

Home Office Consultation Paper - “Policing in the 21st Century: Reconnecting Police and the People”

STAFFORDSHIRE POLICE AUTHORITY RESPONSE TO FORMAL CONSULTATION QUESTIONS

Chapter 2: Increasing Democratic Accountability

Consultation Questions:

1. Will the proposed checks and balances set out in this Chapter provide effective but un-bureaucratic safeguards for the work of Commissioners, and are there further safeguards that should be considered?

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.

The question can only be fully responded to when more is known about the legal status to be afforded to the Police and Crime 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?

There is an argument for suggesting that instead of the PCC proposals (which have been signified as ‘not negotiable’ – see below) democratic accountability could be improved along similar principles to those being advocated in the Consultation Paper by the adoption of an elected Chair of the PA. 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 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 precept, which would make the referendum process currently envisaged for PCPs more meaningful).

On more detailed aspects of the proposals, there are a great many questions left open, unanswered or not even addressed.

The PCC will not necessarily be able to manage with a 'small' team in the way the Paper seems to envisage - an individual will struggle to do all that the Paper says is to be expected of him/her, so significant support will be essential.

Will the support team encompass, for example, a Board of people (mandated by law, or engaged 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 if the appointments are personal. How will non-elected individuals appointed at the behest or whim of the PCC, be accountable to communities - directly, or only through the PCC, - and if through the PCC, how would the appointee of a PCC be removed if he or she misconducted himself or herself but the PCC declined to take action because of eg personal friendship?

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? How would communities know what the PCC had delegated to others so as to be able to challenge the PCC on those matters?

Will the PCC be able to delegate to his or her administrative support team?

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'?

Will the PCC have the legal status (eg as a corporation sole in law) 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.

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.

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?

If the powers vested in the PCC as outlined in the Paper are unfettered as the Home Secretary appears to suggest (or subject only to the CLG 'capping' regime') (both of which need to be clarified) 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 individual with no means of calling the individual effectively to account and/or to remove him or her from office between elections eg as there would be for a Minister in whom a vote of 'no confidence' was passed in the House.

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 PCC's powers to behave as he or she so chooses regardless of anyone else. But it opens the door to conflict between the PCC claiming an electoral mandate and the PCP's view of how the communities the PCP represents are being served.

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.

Either way the relationship between the PCC and the PCP(s) has the potential to be difficult 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 needed 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 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.

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.

2. What could be done to ensure that candidates for Commissioner come from a wide range of backgrounds, including from party political and independent standpoints?

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.

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 administration.

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

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

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 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.

There is no reference in the Paper to the realities of persuading constituents

in (as an example) Coventry that a PCC from 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.

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.

3. How should Commissioners best work with the wider criminal justice and community safety partners who deliver the broad range of services that keep communities safe?

The Paper refers to the PCC “playing a role in wider questions of community safety”. The impact of this 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?

The term ‘considerable’ used in the Paper is meaningless on its own and 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 paragraph 1.7 in the Paper

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. This begs the question of above of whether the PCC will be able to delegate at least part of this role to someone else, and if so whom? Or will be PCC be able to involve the PCPs (if they are given the powers to be involved)?

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...’

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.

Nonetheless, it is also going to be important to recognise 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.

4. How might Commissioners best engage with their communities – individuals, businesses and voluntary organisations – at the neighbourhood level?

The question fails to draw the distinction between ensuring that there is engagement between the Force (which the PCC is required to ensure – (paragraph 2.29) and personal engagement by the PCC.

The PCC cannot physically carry out the totality of the personal engagement role in the way a constituency of more than 1 million people would expect – so much will depend on the ability of the PCC to appoint and delegate to members of what the Paper unrealistically describes as a ‘small team’.

This begs the issues raised in relation to question 1, which are not repeated here – but if a PA of 17 or more members is not meeting what the Government say communities are entitled to expect in terms of local engagement, then almost by definition the PCC is going to need quite an extensive team to support his or her work to do that and to perform across all the area of scrutinising policing that PAs currently do – it isn’t just about engaging with communities (important though they are), but factor in overseeing performance, human rights compliance, equalities, health and safety, professional standards, financial budget, precepting, audit, consultation over plans and budgets, managing complaints, custody visiting, and the myriad of other (statutory and other) obligations placed on PAs, and it will be seen that the task is likely to be far beyond the capacity of a PCC alone.

A flavour of what has worked here is 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. .

If the PCC won't have the physical capacity to do all this across a whole Force area, and the PCPs cannot do this themselves as they have no powers, then unless there is extensive delegation (as to which see question 1 above) more is lost than gained

See also the point in relation to the vetting of PCCs under question 2 above.

