

Foreword

This submission, produced by the Association of Chief Police Officers, represents the professional views of those who lead the police service across the 44 police forces in England, Wales and Northern Ireland, British Transport Police and non-Home Office forces. It begins from the starting position that the police service should always be the subject of scrutiny and challenge in the quest to improve delivery to the public we serve. As its leaders we share the government's objective of continual improvement in policing and we bear the responsibility for achieving it against the financial and operational landscape which lies ahead. We therefore welcome the opportunity to provide our professional perspective.

As police leaders we share a common view on the current context for reform, one which recognises the achievements delivered during the previous era of growth through the hard work and dedication of police officers and staff. Crime is down, in overall terms by 45% since 1995. The risk of becoming a victim of crime is at an historic low. A rising percentage of the public – 69% measured by the British Crime Survey – has confidence in its local police. Daily experience of policing in neighbourhoods and communities across the country leads us to the conclusion that the relationship between the police and the public, enshrined by Sir Robert Peel, remains pivotal: it requires not reconnection, but constant renewal.

In financial terms ACPO recognises that policing must play its part in contributing to public sector cost reductions. As leaders we are determined to do all we can to drive costs out of policing and protect delivery to the public across the frontline. We also recognise that we are entering a period of unprecedented operational challenge. This includes the build up to the Olympics, the continuing threat posed by terrorism and organised crime, and the sheer breadth of the tasks which the public call upon the police to undertake. The potential collected impact of change across our partners in the public sector would, in any context, challenge the Service's ability to continue to improve local policing. It is a defining characteristic of British policing that challenges are confronted with positivity and with confidence and our commitment to do so is unwavering.

Every police force faces a different challenge in meeting the need for cost reduction, due to variation in their history and development, mix of national and local funding, investment and preparedness. As a proportion of central government spend, policing amounts to around 3%¹. Nationally around 20% of the policing spend is on goods, services, premises and capital, with the remaining 80% on people. ACPO supports the assessment of HMIC that budgetary reductions of 12% could be achieved through greater

¹ Source: Chartered Institute of Public Finance and Accountancy

efficiency but that further reductions beyond that level must have an impact on service delivery and resilience. This impact will differ from force to force.

For most people, perceptions of policing are shaped by the highly visible 'bobby on the beat'. The reality, of course, is of a visible and an invisible presence. The visible parts are readily identifiable but much of our business, unlike other public services, is conducted out of sight. Much local crime, which beat officers are vital to detect, is no less than the first step in international crime with local villains connected through a wider network across cities, force boundaries and internationally. The thread from local, to national, to international crime illustrates how critical both the visible and invisible parts of policing are in supporting one another and keeping the public safe.

We believe the key to a future where the public is protected, to the best of our ability, lies in achieving the right balance between all these critical aspects of policing. We are very clear that the financial future for policing means hard choices lie ahead. To ensure the public are protected there is a requirement for honest conversations (with politicians and the public) about what services policing continues to deliver, and what stops.

We welcome the intention to bring greater clarity to the way in which the police are held to account locally. We also welcome the Government's clear statement of commitment to operational independence. In our view there remains much to be resolved in order to reconcile these two positions in a way which will support and not compromise the balance we require between all aspects of policing in order to keep the public safe. Ultimately it is not for police chiefs to determine how they should be held to account, but there is a need for absolute clarity in the relationship between Chief Constable and Police and Crime Commissioner. In this submission we attempt to assist the Government's ambition to protect operational independence within its proposals for governance.

ACPO strongly supports the notion of giving forces greater manoeuvrability in meeting local needs and cutting costs. We believe that local policing can be enhanced by greater participation and engagement of the citizen. For our workforce we believe a review of terms and conditions at every rank is timely; and that the objective should be relevant pay and conditions which are fair, meet the demands of public expectation and recognise the unique status and value of the office of constable.

Chief officers recognise a central dilemma: how can we reorganise to protect and balance critical services with frontline delivery, in a time of constrained funding, when we cannot reorganise policing? In our professional view, there is an inevitability that the process being driven by financial realities will lead to

continued re-examination of the optimum structure through which policing can be delivered. We acknowledge the lack of political enthusiasm from any party for this debate. Nevertheless we see it as our obligation to point out where, in our professional judgment, change could better protect the public and reduce overheads.

Ours is a national service, delivered locally. Policing can only protect citizens locally with substantial support from the less visible areas of policing which address more serious threats and risks. A national structure which sits above (ideally fewer) forces delivering these protective services in an interoperable manner is critical. The national landscape we envisage includes a coherent National Crime Agency, a logical arrangement for delivering the critical infrastructure formerly delivered through the National Policing Improvement Agency and a reconstituted ACPO, focussed on professional leadership and development and subject to a proper and transparent accountability framework.

The police service is charged with keeping people safe, cutting crime and antisocial behaviour. We recognise the leadership responsibilities upon us and will do all in our power to achieve these goals.



Sir Hugh Orde
ACPO President

Chapter 1: Introductory remarks

1.1 INTRODUCTION

- 1.1.1 This paper outlines the Association of Chief Police Officers' position on tackling crime together as expressed in the Home Office consultation paper *Policing in the 21st Century*. It addresses specific consultation questions but also considers the wider impact of proposed changes and several strategic questions posed by ACPO to ensure that this response considers adequately appropriate issues arising from this current police reform programme. This document should be read in conjunction with the earlier ACPO submission on police reform [July 2010] which covers areas not specifically referred to in the Government's consultation paper.
- 1.1.2 Whilst ACPO does not recognise the basis for some of the statements about the current state of policing, used as evidence to support a number of the proposals contained in the Home Office consultation document, this is intended to be a constructive response to the suggestions. That said, where ACPO has a specific concern with a proposal on the basis of evidence or professional judgment, our reservations are made clear and constructive suggestions made to mitigate the perceived risks. Implicit in this response is the understanding of the offer that the Government has made to improve democratic accountability and reduce bureaucratic accountability at the local level. Delivery of good, local services is of fundamental importance but must continue to be seen in the context of the overall complexity of the policing mission, the need to undertake work that is not necessarily visible at a local level, and the requirement for a vertically integrated police service that is the mainstay of the UK policing constitution.
- 1.1.3 The Association welcomes the opportunities that it has been afforded to assist not only with the development of current proposals but to also provide a response to those contained within the report. The paper therefore presents the professional views of those charged with leading the police service.

1.2 METHODOLOGY

- 1.2.1 Following publication of *Policing in the 21st Century*, ACPO nominated a number of Chief Constables to lead on developing a draft response for each of the themes contained in the various chapters of the public consultation document.
- 1.2.2 It was also considered essential that all Chief Constables be provided with sufficient time to consider, with their chief officer teams in each force, the likely impact of the proposals and, to this end, a letter was sent to all chief constables outlining the process and inviting feedback.
- 1.2.3 ACPO Cabinet further debated an early version of the response on 8 September and a meeting on the 14 September provided all members of Chief Constables' Council with the opportunity to debate the next version. After further amendments, the final ACPO response was submitted to the Home Office by the date advertised as the end of the public consultation period; Monday, 20 September 2010.

1.3 FOCUS OF THE REPORT

- 1.3.1 The Home Office consultation document has provided the structure for this response. This report, however, also includes the views of those forces in Wales, both within the body of the main

chapters but also in a separate chapter which focuses specifically on the different policing arrangements in Wales.

Chapter	Title
1	Introductory remarks
2	Increasing democratic accountability
3	Removing bureaucratic accountability
4	A national framework for efficient local policing
5	Tackling crime together
6	The Welsh perspective
7	Consultation questions

1.3.2 Specific responses to the Consultation Questions have been placed within a separate chapter albeit some of the issues they raise have also been considered in the body in the relevant chapter response. Embedded within each Chapter are series of highlighted issues which are intended to provide particular focus on those issues that require further consideration in order to ensure that both the service to the public we protect is not adversely impacted and that any new arrangements work as effectively as possible.

1.4 PROTECTIVE MARKING

This report is **NOT PROTECTIVELY MARKED** and is disclosable under the Freedom of Information Act 2000.

Chapter 2: Increasing democratic accountability

2.1 INTRODUCTION

- 2.1.1 Whilst ACPO does not recognise the basis for some of the statements about the current state of policing, this is a response to the suggestions it outlines and not their justification. That said, policing is in an era of long term reductions of crime, several years of increasing confidence in the police and high and rising levels of satisfaction with the police response to incidents. We are surprised therefore by the lack of recognition of the Service's achievements in the paper which are all evidenced in the British Crime Survey e.g. since 1995 overall crime has reduced by 45% with violent crime falling 49%, overall confidence in the local police has increased up to 69% in 2009/10 and perception of anti-social behaviour has decreased to 14% in 2009/10. We acknowledge that this has been achieved during a period of increased funding, however, year on year efficiency savings have also been achieved.
- 2.1.2 We welcome the commitment to the Peelian traditions of British policing focused on the absence of crime and disorder and the need for public trust and support, as well as the clear commitment to maintaining operational independence.
- 2.1.3 ACPO has approached its response to the issues raised in this Chapter from three perspectives:
1. The timing of these changes coinciding with unprecedented challenges for policing.
 2. The practical considerations for ensuring that operational independence is maintained in line with Government policy.
 3. The practical workability of the proposals to introduce Police and Crime Commissioners (PCC) and Police and Crime Panels (PCP). This includes whether they will achieve Government's ambition for maintaining operational independence and reducing the cost and bureaucracy of Police Authorities (PAs).

2.2 TIMING OF THE PROPOSED CHANGES TO POLICE ACCOUNTABILITY

- 2.2.1 ACPO notes the urgency with which the Government wishes to implement manifesto policy. However, the police service faces unique challenges over the next two years, including the rapid decisions required to bring about major financial cuts, strengthen collaboration and prepare for the Olympics, whilst continuing to deal with the terrorist threats. There will also be increased demands as other agencies withdraw from community safety. There is also a risk that the period leading up to the election of Police and Crime Commissioners will cause inertia within Police Authorities, as they wind down. We recognise it is for Government to balance the long term benefits intended to be achieved from the accountability changes against short term risks.

2.3 MAINTENANCE OF OPERATIONAL INDEPENDENCE

- 2.3.1 ACPO welcomes the firm commitment to operational independence and expects to be held vigorously to account for the quality of policing. Operational independence is a critical element in enabling us to deliver our service to the public. The concept dates back to the formation of the Metropolitan Police in 1829 and helps ensure that professional rather than political judgments are applied, not only to individual operational decisions [e.g. pursuit of investigations or policing of

protest], but also to resource deployment decisions [e.g. balancing limited resources between different communities or between visible and invisible elements of policing]. These decisions are increasingly made on evidence based doctrine.

2.3.2 ‘Operational independence’ therefore arises out of the British tradition for policing decisions to be separate from politics. The office of constable has a long history of accountability to the law and that quasi-judicial independence has since been a constant feature of British policing. In similar vein, it is important that Chief Constables, as professionals, take account of other factors as detailed below, including those that are beyond the remit/scope of a Police Authority or in future Police and Crime Commissioners:

- Accountability to the law for our decision making extends beyond individual operations to policy and resourcing decisions.
- We must be led by evidence which informs national guidance.
- British policing is uniquely community based in its history and expectations and hence our duties require us often to take a balanced view rather than meet the needs of the majority over a minority.
- A broader policing duty beyond the boundaries of the force e.g. for supplying mutual aid to another force.

2.3.3 However, we are concerned that there remains real potential for operational independence to be undermined, damaged or lost inadvertently if the detail of the proposals is not very carefully thought through. Whilst there is no exact match for the proposals, our concern is based on various evidence including; the UK policing political scandals of the 1950s that led to the reforms of the 1960s, and various models from the USA. The following is therefore ACPO’s view, based on professional experience, on how it can be ensured that Government’s intention to maintain this independence is achieved.

2.3.4 Operational independence is a short-hand for a balance of responsibilities that has evolved over many years. A good practical starting point for describing operational independence is the current arrangements, largely defined by the Police Act 1996. The Act continues to preserve the statutory reference –contained in the Police Act 1964 – to forces being under the direction and control of the chief constable. The independence and establishment of PAs resulted from difficulties that occurred when police committees, then aligned to local government, were at odds with the national government. The consequence was an impact on operational efficiency, under funding and the withdrawal in some instances by HMIC of the “certificate of effectiveness and efficiency”.

2.3.5 The Local Policing Plan (LPP) and roles of Police Authorities and Chief Constables are the core of the current statutory embodiment of operational independence. What has been very carefully constructed is an accountability arrangement that is definitively not a master-servant relationship but is rather one that deliberately creates room for operational independence whilst ensuring there is a consensus view. This cooperative arrangement brings a balanced LPP incorporating professional knowledge and expertise plus the view of PA members who represent the views of the public. The Police Act includes:

- Making the publication of the Local Policing Plan a joint responsibility rather than a unilateral imposition (Sections 7 & 8)
- Making clear the force is under the ‘direction and control’ of the Chief Constable (Section 10(1))
- Subject to approval of the Secretary of State, Police Authorities are responsible for appointing and removing Chief Constables (Section 11).

