

LEICESTERSHIRE POLICE AUTHORITY

RESPONSE TO POLICING GREEN PAPER – “FROM THE NEIGHBOURHOOD TO THE NATIONAL: POLICING OUR COMMUNITIES TOGETHER”

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CONSTRUCTING THIS RESPONSE

This response has been compiled iteratively adopting the developing views of the members of Leicestershire Police Authority. The Authority has also contributed to the East Midlands' response on collaborative issues, and also to the East Midlands' Police Authorities' response.

HIGHLIGHTS

Before addressing the Green Paper issues in chapter order, we set out our top twelve submissions (not in order of importance):

The funding formula should be fully implemented.

The Green Paper runs the risk of shifting the focus too far towards local issues to the detriment of policing as a whole.

PCSOs are a valuable addition to the service and must have sufficient powers to take effective action as part of neighbourhood teams without making them so empowered as to be prone to abstraction for other tasks.

The APA has produced an alternative policing pledge, which has many attractions over the Green Paper version.

The current system of police authorities provides a healthy balance between councillor members, accountable through the ballot box, and independent members and magistrates appointed to provide some expertise in bringing the police to account.

Any direct elections proposal opens up the prospect of candidates who promise more than their constitutional position, if elected, would enable them to deliver.

There is a potential for extremist and single issue candidates to put themselves forward and to disrupt the work not only of the police authority but also of partnerships.

CPRs will bring about increased emphasis on the very local and a focus on the short term.

There are several practical difficulties with the CPR proposal.

If the Government is serious about fostering innovations it must recognise that its own initiatives can quickly dampen this optimism.

We support SAP being more proactive in succession planning but not so as to invoke a veto: Police Authorities must be free to appoint their ACPO officers.

Consider changing the name of police authorities to emphasise their independence from the Force: try "Independent Policing Board for Leicestershire".

GENERAL OBSERVATIONS

1. Confidence in policing in this police area is rising (see British Crime Survey figures of September 2007), crime is falling; "if it ain't broke, don't fix it".
2. A major issue for this Authority remains the full implementation of the funding formula. Whilst we note that in the introduction (page 8) the Government indicates an intention to move to the full implementation of the funding formula 'at the fastest pace that is compatible with ensuring the financial stability of all police authorities', we remain concerned about the lack of any specific time scales. This is regrettable as it generates hardship for authorities such as ours which have little reserves and lose out through the imposition of floors and ceilings.
3. This Green Paper does not address serious and organised crime or any of the protective services. Consequently it runs the risk of shifting the focus too far towards local issues to the detriment of policing as a whole.

CONSULTATION QUESTIONS

Empowering Citizens

CHAPTER ONE - Improving the connection between the public and the police

1a How can we best ensure that neighbourhood policing teams can hear from as many people locally as possible in shaping their plans?

The principles of neighbourhood policing give guidance on how effectively to capture views of local people to shape neighbourhood policing priorities. Neighbourhood policing is a major step up in policing approach as it brings the community closer to having a say in policing. The public thirst for knowledge of local police performance and local police strategy; they are not, on the whole, interested in wider governance issues.

1b What is the most effective means of encouraging customer service in the police?

We agree the culture of the police service still needs to move to a more modern customer focus, although there is good progress being made in some areas. The police service is still embedded in regulation and change is slow. Incentivising better customer service through PDRs seems a good idea. However, the main aim should be to ensure that middle managers are confident in their capability. This means providing ample learning and development opportunities on key competencies.

1c Given the core role of the PCSO – which is one of high visibility patrol, community engagement and problem solving – do PCSOs have the right powers to enable them to do their job?

Ministers should listen carefully to the police professionals, especially individual Chief Constables, as this is central to providing an effective local police team.

For its part, this Police Authority thinks it is important for PCSOs to have sufficient powers to take effective action as part of neighbourhood teams without making them so empowered as to be prone to abstraction for other tasks. Somehow the confusion that

the public sees in PCSOs and police officers is in some way an advantage to the police. They are seen as one with police officers. They are the visible presence that the public wants to see to give reassurance in neighbourhoods. However, there is confusion as to their role. There has to be some uniformity from Force to Force of exactly what powers they should, or may, possess. The best approach would be to enable PCSOs to have all the standard and discretionary powers you set out in the Green Paper and leave it to individual Chief Constables to determine which of those powers to exercise. The public views their lack of powers negatively but their strength is in the support role they are fulfilling. Accordingly, their role and powers need to be spelt out – through local newsletters and on the website. The public needs to know that they are not Police Officers. It would help if their uniform was the same across the country to distinguish them from security or enforcement staff of councils and others.

