



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

This document is available in Welsh as well as English.



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COMISIYNYDD  
HEDDLU A THROSEDDU  
DYFED-POWYS  
POLICE AND CRIME  
COMMISSIONER

# Police and Crime Commissioner's Office

## COMPLIANCE REPORT 2021

01/04/2020 – 31/03/2021



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## **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 2020 – March 2021.

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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

Every year CoPaCC (Comparing Police and Crime Commissioners - Police Governance experts) assess how the offices of police and crime commissioners (OPCCs) fulfil their statutory obligations for transparency. Those OPCCs judged as reaching a satisfactory standard are awarded the CoPaCC "Open & Transparent Quality Mark" each year.

In February 2021 the office was informed that for the third year running they had been successful in achieving the CoPaCC "OPCC Transparency" Quality Mark along with 39 other OPCC's. This is an increase from the 27 OPCCs which achieved the mark last year demonstrating impressive improvements in information transparency delivered via OPCC websites.

The assessment uses 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."

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To ensure that the OPCC maintains its position in regards to publication regular checks on the website are conducted by the Compliance and Performance Support Officer to ensure that everything is up to date and always reflects the office's current work.

Eighteen OPCCs scored, performed very well and are highly commended. The Compliance and Performance Support Officer will be reviewing these websites in the coming months to ascertain what we can learn from these and if there are improvements we can make to move us to the next level.

One of the recommendations from Phase One of the Government's review of PCCs was for the Home Office to amend the Specified Information Order to improve transparency and accountability.

To that end, on 6 May the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2021 was laid before Parliament. The changes will come into force from **31 May 2021** and require elected local policing bodies to publish on their websites:

- A statement on how their force is performing in relation to key national priorities for policing (the new National Police Outcomes Framework)
- Copies of HMICFRS PEEL inspection reports, and a summary assessment of the force's performance
- Copies of IOPC data on force complaints, and a statement on how the PCC (or Mayor's Office) is exercising its complaints-handling functions under the Police Reform Act 2002.

These changes have been communicated to the OPCC team and will be published by the end of May and added to the list of requirements.

## **2. Welsh Language**

The Welsh Language Standards (No 5) Regulations 2016 came into force on 22<sup>nd</sup> 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.

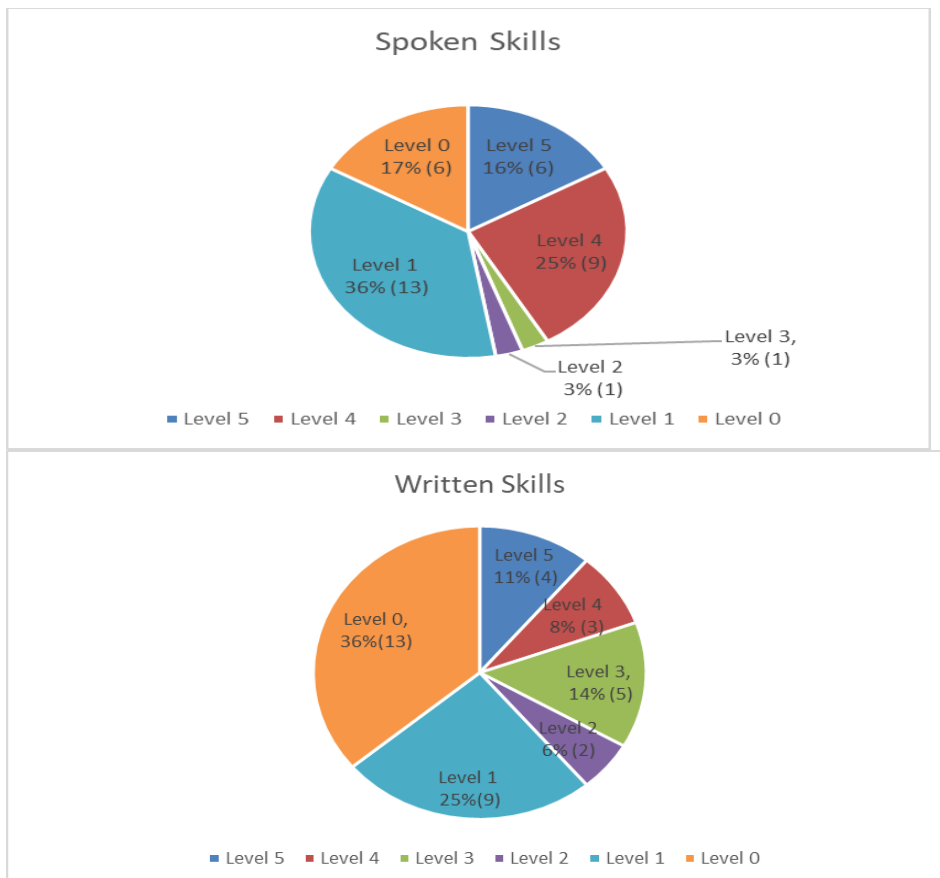
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Current staff and officers who have no Welsh language ability will be supported to reach level 1 Welsh.

