend it
- What their priorities are and how they are doing
- How they make decisions
- What policies and procedures govern the operation of the office of the PCC
- Lists & registers

In previous years the CoPaCC (Comparing Police and Crime Commissioners – Police Governance Experts) undertook assessments of how the Offices of Police and Crime Commissioners (OPCCs) fulfilled their statutory obligations for transparency. Since 2021 the decision has been taken not to carry out the Transparency Quality Mark audits, however the office has ensured that all statutory publishing requirements are met as business as usual.

The previous assessment used the Home Office's 2013 publication Guidelines for PCCs on publishing information, based on the 2011 Elected Local Policing Bodies (Specified Information) Order, as the basis for scoring each disclosure requirement – i.e. that the information both exists and is timely. The Home Office state:

"The public need independent, consistent and clear information on the performance and activities of their PCC. Transparency is essential to promote confidence in the elected PCC. A consistent minimum amount of evidence will also allow the public to compare the performance of their PCC with PCCs elsewhere."

To ensure that the OPCC maintains its position in regards to publication regular checks on the website are conducted by the Head of Assurance and the Business Manager to ensure that everything is up to date and always reflects the office's current work.

Following an earlier refresh of the website to include the new brand and logo, work is currently ongoing to introduce a new more improved website that is easier accessible for the public.

2. Welsh Language

The Welsh Language Standards (No 5) Regulations 2016 came into force on 22nd March 2016. The main duties resulting from the standards require that the Welsh language should be treated no less favourably than the English language and should make it easier for people to use Welsh in their day-to-day life
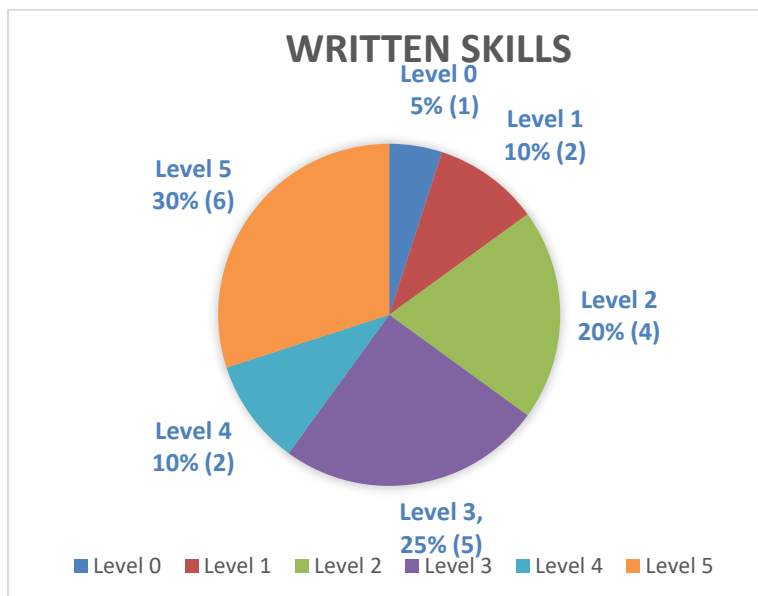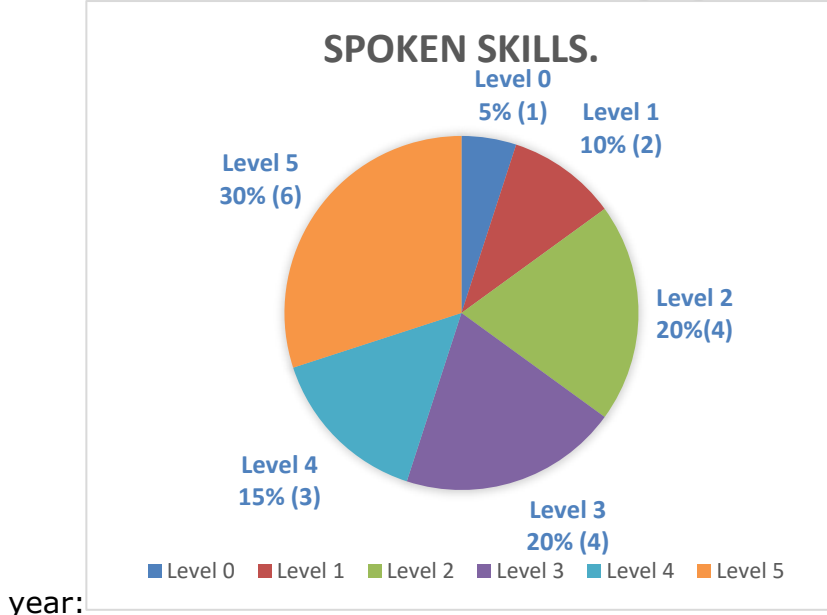
As of April 2019 the Welsh language entry requirement for all staff and officers is to be able to converse to level 1 standard. Current staff and officers who have no Welsh language ability will be supported to reach level 1 Welsh.