- 2.3.6 It is clear that maintaining this approach may be challenging if it is at variance with the manifesto of an elected PCC.
- 2.3.7 All parties are also agreed that the current status of ACPO is not ideal. Part of reinforcing operational independence for Chief Constables requires creation of a proper status for ACPO as a professional body (clearly not a staff association) that maintains professional standards and qualifications, builds doctrine, is responsible for leadership development, and coordinates activity where necessary to ensure the Service can combat cross-border, exceptional one-off incidents, and national threats. These functions are brought more into focus by the end of the NPIA and the need to ensure the developing professionalism and evidence base for the Service is not lost in the process of rationalising the national landscape (see response to Chapter 4 for more detail).
- 2.3.8 As well as being a product of Statute in respect of ‘direction and control’ [as at para 2.3.4], operational independence is also a product of common law and there are some notable cases where it has been tested.
- 2.3.9 Some of ACPO’s practical concerns on the working of the new arrangements include:
- PCCs making undeliverable promises in elections before they have an appreciation of the detail of policing issues.
 - PCCs wanting to involve themselves in operational decisions or tactics and using their dismissal powers as a lever.
 - PCCs dismissing Chief Constables because they were previously appointed by a political rival and helped deliver his / her direction rather than dismissing on the grounds of sustained and evidenced failed delivery, and
 - Local priorities may be given undue focus at the expense of national commitments.
- 2.3.10 These concerns are raised simply on the basis that they may occur in some areas depending on the legal framework created and the character of the individual.
- 2.3.11 ACPO has doubts whether arrangements based simply on the current legislation and common law will be robust enough. We suggest that they may need supplementing by guidance that describes in detail the standard model relationship. It is interesting to note that the Institute of Directors ‘Combined Code’ may provide one model to build on. Notably Principle A2 on the roles of the chairman and chief executive states, “There should be a clear division of responsibilities at the head of the company between the running of the board and the executive responsibility for the running of the company’s business. No one individual should have unfettered powers of decision.

The 1996 Act, as amended, should be used as the basis for defining the role of Chief Constables and PCCs. We see little inconsistent with Government’s ambitions if the PA is replaced by a PCC in the legislation. However, we also suggest that this is supplemented by guidance that describes the standard model relationship.

- 2.3.12 In considering future accountability arrangements we suggest that the more effective aspects of the current police authority model should inform the new arrangements. HMIC will have a view on the elements of good governance following the recent inspection of police authorities. In our view, strengths of the current model include: continuity of membership, rather than sudden change, which enables a long-term view to be taken; diversity of membership improving representation, independent members [many with private sector experience] who complement the skills of elected

members; and the provision of a direct link with local authorities providing a balance based on multiple political and independent views.

- 2.3.13 Whilst we see that as a good starting point there are other considerations created by the PCC proposal that require careful thought. There is evidence that police accountability to directly elected individuals creates potential threats to operational independence. The following sections (2.4 – 2.7) are a collection of steps that, in the view of ACPO, are necessary to mitigate such threats.

2.4 ROLE OF POLICING AND CRIME COMMISSIONERS ACROSS ALL POLICING FUNCTIONS & BEYOND

- 2.4.1 The new governance proposals represent a major shift in responsibilities within the tripartite policing accountability arrangements. ACPO supports the PCCs having a responsibility for policing across all functions from the local to protective services, including those such as organised crime and counter terrorism. In addition there are well understood operational and financial drivers towards collaboration. These responsibilities are not included in the five key responsibilities for PCCs listed in the document. In particular there is no reference to the role of the PCC where there are Section 23 collaborative agreements / joint committees. This aspect needs to be clarified as it is not clear from the proposals in the consultation paper how national and local priorities can ever be balanced (this is considered in more detail later within Chapter 4 of this response).
- 2.4.2 Much of our work is invisible to the public. It is critical to understand that communities are also kept safe by policing activity that will never be visible to them but is as vital to their security and welfare as that which they can see on a daily basis. Criminal investigation is a key part of policing activity which faces a range of complex issues in responding to the changing face of criminality, including the use of technology and the exploitation of force and international borders. Specifically, the use of technology in the abuse of children is a major and international social and criminal problem. The Internet (e.g. social media) and networked computer systems are now fundamental to the way we live our lives. However, the very convenience and accessibility of this technology has created many new opportunities for criminals, including the theft of individual identities and personal data. Victims can be targeted from anywhere in the world enabling mass victimization to be attempted anonymously and at a low marginal cost. Any policing response will inevitably extend beyond local geographic force boundaries and be undertaken by police resources belonging to other forces, national organisations (e.g. CEOP, SOCA) or even overseas law enforcement agencies.
- 2.4.3 Similarly, the majority of resources and investigations dedicated to counter terrorism, serious and organised crime, protecting vulnerable people (e.g. the victims of domestic or child abuse), are not often exposed to public scrutiny apart from via some high profile court cases. This work requires the maintenance of national standards to protect the public from serious harm and ensure enhanced interoperability between forces.
- 2.4.4 We suggest that to ensure that the focus of local political debate driving the election of PCCs (the visible local policing people are most exposed to and opinionated on) does not have a perverse effect on protection of the public from serious harm, there needs to be strong counter-balances including:
- Appropriate duties for the new PCC e.g. clarity in respect of both local and national responsibilities.

- Duties for ACPO to include maintaining and developing standards for protecting the public from serious harm and ensuring forces are interoperable - these duties are more realistic if ACPO's status is put on a proper footing.
- Duties for Her Majesty's Inspectorate of Constabulary (HMIC) to support the Home Secretary to ensure such arrangements are in place and effective (proportionate to the local context).
- Powers for the Home Secretary to intervene locally with PCCs and/or Chief Constables if such standards are not being met.

2.4.5 However, a National Policing Plan – as described in Chapter 4 of this response – could be the tool to effectively bring greater clarity in terms of the responsibilities that will need to be delivered nationally and those that can usefully remain for local determination.

2.4.6 Given the tendency for local political debate to focus on that which is visible to the public at a very local level ACPO agrees with the proposals which suggest that these duties will need to be explicit in legislation and reinforced through national scrutiny.

2.4.7 This response focuses primarily on the policing landscape, but moving on to the broader community safety responsibilities that are envisaged for the Police and Crime Commissioner, this will be a challenging vision to achieve and Government departments must work closely together to negate confusion over accountability and mitigate the continuing likelihood of different agendas, priorities and governance structures bringing conflict to the local landscape.

2.4.8 We are unclear as to how the PCC function can be resilient. It is understood that they should not be too far removed from ongoing issues such as critical incidents; who is the deputy PCC?

2.5 CHIEF CONSTABLES' 'DIRECTION AND CONTROL' RESPONSIBILITIES

2.5.1 The new proposals are clearly intended to bring a sharper accountability to Chief Constables. ACPO acknowledges this, but – in addition to retaining powers of direction and control - Chief Constables require clearer responsibility to match this accountability to run a force. This requires a separation of some of the functions that currently sit between Chief Constables and PAs that can undermine the Chief Constable's ability to run a force. This confusing arrangement also creates significant bureaucracy. If the PCC's role centres upon setting the budget, drafting the LPP with the Chief Constables, and representing the public in holding the Chief Constable to account for delivery, then it becomes increasingly incongruous for PCCs to hold onto some of the executive roles that currently sit partly with PAs. Furthermore, these roles currently contribute to some of the cost and bureaucracy of PAs, which we understand that Government wishes to reduce (see also Chapter 4).

2.5.2 The first is the responsibility for the appointment and dismissal of the senior team (Assistant Chief Constables/Commanders and Deputy Chief Constables/Deputy Assistant Commissioners and Assistant Commissioners) passing to Chief Constables/Commissioners. We support the proposal that this responsibility should pass to Chief Constables/Commissioners with appropriate safeguards.

2.5.3 Second, what is noticeably absent from the specific responsibilities of the Police and Crime Commissioners, but a big part of the role of Police Authorities, is any reference to the ownership of police property and other assets. In order to manage this responsibility, Police Authorities have had to engage additional staff and impose further bureaucracy. The removal of this responsibility from PCCs and its return to the force, where it more properly belongs, would be a positive step forward.

- 2.5.4 Third, again a most significant ‘direction and control’ issue is who manages the budget on a day to day basis and there is no specific comment on this subject. Under current arrangements, this is devolved (to different extents) to the Chief Constable from the Police Authority. This is recognised good practice. Whatever else takes place around roles and responsibilities, it is vital that Chief Constables have day to day control over the management of budgets and the current hybrid arrangement is removed.
- 2.5.5 Finally, there is a whole host of other responsibilities held by Police Authorities that have not been dealt with in this document (eg relating to the employment of police staff, health & safety responsibilities etc). All of this will need clarifying. Clearly, if the primary role of the Police and Crime Commissioner is democratic accountability, there would seem to be little reason for them to assume many of these ancillary roles held by Police Authorities. Commissioners should focus on jointly agreed priorities/budget setting and Chief Constables on delivery, including full ‘direction and control’ of the resources needed to do this.
- 2.5.6 ACPO therefore supports the changes to the appointment of chief officer teams and recommends that forces, as the corporate body, are given full responsibility for managing people, resources and assets. Chief Constables should be vigorously held to account for outcomes but given the flexibility to make decisions rather than having to seek approval at every stage.

Forces, as the corporate body, should be given full responsibilities for managing people, resources and assets, rather than perpetuate the bureaucratic approach shared with PAs at present. Chief Constables can then be held to account for outcomes whilst being permitted the flexibility to make decisions.

2.6 APPOINTMENT AND DISMISSAL OF CHIEF CONSTABLES

- 2.6.1 This is an issue where the Chief Police Officers’ Staff Association (CPOSA), will have many points to make in the interests of members. ACPO’s professional interest here is simply the maintenance of operational independence. However, it is through these processes that there is a great risk of it being undermined.
- 2.6.2 The current safeguards in terms of appointment and dismissal (e.g. Section 10 Police Act 1996) include:
- Candidates being nationally assessed as to whether they are properly qualified for a particular role through the Senior Appointments Panel, on behalf of the Secretary of State, who must approve appointments.
 - Dismissal again has checks and balances involving the Secretary of State to ensure it is in the interests of ‘effectiveness and efficiency’. This safeguard may be insufficiently strong or clear to suffice in the new environment. It is vital that dismissal, or for that matter failure to renew a contract, is a step of last resort based on a clear, evidenced, defensible and fair basis only.

There should be strong safeguards both on the appointment of qualified police officers (who, as a minimum, will have successfully passed the Police National Assessment Centre and graduated from the Strategic Command Course) as Chief Constables, and to ensure dismissal is only permitted following a protracted and evidenced failure to deliver.

2.7 POLICE AND CRIME COMMISSIONERS' FITNESS FOR THE ROLE

- 2.7.1 ACPO suggests that a relationship of candour and transparency will be critical between Chief Constables and PCCs – especially given their responsibilities for the breadth of policing, including the most sensitive aspects. Vetting of PCCs and Panel members will be essential to enable a positive working relationship between the PCC and the force and ensure that the most sensitive issues can be discussed freely. Failure to do this will restrict the information available to Police and Crime Commissioners which they may need to perform their role effectively and will also impede the working relationship. These issues are nationally determined through the Official Secrets Act and governmental policy rather than simply being matters of policing policy. Moreover, it is anticipated that such a move would be necessary to provide a sufficient level of public reassurance. For example, it is not uncommon for unanticipated sensitive operations to require the Chief Constable to deploy resources away from LPP priorities for long periods. At present, many PAs agree to vetting, and in those that do not a membership of seventeen creates opportunities for direct challenge or workarounds when integrity issues arise.
- 2.7.2 Such an approach would enable Chief Constables fully to brief all candidates equally on current policing issues in the area before the election. This also seems desirable to improve the quality of debate and prevent ill-informed undeliverable election promises being made. Otherwise the Chief Constable would be left telling them all very little, or independently doing their own in-force vetting on the candidates and differentially briefing based on the results. Both of these options are wholly invidious. There are many different, difficult issues to be confronted if vetting is to be properly considered. Beyond the obvious national security vetting are other considerations, such as the current ban on British National Party members working for police forces. Continued Government support for this policy would be inconsistent with BNP candidates standing for election as PCCs.

In developing the election process, Government make provision that candidature for PCCs is preceded by a vetting check, consistent with that applied to officers and staff as an eligibility criterion with consideration given to the level required for such a post.