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 year:



- 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

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Welsh Language  
Statistics April 2021.

- The only standard that is non-compliant for the OPCC is the lift audio not being in Welsh. The OPCC Exec Team have taken the decision, due to cost implications, not to address this immediately. At the Strategic Estates Group on 9<sup>th</sup> March 2020 this decision was agreed with and noted that 'Welsh Language Compliance in relation to lift announcements should only be adhered to when renewing an existing or installing a new lift.'
- 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 within the OPCC are offered the opportunity to attend Welsh lessons, however these have not been available in the past year due to the ongoing coronavirus pandemic. As restrictions are eased courses will be re-introduced.
- The Coronavirus pandemic and subsequent Welsh Government Regulations meant that engagement activity could no longer take place face to face. This resulted in numerous meetings being held via digital platforms.  
Welsh language standards state that 'If you have invited more than one person to a meeting, and all of the persons invited have informed you that they wish to use the Welsh language at the meeting, you must arrange for a simultaneous translation service from Welsh to English to be available at the meeting (unless you conduct the meeting in Welsh without the assistance of a translation service).  
In order to facilitate and meet this standard the OPCC secured the use of the ZOOM platform to conduct all public meetings where possible to provide simultaneous translation. Skype and Microsoft Teams do not offer the facility for simultaneous translation. The Welsh Language Commissioner is aware of this and has published a guide to holding bilingual video meetings. This does not offer any easy solutions and refers to different technologies that could be used, all of which have a cost implication. However they are looking to develop something within Microsoft teams, but this is by no means imminent. The Compliance and

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Performance Manager will continue to monitor this to ensure the OPCC is informed of any developments.

- The Compliance and Performance 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)

- The OPCC took part in a voluntary audit undertaken by the ICO in January 2020. The ICO published a generic project overview report in September 2020.

As a result of the generic report, the Association of Police and Crime Chief Executives (APAC<sup>2</sup>E) requested that a temporary working group be formed from the 14 OPCCs who took part in the ICO's survey. The aim of this group was to provide some views and comments back to APAC<sup>2</sup>E and to whether further work is required by APAC<sup>2</sup>E.

The Chief of Staff and Monitoring Officer from Dyfed-Powys OPCC agreed to chair the group and is supported by the Compliance and Performance Manager.

Early meetings raised several points with an agreement being reached to collaboratively develop a national toolkit and templates on behalf of APAC<sup>2</sup>E for OPCCs to adopt if they wish. This work is still in progress.

- It is a requirement to complete a Data Protection Impact Assessment (DPIA) on all new projects or initiatives that involve the processing of personal data. During this financial year DPIAs were completed on
  - Police Integrity Reforms
  - ICOP
  - Tractivity
  - Victim Engagement Form



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All staff have previously received training on these and are aware of their responsibility to complete when necessary

- 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. An EIA was completed for the council tax precept proposal, however the completion of EIAs is an area which still requires further progression.
- 8 potential data protection breaches within the OPCC have been recorded this year:
  - 3 were in relation to the Force PSD department who when forwarding information to the OPCC with reference to reviews included data which didn't relate to the actual complaint being reviewed. This was thoroughly investigated and PSD have put measures in place.
  - 2 were instances of e-mails being sent to the wrong email address.
  - 2 were e-mails sent by CBRE which referred to vetting but contained the names of people who did not work for the company.
  - 1 was an error by the mail room whereby post was incorrectly directed to the Force instead of the OPCC.

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

### **3a. New Legislation**

Following the exit of the United Kingdom (UK) from the European Union (EU), some data protection laws ceased to have effect or be enforceable, such as the General Data Protection Regulation (GDPR)

The GDPR became a legal requirement on 25 May 2018, and supported a European wide harmonised legal framework regulating the way in which personal data is collected, used and shared. However, as the UK is committed to maintaining an

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equivalent data protection regime, a UK version of the GDPR will apply from that date. This UK GDPR will carry across much of the existing EU GDPR legislation, but will apply as an independent law, outside the harmonised regime we have become used to under the GDPR.

The *Data Protection Act 2018* remains in place, effectively subordinate to the UK GDPR. It is also amended by the EU Exit Regulations.