5. How can the Commissioner and the greater transparency of local information drive improvements in the most deprived and least safe neighbourhoods in their areas?

See comments in question 4, which are equally applicable. Experience suggests that 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 has achieved measurable improvements in these disadvantaged areas. As above, if the PCC won't have the physical capacity to do all this across a whole Force area, and the PCPs cannot do this themselves as they have no powers, then unless there is extensive delegation then, again, more will be lost than gained.

Interestingly the question does not ask about the role of the CC in those objectives. It is inevitable that budgets will be a significant factor in the policing prioritisation process which the Policing Plan will have to reflect and the prospect is of the PCC being unable to deliver on his/her election pledges simply because the resources aren't there. That is reality, and fine election words won't create more money – so there is a risk of public expectation being raised and then dashed, which hardly helps the objective. The issue could be very pronounced in areas where urban areas absorb proportionately greater policing resources than rural ones who in turn feel deprived of the level of policing service they feel should be delivered.

6. What information would help the public make judgements about their force and Commissioner, including the level of detail and comparability with other areas?

All this information is available to the public now and it is readily accessible, though few choose to do so.

The public will not be able to make judgements about their Commissioner until they have seen the impact he or she has personally had – and even then may not distinguish between what he/she has done and what the Force have achieved – but either way, unless the PCPs are given some meaningful powers and responsibilities, the public – save in the most exceptional

circumstances - can do nothing about the PCC until he or she next stands for election.

Chapter 3: Removing Bureaucratic Accountability

Consultation Questions:

7. Locally, what are examples of unnecessary bureaucracy within police forces and how can the service get rid of this?

Operationally, Staffordshire has been at the forefront of reducing unnecessary bureaucracy in the policing systems in use and - even though there will undoubtedly be further opportunities – some elements of what appears to be bureaucracy is done to safeguard the individual in the judicial system and there will come a point at which dispensing with particular requirements would compromise the rights of the individual in a way which would be regarded - for example by the Department of Justice – as unacceptable.

The need to remove the overbearing and over-prescriptive targets imposed by the Home Office in the past is supported – provided it actually happens and is not replaced by, as the Paper puts it, “targets in disguise”. It didn’t happen when the last Home Secretary promised a reduction in centrally-imposed data requirements or targets through APACS, as the Home Office then required forces to provide the same information anyway ‘for national recording purposes’.

Forces should have the freedom to maintain the data they believe to be necessary to reassure their communities that they are performing well, delivering best value and can show that they have taken communities’ views into account in how they plan to deliver - and do deliver.

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 is 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.

The Secretary of State clearly wants to ensure crime data recording in a consistent way across the country, but until we know what data is to be mandated it is not possible to know whether the promised reduction in data assembly requirements is meaningful.

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 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.

8. How should forces ensure that information that local people feel is important is made available without creating a burdensome data recording process?

A vast amount of policing information is available to the public now 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. “You said, we did” has proved to a very effective communication channel – but the public seem to like local newsletters, which is an expensive route and one which has to be measured against other priorities

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 question 7 – will impact on how meaningful that freedom is in practice.

9. What information should HMIC use to support a more proportionate approach to their ‘public facing performance role’, while reducing burdens and avoiding de-facto targets?

There is a balance to be struck between the ability of the ‘new’ HMIC’s role with the data collection and publication tasks described in paragraph 4.15 to “highlight for the public and PCCs how local forces are making best use of their resources ..” and the data gathering expectations on Forces to meet HMIC requirements.

The relationship between HMIC and the role of the external auditors in the VfM inspection role must be clear from the outset – and it must be clear from Government that if the two operate side by side (which preferably would not be the case at all) they will not expect different data requirements of Forces.

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 is within the remit of that department and not the Home Office

Sadly past experience suggests that over many years neither HMIC nor external auditors – perhaps in order to meet the expectations of the Government of the day - have been able to avoid the spectre of ‘measuring’ in a way which is comparison-based. If that happens then it is impossible to avoid the inference of targets being set – albeit unofficially – and even though the Government may abandon targets, the only way HMIC and the external auditors can avoid that inference from their work is to revert to the purely advisory and audit roles they had many years ago and to make it clear that that is their role and no more. 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.

10. How can ACPO change the culture of the police service to move away from compliance with detailed guidance to the use of professional judgement within a clear framework based around outcomes?