Welsh Language Skills

Level 0	No Knowledge
Level 1	Greeting
Level 2	Basic Information
Level 3	Conversational
Level 4	Formal/Conversational
Level 5	Full and Accurate

Number of OPCC staff who have Welsh language skills at the end of the financial

SPOKEN SKILLS.

Level 0
5% (1)

Level 1
10% (2)

Level 5
30% (6)

Level 2
20%(4)

Level 4
15% (3)

Level 3
20% (4)

■ Level 0 ■ Level 1 ■ Level 2 ■ Level 3 ■ Level 4 ■ Level 5

year:

WRITTEN SKILLS

Level 0
5% (1)

Level 1
10% (2)

Level 5
30% (6)

Level 2
20% (4)

Level 4
10% (2)

Level 3,
25% (5)

■ Level 0 ■ Level 1 ■ Level 2 ■ Level 3 ■ Level 4 ■ Level 5

The Welsh Language Commissioner's Office have adopted a new compliance monitoring regime where the focus will be much more on identifying where the gaps or weaknesses are and taking action to improve. This regime will take place over a four year period with organisations being checked twice during that time.

Following a monitoring period between January, February and March 2022 there were 3 main findings that the office needed to address:

1. The OPCC's complaints procedure doesn't reference complaints relating to the standards and to the categories of standards, which isn't compliant with standards 153 and 159.

This has been resolved and the complaints procedure on the website now references this.

2. Standards 155, 161 and 167 requires the OPCC to produce an annual report for each financial year, which deals with how you complied with the service delivery standards, policy standards and operational standards. In your supplementary standards questionnaire you pointed towards the Dyfed-Powys Police annual report, however the standards require OPCC to produce its own report that's independent of the Dyfed-Powys Police report.

In previous years a joint report has been accepted, however going forwards the OPCC will create their own. The Business Manager has scheduled this to be completed. This will need to be published by the end of September 2023.

3. Documents on the website didn't have a message on the English version to say that there's a Welsh version also available, as is required under standard 47.

All English documents previously held on the website and any new documents now say that a Welsh version is also available.

- The OPCC has a very good level of Welsh ability skills amongst its staff. Full details of the levels within the Force (for comparison purposes) can be seen in the attached report

Welsh%20Languag
e%20data%20updat

- No Welsh language breaches were recorded by the OPCC in this financial year and no complaints were received relating to the office's compliance with the standards.

- Training – . All staff have been provided with an opportunity to attend Welsh language courses. Several members of staff have tasked themselves with talking more Welsh in the office environment to assist improving their skills.

The office has introduced a monthly "Clwb Clecs" which is a safe space for staff to meet and use their Welsh language skills.

- The Business Manager attends the quarterly Force Yr Iaith a'r Waith meetings which gives the office the opportunity to understand the current issues the force are facing with regards to the Welsh language.

3. Information Management

Information Management is the process of collecting, storing, managing and maintaining information in all its forms. The OPCC must abide by the legal requirements set out in the Data Protection Act (2018) and the UK General Data Protection Regulations (UK GDPR)

- Following a piece of work that considered introducing an Information Sharing Protocol between the Force and the OPCC, it was considered that the robust and in depth Corporate Governance Framework would be sufficient. There has always been an understanding that the sharing of information between the OPCC and the Force is covered by the Policing Protocol Order 2011 and it is considered that the Corporate Governance Framework is an added layer of protection. The Framework is reviewed on an annual basis when any issues around information sharing are reviewed.

