

‘Home Office Consultation Paper – “Policing in the 21st Century: connecting police and the people”

STAFFORDSHIRE POLICE AUTHORITY COMMENTS ON MATTERS FALLING OUTSIDE THE HOME OFFICE FORMAL CONSULTATION QUESTIONS

	Proposals	Comments
Ch.1	The Challenge	<p><i>There are no consultation questions raised in this Chapter, but some of the Government’s indications as to the reasons for advocating urgent change do not necessarily amount to unchallengeable ‘givens’.</i></p> <p><i>For example, experience suggests that the public may be less concerned about how the police service is actually run provided that the service is ‘there’ when it is needed, and that people are protected from harm. ‘Reconnecting’ with the public is something of a misnomer in the sense that how the police service is provided has never been particularly high on communities’ direct concerns- more that the service is provided when it is needed. Watch Committees and Police Committees of local authorities – and PAs themselves - and as other public authorities - have all suffered from the general disconnect between the fact that a service is provided, and how it is provided – and as with other public services, many have said that the majority of public interest is in the former rather than the latter. It is far from clear – despite what the Paper says – how far the general public have become more willing participants in a community desire to share the burden of, or contribute to, effective policing of their areas with the Force.</i></p> <p><i>That is not to say that there should not be an increased drive to</i></p>

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		<p><i>relate to and work with communities – PAs and Forces have been doing this with partner agencies with a great deal of success and more could be done. That success suggests that public lack of awareness of the PA and/or its role could in fact be less about whether or not the PAs or their members are directly elected but more about the greater public interest in the fact of provision rather than the 'how'.</i></p> <p><i>Nowhere is there reference to the fact that crime levels have generally fallen in the UK in recent years and people's fear of crime may be out of proportion to the reality – nor is there any reference to the role of the media in this. Public expectation has grown – as it has across the entire range of public services – and the financial constraints will mean a mismatch between that expectation and what can be delivered for less money. It is arguable that a directly elected PCC will be able to do little that a PA could not do to minimise the mismatch.</i></p> <p><i>There is no reference either to the impact of the proposals on equalities having been assessed as required by the Equality Act 2010. Electing one individual to serve 1.1m people inevitably reduces the opportunities for people from black and ethnic communities to be adequately represented or effectively consulted.</i></p> <p><i>There is no mention in the Paper as to how the voices of marginalised or disadvantaged communities will be heard</i></p> <p><i>Government is trying to do too much too quickly in the current climate without there being an overriding case for the urgency of their proposals. The PCC represents an extra layer of bureaucracy and cost given the need for a different body (PCPs or PAs) to perform the checks and balances role as well as the PCC role previously that of the PA.</i></p>

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		<p><i>As an elected Mayor in a local authority derives his or her legal and constitutional authority from the Council itself (Local Government Act 2000) the same principle could be applied to a directly elected Chair of a Police Authority. It would be a relatively simple translation from the kind of model of which there are various precedents in local authorities across the country and which were being advocated by the Conservative party prior to the general election for local authorities themselves. This would secure direct election of the Chair and a legal body to provide the required checks and balances, though the precept would then be the responsibility of the PA as the legal body (though there would have to be good reasons for not adopting the elected Chair's proposals – eg a referendum on the proposed precept, which would make the referendum process currently envisaged for PCPs more meaningful).</i></p> <p><i>The lack of costings or impact assessments for virtually all of the proposals in the Paper means that the benchmark of what is expected as the mantra of all the public sector (including the Government) of securing Value for Money cannot be demonstrated or even analysed in a constructive way.</i></p>
Ch.2	Increasing democratic accountability	
2.1	PAs to be abolished and replaced by Police & Crime Commissioners (PCCs) . (2.4)	<p><i>Government indicated that in view of the manifesto commitment and the coalition agreement, this is not negotiable. However, there is no clear measurable outcome from the proposed reform, nor any analysis of the wider benefit of change other than the so-called 'democratic deficit', nor any assessment of the cost and risk associated with the change.</i></p> <p><i>Add to this the lack of clarity about the legal status of the PCC, the lack of information about what legal powers he or she will have (the Paper talks only of duties) and the lack of clarity about</i></p>

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		<p><i>the checks and balances necessary to secure constitutional safeguards against the abuse of power vested in one individual, all suggest that a case could be made to question the whole ethos of the proposal. The Government's approach is that to do so would be pointless as the proposal is not up for debate ("...how we can make this work most effectively..." rather than "do you think this is a good idea").</i></p> <p><i>Nonetheless, even as a principle it does beg the question as to how the alleged 'democratic deficit' of 17 members of a Police Authority serving a population of 1.1m is improved by one PCC serving that population.</i></p> <p><i>The democratic deficit could equally well be addressed by changing the constitution of PAs to have an elected Chair who would then alongside the PA be accountable to communities for the way in which policing was overseen and the wishes of communities respected and fulfilled.</i></p>
2.2	<p>Key PCC functions (2.9) to be:</p> <ul style="list-style-type: none"> • represent and engage • set priorities • hold the chief constable to account • set the force budget and precept • Appointing – and removing – the chief constable 	<p><i>Amongst other things, this is the current role of Police Authorities, so no change. There is no reference to the matters raised above, though, nor to</i></p> <ul style="list-style-type: none"> • <i>Checks and balances for the power of the individual</i> • <i>Will the PCC be subject to the CLG capping regime and if so what happens when the outcome of a referendum conflicts with the capping direction – or will Government not 'cap' the PCC's precept? With capping, the power of the PCC to set the precept will be constrained whatever the Paper says - and the point of a referendum is lost because the public's views will presumably not be allowed to override Government policy. Indeed the cost of a referendum could be a waste of public money, whoever bears the cost (which isn't clear).</i>