1d How can we ensure that police authorities and local authorities everywhere cooperate in tackling local people's priorities – including ensuring that the local pledge is delivered everywhere?

We can see the attraction of having a national policing pledge as outlined on page 29 of the Green Paper. Of these promises, some are core to policing across the nation and should be mandatory. Others are targets that some forces would legitimately struggle to deliver. Of these, there are some which geographical constraints render unfair for some forces (e.g. pledge 7, and to a lesser extent, pledges 6, 8 and 10). The APA has produced an alternative policing pledge, which has many attractions because it enables local communities to dictate what standard of service it wants.

Mechanisms for publicising the pledge are fairly rudimentary – if it chimes with the public it will soon become well-known. If it is to be the same nationwide, it seems the Home Office could pay for some high level advertising and organise some publicity to help spread the message.

1e Under these proposals police authorities will have a majority of directly elected members, complemented by representation from local councils and independent members. What is the right balance between local council representation and independent members?

This accountability issue is complex. The Green Paper seems to assume the premise that some direct election is required. However, it may be best to reflect upon first principles.

The police service needs some independent oversight. Without this, confidence in the integrity of the police will inevitably be fragile. There are a myriad of sources which might influence policing services. At present, the Home Secretary and police authorities are the two who have the key statutory powers that provide formal oversight. The Home Secretary exercises oversight on behalf of central government. Police Authorities exercise oversight from the local perspective.

What role is required for the body? To answer this it is helpful to consider the risks facing a Chief Constable in providing a policing service across the communities (s)he serves. What makes policing massively more difficult? The following would be included in such a list:

- Death and serious injury to members of the public - terrorist attacks; serial murders; widespread gun crime; other serious crime. The Chief Constable needs freedom to act on professional judgement but the independent body should be there to ensure the Chief is answerable for his/her actions.
- A lack of confidence by particular communities in the police service. In extreme circumstances this can lead to unrest (Riots in Brixton, Toxteth, Tottenham in 1970's and 1980's)
- Corruption by police officers - can significantly affect everyone's confidence in the police

- Lawlessness - hence the need to provide an efficient policing service on the types of crime that local people feel it most important to combat.
- The complexity of policing business has grown significantly compared to a decade or so ago. Communities are more diverse and the police are being required to do additional and different things. Risk assessment drives the business because there is a wider (and widening) gap between what it would cost to do everything and what resource is available.

Answering that question leads to identifying what powers must the independent body possess to ensure it can fulfil the role?

- A balance of power to ensure the Chief's professional judgement is guaranteed whilst providing the independent body with the "teeth" to hold the Chief to account without inhibiting the dynamic response needed.
- Able to cope with change.
- Capability to oversee all aspects of policing at a strategic level
- Sufficient input to the complaints and misconduct systems to ensure integrity is a high priority
- Power to influence strategy over volume crime and what matters most to local people: connecting the serious to local.
- Providing governance at regional (collaborative) level, force level, and ensuring accountability through to the local level.

So one then asks what characteristics this independent body must have?

- Sufficient knowledge and skills to ensure that quality scrutiny occurs
- Sufficient connection between the independent body and the various communities for the police area to justify the body as a link between the public and Police
- The confidence of the Chief Officers to perform the role
- The competences to interact effectively with communities to discover their views on policing
- Clarity of status and role in the interaction with other agencies and partnerships.

Nb., in our view, these criteria would not all be met by directly elected persons.

The current system of police authorities provides a balance between councillor members, whose position is borne out of their accountability to the local community through the ballot box, and independent members and magistrates appointed to provide some expertise in bringing the police to account. Leicestershire Police Authority believes that the balance is about right. Indeed it regrets that the representation of magistrates has been reduced with effect from October 2008 as they have helpful insight into the Criminal Justice System and understand some of the issues facing front line officers in securing convictions.

Local councillors sit on police authorities and although the spread of councillors across the geographical area is not even, those councillors who are Authority members provide a gateway for their colleague councillors to take forward policing issues that concern them or their constituents. Government could make existing councillors responsible for a specific geographic area, but these would be sizeable and present further difficulties. Furthermore, councillors can and do take a strategic view on the balancing needs of major and local policing threats effectively.

The presence of the Independent members and Magistrates means that the Authority is not over-politicised (a drawback of the arrangements pre 1995). Independents often bring significant business and community skills to the table that are not always present when selecting a random number of councillors. The same will apply with CPRs. Integrity, diversity, background and business skills should not wholly lie at the door of independents any more than community consultation skills should wholly be the domain of councillor members.