- OPCC staff have previously received training on DPIA's and are aware of their responsibility to complete when necessary. They receive support from the Information Management department in the Force. Further refresher training will be provided during 2023/2024. Along with DPIAs it is essential that an Equality Impact Assessment should be carried out on any Policy, Procedure or Activity which the OPCC undertakes in order to ensure that we are making every effort to eliminate discrimination and promote equality within our business areas. The assessment is a process which should begin at the very start of introducing a Policy, Procedure or Activity – not an afterthought following a decision. During this financial year EIAs were completed on
  - The Police and Crime Plan Consultations
  - Victim Engagement Forum
  - Consultation and Engagement
  - The new Police and Crime Plan
  - Council Tax Police Precept

- 12 potential data protection breaches within the OPCC have been recorded this year:

  o 1 was an email that was forwarded to the OPCC inbox when it was stated not to do so. The individual who forwarded the email was advised of their error.
  o 1 email was sent to a large group of recipients and their email addresses were shared.
  o 3 emails were flagged as possibly including one of 7 pieces of personal data but on investigation they were found not to.
  o 7 emails were received in the OPCC inbox from external organisations that contained personal data of individuals. The senders were informed of their error and advised to make their DPO aware. All emails were double deleted from our systems.

In all circumstances the breaches were immediately recorded and the appropriate actions taken. The OPCC DPO was informed. None of the above breaches were considered as reportable breaches under the UK GDPR.

4. Records Management

The OPCC is committed to operating in an open and transparent manner. To comply with the Freedom of Information Act the OPCC must ensure that its records meet the standards necessary to deal effectively with FOI requests.

The OPCC's retention and disposal policy is reviewed annually to ensure that it meets requirement.

With the roll out of Microsoft 365 across the office and the additional functionality of the Teams package staff are saving more documentation on Teams that requires additional training and support on a set of rules for document management. This will form part of the lunchtime learning schedule during 2023-24.

Audits and inspections to protect our manual and electronic information will be introduced in the next financial year to ensure we are taking appropriate measures to protect all the information processed by our office.

The Business Manager attends the quarterly Force Information Assurance Board (IAB) meetings which gives the office the opportunity to understand the current issues the Force are facing with regards to records management.

5. Freedom of Information

As a corporation sole, the OPCC are subject to and responsible for FOI requests. The FOI Act gives everyone the right to request any recorded information held by a public authority. The right only covers recorded information which includes information held on computers, in emails and in printed or handwritten documents as well as images, video and audio recordings. The OPCC must respond to all such requests within 20 working days.

- 75 FOI requests were received in the 2022-23 financial year, an increase of 34 from the previous year.

  Only 25 of these were requests in which the OPCC held the information requested, 50 were forwarded to the Force with the requestor's permission as they may or may not have held the information.

- All requests made to the OPCC were responded to within the regulatory timeframe.

- The OPCC has visibility of the Force's FOI requests to understand the themes of requests being made. The subject matter of FOI requests submitted to the Force vary and can be influenced by topics of general interest in the press/media and of interest or concern to the public. The Force received 1075 FOI requests during 2022-23, a decrease of 130 from the previous year. However, during the latter months of the period there was a significant increase in requests and there were issues in relation to the timeliness of responses provided. This is an area the OPCC will be closely monitoring during 2023-2024.

6. Subject Access

The FOI Act also gives everyone the right to ask an organisation whether or not they are using or storing their personal information. A person can also ask for copies of their personal information, verbally or in writing.

This is called the right of access and is commonly known as making a subject access request or SAR. The OPCC are legislated to respond to any such requests within one month.

Subject Access requests are the sole responsibility of the OPCC to respond.

- 18 SAR's have been received this financial year; however the OPCC did not hold information on 17 of the subjects. They were all sent details informing them how to make their request to the Force if this is what they wished to do. The requests were all of a similar theme with people asking for details on cautions they had received, records of incidents etc.
- 1 SAR's was completed by the OPCC within the 1 month deadline and this was in relation to an enquiry for a copy of an email sent in 2019

Since 1st February 2020, if an individual's complaint was recorded under Schedule 3 of the Police Reform Act 2002 and the individual is unhappy with the outcome of their complaint, they can submit an application for a review to the Relevant Review Body, either the IOPC or the Police and Crime Commissioner. The Information Commissioner's Office felt that this would lead to a large increase in Subject Access Requests to OPCCs, however for Dyfed-Powys this has not been the case.

7. Risk

The Business Manager maintains the OPCC Corporate Risk Register and reports on this to both the Executive team and the Joint Audit Committee on a quarterly basis.