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		<ul style="list-style-type: none"> • <i>Will the PCC have an unfettered hand in the appointment of the Chief Constable (CC) or will the Home Secretary still expect to have a 'say'? The Paper is unclear but it seems unlikely that the PCC will be allowed to appoint without the Home Secretary at least approving the shortlist of interviewed candidates.</i> • <i>Will CC retain true operational independence if the PCC can 'hire and fire' if the CC does not do as the PCC requires (eg Mr. Boris Johnson/Sir Ian Blair). The proposed structure and the lack of effective checks and balances means that there is a recipe for conflict between what the CC wants in operational terms and what the PCC wants allegedly to respond to community needs. It will be difficult to avoid increasing the risk of a breakdown in relationships, simply because the scenario is about one individual and another and who has the final say on policing.</i> • <i>What will the powers of the Policing and Crime Panel be in relation to appointments – to 'confirm' an appointment but with no power to veto (or restricting the power of the PCC to appoint without the PCP's prior agreement) makes the whole idea pointless.</i> <p><i>Commissioners may also need to be 'DV' vetted (as are some members of Police Authorities) in order to view 'sensitive' information. Whilst presumably vetting is not going to be a pre-condition of candidature, candidates will need to be aware that high-level vetting will be required and that if the vetting does not fully clear them at his level, then their ability to represent communities adequately may be compromised.</i></p>
2.3	Commissioners to appoint and lead a team to support them – PCCs to decide how to do this within framework set by Govt. (2.10)	<i>The proposal can only be fully judged when more is known about the legal status to be afforded to the Police and Crime</i>

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		<p><i>Commissioners (PCCs) and the Police and Crime Panels (PCPs); and in the case of the latter, how they are to be constituted. Is a PCC to be a 'corporation sole', or is the legal entity to be a police authority comprised of the PCC and PCPs together; are PCPs to be 'local public authorities' or 'Trusts' or Non-departmental Public Bodies (NDPBs) or some other constitutional vehicle – and will PCPs have any legal powers and how will those powers relate to the powers to be given to the PCC?</i></p> <p><i>The PCC will not necessarily be able to manage with a 'small' team - an individual will struggle to do all that the Paper says is to be expected of him/her so significant support will be essential.</i></p> <p><i>Will the support team encompass, for example, a Board of people (mandated or at the PCC's discretion?) in an advisory capacity (perhaps as a successor to Police Authorities and drawing on their skills) or does the term mean only 'administrative' support? If the former (and possibly both) there is a risk of cronyism and a lack of objectivity.</i></p> <p><i>Will the PCC be able to delegate some of the PCC's own responsibilities to someone else acting on his/her behalf (eg to one or more members of an advisory Board) - for example as 'a Deputy PCC or Assistant PCC? If so, how will they, as non-elected individuals, be accountable to communities – directly, or only through the PCC?</i></p> <p><i>Will the PCC be able to delegate to his or her administrative support team?</i></p> <p><i>How will delegation to members of the PCC's support team however that is construed square with the Paper's expectation of personal involvement by the PCC in local matters to 'give communities a voice'?</i></p>

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		<p><i>Will the PCC have the legal status sufficient to employ an administrative support team who will remain in post when there is a change in the PCC (eg at election) – or is it to be a personal appointment (like a domestic servant) who loses his/her job when the PCC goes out of office? The latter would presage a rapid turnover of staff and a lack of continuity, and security. Will the administrative team be required to include a Chief Executive, section 151 Officer and a Monitoring Officer (as is the case by law at present) – or have CLG accepted that such posts can be dispensed with in a new public body (corporation sole) notwithstanding that it is spending public money? There is no assurance in the Paper about the future of current PA staffs, nor any reference to TUPE.</i></p> <p><i>Will the PCC also be the employer of staff under the ‘direction and control of the CC (as PAs currently are) – if so, the legal status of the PCC becomes even more important because presumably CCs would not want ‘their’ support staff to be vulnerable to losing their posts when the PCC changes.</i></p> <p><i>Will the PCPs have a role in scrutinising the PCC’s team (including an advisory board and/or Deputy PCC etc and administrative support), as well as the PCC himself, or will the PCPs’ remit run only to the PCC? Even if not thought through for the Paper, these issues need consideration.</i></p> <p><i>If the powers vested in the PCC as outlined in the Paper are unfettered (or subject only to the CLG ‘capping’ regime’) then PCPs with no legal powers at all (there are none specified in the Paper) will be ineffective and will be a worthless attempt at calling or holding the PCC to account for his/her activities or inactivities. Only the ballot box, every four years, would then be able to do this. It is unacceptable for so much power to be vested in one</i></p>