Advice from the Information Commissioner's Office (ICO) was:

'Although the provisions of the 'UK GPDR' have not yet been published, we are advising organisations to amend their privacy policies and relevant documentation to reflect this. Although there is no transition period for making these amendments, we'd recommend that you make the changes as soon as is practically possible. DPA 18 will continue to apply and will sit alongside the UK GDPR.'

- As a result of these changes the Compliance and Performance Manager carried out a full review of all OPCC documentation, polices etc. to ascertain what amendments needed to be made to ensure we complied with the new legislation. All amended versions have been uploaded to the OPCC website and communicated to all staff.

In terms of all our contracts, at present we do not need to do make any amendments as contract contain a section which covers us for such a change:

'(c) any laws or regulations ratifying, implementing, adopting, supplementing or replacing GDPR; in each case, to the extent in force, and as such are updated, amended or replaced from time to time.'

There aren't any actual changes to the legislation itself which would have an impact on the contracts, the one change which is applicable is that it is now UK GDPR and not GDPR which we would need to refer to, but his will be picked up when the contracts are due for renewal.

The Welsh Government were due to commence the Socio economic Duty in Wales on 29<sup>th</sup> September, however due to COVID 19 this was delayed until 31<sup>st</sup> March 2021. This will require public sector bodies in Wales to work together to tackle the biggest driver of inequality in Wales, which is poverty.

Although such duty would not apply to the Force and OPCC as non-devolved bodies, it is vital that in ensuring that we are meeting our Public Sector Equality

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duties, that we also support Welsh Government's drive to remove socio-economic disadvantage by ensuring that appropriate consideration is made in making strategic decisions. Many of our partners will be required to comply in the same way as with the Wellbeing of Future Generations Act.

The Socio-Economic Duty states that: "An authority to which this section applies must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage."

- Due regard has been made to the socio-economic duty when identifying our Strategic Equality objectives for 2020-2024.
- The OPCC and the Force had a discussion with the Socio-Economic Duty Implementation Manager from Welsh Government to discuss further and to fully understand our role. As a result of this discussion, and with approval from senior teams the Equality Impact Assessments (EIA) have been amended so that the Socio-Economic Duty has due regard in everything that we do however, ultimately this responsibility lies with senior leaders whilst making important decisions.

#### **4. Records Management**

The OPCC is committed to operating in an open and transparent manner. In order 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.

Sharepoint tagging is an ongoing piece of work led by the Compliance and Performance Support Officer.

Audits and inspections to protect our manual and electronic information will be introduced in the coming months by the Compliance and Performance Support Officer in conjunction with being the OPCC lead on R&D.

The Compliance and Performance 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.

- 44 FOI requests were received in the 2020/21 financial year, an increase of 16 from the previous year.

Only 15 of these were requests in which the OPCC held the information requested, with a further 5 being directed to the OPCC website where the information was already published. 24 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 in order to understand the themes of requests being made. The majority of requests submitted to the Force are for arrest statistics and general crime enquiries. The Force received 868 FOI requests during 2020-21.
- During the first part of the year the Force FOI department were under staffed and not complying with the regulatory timeframe of 20 days to respond to requests. In early April 2020 there were 34 requests which were outstanding and over the 20 day response time. This issue was addressed and resolved with 0 requests currently over the timeframe to respond, this has been the case for many months. During April and May 2020 the OPCC Compliance and Performance Manager and the Quality of Service Manager provided some support to the Force FOI department to reduce this backlog.

## **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.

- 9 SAR's have been received this financial year; however the OPCC did not hold information on any 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.
- Both the Compliance and Performance Manager and Support Officer attended virtual training on e-disclosure and redaction in February 2021 provided by the Police ICT Company and Data Protection Subject Rights training provided by the NPCC in March 2021.
- In January 2021 the Compliance leads from the 4 Welsh OPCCs met and agreed to have a joint SAR policy, procedure and request form to provide consistency. This work has been progressed and completed and will be published within the next month following sign off from the respective OPCC Exec teams.

## **7. Risk**

In March 2021 it was proposed that the OPCC Risk Register be reviewed and consideration be given to moving to an OPCC Corporate Risk Register.

It was felt that the OPCC Risk Register needed to contain higher level risks that demand a more detailed strategic oversight by both the Compliance & Performance Manager and the Executive Team.

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To ensure that we don't discharge risks without the confidence that they will still be reviewed at a certain level, albeit through business area leads it was decided to introduce a dynamic risk register which will be an office level register that contains all the risks identified by individual business area leads and are the risks at that moment in time that are impacting on the organisation.