Staffordshire’s trust and confidence strategy initiated in 2007 did just this – gave more freedom to individual officers to exercise professional judgement. Subsequent measurement of outcomes has shown how this evolutionary process has been reflected in improved trust and confidence within our communities. We would argue that process has been successful in empowering officers to exercise judgement, but more could be done if the prescriptive target/ guidance framework handed down from the Home Office were to be further relaxed – though this needs to be done in a way which takes into account the impact both on the rights of the individual (see above) and on other aspects such as the effect on equalities, diversity and minority groups – and on the health safety and welfare of individual officers themselves.

ACPO should freely share this kind of experience and approach across all forces so that those who wish to do so can adopt or tailor the experiences of others to what they want.

11. How can we share knowledge about policing techniques that cut crime without creating endless guidance?

There is a world of difference between making information about particular policing techniques available for the information and use of others, and

prescribing (or issuing formal so-called 'guidance' which is, in effect, mandatory) that those techniques are to be used. The former is simple enough using IT systems and could readily be managed by ACPO for sharing across all Forces; it should then be entirely in their own discretion for Forces to decide whether to use those techniques in their circumstances.

Chapter 4: National Framework for Efficient Local Policing

Consultation Questions:

12. What policing functions should be delivered between forces acting collaboratively?

Put simply, any aspect of policing where collaborating produces, within a foreseeable timetable, better policing at the same or less cost (allowing for the possible need for up-front investment, measured in terms of pay-back), or equivalent policing at a lesser (or substantially lesser) cost. Respecting that it is probably impracticable in larger police areas to collaborate in the delivery of local or neighbourhood policing (as distinct from mutual aid circumstances as might be needed in for example the event of a major swine flu epidemic) our experience is that nothing is ruled out of potential collaboration until it can be shown that it does not meet the VfM criteria.

The same criteria should be applied to PCCs acting collaboratively.

13. What are the principle obstacles to collaboration between forces or with other partners and how they can be addressed?

One obstacle is the complex bureaucracy created by the Policing and Crime Act 2009. Another would be section 107(2) of the Local Government Act 1972 which precludes one Police Authority from arranging for the discharge of any of its functions by another Police Authority – removing this would enable one authority to be the lead for and on behalf of several others without each needed to sign up to all the contracts etc. Presumably this will be repealed – or not replicated - in the legislation creating the PCC role?

The other obstacle is beyond the Government's powers to rectify – that is that if a police authority wants to ask another public authority to provide (for example) personnel or occupational health services for it, the contract generally cannot simply be awarded but must be procured in accordance with EU requirements to ensure open competition across Europe. Whatever the perceived benefits of open competition securing best value, the bureaucracy and the risk of not being able to achieve joined up working in the way the authorities want in order to drive out the best value objectives they desire is a major disincentive and often results in services being retained in-house to avoid those risks. The PCCs will inevitably be public authorities ("emanations

of State”) for EU purposes so the same rules will apply to them - and to the PCPs (if they have any contracting powers).

Another obstacle would be to remove the apparent reluctance of some Government Regional Offices to accept the principle that collaboration in the public sector could be just as effectively delivered across regional boundaries and that the public service is not enhanced by resistance to cross UK region working.

14. Are there functions which need greater national co-ordination or which would make sense to organise and run nationally (while still being delivered locally)?

Some are highlighted in the Consultation Paper on procurement though, as pointed out elsewhere, they are not a panacea for all ills and it has to be recognised that they can only be implemented when the current contracts expire (or are terminated).

Other operational areas may be advocated by others but we would not support measures which led to a national police service look-alike. The ‘golden thread’ of policing from the street to the international is a fundamental and what is done must not break this thread or put it at risk. Hence there may be a case for strengthening co-ordination of policing in response to immigration, human trafficking, CT and level 2 crime, for example, – but not at the expense of weakening or damaging that thread.

15. How can the police service take advantage of private sector expertise to improve value for money, for example in operational support, or back office functions, shared between several forces, or with other public sector providers?

See comments in 13 above re contracts between authorities/forces. Most authorities/forces are already using collaborative arrangements with other local authorities and police forces/authorities wherever operationally that makes sense – there is obviously scope for doing more in this respect but inter-authority arrangements have the benefit of being ‘at cost’ without the profit element of private sector providers.

Most forces/authorities have used private sector consultants to support them in aspects where the consultants have skills or particular objectivity that the authority/force do not themselves possess. But private sector expertise comes at a cost (they are not charities) and policing is not a profit-driven business.

If these experiences are shared amongst the police ‘family’ (subject to contractual confidentiality obligations if they are present in any particular

case) it hardly seems likely in the coming days of austerity that the service will need further prompting to look at any options that offer better value for money.