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		<p><i>individual with no means of calling the individual effectively to account and/or to remove him or he from office between elections eg as there would be for a Minister in whom a vote of ‘no confidence’ was passed in the House.</i></p> <p><i>If the powers of the PCC are fettered by the need to seek the prior approval to certain courses of action from the PCPs, or to ‘have regard’ to the advice or opinions of the PCPs before acting (not after the event) with legal powers vested in the PCPs to withhold consent in appropriate cases, giving them some teeth, then superficially there could be some constraints on the PCCs powers to behave as he or she so chooses regardless of anyone else.</i></p> <p><i>The role of the PCPs looks in some ways to be one that Police Authorities could continue to perform if they were not in a supporting role for the PCC himself/herself. Whilst either would need some re-drawing of roles and responsibilities as between the PCCs and the PAs, retaining the skills and experience and knowledge of PA members could be to the benefit of the PCC and/or make the scrutiny of the PCC by the PCP more effective and meaningful.</i></p>
2.4	Candidates for PCCs to be drawn from a wide range of backgrounds (2.12)	<p><i>It is not clear how Government can actually deliver on the suggestion that candidates for Commissioner “...come from a wide range of backgrounds...” Presumably anyone can stand for election, which means Government can’t control the backgrounds of those eligible to stand. Wide publicity for the post won’t necessarily secure candidates coming forward.</i></p> <p><i>Contrary to the large measure of success PAs have enjoyed in keeping politics out of policing, the risk of outright politicisation in the PCC proposals is significant unless candidates receive help - on a national basis to ensure fairness - with election costs and</i></p>

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		<p>administration.</p> <p><i>Short of finding some means of supporting candidates from non-political backgrounds, or imposing a very low 'cap' on election expenditure to put candidature within reach of unsupported non-political candidates, it seems inevitable that the process will become led by the party machinery resources to campaign across such huge constituencies. In reality, in the current financial climate it is probably unreal to think that much in the way of public funding will be available to support or encourage independent candidates, and thus it seems unlikely that the process - particularly in the representational role across large areas - will not be greatly influenced by the political groups</i></p> <p><i>The process is also very vulnerable to the risk of single-issue candidates getting elected for the particular focus of that issue regardless of the wider best interests of the policing service provided across the whole of the area's communities</i></p> <p><i>There seems also to be a disconnect between the idea of the PCC being the representative of the people in an area and the fact that in some areas the constituency will have a population of more than 2 million people. This is more likely to increase the democratic deficit rather than improve it. The largest constituency of an MP is dramatically smaller than the constituency of a PCC - how can that be a proper or effective level of representation?]</i></p> <p><i>The PCC role is onerous even without seeing the detail and if the Secretary of State for CLG's perspective of remuneration is to be believed, it may well not be particularly well paid for the level of sole and personal responsibility carried.</i></p> <p><i>There is no reference in the Paper to the realities of persuading constituents in (as an example) Coventry that a PCC from</i></p>

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		<p><i>Birmingham truly represents the policing community aspirations of the citizens of Coventry or – in the same way, that a PCC whose background is entirely based on the needs of rural areas is truly representative of the interests of deprived urban areas (or vice-versa). The constituency proposals seem to ignore the fact that elected bodies like local authorities or police authorities have a cross-section of elected and (in the case of police authorities) independent members able to represent the specific needs of divisions/wards or sectors, interests (including minority and ethnic interest groups) or socio- economic and demographic groupings reflected in the area – a sole PCC will struggle to achieve anything like the same collective credibility of a public authority</i></p>
2.5	<p>PCCs to be under a duty to collaborate in the interests of value for money and to tackle cross border, national, international crimes (2.17)</p>	<p><i>The importance of this – in the context of the current proposals – cannot be overstated because the proposals inherently insert a disconnect between the role of the PCC (who will, not unnaturally, be focused on local policing as he or she represents the communities who elect/re-elect him/her) and serious crime/protective services where there will be “strong” duty to collaborate presumably with other Forces and with the new national Crime Agency (NCA). There is no clarity over how the PCC will be accountable – and to whom – for his or her collaborative activities (or lack of them) since they will probably not play out significantly at local level in the election context and the Paper does not suggest means by which the NCA (or the extent to which the PCC has played a visible and meaningful role in collaborative activity) can be, or is to be, accountable at local level.</i></p> <p><i>Will all this be made clear to communities so that they know they are voting for more than just ‘bobbies on the beat’?</i></p> <p><i>The responsibility of the PCC to play a full role in regional and</i></p>

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		<p><i>national collaboration will be onerous when added to the local policing dimension – the roles are shared amongst 17 PA members at present. The potential for conflict between what the electorate want and what are policing needs is one where PAs have been able to deliver because they have to see the totality of policing and manage the process- because they are not appointed or elected on just the ‘local’ issues. It will be difficult for the public to see the wider non-local issues.</i></p>
2.6	<p>Govt to create ‘enabling’ powers to join up CSPs at force level, to enable PCCs to play a ‘considerable’ role in community safety and a role in commissioning community safety work (2.18-19)</p>	<p><i>The PCC “playing a role in wider questions of community safety” is unclear – will it be a role which other organizations in community safety will be obliged to recognise, or will it be peripheral to the activities of others – how meaningful is this going to be? How will the public know whether a candidate actually has the skills and knowledge necessary to fulfil yet another demanding role personally.</i></p> <p><i>The term ‘considerable’ is meaningless on its own and has to be defined. The lack of clarity makes comment difficult, beyond recognizing that this could prove to be the test of whether Government is prepared to ensure that its Departments work together instead of across each other – see eg the comment in para 1.7 in the Paper</i></p> <p><i>Much will depend on the role the PCC will have in the framework of the wider community safety system, and whether there is cross-Departmental recognition and credibility given to that role with specific duties and responsibilities that extend beyond ‘playing a role...’</i></p> <p><i>Given the number of CSPs in a Force area it is just not possible for the PCC to be directly involved in them all – it is a difficult enough challenge for 17 (or more) members of PAs to meet.</i></p>