2.8 PRACTICAL CONSIDERATIONS IN RESPECT OF THE PROPOSED ARRANGEMENTS

2.8.1 Policing and Crime Panels (PCP)

Whilst the proposal is not fully developed in the consultation document, ACPO has real doubts as to whether the current PCP proposal is workable. ACPO strongly supports the need for checks and balances on the PCC and recognises that that is a key role of the PCP. However, we see several factors that could make the proposal impracticable:

- i. Representation
Although an elected individual will be a representative it seems highly improbable that one elected individual alone can effectively understand and represent the public across a whole force area. The individual will have to embrace large geographic areas and those containing substantially diverse communities e.g. Devon & Cornwall or complex multiple-authority areas, such as, Thames Valley Police or West Midlands Police. There may also be other factors that may impact on the complexity of the role. Furthermore, the electoral mandates and consequently the demands on the PCC to engage with, and understand, the

policing issues will vary considerably; for example, Dyfed-Powys Police force area has a population of 476,000, West Midlands Police 2.6 million².

ii. Double accountability

It seems highly likely that the Chief Constable will be subject to much, direct, PCP scrutiny. As local politicians the PCP will be acutely aware of policing issues across the area and probably in more detail on some than the PCC. As they scrutinise the PCC they will understandably want to look at the performance of the force and will draw in the Chief Constable. Furthermore, if they have a role to report annually on policing in the area and a role as a check on precept setting then they will need a level of confidence in the efficiency of the force and the operational challenges faced to be convinced about anything but the lowest precept. This will not be achievable without a long term exposure to the critical issues of the force and involving the Chief Constable.

iii. Political tension

In many areas, especially larger forces, there may often be a politician from one party as PCC and a panel dominated by councillors from another. Such a situation would generate debate, however, ACPO is concerned that if this did occur there could be obstructions when tackling issues such as budgets or policing priorities.

iv. Cost and bureaucracy

It is considered that the proposed new arrangements with a PCC and a Police & Crime Panel can only increase the costs and bureaucracy that currently exist (see below for more detail).

v. Local political structures

Across the country there is an enormous range of size, complexity and shape of political structures. PCCs would be elected in areas that include all or some of the following: mayors; unitary or two-tier authorities in England; and still different arrangements relating to the devolved Welsh administration. We suggest that there is a need to ensure that the new proposals can be effective in all contexts.

It seems to ACPO that the critical issue on workability will be whether those involved in local arrangements see themselves as having a shared responsibility for policing above political differences and for the Chief Constable to report in one direction alone (See also Chapter 4 re: National arrangements). There are obviously a number of approaches that could be adopted but there must be clarity in terms of responsibilities and accountability at all costs.

2.8.2 **Police and Crime Commissioners' powers concerning the precept**

It appears that the proposals give PCCs less power for raising precepts than PAs currently have. This appears to work against the stated agenda. The proposals involving the PCPs and referenda would seem to make it very difficult to increase precept regardless of the case to be made.

The proposal also takes no account that often an intelligence assessment of criminality can drive spending options. However, frequently this assessment cannot be disseminated publicly. For example, any threat from serious and organised crime or terrorism would not be made public whilst there is operational activity to counter the threat. It is doubtful whether a meaningful public debate is possible when much of the intelligence will be sensitive and the problem is yet to reach a scale that causes public concern.

² UK Police Directory 2010

Again, a more collaborative relationship between PCC and PCP would help provide the scrutiny so one individual is not raising taxes unchecked, and thereby preclude the need for referenda.

2.9 OTHER POINTS

2.9.1 Cost Reduction

The implication in the proposals is that they are intended to be less costly both in the direct costs of the new arrangements that follow PAs and the indirect costs upon the force. The issues of potential bureaucracy leading to increased costs for the force are dealt with above along with remedial suggestions.

In terms of direct costs, it seems that the new arrangements may well be more expensive.

- If the PCC has similar functions to PAs [we have suggested some possible alternatives above] they will be likely to build a support infrastructure with similar costs.
- Funding will be required for elections [this cannot be tagged on to existing elections as many local authorities do not have elections in 2012 requiring new, major, elections to be added to the calendar in many areas]
- Establishment of the PCP and support staff will presumably involve cost
- Referenda on council tax will also be required on occasion and will be very costly
- Finally, there will be increased, bureaucracy related, opportunity costs for forces in having to brief, prepare papers and attend meetings for 2 separate entities.

The consultation paper does not provide data about how much these costs may be nor how the new arrangements will be funded. If the costs are to be met from police budgets they should not be greater than the current arrangements for PAs (c.0.7%) and preferably should be considerably less, particularly when forces are currently planning for 25% reductions in budgets. We would imagine that, given Ministers' strong language regarding protecting frontline services, reduction of costs to c.0.5% at most would seem appropriate.

We acknowledge Government's desire not to be prescriptive in respect of the support arrangements for PCCs, however, ACPO has a real concern that left entirely to local discretion, arrangements could result in inefficiencies as well as disproportionate costs that would not only mirror but could well exceed current expenditure for Police Authorities.

There is also a need to consider the indirect costs of the new arrangements – there are many unforeseen costs associated with such a local infrastructure – whatever form that takes – such as the need to respond to various requests for information which inevitably falls to force resources and thus impacts on the local force budget.

ACPO would welcome an early understanding of the cost implications of new proposals when they are finalised in order that the additional positive or negative impact on policing budgets can be factored into financial planning. However it is not clear how the new arrangements could possibly be achieved at a reduced cost. A full costing of the proposals is therefore required as we need to understand the impact on police budgets as soon as possible.

Full costing of the new model should be made available at the earliest opportunity and take account of issues such as election and referenda costs as well as support for PCCs and PCP and any other indirect costs.

2.9.2 Diversity and equality

The commitment to diversity is fully supported by ACPO. However, the paper seems to suggest further targets for improving representation. ACPO remains committed to the principle but would point out that when for the next few years the Service will be shrinking and it is difficult to foresee exactly what the impact will be. Recruitment has been used as a key mechanism for achieving diversity targets and, as it dries up, progress may be more limited. Conversely, those leaving the service through natural wastage may represent a less diverse population, however, this too may be adversely impacted depending on where the reductions have to be made [in the context of the restrictions in the employment arrangements for police officers].

ACPO would also point out that there is a need to clarify whether the PCC will be a public authority for the purposes of equality and human rights legislation, as bearing in mind the power he/she will have and the fact that a force is a public authority, there could be difficulties where the PCC seeks to demand action which is at odds with equality and human rights legislation.

2.9.3 The use of the title 'Commissioner'

Whilst labels are not the most critical issue, we suggest that the title 'commissioner' is likely to be confusing to the public given the prominence of the Commissioner of the Metropolitan Police Service and to a lesser extent the use of the same term within the City of London Police. To use the same title in some parts of the country for the senior police officer running a force and in others for the elected individual tasked with holding that person to account seems unhelpful and could lead to confusion about who is in charge of a force.

Chapter 3: Removing bureaucratic accountability

3.1 INTRODUCTION

3.1.1 In the terms contained within the report, bureaucracy is taken to mean ways of working which have little value relative to their cost, are disproportionate to the risks involved and distract individuals and forces away from their primary purpose. Cutting police bureaucracy has been a long standing ambition of successive governments and is a policy aim enthusiastically shared by

ACPO and every member of the police service. Wasteful bureaucracy is an unnecessary expense we cannot afford.

3.1.2 Frequent attempts to address the issue have included work initiated by the Flanagan Review and the activity of Jan Berry, the Home Office appointed advocate. Some progress has been made but insufficient momentum has been created to meet the acid test; fundamentally changing the working life of the officer on the street. Meeting this challenge should be our shared goal.

3.1.3 Why is cutting bureaucracy important? ACPO would point to four benefits:

1. Improved efficiency

In the past, tackling wasteful bureaucracy offered the chance to better utilise and motivate our workforce. At a time when forces face unprecedented cuts in their budgets, however, we should be clear about the relationship between cutting bureaucracy and reducing costs. Fighting bureaucracy will not in itself significantly address gaps in force budgets, but it will help forces in striving to remain effective with a smaller workforce; ACPO asserts this will be the logical consequence of reduced funding.

2. Improved customer service

Bureaucracy is also a barrier that can sit between frontline staff and the people they seek to serve. Adhering to guidance, checklists and ill-informed/poorly designed performance regimes can squeeze out of our engagement with the public any sense of individual attention or, at worst, compassion. Bureaucracy stifles the ambition and culture necessary to provide a bespoke service.

3. Stronger staff morale

The flip side of the way that bureaucracy can depersonalise contact between the police and the public is that it erodes the strong vocational element within policing. This effect is increased by the way in which bureaucracy has come to impinge on the ability of staff to use their professional judgment or discretion in the way operational decisions are made. Disempowered staff are less likely to be innovative in resolving issues on behalf of the community.

4. Improved public confidence

The image of police officers bound by red tape and prevented from serving and protecting the public by excessive paperwork and unnecessary rules has become a recognised stereotype much favoured by the media. Whatever the reality, this image of policing is eroding public confidence and needs to be corrected.

3.1.4 In understanding why the work that followed the Flanagan Review failed to 'catch fire', it is clear that it is the lack of policy alignment which is the primary cause. It is ACPO's view that the move to a system of democratic accountability offers a significant opportunity to make progress so long as there is serious intent to ensure that the role of Police and Crime Commissioner (PCC) promotes more proportionate ways of working and does not itself attract bureaucracy. [See also Chapter 2.]

3.1.5 ACPO recognises that cutting bureaucracy in a way that has real impact on front line policing requires a systematic approach embracing two key areas of activity; the first involves efforts to secure the context whereby bureaucracy can never thrive again, the second is to quickly attack the

high volume, disproportionate and wasteful activities which hinder and frustrate our staff on a daily basis.

3.2 SECURING THE CONTEXT – A CONFIDENT AND PURPOSEFUL POLICE SERVICE

3.2.1 Dealing with risk aversion

The attitude to risk is a key driver of bureaucracy. In responding to criticism, the service has been too ready to fall back on detailed doctrine and guidance. This presents two difficulties; firstly, officers are required to deliver an over-engineered response which is often at odds with customer need. Secondly, because of the risk averse, 'just in case' mentality, the approach is applied indiscriminately, in a way that adds bureaucracy and cost.

ACPO is at an advanced stage in rationalising existing doctrine whilst making sure officers have appropriate access to online technical guidance. Much of the existing doctrine would be replaced by simple guidance based on core policing values, which would encourage officers to use their personal judgment in making operational decisions on behalf of the public.

For this important transformation to take place, ACPO seeks stronger, collective public leadership that would make costly over-reaction and the unnecessary erosion of public confidence less likely. ACPO is convinced that its regulators can contribute much more positively to this environment in the future. The Independent Police Complaints Commission (IPCC) has, at times, amplified the prevailing mood that behind every tragedy sits some level of individual or organisational blame. This attitude discourages good, accountable use of officer discretion and through the guardianship role, led to the accumulation of data-heavy systems and processes that can, contrary to their express intention, jeopardise public safety.

HMIC has also had a part to play. The emphasis on process based inspection has fed a culture of 'systems compliance over outcome'. ACPO strongly welcomes the HMCIC's personal intervention to challenge the specification burden and the excesses of doctrine and guidance that have grown up within the service.

ACPO is convinced that work to reinforce the vocational nature of policing, which stresses the need for positive use of professional judgment, can have a transformative impact on the effectiveness and efficiency of policing. An emphasis on simplicity in structure and role is appropriate for the financial constrained future and can be more effective in serving and protecting the public. A culture of 'doing the right thing' can be fostered in today's policing, but the leadership role that ACPO is well placed to play has to be aligned much more closely with policy and practical interventions from Government and regulators.

Joint work is required by ACPO, Government and regulators to reinforce the use of professional judgment in policing.

3.2.2 Knowing the cost and value of data

There will always need to be a base of information to support good decision making and clear accountability, but it is very easy to allow the data burden to become excessive. The reality is that comprehensive, accurate and timely information comes at a significant cost. This is true whether the issue is crime statistics, Freedom of Information requests, Regulation of Investigatory Powers Act (RIPA) requests or Personal Development Reviews.

There has been an erosion of confidence in public data. To simply ‘dump’ more data in the public domain is unlikely to increase clarity or understanding. Indeed, in some cases, ‘less may be more’. ACPO is, for example, attracted to the American approach where national commentary on crime is restricted to a handful of categories. This would appear to increase public interest in the subject and confidence in the underpinning data.

ACPO would wish to work with the government further to develop the gatekeeper function and prevent the unnecessary collection and transfer of data.

This wider dilemma is not insurmountable if there is a real belief that the role of the PCC can secure local accountability. There is little evidence of a huge public thirst for more police statistics but the PCC and the Chief Constable must find ways of convincing their communities that the police are dealing effectively with the things that matter locally. This will undoubtedly involve some facts and figures but now is the time to allow this to be decided locally without excessive central prescription. ACPO asserts that accountability and public confidence will not be delivered by simply dumping data on the internet.

There is a need to mount a collective challenge to excessive record keeping and data collection.

3.2.3 Deciding what success looks like

ACPO acknowledges that performance targets were an important factor in driving down levels of acquisitive crime. It recognises, however, that the ‘performance pendulum’ has swung too far and that Forces become overly concerned with meeting national targets, sometimes at the expense of good local policing. ACPO strongly supports the Government’s intention to move decisively from this position and, in policing, establish a new settlement between local and national. Chief Constables fully accept their accountability for the performance of their Forces and will continue to use management information to support them in delivering a high quality service.

ACPO recognises a tension at the heart of the Government’s approach to performance management. It simultaneously seeks to remove central targets and emphasise local choice whilst wishing to maximise the public’s access to information. ACPO accepts that any performance data placed in the public domain is capable of being crudely and misleadingly ‘league tabled’ which in turn could prompt a return to the worst excesses of the performance culture. ACPO supports the notion of making as much information available to the public as possible. As stated, it would want to work closely with the Home Office to avoid data being ‘dumped’ on the public which could cause unnecessary confusion or concern.