The Corporate Risk Register will contain risks that need specialist management at a higher level or a multi-departmental approach to management. These are risks that would critically impact on the capability to deliver services focused on the achievement of the Police and Crime Plan Priorities and impact the OPCC as a whole. They are very high level risks deemed impossible or impractical to manage at a business lead level.

- There is Executive team oversight of all the risks contained in both registers and the Compliance and Performance Manager provides a report to the OPCC Executive team on a monthly basis. In addition to this a quarterly report is provided to the Joint Audit Committee (JAC)
- Discussions surrounding the sharing of risks with the Force led to this process being formalised with the Force Risk and Business Continuity Management Advisor producing a Risk Management Sharing Guidance document.
- All staff received a communication on the new process put in place with clear instructions of how to use the registers, why and when.
- 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 NHS scam e-mail, ICO phishing e-mail, Microsoft scam etc.

## **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.

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

An additional interim review was undertaken in April 2020 as a result of the coronavirus pandemic.

As part of COVID-19 there was a requirement to collate additional personal information from staff which would not be requested during normal circumstances.

National guidance was received on this informing us of the requirement to provide staff with a Privacy Notice to cover the collection of this data. This privacy notice was written and circulated to all staff.

Copies of the OPCC BCM toolkit are available in OPCC Reception, in ACPO, from the Force Risk and Business Continuity Management Advisor and on Sharepoint.

## **9. Policing Protocol Order 2011 – Healthcheck**

Section 70 of the Police Reform and Social Responsibility Act (PRORA) 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. Version 3 was released for this last financial year and discussions have already started to prepare version 4 with an aim for this being ready in May/June.
- All business areas within the OPCC contribute to the healthcheck on a quarterly basis by entering management information and summaries of

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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 Compliance and Performance Support Officer.

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

- In October 2020 clarity was sought from the Force Learning and Development Services Manager on the renewal requirement of NCALT training modules. Contrary to previous understanding these modules whilst mandatory for all staff to complete **do not** need to be renewed bi-annually. The Force's position on this is that once a module has been completed it does not need to be re-visited. The OPCC Exec Team agreed that we follow the Force's position on this.
- All line managers have been requested 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.
- At present staff compliance levels are very good:
  - 71% (25/35) are at 100% compliance
  - 9% (3/35) at 86 % compliance – 1 module to complete
  - 6% (2/35) at 79% compliance – 2 modules to complete
  - 3% (1/35) at 77% compliance – 6 modules to complete
  - The other 11% (4 staff) are some way behind with compliance levels ranging from 4% to 45%.



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- There are occasions when the Force will request a certain NCALT module be completed by all staff, the Compliance and Performance Manager communicates this to all staff and enters it onto the training matrix. Requests in the last financial year have included staying safe online and Managing Information.

## **11. HR**

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

## **12. Policy Work**

Every Business lead in the OPCC is responsible for certain policy areas. This involves linking in with the Force leads when necessary to draft responses to letters, appropriate consultations etc. Also taking note of any circulations from the PLU, APCC etc. and addressing them appropriately.

The Compliance and Performance function leads on:

- Cyber Crime
- Data Protection
- Fraud
- Information Compliance
- Information Sharing
- Welsh Language
- Workforce

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

- March 2021 – An inspection on the effectiveness of the regional organised crime units
- Jan 2021 – Super complaint – police data sharing for immigration purposes

A briefing was submitted to the PCC on the latest figures from the Crime Survey for England and Wales (CSEW) in Feb 2021.

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Sept 2020 – Briefing for PCC on Tackling the 24/7 online threat to keep young people safe from the hidden dangers of cyber crime. PCC recorded a presentation on the topic for Embrace

A paper was submitted to the OPCC Exec team on Mileage savings from home working in August 2020.

In April and May 2020 statistics on FPNs issued, custody figures and Force sickness levels was provided to the PCC to inform him of the impact of COVID-19

Anti-Fraud and Corruption Policy and guidance document was jointly produced with DI Sharon Griffiths from PSD

### **13. Estates**

Compliance and Performance contribute to some Estates activities:

- Estates performance slide deck introduced on a monthly basis. Compliance and Performance Manager leads on this and collates entries. Compliance function complete entries on HR, Risk, CBRE, Accommodation, Catering, Utilities, Benchmarking, Accident and Near Miss, Compliments and Concerns
- Benchmarking – Compliance and Performance Support Officer completed the annual return last July and will continue to take the lead on this activity.
- Sustainability – Compliance and Performance attend and arrange all the sustainability sub-group meetings including maintaining the action tracker and have recently reviewed and amended the ToR for the group.
- The OPCC health and safety reviews were completed in April and October with no specific issues raised.