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		<i>It should also be recognised that PAs already engage regularly with all the local authorities and many private sector representative bodies in their areas. The nature of the size of the PCC's role suggests that the time he or she will be able to spend on effective engagement in this way is going to be constrained to tokenism, which will do little to foster the perception, let alone the reality, of effective partnership.</i>
2.7	Potential future role for PCCs to deliver value for money in wider CJS (2.20)	<i>Much will depend on the role the PCC will have in the framework of the CJS system, and whether there is cross-Departmental recognition and credibility given to that role with specific duties and responsibilities that extend beyond 'playing a role...But it is good that Government is prepared to recognize that it too has a role in allowing the police to get better value for money - let that now be the mantra across all Government departments with a single agenda, single focus, and a single set of operational imperatives shared across all Departments.. '</i>
2.8	PCCs to hold chief officers to account for police workforce diversity (2.22)	<i>No change – support this requirement, though with the reduction in current numbers of staff and redundancies, these targets may be increasingly difficult to sustain.)</i>
2.9	HO to work with Wales in fitting checks and balances to devolved local government in Wales. MPA to be abolished in London, with GLA taking scrutiny role (2.23-4)	<i>The principle is accepted – though it can be seen as evidencing a possible predisposition to the London scenario of passing the scrutiny role to the first-tier local authorities elsewhere in England too.</i>
2.10	Police and Crime Panel (PCPs) to be established – with overview of role of PCCS and role in testing PCC decision on behalf of the public. Members to be drawn from a mix of local councilors and independent/lay members (2.26)	<i>The principle of retaining the knowledge and skills of independent members is welcome, as is the continuance of links to local councils through councillor involvement in scrutinizing the PCC's activity.</i> <i>However, the lack of any information about what legal status the</i>

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		<p><i>PCPs will have, what duties and powers they will have, how they will be constituted and how they will be supported makes meaningful comment difficult. If the so-called democratic deficit is to be addressed and raise the public profile beyond the 8% mentioned, a PCP may well have to be a larger body than a current PA – and all for no real powers?</i></p> <p><i>If the PCPs are to have no legal duties or powers then they are effectively ‘toothless’ and will fail from the outset to be any kind of ‘check and balance’ to the singular and apparently unfettered powers of the individual PCC. Only if they have legal powers and duties conferred on them will their role be meaningful or anything other than a talking shop.</i></p> <p><i>The composition of the PCPs could be debated for ever as there are so many possible ‘models’ – and presumably one size will not fit all - eg comparing Staffordshire (two first-tier Councils) with West Midlands (7 first-tier Councils). The Paper refers to ‘Panels’ (plural) in each force area which suggests a linkage to local government at or below first-tier council level, but clearly given their different functions and roles, there is a case for suggesting that the PCPs should not be derived from, or direct offshoots of, a local authority but – in much the same way as a PA currently – have representatives of the relevant local authorities alongside independent and lay members forming a separate entity for the role they are to perform. Indeed, if the rich experience skills, knowledge and training of the current PAs and their members are not to be utilised in support of the PCC role, then continuing the role of current PAs as PCPs would in the short-term ensure that those benefits are not lost to the policing ‘family’ as the PCCs find their feet. The skills knowledge and experience of police authority members could be a valuable asset to an incoming PCC and/or PCP to manage the transition far more effectively.</i></p>

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		<p><i>Further, quite how an effective balance could be achieved between a local authority- derived PCP scrutinizing (<u>only</u> – the Paper makes this clear) the PCC and the same local authority (and possibly the same members) scrutinizing community safety activity and the work of the CC that respect – is questionable.</i></p> <p><i>That is not to say, though, that there may not be headroom for reforming in the future the basis on which members are appointed or nominated to serve on PAs or PCPs– certainly in the way PCPs are constructed there may be room for Government to re-think their composition to ensure that they are a-political, particularly in the light of the fact that there is strong possibility, if not probability, that the PCC will be a political nominee.</i></p>
2.11	<p>Main function of PCPs (2.27):</p> <ul style="list-style-type: none"> • to ‘advise’ the PCC on policing plans and budget; • to make concerns public or, in the case of misconduct by PCC, ask the IPCC to investigate the PCC; • powers to summon PCC to public hearings, and see papers sent to PCC (except where ‘operationally sensitive’); • to hold confirmation hearings for chief constable posts and for other appointments by the PCC to his staff, but no power of veto; and • the power to trigger a referendum on the policing precept recommended by PCC. 	<p><i>What does the term ‘advise’ really mean? If the PCP has no teeth or clout then by inference the PCC can listen and then ignore, which effectively negates the role entirely. Government advice usually has teeth behind it somewhere in the system – why not the PCPs?</i></p> <p><i>The power to call referendums on the recommended precept is obtuse and - without some teeth to compel the PCC to fulfil the outcome of the referendum – pointless, particularly since the capping spectre is likely to overlay both the PCC, and the PCP’s referendum.</i></p> <p><i>Summoning the PCC to public hearings, conducting confirmation hearings and so on may offer some comfort and ability to scrutinise what the PCC is doing or not doing. Since any right of veto is excluded, however public the PCP may make their concerns, there is nothing to reassure the public or to expect or require the PCC to take any notice whatsoever – particularly in his/her second term of office!</i></p>