To ensure the Executive and Senior Management team have oversight of all risks, reports are also produced for them when necessary outside of the quarterly reporting to highlight any new areas of risk, those for discharge and those where the risk has escalated or decreased.

The area of risk is one that is under development at the OPCC. The format of reporting will soon follow that of the Force in the interests of consistency. There will be some bespoke training undertaken during 2023-24 that will allow all staff of the OPCC to have a better understanding of risks and issues.

Risk will form part of the Policing Board agenda at regular intervals in addition to being considered at the Joint Audit Committee.

Communications are regularly sent to all staff to inform them of the ongoing risks of security especially in the 'working from home' environment, examples

being cyber security - phishing e-mails, scam e-mails, social media usage, the use of technology at home and guidance on spotting phishing e-mails

8. Business Continuity

The OPCC Business Continuity Management (BCM) toolkit is in place to ensure staff know what to do should a situation arise where business disruptions occur and normal working practises cannot take place. The toolkit outlines how the office would respond effectively to recover its activities and services.

The OPCC BCM is reviewed annually and all content checked for accuracy and valid information.

The toolkit was reviewed and revised in early 2023 in line with the revisions made to the templates by the Force.

9. Policing Protocol Order 2011 – Healthcheck

Section 70 of the Police Reform and Social Responsibility Act (PRSRA) 2011 requires the Secretary of State to issue a Policing Protocol, which applies to every Chief Constable and Police and Crime Commissioner.

This protocol sets out the roles and responsibilities of all involved in the quadripartite relationship, namely Police and Crime Commissioner, Chief Constable, Police and Crime Panel and Home Secretary.

In order to demonstrate compliance with the Policing Protocol Order 2011 the OPCC developed a healthcheck in 2018 which covers all the areas in the protocol which the Police and Crime Commissioner has legal power and duty over.

- The healthcheck is now reviewed on an annual basis to ensure that it remains relevant and provides business leads the opportunity to reflect on previous entries and change reporting as required. Whilst the Office considers alternative ways of capturing this information version 5 has been prepared for the 2023 – 24 year.
- All business areas within the OPCC contribute to the healthcheck on a quarterly basis by entering management information and summaries of what work they have conducted in order to meet the required specifications.

- A report is produced from these summaries which is presented to the Police and Crime Panel and published on the OPCC website.
- A summary of the healthcheck is produced quarterly for the Exec Team detailing each area with a RAG rating.

10. Training

All OPCC staff are given the opportunity to attend regular training to ensure they are equipped with the tools and skills to undertake their duties. The appraisal system (DAP) allows line managers to monitor staff training and discuss any requirements.

A training attendance tracker is maintained by the Office and staff complete the tracker when they have attended any new training as identified and notified by the Business Manager.

In addition to this all staff are required to undertake mandatory NCALT (National Centre for Applied Learning Technologies) modules on a variety of topics to ensure they are informed of topics which affect them, e.g. H&S, Data Protection, Lone Working

- All line managers are required to check on the completion levels of NCALT modules as part of their DAP discussions with staff. A training matrix is in place listing these to assist with this process. Staff compliance levels are good with the majority of staff over 95% compliance.

- There are occasions when the Force will request a certain NCALT module be completed by all staff, the Business Manager communicates this to all staff and enters it onto the training matrix. Requests in the last financial year have included Autism training and stop and search unconscious bias.

11. HR

An absence data report is provided to the Exec. Team on an annual basis to ensure they are informed of any absence issues that arise, any patterns, average hours lost, percentage levels etc.

12. HMIC Responses

There have been 10 responses submitted to HMIC in the last year:

A Joint thematic Inspection of the police and Crown prosecution Service's response to rape – Phase Two.

A Joint Thematic Inspection of Multi Agency Public Protection Arrangements (MAPPA).

The impact of Covid-19 pandemic on the criminal justice system – a progress report.

Police perpetrated domestic abuse: Report on the Centre for Women's Justice super complaint.

Dyfed Powys Police Effectiveness, Efficiency and Legitimacy (PEEL) inspection 2021/222.

The Police response to burglary, robbery and other acquisitive crime
An inspection of vetting, misconduct, and misogyny in the police service.

An inspection into how well the police and other agencies use digital forensics in their investigations.

How the police respond to victims of sexual abuse when the victim is from an ethnic minority background and may be at risk of honour-based abuse: Report on Tees Valley Inclusions Project's super complaint.

Values and Culture in Fire and Rescue Services.