16. Alongside its focus on organised crime and border security, what functions might a new National Crime Agency deliver on behalf of police forces, and how should it be held to account?

Aside from the roles previously discharged by the agencies subsumed into the NCA (eg SOCA, NPOIA etc) others will have better operational views on what could be achieved by the Agency.

The accountability of the Agency is a difficult area. 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.

17. What arrangements should be in place in future to ensure that there is a sufficient pool of chief officers available, in particular for the most challenging leadership roles in the police service? Is there a role for other providers to provide training?

As to the first question, it is an unfortunate fact of life that no matter how good particular officers may be, unless there is some form of compulsory system to compel them to take up office with other Forces, they will only apply for other posts if they wish to move there. Some excellent officers have decided that their families come ahead of the desire for promotion, or only wish to move to posts where their children do not have to change school or where they do not have to move house. Advocating a military-style ‘go where you are sent’ approach betokens a national police service and would not be acceptable.

To ensure the pool is sufficiently large to accommodate individual flexibility in this way, there needs to be greater emphasis right through the police service in identifying those with the potential to grow to more senior ranks and to support and train them appropriately. The kinds of training necessary will vary from the specialist (eg the excellence of the SCC training) to the more generic. Training should be by the organisation best placed to provide that training with the desired outcomes and at the most effective cost – irrespective of whether the training provider is in the private or the public

sector. Neither sector has a monopoly of good cost-effective training and PCCs/forces should be able to use the best for the purpose.

If HMIC are to be independent of the structural demands of operational policing then perhaps ACPO could be accountable for addressing these aspects of forward/succession planning.

18. How can we rapidly increase the capability within the police service to become more business-like, with police leaders taking on a more prominent role to help drive necessary cultural change in delivering sustainable business process improvement?

In essence, the business-like approach this advocates will not always be compatible with effective and efficient policing and it needs to be recognised that policing is about serving communities in the most cost-effective way; and not about making profit.

That said, there are undoubtedly areas where aspects of the support provided for policing services (back office functions) could benefit from a more commercially-minded approach to drive out improvements in systems and administration. This could be achieved through combinations of collaborative approaches, procurement/market testing, training and learning from good practice elsewhere. This is, however, already being driven by police leaders as part of the changes in culture and style necessary to achieve the massive budget reductions that are in prospect and the question is practically superfluous as driving out better value for money is the only 'game in town'.

Chapter 5: Tackling Crime Together

Consultation Questions:

19. What more can the Government do to support the public to take a more active role in keeping neighbourhoods safe?

Most forces actively encourage special constables; and close involvement between officers, PCSOs and the communities they serve as part of the neighbourhood policing approach. Indeed it could be said that the growth in public trust and confidence in policing and the fall in the overall crime rate are at least in part attributable to the fact that officers work much more closely with communities and work hard to promote the 'golden thread' of policing from the neighbourhood to the international.

How far there can be any expectation of the public joining officers on 'the beat/patrol' or a willingness to intervene personally in eg anti-social behaviour situations (as the Home Secretary suggests happens in eg Germany) is

debatable, and neither the police nor the Government (presumably) would want to encourage a 'vigilante' style of policing where the public take the law into their own hands. Perhaps it is because not all members of the public actually want to be actively involved in keeping neighbourhoods safe, but are prepared to 'pay' for someone else to do it and to take the not inconsiderable risks involved. There is, too, a common apprehension that the justice meted out to those who make life unbearable for neighbours or otherwise indulge in socially unacceptable behaviour is insufficient to be an effective deterrent to safeguard or protect from harm those who choose to be involved in trying to keep communities safe.

The concept of encouraging local activist support in communities 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.

Willing volunteers from the public who wish to take an active role are welcomed and given appropriate support by forces to take on whatever aspect of that role meets their wishes – but the fact remains that it is not everyone's desire to be part of the front line against anti-social behaviour, for example, and perhaps the Government need to recognise personal freedoms too.

20. How can the Government encourage more people to volunteer (including as special constables) and provide necessary incentives to encourage them to stay?

A change in the culture of some aspects of the police service to one which is openly more inclusive – for example on which is more warmly welcoming for women and representatives of black and ethnic minority communities – could assist in making the contribution of volunteers more openly welcomed. A change could also encourage more volunteers to come forward- particularly if it was accompanied by some reassurance from the justice system that volunteers - and police officers/PCSOs - who are put at risk through the conduct of those who make life unbearable for neighbours or otherwise indulge in socially unacceptable behaviour will be given more effective and meaningful protection.