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		<p><i>Conversely, of course, putting a power of veto in place could fetter the PCC from delivering on his or her election promises. That could leave the PCC in an impossible position – which demonstrates how difficult it is to achieve an effective system of checks and balances where so much power is otherwise vested in a single individual. It is the kind of outcome of the PCC proposal that needs better and deeper consideration before it becomes enshrined in law and with the potential to be utterly unworkable.</i></p> <p><i>If they are to have any powers, PCPs would need to be properly resourced to fulfil their functions – from where and at what cost? Even without meaningful powers, the role described in the Paper will still require the PCP to be supported administratively – from where and at what cost?</i></p> <p><i>Further, the relationship between the PCC and the PCP(s) has the potential to be fraught – in the task of ensuring that the PCC can be called to account by representatives of his/her local communities, the PCC will inevitably claim an election mandate and the PCP will claim that it speaks for the communities it represents. Given the size of the constituency, both could readily be right, but that will not help the promotion of effective and efficient policing across the entire spectrum of the objectives set out in paragraphs 2.16 and 2.17 of the Paper.</i></p> <p><i>Either way the relationship between the PCC and the PCP(s) is going to be difficult, not least because it introduces confusion by adding a fourth party to the current triumvirate between the Home Secretary, the Chief Constable, and the body to whom the CC is accountable (the PCC) in an effort to put in place checks and balances – albeit absolutely essential – but which would not be need if the current system were to be used as a foundation block for change. If the PCC system is a given and not negotiable, then the whole process of the checks and balances which are critical to</i></p>

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		<p><i>that system (to prevent unfettered and unrestrained power being vested in one individual for four years) is not well addressed by the PCP proposal and needs to be re-thought.</i></p> <p><i>See 2.19 in relation to the position re investigations of misconduct by a PCC</i></p>
2.12	PCCs responsible for requiring force to have regular beat meeting , and ensure they inclusive and accessible. (2.29)	<p><i>Experience suggests that this methodology has not found universal favour with the public – PAs already have extensive experience of experimenting with different methods of engaging with local communities. PCCs should have the flexibility to put in place appropriate, but clear and accountable, arrangements to ensure that communities are consulted effectively and their views taken into account – a role on which PCPs could then challenge the PCC to account if he or she failed to do so.</i></p> <p><i>Experience suggests that better results are achieved from the sustained involvement of one or two PA members working closely with the local NPU Commander to achieve change and monitor progress as it takes place.</i></p> <p><i>As the PCC won't have the physical capacity to do all this across a whole Force area as PAs do now, and the PCPs cannot do this themselves as they have no powers, then unless there is extensive delegation (in which case see the points made above) more is lost than gained.</i></p>
2.13	Policing plans to have public consultation phase , with responses published	<i>Reflects existing duties and supported, notwithstanding the potential for layers of bureaucracy. But even including this as a 'new' dimension suggests a misunderstanding of how successful public consultation is already.</i>
2.14	Police performance on crime, ASB and how money is spent to be published (2.34)	<i>Does this give the lie to the abolition of targets and the Paper's statement that the Government will not 'mandate priorities in each</i>

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		<p><i>local area'? The Home Secretary is clearly expecting Forces to assemble specified kinds of data to support what she intends to require forces to release; to prescribe how often and in what form that information is to be published ; and (at least implicitly) to try to ensure that the data when it is published is up to date. Forces who already have experience of using their own survey information – as most do – will view with some trepidation if the 'out of date' nature of the published British Crime Survey (BCS) data becomes the mandated tool for this measure – but the BCS remains the only national standardized database of such information, even if largely out of date from reality by the time of its publication.</i></p> <p><i>A vast amount of policing information is already routinely made available to the public and it is readily accessible, though few choose to do so. Raw data unsupported by effective dialogue or explanation can be misleading, though, but giving greater emphasis to this aspect of public communication and information, whilst entirely sound in principle, has resource implications.</i></p> <p><i>Forces should have the freedom to maintain the data they believe to be necessary to reassure their communities how they are performing, delivering best value and can show that they have taken communities' views into account in how they plan to deliver - and do deliver. The overarching national requirements imposed by the Home Secretary – see 3.1 below – will impact on how meaningful that freedom is in practice.</i></p> <p><i>If there is to be a reliance on comparative information as a key tenet of accountability then the Home Office needs to understand that this will mean that the current industry of audit and inspection will have to continue to ensure consistency and accuracy of the data. The Chief HMI has pointed out that the public do not trust statistics so it has to be questioned why so much reliance is being placed on them. On the</i></p>

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		<i>whole, the experience of forces is that use of comparative information has only led to highlighting how different forces interpret the counting rules in different ways and has led to improved bookkeeping rather than improved public satisfaction and confidence.</i>
2.15	Information on PCC organisation/costs to be transparent , including code of conduct.	<i>Principles of transparency, and codes of conduct for PCC staff, are accepted, though (a) what is suggested does seem overly bureaucratic where it extends beyond what PAs already have to do now and (b) it is not acceptable for a PCC to set standards of conduct for himself/herself (or those he or she may personally engage to serve on an 'advisory body') – it isn't for MPs and shouldn't be for PCCs. See comments in 2.11 above</i>
2.16	Crime data to be published at street level from January 2011 in a standardised format, and able to publish the information more frequently – perhaps every week	<i>See comments in 2.14 above – potential for bureaucracy and for the Home Secretary/Office to continue to over-prescribe what Forces must do – and for significant increases in associated costs when Forces are trying to reduce the administrative burdens to keep more officers in 'the front line'. In any event, some forces are already doing this. How far the public are interested in more than the 'headlines' (sometimes bannered by the media) is debatable but in theory the principle remains valid.</i>
2.17	HMIC to become a stronger advocate of public interest , independent of Govt and the police. (2.39-40)	<i>The key is <u>independence</u> from Government and the police. This needs to be demonstrably so, so that HMIC are not seen – and cannot be seen – as the agents of the Home Secretary (which is a criticism sometimes levelled at present, whether fairly or unfairly), nor as the agents of the PCCs or Forces. Respect for true independence has to be earned – they cannot be advisers to the Home Office, and/ or PCCs/Forces, about the way policing is being carried out in a particular area and/or the capabilities of individual officers and then in the same breath try to be advisers</i>