ACPO accepts that there should be a very small set of common data made available by each Force that would permit a member of the public to support the local judgments they would make about their Police Force. In the past, great effort has gone into making these comparisons ‘objective’. This type of analysis using most similar Forces or the mechanisms contained in the Police Report Card, rarely provides great insight and is, in any case, unaffordable to the future service. ACPO supports the public’s ability to make reasonable judgments about their Police Force based, not least, on their own experience.

ACPO acknowledges that the role of the Local Policing Plan under the new arrangements for democratic accountability grows significantly. The objectives and performance targets it contains must be agreed between the Commissioner and the Chief Constable. They must reflect local

policing needs and reference the Chief Constable's duty to meet national protective service standards and requirements for national resilience and interoperability.

The HMIC could have a very important role in validating this plan in terms of the data quality that underpins it and the value for money it offers to local people. HMIC should be available to help resolve any performance disagreements that could exist between PCC and Chief Constable.

At a time when HMIC resource will be under pressure, ACPO would urge that HMIC activity should be driven by risk and harm considerations. This suggests that the HMIC's local role will be very limited. This signals a departure from the 'fierce advocate' model and the interventionist stance of the Police Performance Steering Group.

It is necessary to change the performance landscape putting new emphasis on an agreed local policing plan within a context of a small number of national performance areas and Forces' responsibility to provide value for money and national interoperability.

3.3 TACKLING BUREAUCRACY AT THE COAL FACE

3.3.1 Democratic accountability could provide a positive environment in which to challenge bureaucratic practice. In the constrained financial climate with the prospect of a diminished work force, this effort must be re-energised.

3.3.2 Some of the solutions to these issues sit with police leadership. Others will require co-ordination and agreement with partners co-engaged in service delivery. Some areas of change will require legislation or some other government intervention. The proposals in this report have been clustered around six themes which are discussed in more detail below.

1. Criminal Justice

The Criminal Justice System has come to epitomise bureaucratic excess for the police officers who provide the first link in its chain. There are clear complexities in addressing this bureaucracy, because its impact operates across the boundaries of criminal justice agencies and the costs and benefits of action may not fall neatly within the boundary of a single organisation or Government department.

ACPO strongly supports a whole system approach and welcomes the presence of a Minister working within both Home Office and Ministry of Justice. The change programme identified by ACPO is described in Chapter 5 of this report.

2. The Management of Information

This is a huge area of opportunity to reduce levels of bureaucracy. Costs associated with capturing, inputting, assessing and transmitting information are extremely high and do not correlate with police efforts to reduce harm and risk. ACPO will continue to support the gate-keeping function within the Home Office designed to minimise data collection, but we need to take a fresh look at plans for the Home Office Data Hub to ensure this does not draw more unnecessary information towards the centre. ACPO also seeks a systematic review of the Annual Data Return against a test of cost and benefit.

ACPO seeks urgently to review the bureaucratic impact of capturing existing lower level crimes within the notifiable offence list and applying to them the full force of the National Crime Recording Standards (NCRS). ACPO is anxious to transfer as much effort as possible towards ensuring problem resolution and customer satisfaction in these cases, which often falls broadly within the Anti-Social Behaviour category. ACPO would wish to undertake a broader review of the application of NCRS and the National Standard for Incident Recording (NSIR) to ensure that activity is proportionate in service terms and affordable.

The National Intelligence Model provides another opportunity to reduce bureaucracy. As a business process model, NIM has driven standardisation and quality improvement in police intelligence for a decade. This is the moment to move towards an approach sometimes termed 'NIM – Lite' which puts less emphasis on rules of inputting and product compliance and more on the proportionate support of operational aims.

3. The Exercise of Legal Powers

Police use of sensitive powers is quite properly surrounded by checks and balances to ensure that usage is transparent and appropriate. There is concern, however, that the checks and balances in some areas are themselves, disproportionate and are both absorbing excessive police time and potentially preventing officers from using measures that could protect the public.

There is continuing debate with government and other interested parties to achieve proper balance on the recording processes surrounding these powers. ACPO supports proposals to remove the recording requirement for Stop and Account and is engaged in finding less bureaucratic approaches to Stop and Search.

ACPO notes that the Police and Criminal Evidence Act (PACE) 2008 review has not progressed. This would offer some consolidation and simplification of provisions and would encourage the use of other less bureaucratic processes such as street bail. Full re-engagement with the review process may allow more radical options to be developed.

ACPO is advancing a variety of proposals under the Regulation of Investigatory Powers Act (RIPA) such as the removal of certain jurisdictional impediments and the resetting of existing rigid authority levels to take account of specific seriousness and risk. The inspection regime could be rationalised by amalgamating the Office of Surveillance Commissioners (OSC) and the Intercept of Communications Commissioner's Office (IOCCO).

4. The Management of Operational Risk

ACPO seeks, with partners, to ensure a more proportionate approach to the gathering of information and the undertaking of risk assessment associated with public protection issues. This is addressed further in Chapter 5 of this report.

Some areas of policing carry great operational and reputational risk because of the seriousness of the potential outcome and the level of public concern that has attached itself to similar cases. The response of the police service has been continuously to refine its approach but too often the resulting complex processes fall heavily on frontline operational staff.

'Good practice' has been associated with long forms, the gathering of detailed information, pre-formatted questions and formulaic risk assessment processes. The impact is further

exaggerated by the blanket application of these policies often with very little room for officers to exercise judgment about the specific harm and threat they are encountering. A more targeted approach would focus the efforts of police and partner agencies on the more serious cases and reduce the bureaucratic burden.

It must be acknowledged that these are very challenging operational scenarios and that no system, however sophisticated, can guarantee positive outcomes.

ACPO supports working with partners to ensure a more proportionate approach to the gathering of information and the undertaking of risk assessment.

ACPO supports change to the definition of ‘missing person’ which emphasises the police role of preventing harm. A more consistent application of a tighter policy would yield significant savings.

Anti-social behaviour has become an issue of widespread public and political debate centred on some high profile cases with tragic outcomes. The police service is committed to improving the service it offers to victims and communities and raising the priority it has traditionally placed on such issues. ACPO is concerned, however, that a rigid systems approach is beginning to be applied to a very high volume area of work. In this, as in many other areas, positive outcomes will be more likely if we trust operational officers to apply sound problem solving approaches.

5. Partnership and Engagement

There is universal agreement that engaging with communities to understand their needs is vital and that working with partners to develop joint approaches to these issues is equally important. High priority, however, cannot excuse poor resource usage. At a point where the Service is under acute pressure, ACPO supports steps to ensure that partnership and engagement working practices are efficient as well as productive. These working practices can be particularly resource intensive in the context of a two tier local authority.

It is also essential that the spotlight of accountability falls on partners, demonstrating a clear acknowledgement that effective policing alone will not be the answer to the complexity of local concerns and wider threats to society.

6. Internal systems

ACPO recognises that there is excessive bureaucracy within the internal systems and processes that support the police service. Not only do they consume too high a proportion of police resources but they can also have a negative effect on operational policing.

Approaches to managing people within the police service have become too complex and overly risk averse. Areas already under examination include the proliferation of personnel policies generally, and Performance Development Reviews and the Integrated Competency Framework in particular.

ACPO also recognises the danger of an over simplistic approach to Health and Safety. It is concerned, however that an unthinking application of existing legislation could have bureaucratic consequences. ACPO has worked with the Health and Safety Executive to develop the document ‘Striking the Balance’ and is now actively seeking Crown Prosecution Service support for the approach.

The proposals outlined in this Chapter should form the basis of an ACPO led anti-bureaucracy programme, working in close collaboration with Home Office and partner agencies.

Chapter 4 – A national framework for efficient local policing

4.1 INTRODUCTION

- 4.1.1 ACPO clearly understands the challenges that the funding position presents and the unequivocal need to provide greater value for money from significantly reduced resources. Support from Government is vital to enable increased freedom to manoeuvre locally but within a framework in which there is greater consistency of approach to services that can be delivered more effectively and efficiently nationally.
- 4.1.2 The Government's proposals for policing reform recognise that the police service is vertically integrated, connecting local crime and disorder to more strategic threats such as addressing organised criminality and the trafficking of drugs, contraband and people.
- 4.1.3 ACPO welcomes the commitment in the consultation document to the recognition of the vertically integrated police service. This critical requirement needs to be preserved and strengthened by any changes to the national policing landscape.
- 4.1.4 We note the Government's position in rejecting any organised move towards strategic forces but remain of the view that strategic forces would deliver the best prospects for safeguarding investment in frontline services in the long run, and can be achieved without detracting from public engagement in, and the quality of, local delivery of services. Indeed, the organisation of non-local service delivery in a more strategic way represents the best hope of protecting the local front line arrangements.
- 4.1.5 We welcome the intention to improve the co-ordination of national capability to tackle organised criminality through a new National Crime Agency and endorse the view that its focus must be on crime fighting. The NCA should not be a repository for functions that are not core to tackling organised criminality, as a consequence of the demise of the NPIA. This does mean that there are a number of functions currently delivered by the NPIA – which continue to need undertaking – for which there are no obvious homes.
- 4.1.6 Whilst this Chapter is not specifically about local policing, ACPO believes that the consultation paper does not sufficiently stress the continued commitment that is necessary to secure neighbourhood policing as the fundamental style of local policing delivery and a bedrock for broader structures.

Government should recognise the anchor provided by neighbourhood policing, delivered by a team approach including police officers, PCSOs, volunteers, and involving other partners from Local Authorities, statutory agencies and the third sector.

4.2 WORKFORCE ISSUES AND VALUE FOR MONEY (VfM) IN A SERVICE-WIDE CONTEXT

- 4.2.1 ACPO recognises the reality, identified in the consultation paper, of the need to deliver policing services in the future at reduced cost. Any consideration of the future of policing has to examine the nature of the workforce required to fulfil the mission. Policing is delivered through its people, and staff costs represent c 80% of force budgets. Police forces need the ability to motivate and incentivise staff to achieve higher standards of quality and performance. The forthcoming reviews of pay and reward, and training need to be built on a clear vision of the workforce required to meet the demands of the future. ACPO is in a good position to contribute to this work in consultation with the staff associations, trade unions and other stakeholders.
- 4.2.2 The uniqueness of the employment model in respect of police officers, combined with the financial challenge that face forces now, means that arriving at ways of increasing flexibility within the workforce is urgent if forces are to be able to balance budgets.
- 4.2.3 The current economic situation also means that there will be less recruitment and promotion for the foreseeable future – potentially for a period of years - and this hiatus will provide an opportunity to look at the way we invest in people, recruit, train, assess and reward staff in the future.
- 4.2.4 Police Regulations and the current pay and reward structure offer some real advantages to the Service. The flexibility to move police officers around to meet changing priorities and multiple risks should not be underestimated. Similarly, the safety net whereby officers have fewer employment rights, such as to withdraw their labour or withhold their full commitment to the task in hand, is an asset. The office and responsibilities of constable are unique and carry restrictions on individuals’ private lives. This must be properly recognised in the remuneration package but there are also opportunities to benefit the public, recognise economic reality and create more job satisfaction and responsibility for staff.
- 4.2.5 Difficult choices will need to be made and it is clear that support will be needed if forces are to achieve cost reductions. A tool kit that scopes those opportunities is described in Figure 1 below:

Fig 1: Toolkit

<i>Workforce based</i>	<ul style="list-style-type: none"> ▪ Natural wastage ▪ Recruitment Freeze/Vacancy Dis-establishment ▪ Overtime/reduction ▪ Stopping 30+ scheme ▪ Ceasing temporary staff ▪ Early exit opportunities ▪ Removal of Discretionary payments ▪ Changes to terms and conditions ▪ Demand modelling/Shift pattern changes
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<i>Structural change or change in service delivery model</i>	<ul style="list-style-type: none"> ▪ Reduction in BCUs and management on-cost ▪ Streamlining or restructuring of internal support services ▪ Collaboration with other Forces ▪ Collaboration with other public sector bodies ▪ Outsourcing ▪ National initiatives including procurement ▪ Force mergers
<i>Ceasing services</i>	<ul style="list-style-type: none"> ▪ Stopping/halting of service (not immediately clear what is acceptable to the public) ▪ Curtailing partnership activity/contributions
<i>Process changes</i>	<ul style="list-style-type: none"> ▪ Business Process Re-engineering ▪ Reducing Bureaucracy to reduce posts/manage the gap that is left by posts being removed
<i>Input changes</i>	<ul style="list-style-type: none"> ▪ Increased income generation ▪ Increased local funding ▪ Increase involvement of the voluntary sector
<i>One off, investment changes</i>	<ul style="list-style-type: none"> ▪ Reduction in capital projects ▪ Reduction in estate ▪ Use of reserves ▪ Assessment of Force contracts

4.2.6 A range of options exist to achieve increased VfM, some of these are locally deliverable but some require Government support and action, e.g. in respect of [urgent] changes required to Police Regulations and PNB. All would benefit from the development of a national framework within which to plan financially in a coherent manner, and one which retains the unique features of the office of constable.