It is probably trite to suggest that volunteers, be they special constables or otherwise, come at a cost and it would naive to suggest that forces will not have to look carefully at the costs of providing even special constables and/or volunteers – for some it may no longer be affordable, or may no longer be a priority. Further, were the current national funding support for PCSOs to be withdrawn there is every risk that the impact on individual forces would be

such that reductions in the numbers of PCSOs would be seen as a watering-down of the support forces are able to give in individual communities and thus lead to a reduction in the level of volunteers from the community willing to offer their support.

There needs to be effective consultation with the Unions over the growth in the use of volunteers at a time when forces are having to cut back on officer numbers; there must be additionality, not post-filling on the cheap.

21. What more can central government do to make the criminal justice system more efficient?

Put simply, significant improvements could be achieved by eliminating the causes of delay and by reducing Government interference in the process with initiative after initiative, and new law after new law.

Strengthening the resources available to the Courts and the CPS to process matters coming before them more quickly would help, as would imposing time limits to avoid, wherever possible, the kinds of delays caused by last-minute changes in the prosecution or defence cases – and there will be others where current systems could be streamlined or made more efficient. Swifter, more immediate, justice does however have resource implications.

But it is worth re-stating that change must not be in a way which compromises the rights of the individual or which prejudices the ability of either of the parties to prosecute, or defend, a fair trial on the merits of the available evidence about alleged criminal conduct. It is probably also the case that the Ministry of Justice will take a different view of this subject to that which the police service might express, which leads in part to the question raised in 22 below.

Public perception of the efficiency of the service would be – contrary to the Minister for Justice’s suggestion – improved by the realisation that the public generally want to see proper punishment, properly fitting the crime. The freedom of the Courts to reflect this is restricted by national policies in a way which the public often see as the Courts being ‘soft’ on criminals. Abolishing short prison sentences will not convince the public about the protection they are getting from the CJS – which rebounds on to the public perception of how effective the policing/justice system really is.

22. What prescriptions from Government get in the way of effective local partnership working?

Shortly after the Coalition Government came to power the CLG asked a similar question of local authorities. The Home Secretary might wish to ask

her colleagues there to let her have a copy of the responses CLG received – some of which will have been from police authorities.

The best contribution Government could make to allow effective local partnership working is to share a common agenda across all Departments, no exceptions, and mandating all the public bodies involved to ensure that the whole public service works towards local objectives supporting that agenda. The range of success – or failure – of effective local partnerships is amply demonstrated by the ‘Total Place’ survey earlier this year with, sadly, evidence of reluctance by some prominent public agencies (for example, in some places the Health Service, in others some local authorities, and in others the CJS system) to work with other agencies in the effective promotion of joined up local efforts to improve the total public service provision in communities.

The other contribution Government could make on the back of the point above is to simplify the partnership landscape to make it understandable to the public. It isn’t at the moment.

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, volunteering and the reduction of those impacts in our communities which cause the greatest harm.

23. What else needs to be done to simplify and improve community safety and criminal justice work locally?

The current system and balance between the tripartite of the Home Secretary, forces and police authorities is not broken and doesn’t need fixing – it has achieved a great deal in recent years, working with partner agencies, to improve community safety, reduce crime, and give the public greater confidence in the way in which they are protected from harm. Whilst it is not part of the Coalition Government’s plans, what has been achieved by the tripartite and partners in recent years could have been built upon as a strong and cost-effective platform on which to take community safety forward.

There is so much uncertainty and so many unanswered questions about what the Government now proposes that it is difficult to take a view yet on how the alternative strategies will effectively pan out at local level. What is clear is that the role of the elected PCC is going to be a very demanding (and possibly relatively poorly-paid) one which will impose some impossible physical burdens on one individual without any clear methodology for support for the role, (whether at eg ‘Deputy PCC level’ or administrative support) nor any

clear accountability and answerability to very communities he or she is elected to serve.

How far communities will feel more confident that their aspirations and expectations of the police, community safety and criminal justice are being effectively and efficiently met by the new arrangements only time will tell. The new arrangements are unlikely to cost the public purse much less than the current ones, and will probably cost more; budget constraints will reduce deliverability but not public expectation; other partner agencies will be affected by the same issues; and the economic downturn may lead to a greater incidence of socially-unacceptable, or criminal, conduct.

These factors combined are a heady, if not explosive, mixture which would have created challenges for the existing systems – what they will mean for an untried and nascent new approach must be a matter for speculation and probably concern.