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		<p><i>to the communities themselves. If they are to be independent they must be at arm's length of all and, especially, not dependent on the Home Secretary for their funding stream.</i></p> <p><i>The HMIC role becomes untenable if they are envisaged as holding the balance between any of the agencies involved – if they are to be a stronger advocate of the public interest then they must be distanced from any of the other agencies (including the Home Secretary, the PCC, the PCP, the CC and the IPCC). A bit like an external auditor in the private sector representing a particular shareholder's interest....</i></p> <p><i>The current composition of HMIC drawn significantly from the most Senior Police ranks suggests that some change in the emphasis of the workforce would be essential if that distanced integrity was to be demonstrable</i></p>
2.18	<p>Home Sec to retain powers to ensure national risks are dealt with effectively (2.41)</p>	<p><i>It is unclear what this means in practice, but not unexpected that the Home Secretary will want to keep powers to ensure that matters of national policing significance (eg national security, the Olympics and so on), can be managed in the way she wants. It does however drive a cart and horse through the 'Big Society', the planned role of PCCs, and local choice.</i></p>
2.19	<p>Power of recall of PCCs to be introduced, but will involve combination of PCPs, IPCC and public (and finding of serious misconduct). (2.43)</p>	<p><i>It would be more meaningful for the PCP, and not the IPCC, to be given powers to investigate any allegations of misconduct or improper behaviour by the PCC (in effect his/her 'Standards body') with the power, in serious cases, to seek the removal of the PCC from office by application to the High Court Administrative Division. That would be the kind of gravitas that would have to be associated with removing someone directly elected to office and would avoid the local controversy and potential for politicisation were the PCP to have the power to recall.</i></p>

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Ch.3	Removing bureaucratic accountability	
3.1	Cutting the bureaucracy imposed by Whitehall on Police Forces	<p><i>The need to remove the overbearing and over-prescriptive targets imposed by the Home Office in the past is supported – provided it actually happens – it didn’t when the last Home Secretary promised a reduction in centrally-imposed data requirements or targets, as the Home Office then required forces to provide the same information anyway ‘for national recording purposes’ – or, as the Paper puts it “targets in disguise”. The proposal is right and if actually implemented could go some way to reducing the current bureaucratic burden imposed on forces.</i></p> <p><i>PAs and Forces are already well aware of the need to learn from good practice and success elsewhere and are doing so – there is a gulf between that learning process (which has been a part of public sector management for a great many years) and converting those comparisons into targets, which should cease.</i></p> <p><i>However the proof will lie in more detail from the Home Secretary on exactly what crime data collection will no longer be required to support central information needs. Phrases such as “Ensuring data is still available to local people” and “Value for Money Profiles that provide rich comparative data” suggest that until we know what data is still to be required by the Home Secretary for this purpose, the promise of ‘cutting bureaucracy imposed by Whitehall’ remains unfulfilled. Nor does the expression ‘it does not all need to be reported centrally’ offer comfort – it is the obtaining recording and assembly of data which is the burden, not whether it is copied to Whitehall or not.</i></p> <p><i>The Secretary of State clearly wants to ensure crime data recording in a consistent way across the country, and the need for this is accepted, but until we know what data is to be mandated it</i></p>

	Proposals	Comments
		<p><i>is not possible to know whether the promised reduction in data assembly requirements is meaningful.</i></p>
3.2	<p>Reducing Bureaucracy and promoting professional judgement</p>	<p><i>Staffordshire has good experience of allowing greater professional judgment through the Trust and Confidence strategy. The initiative had demonstrable benefits in the levels of community satisfaction and the freeing up of officers for more and visible front line policing.</i></p> <p><i>However, there are many components to the framework in which modern policing is carried out. However, the police in general terms are subject to the same law as everyone else and sometimes the legal framework in which they have to carry out their duties imposes these burdens on them because the law imposes those same burdens on everyone. Arguably the ‘State’ has become over-protective but many of the so-called burdens are there for good reason to safeguard the rights of individuals and/or to meet EU requirements.</i></p> <p><i>Reviewing this relationship will be timely, in terms of enabling officers to discharge their duties with less bureaucracy or greater professional judgment; but care will be needed to assure the public that officers remain subject to the law and are not set lower standards of compliance eg with Human Rights than the rest of the community.</i></p> <p><i>In the same way care needs to be taken to ensure that personal rights are safeguarded – for example, reducing the national requirement for the ‘Stop’ form could have a disproportionately unfair impact on people from black and minority ethnic communities – having no means of challenge could mean that disproportionality could increase unchecked, and lead to increased disaffection or hostility to the police in those communities. It would of course also impact on the willingness of those communities to become involved at any level, and in turn on</i></p>

	Proposals	Comments
		<p><i>the very 'Big Society' which the Prime Minister wishes to promote.</i></p> <p><i>On health and safety, the common sense approach reported as now being advocated by HSE has much to commend it, as has their promise to recognize and support the specific risks borne by police officers. The Home Secretary's support for embedding that approach across the HSE is welcome, a clear reflection that that isn't the case at present, especially at local levels.</i></p> <p><i>The same approach across the whole CJS system will be welcome, though how much can be achieved before compromising the rights of the individual will remain to be seen as the Department of Justice's perspective may be different.</i></p>
3.3	Ensuring the leadership of the service takes Responsibility	<p><i>Leadership and responsibility go hand in hand and the majority of Chief Constables are already leading the way in addressing the very real issues associated with the financial constraints - and consequential workforce reductions – that that the prospective CSR will entail. The points made are already recognized and are not 'new' In this they have in the majority of instances had the critical friendship of the PA –the ability to challenge and question, but objectively and realistically.</i></p> <p><i>The Paper makes no reference to what happens when the Chief Constable and the PCC fall out over a particular issue or issues – for example the priorities to be allocated for the use of limited police resources, or the level of the precept where the PCC intends to raise a precept which the Chief Constable feels will be insufficient to meet the policing priorities the PCC has prescribed.</i></p> <p><i>Such issues will challenge the leadership skills of both, since from experience we know that whilst both may have merit on their side, the public do not lightly forgive public servants for squabbling in public – it is a distraction from the real job of</i></p>