4.2.7 There is an urgent need for this central support for saving opportunities. The Police Service has a unique employment model whereby the relationship of police officers as employees is tightly regulated for the reasons set out at 4.2.4. It is also a profession which precludes any opportunity to divest, or to concentrate services, in particular areas.

Government should lead on urgent work to increase the tools available to Chief Constables, Police Authorities/Police and Crime Commissioners to make savings.

4.2.8 ACPO rejects the notion, suggested at paragraph 4.18 of the consultation paper, that it will be possible to maintain and improve the quality of ‘front line services’ against the context of the level of savings that are likely to be required. ACPO accepts and agrees that front line services should be protected as far as possible but it is unlikely that they will be fully preserved. Our professional assessment (indeed supported by HMIC/Audit Commission VfM study) is that savings in the order of 25% WILL affect front line service delivery.

4.2.9 It is also worth noting that the term ‘front line services’ is ill-defined. It would be generally understood to include uniformed services and investigators in both a local policing and specialist roles, but it must also include, for example, those dealing with telephone calls at the front line and many support functions that provide a direct service to the public. If maintenance of front line services is a Government ambition, then some work should be undertaken to benchmark that which the Service and Government would seek to protect.

- 4.2.10 The statement, at paragraph 4.10 of the consultation paper, drawn from the HMIC/Audit Commission VfM study, is unhelpful. ‘One tenth of officers on the street at any one time’ is a powerful assertion. Neither the VfM study nor the Government’s paper takes sufficient care to describe the context. Providing a 24/7 service, 365 days a year requires a shift pattern which means that, immediately, c80% of response officers are unavailable at any given time. Beyond that, is the fundamental fact that the serious end of the mission of policing e.g.: counter terrorism, serious and organised crime, protective services etc, account for approximately 25% of all sworn officers. Such rhetoric as that used creates a completely inaccurate and unhelpful impression of the Service.
- 4.2.11 The consultation paper proposes VfM opportunities in respect of workforce modernisation (paragraphs 4.10 and 4.11). Much work has been done in forces around what used to be called “civilianisation”. Latterly the phrase, “workforce modernisation” (WFM) came to signify the idea of a more flexible work team involving sworn officers and non-sworn staff in delivering a service. WFM is widely embedded in the police service. Paradoxically, at a time of a significant cost saving requirement there will be fewer opportunities, under current regulations, to shed numbers of police officers. ACPO accepts the challenges in this area but disputes the proposition that workforce modernisation represents a quick fix.

4.3 COLLABORATION

- 4.3.1 ACPO supports the view that police forces can be more efficient and effective through collaboration with other forces and/or, in respect of some services or circumstances, with other public or private sector partners. It is not, however, a panacea for the financial challenges faced. In considering collaborative arrangements within the Service, it is important that the range of possibilities is considered, e.g. including lead force, federation of forces and national infrastructure.
- 4.3.2 We still regard the drive towards collaboration, as currently framed, as sub-optimal and even potentially more expensive in the long run when considered alongside the alternative option to create fewer, strategically sized, forces. The financial situation has brought into even starker relief the question as to whether the current structure of forces is viable and effective in delivering complex services above, and in support of, local policing. It is our view that creating strategic forces would serve in the longer-term to safeguard investment in, and the quality of, frontline services without adversely affecting the connection of policing with local people.
- 4.3.3 We note, however, the Government’s rejection of this option except where the proposal to merge is voluntary, has local support and a robust business case. The failure of Hertfordshire and Bedfordshire to move forward on merger is an indication that this bottom up route is very unlikely to succeed. There is a robust business case in Hertfordshire and Bedfordshire for such a move, the precept levels of both forces are almost identical. In spite of this positive environment, the Police Authority of one of the counties concerned has declined to put the proposals to the wider public for consultation.
- 4.3.4 Without Government desire, any amalgamations are highly unlikely. In the meantime the structure of policing remains a feature of historical coincidence rather than arranged, rationally, to meet the broad and increasing mission of 21st Century policing.
- 4.3.5 Since 2006, when the merger proposals became stalled, the Service has been wrestling with the concepts of collaboration. In some places it has been possible to overcome some fundamental obstacles that confront any collaborative endeavour. These are:
- Sovereignty, and the overwhelming accountability for providing local services

- Lack of governance beyond the local
- Differential terms and conditions of staff and a complex legal framework covering employment and risk.

4.3.6 Even where these fundamental issues have been addressed and overcome there remain significant barriers to progress. Different priorities; different levels of sunk investment in capability and technology; differential impact, real and perceived, on staff; and closeness of services to point of delivery.

4.3.7 ACPO, APA and HMIC have worked diligently with senior Home Office officials to drive collaboration further. The fruits of this endeavour have been limited and are creating a patchwork of approaches across the country. We are all agreed that, in order for collaboration to be effective in making policing more efficient and effective, it needs to be supported by central analysis, direction and incentivisation. It is not sufficient to allow collaborative activity to emerge bottom-up. The areas where collaboration has created a new footprint (e.g.: the Regional Serious and Organised Crime capability), the two features that have been present are a top down determination that there should be something beyond the 43 individual forces, and an incentivised path towards achieving the new arrangements. Clearly, incentivisation over the next 3 or 4 years, will not involve more money but could involve a greater degree of central direction over the funds that are available in order to achieve the desired efficiencies overall.

4.3.8 At the heart of the barriers to collaboration lies the fundamental difficulty of balancing the needs of the greater good through several sovereign organisations and governance structures. HMIC, in its seminal reports on Protective Services [Mind the Gap (2003) and Closing the Gap (2005)] considered delivery models other than collaboration. Lead Force, as a delivery model, has been ignored except in the counter terrorism infrastructure.

All models for delivering services beyond the local should be fully explored - collaboration is only one model and it may not be the most cost effective in every situation.

4.3.9 Some work has been undertaken with the private sector to understand where efficiencies might lie. The spectrum of cost benefit is wide and benefit rises in proportion to the number of forces that are party to the outsourced arrangements (see also Chapter 3).

4.3.10 ACPO does not believe that a Government desire for more collaboration on its own is likely to bear significant and early fruit. That desire must be matched by a greater willingness to direct collaboration and to direct resources to achieve it. ACPO would welcome the opportunity to work with Government to achieve that ambition.

Government (in consultation with ACPO) should consider how more direction over collaboration can be established and how resources can best be directed to support that approach.

4.3.11 Furthermore, it seems unlikely that Police and Crime Commissioners will have a positive effect on wider collaboration. Government's proposal, at paragraph 4.22, that "*Police and Crime Commissioners will cut through this bureaucracy and drive forward the collaborative effort in support of their Chief Officers*" is difficult to understand. The democratic mandate of Police and Crime Commissioners will be secured through the delivery of local policing services. There is, already, a statutory duty on Police Authorities to collaborate for the greater good. Even where that

joint oversight of several Authorities has real impetus, progress is slow and nugatory because of the difficulties referred to above. The election of a Police and Crime Commissioner will make the situation worse rather than better. We are concerned that increased direct, local, political governance of policing will lead to narrow short-termism; important and difficult long-term decision-making will suffer. Even imposing a duty on a Police and Crime Commissioner (see paragraphs 4.22 and 4.31) is likely to have a low priority when set against the calls from local communities.

- 4.3.12 ACPO believes that there needs to be greater clarity and distinction in the roles of the Police and Crime Commissioners to deliver local services and central government in ensuring appropriate and efficient arrangements for the delivery of non-local services. It is understood that Chief Constables would thus be accountable in two ways to two different bodies. This seems, to ACPO, to match reality.

There should be a clear focus in legislation on the Government's powers to ensure that Police and Crime Commissioners and Chief Constables meet their obligations to the national policing requirement, as duties placed on Police and Crime Commissioners will be unlikely to achieve this outcome.

4.4 NATIONAL ARRANGEMENTS

- 4.4.1 ACPO welcomes the Government's recognition that, whilst the core business of policing is very local, there are some things that are better organised and co-ordinated at a national level. There are arguments for both efficiency and effectiveness around those supra-force arrangements.

ACPO wishes to work with Government in identifying those issues that are best organised and co-ordinated at a national level.

- 4.4.2 The obstacle that has proved difficult in the past has been the variable needs of individual forces. It is obvious that needs vary according to the historical investment in individual arrangements and the prioritisation of future spending decisions.
- 4.4.3 There is more national procurement happening than is acknowledged in the consultation paper and there are a significant number of national frameworks in place. ACPO agrees, however, that there is further to go.
- 4.4.4 The NPIA has been the Agency with a responsibility for national procurement in the past. ACPO notes the intention of Government to phase out the NPIA. The Government report is not clear about what might replace it to facilitate national procurement. ACPO believes that collaboration opportunities would be enhanced if procurement rules allowed forces to "piggy back" on another organisation's existing contractual arrangements.
- 4.4.5 ACPO would be pleased to work with Government in identifying options for a national procurement vehicle. Existing procurement rules (especially around European competition) are cumbersome and time consuming.

Government and ACPO should try to find a more efficient and effective procurement vehicle to be used by public sector organisations, including the police service.

- 4.4.6 The work to meet the response above ought to start soon if we are to maximise the opportunities for national procurement at a time of diminishing resources.
- 4.4.7 The difficulties identified around collaboration (see earlier) apply equally to national procurement arrangements. The way forward should include central direction and some redirection of funding.
- 4.4.8 ACPO notes the intention of Government to create a National Crime Agency. ACPO welcomes the proposals which relate to improving the multi agency response to organised crime and to improving the security of our borders. Everyone across law enforcement and wider Government has a role to play in responding to organised crime. The NCA should have an emphasis on disruption as well as enforcement. The NCA should secure and develop intelligence and ensure that co-ordinated enforcement activity is taking place at all levels on the continuum of harm and threat. The proposal that the NCA should be led by a senior Chief Constable is welcomed, although clarity will be required about the relationship with other Chief Constables and heads of law enforcement agencies, as well as clarity around governance and oversight.
- 4.4.9 The co-ordination function of the NCA should be distinguished from any confusion over direction and control. The national exploitation of intelligence and the prioritisation of targets is an appropriate role for the NCA. Co-ordination of its own resources and those of police forces and other agencies will rely upon the relationship with other chief constables and heads of other law enforcement agencies.
- 4.4.10 ACPO notes the intention to link the responsibilities of Chief Constables to contribute to a regional policing capability, recognising that this will require Chief Constables to balance local and cross border priorities more effectively.

Law enforcement partners, particularly HMRC and UKBA, should be held to account within a multi agency regional and national structure.

A regional accountability structure involving representatives of Chief Constables and Police and Crime Commissioners will ensure better coordination of effort and resources (local accountability is impractical, but national accountability would be too distant).

- 4.4.11 Taken together, the proposals in the consultation paper will provide an opportunity to capitalise on the maturing arrangements that currently exist around the national co-ordination of Regional Intelligence Units, regional operational capabilities and Regional Asset Recovery Teams. In addition, these regional structures could be complemented by an organised crime co-ordination centre, hosted within the new NCA and delivering services for forces.
- 4.4.12 ACPO notes that the National Crime Agency will have a new focus with broader responsibility, but it will be unlikely to have additional capacity and capability. The ambition for this new Agency does need to be informed by the capacity and the capability of the resources to be invested.

- 4.4.13 ACPO doubts that the NCA could be linked to the role of Police and Crime Commissioners, as highlighted above, local accountability is impractical, although Police and Crime Commissioners might be represented at a regional level of governance.
- 4.4.14 We are also concerned that the NCA's fundamental purpose of fighting organised criminality is not compromised because it takes on unrelated functions that require a home owing to the demise of the NPIA. ACPO also doubts the wisdom of expecting a National Crime Agency, which will have an operational law enforcement focus, to also take on functions from the NPIA that are not directly concerned with its core purpose.
- 4.4.15 ACPO welcomes the debate about a future relationship between the NCA and national CT arrangements. This is a good opportunity to examine how a centrally supported, regionally delivered, CT structure might fit, or operate in conjunction with (or within) the NCA.
- 4.4.16 The key in developing the NCA will be to align synergies of functions, cultures and governance. In respect of CEOP, ACPO recognises that its work is not primarily about law enforcement. Having regard to the HMIC Review in 2008, and the independent review by Stephen Boyes-Smith and the subsequent Cabinet Office endorsement, ACPO concluded that CEOP requires an independent and cross governmental platform. CEOP has a child and victim focus rather than an organised crime and enforcement focus. Furthermore, almost half of the funding for CEOP is from non-government partners. It is the view of ACPO that this funding may be compromised if the focus becomes a law enforcement one. ACPO firmly supported the direction taken by CEOP to become an independent agency and continue to believe that it should exist as a stand-alone agency. There is a real risk that the advances that CEOP has made, particularly with regard to wider child protection partnerships, will be compromised by incorporation within the NCA. If, however, Government remain committed to this course of action, ACPO would seek to be involved in discussions as to how the work of CEOP might best be continued under new governance arrangements.