The proposal on which you consult seems too vague, there being so many variables. It is unclear how many new CPRs there will be. The Green Paper talks of "a majority". In our police area there are nine CDRPs so that possibly means nine CPRs. How many councillors will there be? The Green Paper talks of maintaining strong links with local authorities yet states "some or all of the upper-tier councils" will get one seat or possibly more on the Police Authority. We have three upper-tier authorities so perhaps that means three seats in total. However each of those three has a vastly different geographical and population size. It is optimistic therefore to consider that this alone will ensure strong links with those authorities. The Green Paper also seeks to retain the "crucial" role that independent members play. Yet you are wedded to the idea of having a majority of CPR members. The current number of 17 is about right. Any more and the governance body can become unwieldy.

One of the drivers of this proposal seems to be that public fear of crime is high when crime is falling. Yet Ministers themselves will surely recognise from personal experience that party political posturing, fuelled at times by the media, can itself increase fear of crime. So surely CPRs will have the same effect. Direct elections opens up the prospect of candidates who promise more than their constitutional position, if elected, would enable them to deliver. CPRs would, after all, only have the powers of police authorities. The qualities needed to hold the police to account include motivation, availability and knowledge. A CPR would be influenced too heavily by populist views: in effect, this hands greater influence to the media. This is likely to destabilise policing and decrease public confidence.

It seems to us that there is potentially a tension between CPRs' local manifesto commitments and the duty of police authority members and the Chief Constable to have regard to the policing needs of the police area as a whole. Under the proposed reforms CPRs would have limited scope to implement manifesto commitments and this could lead to disenchantment and even disengagement of the individuals concerned. There is a potential for extremist and single issue candidates to put themselves forward and to disrupt the work not only of the police authority but also of partnerships. Will there be more party political whipping on authority decisions if CPRs are introduced? Police face national and regional issues where the greater good in the long term is recognised – that will likely be more difficult with CPRs elected for 4 year terms. CPRs will not markedly affect public confidence as this is linked significantly to court decisions and case disposals.

We would strongly oppose any notion that a Chair of a police authority must be a CPR. We would question whether CPRs, if appropriate, need to be in the majority on police authorities.

Having directly elected CPRs will likely raise the profile of police authorities, but it will not make them accountable. When will the elections for CPRs take place? What electoral system will be used – presumably first past the post? Constituencies could be huge (- we have 10 MPs but would likely have 9 CPRs). Presumably elections will be the responsibility of the returning officer for county councils? Police authorities are not experienced or sufficiently resourced to take on running an election. The costs of direct elections could be sizeable – probably funded from money that would otherwise improve frontline policing, if not in this three-year financial cycle, then definitely in future.

With the proposal in its current form, there will likely be different models of police authorities across the country, which will be unsatisfactory.

Are CPRs intended to be fulltime? In order to get the right level of expertise with which to challenge the Force, there may be a case for enabling PA members to be full time. The time commitment has increased over the years.

A more cost-efficient solution could be to require police authorities to appoint a specific member for policing issues in a CDRP area.

1f To what extent might police authorities be able to allocate part of their budgets by participatory budgeting? What other community safety budgets do you think might be suitable to be allocated in this way? Do you consider the creation of the Communities Safety Fund to be the best way to use the money that currently makes up the BCU fund?

It is important to ensure that if operated any such fund is not administratively bureaucratic in relation to spending modest amounts of money. For example, if the BCU fund is to be split between the 104 neighbourhoods in this police area there would be a very small amount for each neighbourhood.

Moreover this is part of the national police fund and partitioning it undermines democracy as there is a danger that this encourages introducing populism into policing. Far better to integrate the BCU Fund or Community Safety Fund into the Police Grant so that the Police Authority has more autonomy and the resulting greater flexibility in their use of the budget. PCSO funding should also be integrated into the Police Grant.

1g How might the Councillor Calls for Action be best used to complement the broader changes to local accountability arrangements for policing?

This idea has appeared in previous consultation papers and been introduced onto the statute book without being brought into force. There is still little appetite for it. Why is it necessary to have legislation for Councillor Calls for Action? Surely it is the job of councillors to raise issues of local concern on Crime and Disorder matters? In turn they are alerted to the concerns of their electorate and should be acting for the public good.

If the CPR proposal prevails, there would be no logic in retaining the Community Call for Action. Indeed it could create a harmful tension in terms of local accountability.