	Proposals	Comments
		<i>policing the area.</i>
Ch.4	A national framework for efficient local policing	
4.1	<p>HMIC will provide 'light touch' inspection of forces in terms of VfM</p> <p>HMIC will play 'a key role' in terms of assessing use of resources (4.15) but ACPO will provide a professional view on which elements of operational and business support services should be the subject of collaboration in order to provide VfM (4.23).</p>	<p><i>The objective of supporting better value for money in local policing seems entirely right and the majority of forces and police authorities (if not all) have already recognised that VfM is the 'only game in town' and are already well advanced in pursuing this objective. There is nothing in what the Paper says in this regard that is not within the realms of what every force Chief Constable and authority/PCC is actively considering or will need to consider. Enthusiasm for the opportunities identified in the Paper however needs to be tempered by the fact that many have already put in place systems or arrangements to achieve the benefits highlighted (eg many already have shift systems that match resources to anticipated demand) and that the scope in those areas for further VfM changes may accordingly be less.</i></p> <p><i>Will the inspection role be that of HMIC or the external auditors or both? With the demise of the Audit Commission it is unclear whether external local auditors will be expected to assess whether forces and authorities have in place proper arrangements for securing VfM - if they did, it would look like a recipe for bureaucratic, duplication of what the Home Secretary says HMIC will be doing.</i></p> <p><i>The Government will have to be very clear on who is to fulfil which role and avoid the potential for duplication and bureaucracy in 'inspecting' how forces and police authorities/PCCs secure VfM – the current uncertainty being the result of the confusing legal position where both agencies can claim a statutory role over the VfM territory. Resolution of this will need the support of CLG (who are not mentioned by name anywhere) as external audit of local public bodies has thus far been part of the CLG remit.</i></p>

	Proposals	Comments
		<i>ACPO's contribution to better knowledge and awareness of what internal and external (collaborative) activities and arrangements/systems best secure improved VfM for forces will be valuable, as should the contribution of police authorities (many of whom are already well down this road) and, in turn, the PCCs who will have to account to their electorates for these activities. But there should be no scope or support for ACPO in promoting a partial or 'vested interest' route – that would destroy the credibility of the role ACPO would have.</i>
4.2	Collaboration "Commissioners will drive forward the collaborative effort in support of their Chief Officers"(4.22)	<i>It needs to be recognised that collaboration involves judgments about whether collaborative arrangements – and the cost of implementing them – actually delivers real benefits in VfM terms. Spending £5 to create a collaborative approach in order to save £3 is not, on its own, VfM. PCCs and Chief Constables – and partner agencies – will need to be thorough in evaluating the potential benefits of collaboration – it is not a panacea for all ills, despite the VfM benefits it can, on occasion, bring about</i>
4.3	Strengthen the current duty to collaborate so that the Home Secretary can direct forces to do so (4.24)	<i>This power already exists – but what will be the solution if a resolute Home Secretary directs collaboration and an equally resolute PCC claims that a route which does not involve collaboration is what his/her constituents have indicated they want him to deliver? Is the Home Secretary going to override local wishes or does the Big Society prevail? There is no provision for this situation in the law as it currently stands nor in the Paper.</i>
4.4	Integration of CEOP into a National Crime Agency. (4.32)	<i>No comment on the principle, though see below.</i>
4.5	Establish National Crime Agency by 2013 (4.33)	<i>Rationalisation of service delivery for specialist functions involving national policing issues is welcome but the impact of the changeover on high-profile forward planning such as the Olympics 2012 needs to be addressed to avoid increasing rather than minimising risks.</i>

	Proposals	Comments
		<p><i>Whilst two-tier policing is an unfortunate and possibly unwelcome consequence, in reality it needs to be properly evaluated to show that it will prove to be more effective than the current arrangements. In terms of the maintenance of the ‘golden thread’ of policing from community to the national level, success will depend on the working collaboration between CCs and the NCA Chief Constable, but it is too important for either not to play a full part, nor for the delivery of the strength of that thread not to be within proper public accountability both at national and local levels. This is not a problem for PAs as it is the role they have successfully delivered in supporting policing as a whole, but it will be more of a problem for PCCs and the Home Secretary or to whomsoever the NCA ultimately becomes accountable.</i></p>
4.6	Governance of the National Crime Agency (NCA) (4.35)	<p><i>Whilst acknowledging the need for revised robust governance and more public-facing accountability arrangements for the NCA, the Paper is silent on what this means or how it will be achieved. If the Home Secretary is to be believed, it should not be governance at the sole hands of the Home Secretary or the Home Office – but it should also not be to the hands of the PCC alone as that would distort the national significance of the NCA. Accountability to the Home Secretary and PCCs jointly - and scrutiny by PCCs acting collectively, or a Panel of PCCs, in a way which included for the Home Secretary or her representative - would be more meaningful and help both to safeguard the ‘golden thread’ and to create relevance and ownership of the national dimension at local levels and vice-versa.</i></p>
4.7	A national Border Force will be created. (4.42)	<p><i>Whether this is of value is debatable and will impact most on forces and authorities which already have a substantial border function element. But strengthening border policing would be a welcome investment.</i></p>