ACPO continue in firm support of CEOP operating as a stand-alone agency. If Government choose not to support this option, then ACPO would seek to be consulted on whatever new governance arrangements are put in place.

- 4.4.17 ACPO could see its own Criminal Records Office (ACRO) sitting within such an intelligence directorate within the NCA. ACRO has a responsibility for a range of criminal records activities and operational investigations some of which are completed under statutory requirements. It is an operational unit ensuring that police conviction data provided to front-line officers is complete, timely and relevant. It already works closely with SOCA, the UK Borders Agency, the Immigration Service, the Prison Authorities and the NPIA. It is therefore strongly recommended that ACRO (but not the FOI Central Referral Unit which is mentioned later) sit within the newly established National Crime Agency given its strategic fit.

The activities of the ACPO Criminal Records Office should be accommodated within what could be an operational support directorate within the NCA.

- 4.4.18 In respect of the demise of the NPIA, we are concerned that there are a number of functions which are likely to remain necessary at the national level but which do not naturally sit with the NCA, ACPO, the Home Office, private provision or other arrangement to deliver, e.g. lead force. Rigorous review of these functions – against the backdrop of cost and risk – will be necessary to ensure that

those which need, and can be afforded, to be continued are properly transitioned into arrangements that make sense.

- 4.4.19 It seems, to ACPO, that it is easier to understand Government's desire to rationalise the national policing landscape than it is to understand the vision of what might take its place. ACPO urge Government to conceive of the police service in England and Wales as a **National Service that is locally delivered**. It would be a mistake to try and build national capability through local structure alone.
- 4.4.20 From the starting point, it appears to ACPO that there might be two models that present themselves. The first is a model that exists in a number of other countries [for example the Netherlands, which has a 25th police force (KLPD) to provide, nationally, things that do not have to be provided by the 24 county forces]. This model is of a national police force which is led by a chief constable and it has a number of national functions to deliver on behalf of, and in conjunction with, the 43 local forces. The National Crime Agency, in this model, would be one organisational leg. There might be others for operational support [e.g. air support and other expensive capability] and other national analysis and intelligence functionality currently distributed around the national landscape.
- 4.4.21 An alternative model might be to create one or more public or community interest companies, with the tripartite partners as stakeholders, to deliver national requirements which are necessary even after the demise of some parts of the national landscape.

From the starting point of a Police Service being a 'National Service that is locally delivered', Government should explore with ACPO models for national delivery of appropriate services.

4.5 THE FUTURE OF ACPO IN SUPPORTING EFFECTIVE LOCAL DELIVERY

- 4.5.1 ACPO welcomes the proposals that it should be repositioned with a strengthened role for professional leadership and development of the Service.
- 4.5.2 There are number of functions that should properly fall in the remit of a repositioned ACPO. Broadly, ACPO believes that it should take responsibility for the professional leadership of the Service and have overarching responsibility for the development of doctrine in its revised format. ACPO would, on this view, take a responsibility for drawing professional standards and ensuring that they are rolled out and embedded across the Service. There may also be additional functions that would sit best with a professional chartered body (for example, capability/peer support) and some limited additional corporate functions that would be required to support an augmented ACPO [See also paragraph 4.5.7 below re: PNICC].
- 4.5.3 In respect of identifying the detail of the functionality, it is vital that account is taken of the longer-term impact of the financial challenge and the impact of the in-year cuts being managed now by the NPJA. In addition, we are concerned to ensure that careful thought has gone into the delivery models for these functions, both in the context of the financial challenge, as well as in respect of the current capability and capacity of ACPO – as it is currently constituted and resourced – to take on direct delivery responsibilities. Whatever functional responsibilities are finally agreed for ACPO, it is vital to ensure that adequate resources are transferred to enable effective delivery (accepting that we must achieve improved value for money).

- 4.5.4 The review that Peter Neyroud has been commissioned to undertake, in respect of the future of leadership and training, has direct implications for the future of ACPO. We will be working closely in support of this review and will need to take close account of its findings before finalising the Association's position.
- 4.5.5 In terms of any changed status for the organisation very positive discussions have commenced with the Privy Council who appear receptive to the Association becoming a chartered body. This change of status would enable a clear professional leadership framework for the development of policing to be established for the benefit of the public and the Service as a whole. It would also enable explicit, transparent and effective governance and accountability mechanisms to be put in place for the Association which would meet the need for oversight and scrutiny whilst enabling the independence of the profession. Achieving chartered status is a long process [some 12-24 months] but does represent a very clear – once in a lifetime – opportunity to develop policing as a profession.
- 4.5.6 On specific functions however, there probably is merit in discussing two particular units; one because it was specifically mentioned within the consultation document and the other because of an earlier recommendation regarding ACRO is likely to orphan one part of its current establishment, which will need to continue and be overseen somewhere at a national level.
- 4.5.7 The Police National Information and Co-ordination Centre (PNICC) has been identified as a function that should transfer to the NCA but there is no fit between PNICC and the proposed national crime fighting remit of the NCA. To move it there would confuse and complicate, rather than clarify and co-ordinate. It is not an operational delivery unit but does perform a critical administrative and co-ordination role in times of crises that fully fits with the Association's role to harness its chief officers' resources for the greater good of UK policing.
- 4.5.8 The FOI Central Referral Unit (CRU) is already an ACPO satellite unit that was established in 2004 to provide corporate, professional advice and assistance to forces seeking to comply with requests under the Freedom of Information Act 2000. It currently operates within the ACRO offices in Hampshire. Referrals have doubled in the last five years and with ACPO itself due to become formally subject to FOI towards the end of 2011 it is envisaged that such requests for information will continue to rise. The Central Unit is currently supporting the migration towards this legislation especially with regards to its records management needs and the plan is that the Central Referral Unit will also manage all ACPO FOI requests in the future. It is therefore suggested that the most appropriate location for the CRU would be ACPO. It is not an operational unit providing as it does a support function for both ACPO and the police service as a whole. As such it could continue to sit comfortably within ACPO, even in its new form as a chartered body.

ACPO's PNICC and FOI Central Referral Unit – once the latter is decoupled from ACRO – should remain within the newly reconfigured Association of Chief Police Officers.

- 4.5.9 Finally, we have been discussing with Home Office throughout this Financial Year the need to develop an alternative funding model for the Association. The proposed changes to the functionality of the Association make this an even more pressing requirement. The current funding model for the Association, is neither effective nor appropriate. Currently ACPO receives annual funding of £1.7 million for the services provided by the central office to coordinate and support the work of the organisation. Part of this funding comes directly from the Home Office and part from Police Authorities but all of it comes out of the police budget. In view of the removal of Police Authorities this mechanism is no longer viable. In addition, the proposed expanded functionality of

the organisation will clearly require a different funding mechanism. It is therefore recommended that from 2011/12 full funding of ACPO should be provided directly from the Home Office.

From FY 2011/12 a different funding model needs to be identified for ACPO – with full funding for the Association (both in terms of its current functionality and any enhanced services) coming directly from the Home Office.

4.6 BALANCING THE LOCAL AND THE NATIONAL

4.6.1 The consultation paper hits upon a critical tension in the ambition to reform the governance and accountability around policing. “Police and Crime Commissioners will be focusing”, says paragraph 4.2, on “holding their local police forces to account for tackling crime and protecting the public (*locally*)”. The paper recognises a need to ensure that this local arrangement needs to be supported by effective national arrangements to ensure that local communities are kept safe from criminals who may operate across force or national boundaries. Getting this balance right will, in the opinion of ACPO, determine the viability, and success, of the Government’s policy.

4.6.2 ACPO considers that some of the assertions in the current paper need to be backed up by practical arrangements. It does not appear self evident to ACPO that, in the absence of more concrete arrangements:

“Police and Crime Commissioners will play a key role in ‘ensuring collaboration’ in delivering:

- *a range of operational and back office support functions for which it is neither sensible nor affordable to adopt 43 different approaches; and*
- *policing functions to protect the public from serious and cross boundary criminality more efficiently and effectively” (paragraph 4.19).*

“Police and Crime Commissioners will cut through bureaucracy and drive forward the collaborative effort in support of their Chief Officers” (paragraph 4.22).

“Commissioners [will be] under a duty to collaborate with other bodies such as the new [National Crime] Agency” (paragraph 4.35).

4.6.3 Given that the Police and Crime Commissioners will be elected locally on a local mandate to be responsible, principally, for local crime and disorder (in the opinion of many communities it is anti-social behaviour that is a graver threat than crime), without clear differentiation of accountability, the strategic and the cross border threats will be a lower priority (see also Chapter2).

4.6.4 The consultation paper provides some hint of what might be required at paragraph 4.31 “[our] intention is to link the responsibilities of local Chief Constables and their Police and Crime Commissioners, with Regional Policing capabilities under stronger national co-ordination and strategic direction”. And finally, at paragraph 4.53, “*strategic policy will be set locally by Police and Crime Commissioners and nationally by the Government*”. [ACPO understands reference to ‘policy’ in this context to mean the identification of outcomes to be achieved].

4.6.5 ACPO supports the creation of a National Policing Plan, endorsed and owned by Government, which will be informed by a newly positioned ACPO. The National Plan will set out Government’s expectations for meeting strategic and cross border requirements. Local Chief Constables and their

Police and Crime Commissioners will be accountable to the Home Secretary for contributing to that plan. A National Plan can define a vertically integrated police service; it can define relationships with new national agencies; it can direct collaboration and national initiatives. The creation of such a plan and support for its implementation will give emphasis to the envisaged role for an ACPO much more closely involved in standard setting and professional leadership.

A new National Policing Plan should be created that will set out the Government's expectations for meeting strategic and cross-border requirements and that chief constables and their police and crime commissioners will be held to account by the Home Secretary for contributing to that plan.

4.6.67 This is a key recommendation of ACPO and is seen as an anchor for the Plan to deliver 'Policing in the 21st Century'.

Chapter 5: Tackling crime together

5.1 INTRODUCTION

5.1.1 The corresponding chapter in the consultation document reaffirms what the police service has been saying for some time; that it is not just the police that cut crime. ACPO is greatly heartened by this assertion. This chapter provides ACPO's professional view on how to:

- Ensure that the interests and priorities of the public are central to the changes being proposed, and customer participation is built into service design, whilst maintaining operational independence to enable the application of professional judgment
- Enhance partnership working, with structures that reduce bureaucracy and are more flexible to suit local conditions
- Approach much needed changes to the criminal justice system.

5.1.2 ACPO fully supports and endorses the joint approach to tackling crime and ASB advocated in the consultation document. Huge strides have already been made in relation to police understanding and responding to local needs/expectations through initiatives like 'Neighbourhood Policing' and through Community Safety Partnerships. Whilst ACPO recognises that this can still be improved upon, the subtitle of the document "Reconnecting Police and the People" assumes a disconnect, which we do not believe exists.

5.1.3 ACPO agrees with the core principles of:

- Giving communities more influence over how policing is delivered
- Encouraging participation in service delivery and design
- Transfer of power from central to local
- Supporting the Civic Society
- Making relevant data widely available.

5.1.4 In terms of the criminal justice system, any changes that are required echo the need for greater congruence between the many agencies that operate as part of the broader CJ continuum. Investment will be reducing and therefore this is the time to act convincingly to ensure technology is enhanced to achieve greater read-across between the agencies, and that agendas and priorities are coherent in order to make the best use of reducing resources. Indeed, reforming the CJ process thoroughly exemplifies the essence of this chapter.

5.2 ENABLING AND ENCOURAGING INVOLVEMENT AND MOBILISING NEIGHBOURHOODS

5.2.1 ACPO believes that local policing is the bedrock upon which the wider policing mission rests; policing exists to serve the public, and without public support we cannot properly discharge the duties with which we have been entrusted (see also chapter 4 re: neighbourhood policing).

5.2.2 The Service therefore fully supports a greater focus on people taking more personal responsibility to assist in tackling crime and the damage caused by crime, and ACPO welcomes Government's commitment to promote a range of ways that people can get involved in keeping their neighbourhoods safe. There are already numerous examples of where this is happening (Neighbourhood and other Watch schemes, Street Patrols, Special Constables), and ACPO would like to see the Government both acknowledging this and providing more encouragement through incentivisation schemes in order to motivate more people to volunteer. ACPO recognises that whilst there needs to be a degree of realism that many people simply do not want to be engaged with, let alone become active participants, there is more that can be done by both Government and the police service to progress the Big Society philosophy in a community safety context.

5.2.3 The Big Society philosophy also provides an opportunity further to develop the strong history of facilitating community involvement by utilising the comprehensive networks developed to deliver neighbourhood policing through police and community partnerships. The capability and capacity of these informal groups could be further developed so that, whilst they can continue to influence service delivery, they can also become bodies which design, commission and/or deliver community safety through the development of neighbourhood agreements, building on existing pilot work currently taking place.

5.2.4 We recognise there are a number of risks and bureaucratic barriers, both perceived and real, to people volunteering, and the service would welcome the opportunity to work with Government to identify and overcome these in order to enable as many people as possible to become involved.