Other Issues in Chapter One

- There is a balance in policing between the covert work that professionals realise must be done (often the more serious criminal behaviour) and the publicly visible crime and disorder. The emphasis of this Green Paper seems to embrace the latter at the expense of the former.
- Where in the Green Paper are there plans to hold the Chief Constable to account for child protection and counter-terrorism?
- Much of the balance between serious and routine is reflected in longer term reliance issues. Yet providing for direct elections increases the focus on short term electoral policy.
- The safer schools proposal suggests that schools should be able to require their beat officers to adopt their school. We have 300 schools and 194 beat officers, so how will that work, even taking into account not all schools would need one and officers could cover more than 1 school?
- Crime Mapping needs to be undertaken with care. It is important not to make areas more vulnerable or to stigmatise a locality as a "high crime area". Crime mapping should be possible with the right safeguards.
- Serious thought needs to be put to proposals that provide an imbalance in the tripartite relationship.

Professionalising and freeing up the police

CHAPTER TWO - Reducing bureaucracy and developing technologies

2a How can we best involve frontline officers and staff in designing more effective and less bureaucratic processes?

There is real optimism that innovative practices can lead to reduced bureaucracy. If the Government is serious about fostering innovations it must recognise that its own initiatives can quickly dampen this optimism. Frontline officers and staff need to be better trained and given more responsibility to make measured judgements. Hitherto they have been pre-occupied with collecting the right data on the right forms to get a detection. We must all educate the public that fewer sanction detections may not necessarily be a bad thing.

2b How can we ensure that new forms of bureaucracy do not replace those that we are committed to reducing?

The Government must recognise that not every process is able to be applied across 43 different Forces in the same fashion. The answer to this is all about better leadership, training and management. It is interesting that the Home Office are to reduce the data they collect by half but provide standard forms. This is in theory typical of the Home Office. However, each Force will have its own method of recording & analysing its data and cynically it will probably mean more form filling. Forces often produce their own standard forms and Forces encouraged to fill out the new NPIA forms will probably use their own as well.

2c How best, together, can we tackle the risk aversion that Sir Ronnie Flanagan identified?

See answers to 2a and 2b above.

Other Issues in Chapter 2

- In paragraph 2.17 you boast of the pilot to scrap the stop and account form yet already this pilot has been delayed due to Government's inability to legislate to enable the temporary arrangements to take place. It is inaction such as this that can powerfully demotivate.

CHAPTER THREE - Defining roles and leadership in the police service

3a The NPIA will consult on how we can ensure that Constables gain a wide professional understanding of their force's work through their initial training and deployment, and their subsequent development, balancing this requirement practically with the need to provide Constables with the specialist skills to enable them to deliver professionally in the complex environment of 21st Century policing.

This looks like a good task for the NPIA as they need to develop the Probationer training to a higher level. Once a constable is no longer a probationer then through his/her PDR specialist skills should be built up giving both the officer and the Force more flexibility in his/her work.

3b The NPIA will consult on how best to ensure that all new Police Constables are trained in providing the best possible quality of service to the public.

In this force there has been considerable success with the IPLDP course run with De Montfort University

3c Regarding chief officer appointments, the Government would be grateful for views on:

3c.i How we can best change the operation of SAP to make it more proactive in succession planning and appointments, with greater strategic input into leadership development?

It seems sensible to task SAP to be more proactive in succession planning so that for ACPO appointments there is a healthy choice for Police Authorities to make. However it

is Police Authority duty to recruit and SAPs involvement in that should be advisory rather than regulatory (i.e. it should not have any powers of veto). The Police Authority appoints the ACPO ranks and there needs to be a good communication channel with HMIC.

3c.ii How should a scrutiny gateway for the renewal of fixed term appointments work?

There should be no obstacles in the way of renewal of contracts. It should be a matter for Police Authority discretion.

3c.iii What is needed to recognise that it can be right for chief officers to leave a force before the expiration of their contract because that is best way forward for the individual or for the organisation?

If a chief officer wishes to leave mid-term in his contract then the PA should not stop him from moving forward - but of course the reasoning behind it needs to be scrutinised before permission is given.

3c.iv How can we establish better succession mechanisms, including in poor performing forces?

Address poor performance through training and rigorous processes.

3c.v The proposed approach to Regulation 11's provisions on serving in another force as chief officer before becoming a chief constable.

It is essential that a potential chief constable should have served in at least one other Force before appointment even if it was at a rank below ACPO. It is suggested that chief officers should take secondments out of the police service. In principle this is excellent and mirrors what is happening in large commercial concerns.

Other Issues in Chapter 3

- Police Authorities should be responsible for Chief Constable appraisals with advice from HMIC.
- Police authorities should be responsible for appointing and firing civilian members of ACPO equivalent rank.

CHAPTER FOUR - Focusing on development and deployment

4a The Government would be grateful for initial views on its outline three year equality, diversity and human rights strategy for the police service.