	Proposals	Comments
4.8	NPIA will be phased out by Spring 2012 (4.46)	<i>Noted – the transition of roles will be critical but is a consequence of the new role of the NCA, and should represent a significant saving and benefit overall.</i>
4.9	The Home Secretary will legislate to specify procurement arrangements (4.51)	<i>The draft procurement proposals from the Home Secretary do not in their current form create any particular problems for authorities and forces who are already well versed in getting best value out of procurement – and many of the framework procurements to be specified as mandatory are in fact not currently in existence and will not become mandatory for forces and authorities until current contractual arrangements expire, or are terminated in the interest of securing better value.</i>
4.10	Accountability for ACPO (4.55)	<i>This is welcome but the role of ACPO should be defined across the tripartite and not carved up between the Home Office and ACPO as the Paper suggests. Perhaps ACPO could be accountable to the ‘collective’ or Panel of the Home Secretary and PCCs referred to in 4.6 above</i>
Ch.5	Tackling crime together	
5.1	Enable and encourage people to get involved and mobilising neighbourhood activists	<p><i>This is a difficult – and potentially dangerous –concept, at least in the sense that it is almost giving lip service to the desirability of establishing vigilante groups. Public support and - in appropriate ways, involvement (eg as Specials or PCSOs, Neighbourhood Watch etc) is welcome and essential and needs to be fostered and encouraged. The line has to be drawn, though, between that kind of neighbourhood participation, good citizenship and support for the police in their role – and the unacceptable face of vigilantes and taking the law into other hands.</i></p> <p><i>The Paper is silent about how the costs inherent in this kind of approach (marketing, supervision, training (including health and safety, notwithstanding the Secretary of State’s optimism referred to in 3.2 above)and administration will be met or from where</i></p>

	Proposals	Comments
5.2	Neighbourhood Policing Teams have a crucial role to play (5.8)	<i>Recognised and acknowledged – will the Government continue to give financial support for PCSOs in the current climate as withdrawing it would have a severely adverse impact on NPT work</i>
5.3	Look at cost effective way of establishing SNEN 101 (5.9)	<i>Worthwhile objective, but must recognize need for staged roll out due to recent contracts being signed for locally-base services. It is not deliverable overnight and will prove expensive on a national basis. Is this really a priority?</i>
5.4	Encourage forces to sign up to ' local compacts ' with voluntary sector (5.13)	<i>Supported but most have done so already anyway.</i>
5.5	New Crime Strategy to be published last in 2010 with detail of how reducing crime will be shaped by 'big society' (5.14)	<i>Another Plan, but if the drive is for more localism, why is another national Crime Strategy required – it almost sounds like a recipe for the Home Secretary to have an opportunity of imposing another layer of requirements upon hard-pressed forces and PCCs.</i>
5.6	Developing and implementing radical CJS reform strategy (5.14)	<i>The principle seems right, but how effectively will poor-performing partnerships be held to account or will doing so fall into the gap of defensive inactivity between one Government Department's perception and that of another Government Department? Will Government actually face the necessity for cross- Departmental, radical, change?</i>
5.7	CJS too remote and lacks transparency and accountability (5.15)	<i>Again, the principle of improving transparency and accountability of wider CJS seems right and it will be important for the PCCs to have a significant and statutorily-supported role in the work of the CJS and LCJBs; but does that have cross-Government support?</i>
5.8	Stripping away unnecessary prescription and bureaucracy in the partnership landscape (5.14)	<i>The principle seems right, but how effectively will poor-performing partnerships be held to account or will doing so fall into the gap of defensive inactivity between one Government Department's perception and that of another Government Department – or between the perception of the Home Office and that of the</i>

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		<p><i>relevant local authority(ies)?</i></p> <p><i>Only when local authorities and PAs/PCCs work effectively to the same Governmental requirements/agenda (and no Departmental differentiations) and partners understand that they too are all working to the same agenda, again with no room for differentiation, will there be a proper framework in which local strategies can be more effectively shared and poor performing partnerships held to account at local and national level. It is currently too easy for poor performing partnerships to escape effective answerability.</i></p>
5.9	<p>Reshape local partnership landscape, allowing 'local solutions to local problems' and repealing some regulations for CSPs. (5.20)</p>	<p><i>Supported, but recognising that the Community Safety Portfolio holder of the local authority(ies), the PCC, and the CC, will all see the significance of their respective roles in successful local partnerships. Means have to be found to allow for this within a framework of a shared locally-determined agenda and shared and measurable locally-agreed performance targets. Government, acting without Departmental boundaries, has to prescribe a cross-Departmental framework which in turn allows local freedom for action with answerability for the totality of local performance, but which mandates to preclude any of the players from declining to play a full and effective part in the CSPs' work on the back of the currently different aspirations of different Government Departments..</i></p> <p><i>Establishing shared data and accountability for multi agency community safety performance will enable priority neighbourhoods to be consistently identified and flagged where the need for (whatever range of) services is greatest. With a more adaptable (cross sector) workforce and dovetailed resources it will be then more possible to work proactively not simply to respond but to work towards improving civic pride and community improvements via engagement, crime prevention,</i></p>

	Proposals	Comments
		<i>volunteering and the reduction of those impacts in our communities which cause the greatest harm.</i>