ACPO will work closely with Government to develop further clarity on how citizens can be motivated and incentivised to volunteer in helping the police and other partners tackle crime and community safety issues.

5.2.5 ACPO is pleased to see the commitment to increase the numbers of both special constables and police volunteers and would like to see Government working with the service to consider how best to incentivise individuals, forces and employers to increase recruitment and retention.

5.2.6 Examples of incentivisation might include enhancing volunteer awards, ranging from certificates and citations up to civic medals that would increase recognition of the importance of volunteering. Other ideas include qualifications, such as the current NVQ Level 2 in Public Services facilitated through local partnerships or financial rewards to employers. One innovative idea would be a reduction in Council Tax, by offering a rebate for civic work, or an increase in benefits or allowances for those undertaking such work. Likewise, employers might be encouraged to recognise citizen

contribution to public safety and service, for example, provision of nationally recognised references in support of voluntary service (e.g. 'Community Mark') or tax incentives pro rata for service given.

- 5.2.7** Productivity of the Special Constabulary is critical, for the sense of value to the individual as well as the police service. Development of volunteer management skills and a better understanding of what Special Constabulary productivity means within the police service should support increased volunteer numbers and hours, but also enhance the volunteering experience and therefore the outcomes achieved from those hours. This could perhaps be supported by a bursary scheme for recognised volunteer management training, possibly in partnership with organisations such as Volunteering England and/or local volunteer centres.

Consideration should be given to relevant incentives for organisations, employers and individuals to encourage local volunteering.

- 5.2.8** Neighbourhood Watch and Victim Support have a major role in *“enabling and encouraging people to get involved and mobilising neighbourhood activists”*. In order for them to be encouraged to take on a greater role in the Big Society, ACPO would like to see the creation of a publicly funded infrastructure to support them locally and nationally.
- 5.2.9** ACPO believes the principle of a single police non-emergency number is sound, and will encourage joint problem solving approaches between local partners, and therefore welcomes the commitment to find a cost effective way of establishing this for reporting crime and ASB. ACPO would, however, counsel some caution as the introduction of a SNEN failed in the past because it was over optimistic and sought to bring in partners 'on the cheap' by piggy-backing on existing police call handling assets.
- 5.2.10** ACPO supports an approach that implements a service that focuses on policing activity alone – driven by the degree of harm – and this may mean that the non-emergency number will primarily focus on lower end crime and anti-social behaviour issues. This must however be on a cost neutral basis or better. In the current financial climate, the police service would not be able to accept it at an increased cost.
- 5.2.11** Finally, for it to address community needs, the technology must properly connect the caller to the right police force. This is a fundamental point that should be built into the user requirement at an early stage.

The 101 number should be introduced rapidly for reporting of crime and anti-social behaviour issues to police, subject to technical feasibility and within existing costs.

- 5.2.12** ACPO welcomes opportunities to develop better ways of working with the voluntary and community sector and we look forward to seeing the outcomes of Government working with the Office for Civil Society to find the best means of doing so. We are not convinced, however, that compact agreements between community partnerships and the community have been beneficial in helping forces work effectively with the voluntary sector as they have proved to be a bureaucratic and unwieldy. We would like to see the 'compact' redesigned in order to facilitate better understanding and cooperation between forces and the voluntary community services.

Government, in working with the Office for Civil Society, should re-design and clarify the benefits of agreements between community partnerships and communities in order to assist forces work effectively with the voluntary community services.

5.3 DEVELOPING AND IMPLEMENTING A RADICAL CJS REFORM STRATEGY

- 5.3.1 In July 2010, the Prime Minister shared his views on the need to reform the criminal justice system in support of the review, announced by the Secretary of State for Justice. The Prime Minister stated that:

“We have to face the fact that we have a criminal justice system that isn’t working at the moment. We’re banging people up at vast expense, half of them on drugs, over 10% aren’t meant to be here at all because they’re foreigners, and the reoffending rate is dreadful.

We also have to face the fact that Government has been left an appalling legacy of no money. So we have to be reformers. Now that doesn’t mean going soft, it means making sure that punishment and rehabilitation go together”.

- 5.3.2 In support of the need for bold and radical reform, Tim Godwin said in a Police Review article on 30 July 2010 that:

“The criminal justice system is simply too slow, too bureaucratic and too complicated. Criminal justice practitioners find it challenging to understand and are frustrated by the waste; it has to change ... The good news is that the situation is better than it was a few years ago with strong working partnerships developing between the core criminal justice agencies. I am confident that there is a consensus at a senior level on the need for change, and that the current economic situation will add momentum to the process ... This is a significant opportunity to look at the criminal justice system as a whole and to plan reform together.”

- 5.3.3 The consultation paper provides another opportunity for ACPO to emphasise the importance of making some fundamental changes to the CJ process. From the police service perspective, there are three areas that require change: charging and case preparation; trial management; and offender management. There is also a fourth area that is common to all criminal justice agencies and which is key to enabling change; the exploitation of new technology.
- 5.3.4 ACPO welcomes the general thrust of the proposals but would point out that this requires judicial, court and prosecutor support. ACPO and CPS are currently piloting the return of additional offences to police to make a charging decision, however ACPO would like to expand this initiative to include, at a minimum, ABH and theft shoplifting (not guilty pleas).
- 5.3.5 An enabler for the extension of police charging powers would be to clarify and extend Magistrates’ sentencing powers so that more cases can be dealt with in the Magistrates’ Court.

Charging decisions for further offences should be returned to the police, including ABH and theft shoplifting (not guilty pleas).

- 5.3.6 Case Management and streamlined process have been very effective in Magistrates' Courts, and should be adopted by Crown Courts.
- 5.3.7 The streamlined process needs to be embedded at a national level so the full benefits can be realised. Moreover, we must further extend the principle of streamline process to disclosure and records of taped interview to further reduce the amount of time taken by police officers in building case files.
- 5.3.8 The principles of streamlined process need to be extended to guilty plea cases in the Crown Court. Liverpool, Bristol, Reading and Thames Valley will soon be piloting the Early Guilty Plea scheme in Crown Courts. This will enable early identification of Guilty pleas and must then allow for police to build a file proportionate to that plea.

Streamlined process should be embedded within the Magistrates' Court and extended to guilty plea cases in the Crown Court.

- 5.3.9 Shared administration can demonstrate significant cashable and non cashable savings by removing duplication of processes. Several areas are considering and at various stages of implementing this concept, based upon the Integrated Prosecution Teams that have been implemented in London.

Consideration should be given to implementing Integrated Prosecution Teams across the country, and to identifying any opportunities for HM Court Service to share administration.

- 5.3.10 Criminal Justice reforms are often thwarted by misalignment of IT systems. One specific area is the move to electronic case files. We need to develop a collaborative plan for CJS IT, which will enable the introduction of an electronic case file. We should explore whether existing IT systems (an affordable option) are able to provide a single case management system for police and CPS (i.e. the CPS Case Management System). This is being piloted in London. There should also be an increased exploitation of phone/video conferencing to facilitate face to face charging advice from CPS in the more complex cases, again this would reduce abstractions from front line services.

The development of electronic case files should be prioritised, with a single national approach to remove expensive and bureaucratic paper based systems and enable a link from custody suites to the CPS 24 hours per day.

- 5.3.11 The Virtual Court exploits technology to place a defendant before a court for a first hearing and utilises a collaborative space to exchange case file information in a timely manner between police and CPS. This concept has been tested in London and Kent. The evaluation demonstrates that the concept is sound and there is further potential to expand the use of Virtual Courts. For example, to develop the use of video conferencing and e-files (case files that can be transferred electronically to virtual charging centres, thereby linking custody suites to the CPS 24 hours per day) and to allow police officers to give evidence via a video link thus saving hundreds of hours in officer time travelling to and from Court reducing abstractions from front line services. This is a particularly important consideration in light of the Courts' Closure Programme, where officers will be required

to travel further distances particularly in the more rural areas. The Courts' Closure Programme offers a potential funding source for capital investment into the Virtual Court technology.

Continual development and implementation of virtual court technology should be supported by Government.

- 5.3.12 Sentencing guidelines are fundamental to any reform programme and merit reform. Consideration should be given to increasing Magistrates' sentencing powers, to reduce the throughput of unnecessary hearings to the Crown Court. In addition we need to incentivise the early guilty plea tariff. Presently this applies on a sliding scale from first appearance at court through to plea at trial. This needs to be extended to receive the maximum guilty plea tariff when a plea is indicated in custody suites and then applied on a sliding scale thereafter.

A review of sentencing guidelines and powers should be conducted.

- 5.3.13 Whilst the focus on rehabilitation is supported by ACPO, the concept that prison does not reduce crime is flawed. A drug addicted prolific and persistent offender may commit several hundred offences a year and this can significantly blight the lives of communities that live around them. Evidence of crime rates in neighbourhoods has shown these to be linked to whether a persistent offender is currently in custody or has been released. Whilst short prison sentences may not be terribly successful from a rehabilitation point of view, they can give local communities relief from the activities of these offenders. There needs to be a balance struck between prison sentences and community sentences, on a case by case basis.
- 5.3.14 Integrated Offender Management (IOM) practices cut crime by significantly lowering reoffending rates; is cost effective and bars the 'revolving door' too often seen in the past as a feature of the criminal justice system. It moves the rehabilitation of many offenders, to a large extent, upstream of the prison system and for this reason the partnership between the police and, a resilient and sufficiently resourced, probation service is fundamental. The IOM model is cost effective due to the chasing out of inefficiencies and the sharing of resources across participating agencies.
- 5.3.15 Empirical data provided by pathfinder forces, including the Metropolitan Police, Avon & Somerset, Lancashire, Nottinghamshire, West Midlands and West Yorkshire indicates large cost savings can be delivered. Its potential for reducing the costs of placing offenders in custody in the prison estate is also significant.
- 5.3.16 The Diamond District initiative in London has demonstrated a cost effective method of better managing offenders in their communities. Based on the performance in the Diamond pilot sites, an offender management approach delivered across London could realise savings of £19M in prison budgets, £94 in wider criminal justice system savings, over £120M in non criminal justice savings.
- 5.3.17 The concept of incentivisation and paying by results within the criminal justice system is one that needs to be treated with care. It is all too easy to pick off the easy targets and leave the more difficult prolific and persistent problems alone, or to produce perverse incentives.

Government should support a strategic partial shift in resource allocation from the prison estate to front line police and probation services to realise the full potential of IOM – (otherwise known as 'justice reinvestment').

- 5.3.18 ACPO contend that we need to be clear about the role of restorative justice. There are a number of interventions being implemented which are labelled as restorative, from informal resolutions of problems on the street to properly managed conferences between victim and offender. Restorative justice is, and will continue to be a key tool in neighbourhood policing but we must not label every intervention as 'restorative' or again this will lead to an increase in the bureaucracy of the system and a requirement to complete ever more forms. ACPO is currently developing suggestions about restorative justice which will assist work in this area.
- 5.3.19 Finally, it is worth noting that to bring about the radical reform in the CJ system desired by both the service and Government at a time when investment opportunities will be few, requires the involvement of every agency; the Ministry of Justice, the Home Office and the Attorney General's Office to enable money to be invested in a better and more focused way. Nevertheless, the chance to reform is there and ACPO would urge Government to embrace the opportunity that is presented.

5.4 REMOVING UNNECESSARY PRESCRIPTION AROUND LOCAL PARTNERSHIPS

- 5.4.1 ACPO is pleased to see the Government recognises the importance of effective partnership working and the renewed commitment to doing so within tightening resources. We agree that whilst the partnership landscape is cluttered, we need to recognise this has developed as a result of efforts to work within a complex community safety environment. We contend that in a complex world we need the least possible amount of prescription regarding structure and process, and therefore welcome the Government intention to be less prescriptive and allow freedom to develop the partnership structures that work locally.
- 5.4.2 While the reduction in prescription is welcome, we believe there is also a place for ensuring that 'what works' is properly implemented. ACPO would wish to see a requirement that partnership working must be 'partnership with a purpose', evidence led by using all available data, and action-oriented with tangible and worthwhile outcomes. This should draw attention to three particular issues:
- In efforts to make savings, partners must ensure that they do not withdraw from joint initiatives that are crucial to managing public risk;
 - Conversely, partners must have the courage to stop doing things where the benefits are intangible or marginal or the costs outweigh the benefits; and
 - Partners must take every opportunity to achieve economies of scale across organisational boundaries, working jointly rather than duplicating effort.
- 5.4.3 ACPO also believes there is an opportunity for Community Safety Partnerships and Local Criminal Justice Boards to work together more effectively to implement Integrated Offender Management schemes that allow local partners to holistically manage offenders effectively (See also chapter 2).
- 5.4.4 Recent budget cuts have also hit existing voluntary groups hard, both directly through access to grants and funding, and indirectly as donations have fallen.³ Some recognition of the impact of

³ The Charity Commission "38% of charities surveyed said they had been hit by the credit crunch; the most recent figure has now risen to 52%. Of these, 58% have experienced a decrease in income." http://www.charity-commission.gov.uk/About_us/About_the_Commission/ccnews29.aspx#4

funding withdrawal on support for smaller charities is essential, if these valuable groups are not to disappear entirely.