We support the strategy and would welcome guidance in achieving the standards. However, is further legislation really justified? Does this have the characteristic of further bureaucracy? Guidance followed with selective inspection activity can generate proportionate local adherence to principles. A strategy should help to give some uniformity to the way in which Forces approach equality. The service should reflect the communities it serves, so the equality standards should be set locally and reflect the demography of their area. Introducing a Bill is a very heavy handed way of enforcing equality issues. Bearing in mind all the current legislation it should not be necessary to have legislation specific to the police service. We disagree with the idea of positive discrimination, although we understand and agree with the rule regarding genuine occupational requirement. Everyone should get an equal chance to be encouraged to strive for promotion when the talent is present.

There is a need for equality and diversity to be more fully addressed and strengthened in any future police reform for community engagement.

- 4b Government would be grateful for views on what impact (positive, negative or none) will the Green Paper proposals have on communities, police officers and staff from diverse backgrounds. This will inform further developments of the Equality Impact Assessment for the Green Paper.**

It is thought that discussion of career progression through the police service is bound to have gender and ethnicity implications bearing in mind these groups are minorities within the police service and tend to be more representative in the lower ranks.

The provisions relating to Police Authority membership may also have gender and ethnicity and disability implications. Existing councillors tend to be white elderly males who are relatively able bodied. It is thought that CPRs will attract party political attention and may well be filled by existing local politicians.

Strategic role for government

CHAPTER FIVE – Co-ordinating change in policing

- 5a Are our proposals for strengthening the National Policing Board and encouraging collective action on the small number of issues that demand national attention right?**

Broadly, yes.

- 5b Using the principles we have outlined, what issues should be decided at the national, regional and local level, and who should have responsibility for taking those decisions?**

There is distinction between recognising activity that is most appropriately set at the local level and having a national body that dictates what should be done at the local level. Please do not wander into the latter territory.

- 5c In what areas of policing should we give greater freedoms to frontline practitioners to enable them to deliver on local priorities and on seriousness in the most effective and efficient way?**

The pilot being currently undertaken in Leicestershire is a good example of one such way.

CHAPTER SIX – Reinforcing collaboration between forces

- 6a What more can be done to build upon present policing arrangements to improve the security of our borders?**

This is where the police are well placed to lead. The local Chief Constable could oversee activities in his area. Keeping it local provides a better opportunity to collaborate and communicate better.

- 6b How far should links with local forces and local accountability be preserved? Any border policing agency independent of local forces would require a police authority-like structure to scrutinise its activities.**

Local Forces and local accountability should be retained at all costs. Bigger is not better. Why do we need another agency? This might recruit some of the best officers from Forces. The bigger the agency the more difficult it is to manage.

- 6c What are the operational benefits and risks of creating a national police border force as proposed by ACPO?**

Risks include dilution of effort, recruitment of officers from Forces, too big to manage. The structures that are currently in place have only just been established in the last few years so changing the structures at this time might be a step too far and would inevitably lead to a need for additional costs. With all the change in mind perhaps this is not the time to add another agency

6d Are there any variations to that national policing model that could offer greater operational benefits than those currently being delivered under the present arrangements?

The East Midlands region has significant experience of collaboration, developing good governance models. These include the Collaboration Team and Joint Committee and also oversight of EMSOU and the CTIU. We would be very happy to supply case studies and further details on request. Collaboration is best done voluntarily but where possible with financial encouragement, for example the demonstrator sites in which we have participated.

6e What would be the main costs? Proposals for changing present structures would need to be both affordable and cost effective.

See 6b and 6c above.

6f Will structural reform be required? The scope and timing of changes to police structures may be dependent upon new legislation. Some would require constitutional changes to the police service, others just changes to working practices.

On the whole, we have found existing powers sufficient to enable joint working to succeed.

Other Issues in the Green Paper

- It remains to be seen what effect reducing top down targets to one will have. How significantly will APACS be trimmed?
- Further the one top down target that will exist is whether people think that the police and partners are dealing with crime and anti-social behaviour issues that matter locally. This is a PERCEPTION target which opens up the possibility that responses bear no resemblance to performance of the force concerned. Perceptions can be driven by media or third hand information or views and experience from outside the force area. Would a more reliable response be obtained from persons who have experienced their force's service; and then to distinguish that depending on whether that was as accused, victim, witness or other?
- Is the British Crime Survey to remain for testing the target, because this Authority finds it provides its results far too late and from too few interviewees?
- Would the target be better utilised through the Comprehensive Area Assessment provisions coming in next year?
- Consider changing the name of police authorities to emphasise their independence from the Force: try "Independent Policing Board for Leicestershire" etc

ENDS

10 October 2008