Government should identify and eliminate barriers to third sector engagement with the public sector.

Chapter 6: The Welsh Perspective

6 INTRODUCTION

- 6.1.1 This Chapter represents the views of the four Chief Constables in Wales. It focuses on the policing landscape that has resulted from devolved government in Wales. Given the impact of devolution on policing arrangements, it was considered important that the forces in Wales have the opportunity to highlight relevant issues and make comment on the proposals in respect of their effectiveness on policing in Wales. **It is therefore written from the perspective of the four Chief Constables with geographic responsibility for Wales.**
- 6.1.2 Many aspects of the consultation document are welcomed and comments on the broader detail have been considered by those in ACPO who have been charged with developing the chapter responses. Our aim in this Chapter is to focus on those issues that are specific to policing in Wales and we have therefore avoided repeating issues which are applicable to both England and Wales. We are grateful to the Home Office for recognising, within the consultation paper, the impact of devolved government on policing and community safety in Wales. It reflects a willingness on the part of the Home Office at both Ministerial and official level, to listen to our views; the engagement we have had over the past year is greatly appreciated.
- 6.1.3 The stated purpose of the Home Office consultation document is to stimulate discussion and elicit views and we very much welcome this opportunity to inform the debate, through what we hope will be seen as a constructive approach. We agree that more efficient and effective service delivery should be at the heart of all we do and we also believe it important to build on good foundations, with a view to making them stronger.
- 6.1.4 In this Chapter our aim is to firstly articulate what is different about policing in Wales, secondly, to highlight areas in the consultation document which we believe are problematic and thirdly, to suggest what we believe to be a workable solution in Wales to some of those problem areas. We have accordingly structured this paper into three sections:
1. The policing context in Wales
 2. The implications of devolved policing
 3. Proposals for policing in Wales.

6.2 THE POLICING CONTEXT IN WALES

- 6.2.1 Local operational delivery supported and underpinned by wider partnerships is at the heart of policing in Wales. The following paragraphs consider some specific issues:

What is different about the partnership landscape in Wales?

- 6.2.2 Whilst policing is a non devolved function, the National Assembly for Wales and Welsh Assembly Government has devolved responsibility for our statutory community safety partners. In Wales there are currently 22 local authorities, 7 Health Boards, 3 NHS Trusts and 3 fire and rescue services all of which have a vital part to play in community safety terms. The WAG has developed and is developing policies which are quite distinct in comparison to those in England and a performance and monitoring regime, which our devolved partners are accountable to. In policing terms, partner priorities in Wales are often different from those in England. Community safety therefore straddles the devolved and non devolved partnership landscape and the influence of the Welsh Assembly Government on our devolved partners is as important as the CLG in England, including the ability to set a cap on the police precept that historically has had variations to those applied in England.
- 6.2.3 The fact that we have 22 local authorities and multiple health and education bodies has meant that the partnership landscape in Wales is complex and somewhat demanding in terms of time and resources required to service the many meetings considered necessary. The number of meetings even at a strategic level that a Police and Crime Commissioner would be expected to attend should not be underestimated.

Why is the relationship between forces, Police Authorities and the Welsh Assembly Government so positive?

- 6.2.4 The relationship the four police forces and the Police Authorities in Wales have developed with the Welsh Assembly Government is very positive and productive. As a result we are regarded as a key stakeholder in the development of policy and strategy. A good example, to illustrate this, is the invitation extended to ACPO Cymru to have a seat on the Welsh Assembly Government's Efficiency and Innovation Board, the prime strategic partnership Board in Wales, chaired by the First Minister. It has been agreed that the ACPO Cymru lead will represent both police and Police Authorities in Wales on this Board. The Welsh Assembly Government has also provided significant funding that has enabled collaboration in Wales in key areas, notably protective services e.g. Tarian and through the development of the All Wales School Liaison Core Programmed.
- 6.2.5 Our partnership with local authorities and community safety partnerships has helped ensure that communities in Wales are amongst the safest in Europe and we are seeing a general trend of falling crime and anti social behaviour. Whilst the development of the partnership landscape in Wales has been different from that in England, our good relations at both a strategic and tactical level has meant that we have been able to work collectively and quickly to develop practical responses to areas of concern. A good example of this joint working is the Memorandum of Understanding we developed and signed with the Society of Local Authority Chief Executives in Wales (Solace Wales) earlier this year with the objective of improving our approach to building communities. That MOU was signed up to by all 22 local authority chief executives, an outcome which was the first of its kind in the UK.
- 6.2.6 In developing our relations with partners a significant benefit has arisen from the fact that a high proportion of elected Police Authority members are senior members of their local authorities. That seniority of representation also reflects the importance of the police element of the precept to local authorities. The level of scrutiny of the policing precept in Wales by both local authority members and the Welsh Assembly Government should not be underestimated and has resulted in significant variations in police precepts in the four force areas.

How have forces and Authorities been able to take forward collaboration on an All Wales basis so effectively?

- 6.2.7 The collaborative approach we have taken in Wales has been widely praised and copied. We began in 2006 and through the support of the four police authorities and the innovative Police Authorities of Wales (PAW), a Section 106 Committee, we have developed an All Wales approach to improve our operational capacity and to make us more efficient and effective e.g. we were the first to establish a regional deputy chief constable post supported by a dedicated team to take forward collaboration, we have already implemented a single non emergency number (101) for the four police forces in Wales and we have also developed a single national policing plan for Wales. Our collaborative governance structure enables us to quickly respond to the Welsh Assembly Government on issues where a single policing response is appropriate. At a time of austerity and financial constraints our collaborative model is enabling economies of scale and efficiencies to be found across the four forces in addition to those found from within forces. It is vital that this approach continues.
- 6.2.8 Whilst the consultation report emphasises the importance of collaboration between forces, wider public sector collaboration also provides opportunities for improving efficiency and reducing costs. In Wales our very good relationships with local authorities is enabling this type of cross sector activity e.g., Gwent Police IT management services are delivered through a collaborative agreement with Torfaen County Borough Council.
- 6.2.9 The current collaborative approach through PAW provides a governance structure and accountability through the Deputy Chief Constable for Wales to an Executive Board, made up of the Chairs, Chief Executives and Treasurers of the Police Authorities and Chief Constables. Whilst the proposed creation of a National Crime Agency has many positive attributes, we would be concerned if existing resources which support level two activities were diverted elsewhere as Welsh forces, because of anticipated reductions in staff, will not in the future be able to make good any gaps in our level two response from within forces.

How are we tackling level two issues in Wales?

- 6.2.10 The devolved nature of many partnerships from a level two perspective is worthy of further comment. As part of our collaborative approach to Protective Services, the four Police Authorities and Chief Constables established TARIAN and the Wales Extremist and Counter Terrorism Unit (WECTU). These units reflect the fact that organised crime and terrorism require specific responses and they provide Welsh forces with a flexible level two capability and include key partners. Within Wales we have created a truly cohesive structure of Welsh forces assets and those of the centrally funded Counter Terrorism Intelligence Unit. Nationally, the CTIU element is vulnerable to the expected cuts and there does appear to be a lack of recognition of the innovation shown within Wales. Losing significant staff to the borders element of the NCA and cuts from the ACPO TAM budget would seriously impact on the viability of WECTU in the future. Returning to the previous position of four force Special Branches working independently would be considered a retrograde step. The OSCT recently stated “You are exemplars in Wales around counter terrorism structures”. In our view, the proposed NCA structures and governance of CT more generally, needs to acknowledge that the WAG is active and has been commended for their role, which secures the co-operation of many Welsh partners in a way which local/force-level and national/UK structures could never do.
- 6.2.11 Whilst the public report focuses on organised crime and terrorism, in Wales our collaborative structures also enable us to address wider cross border protective service demands in a flexible and effective way.

Are changes to the CJS landscape in Wales impacting on existing partnership structures?

6.2.12 Whilst the paper rightly identifies the importance of localism, it is vital that developments being pursued by partner agencies which impact on forces are also taken into account. For example, in Wales we currently have four Local Criminal Justice Boards. When they were established they were aligned to the CJS structure in Wales. However, over time many of our partners have moved to an All Wales structure which has meant that representation on individual LCJB's no longer includes the head of the agency and as a result some members lack the seniority to commit funding or resourcing at the table. In consequence, we are currently considering with our partners establishing a strategic All Wales Criminal Justice Board.

Are there special considerations in Wales in terms of democratic accountability?

6.2.13 A priority within the White Paper is to improve local accountability and engagement through an elected Police and Crime Commissioner (operationally we are actively pursuing the same aims through our neighbourhood policing teams). In this respect the geography and history of Wales is of relevance. Wales has an extraordinary richness in diversity, as exemplified in language and culture. Legacies from past migrations, particularly to the coalfield areas have left Wales with communities which are often quite distinct to those of the more rural areas and the Welsh language remains a passionate subject which unites some communities in parts of Wales. More recent migrants have added to the diversity particularly in coastal and industrial areas. Many of our communities have fierce local loyalties and some still do not recognise the more recent local authority boundary changes. Even elected officials for the relatively small political constituencies (when compared to the size of a force area) find it challenging to represent all the different interest groups within their areas. The proposal for a single elected PCC to be the representative of all the communities within a force is a very challenging one indeed in Wales, particularly for forces which are geographically large.

Summary – context in Wales

6.2.14 In conclusion, we would want to emphasise that the effectiveness of policing in Wales is enhanced and underpinned through our collaborative approach, which has also enabled us to build very strong links with the WAG, local authorities and other devolved bodies. Our relationship with local authorities has been assisted by having senior local authority members on our Police Authorities. When establishing an elected police and crime commissioner model, a key aim of which should be to enhance engagement and accountability with partners as well as the public, good relations with local authority members will be vital. In many ways, the success of a PCC will be dependent on how well he or she can integrate into the existing partnership landscape, which will probably remain unchanged in the near future. Barriers and obstacles that could impede good partnership relations should, we suggest, be avoided and should not be built into the model.

6.3 IMPLICATIONS OF DEVOLVED POLICING

The Need

6.3.1 For Wales, the fundamental question that has to be answered is, would the *Policing in the 21st Century* proposals lead to a better and improved service to our communities? That must be the test for each proposal.

- 6.3.2 Whilst much of the detail in relation to PCC's and PCP's are yet to be seen, we do question the necessity for change based on our experience across the four Welsh force areas. Our view is that the generalised criticisms levied against Police Authorities do not apply in Wales. Whilst the current model is not perfect, police Authorities in Wales do hold chief constables to account, they do have a good mix of elected and independent members that provide communities with visible and accountable representation and, as our collaborative initiatives show, they are committed to change and to improving quality of service. We do question whether the proposed changes will provide an improved service. In our view they will not.
- 6.3.3 Having said that, we also recognise and accept the Government's democratic mandate to introduce change and the aim of this and the next section is to work with the Home Office to help develop proposals in the consultation document.

Police and Crime Commissioners

- 6.3.4 Directly elected Police and Crime Commissioners are at the heart of the consultation paper but if the proposals are to achieve their stated aims then it will be important for the PCC model to be embraced by partners. A worst case scenario would be a PCC who faces obstacles and barriers from partners because of concerns related to the model itself.
- 6.3.5 We highlighted in Section 1, that both the Welsh Assembly Government and local authorities have a locus in the policing precept in Wales. The step of placing tax raising powers in the hands of a single individual is an issue which is creating great concern amongst our partners in Wales. The current economic climate is resulting in significant budget cuts across the public sector and because of the relative importance of the public sector to the economy of Wales, the cuts here will have greater social and economic consequences than in most parts of England. We are entering a period when taxation powers will come under even greater scrutiny and, as they stand, the current proposals carry the potential for creating unnecessary tensions with both the Welsh Assembly Government and our local authority partners.
- 6.3.6 The current corporate body approach to setting the policing precept, requiring the support of a majority of locally elected Police Authority members, who also have devolved government accountability through their local authorities, has the merit of a number of safeguards. Whilst Chief Constables sometimes receive a lower level of budget than they have requested, the counter side is that the decision brings with it political ownership which means that our local authority partners through their elected member, are accountable for our funding and cannot expect a level of service that has not been budgeted for.

Police and Crime Panels

- 6.3.7 The locally elected members of the new Police and Crime Panels (PCP) may well be the same individuals as those who sit on the Police Authority. Concerns over the precept issue will ensure it is the leader or a very senior elected member. They will therefore be experienced in both the policing and local authority worlds. The White Paper proposal to give them an advisory role in the budget setting and precept decision will, in the case of dispute, leave only one option open to them – a referendum. At a time of economic constraints that course of action, with the additional costs it will bring, is highly undesirable. A referendum would not only involve the additional costs of the process per se, but also additional billing costs. The delay could also impact on cash flow and service delivery. In our view, the current proposals would make referendums more rather than less likely. At a time when Welsh police forces are already losing police and civilian staff we would not want to see our finances worsened by any unnecessary further additional costs.

6.3.8 The stated aim of the PCC is to provide an individual who could better represent the public than existing Police Authorities. In Wales, the diversity of our communities and the culture of localism will make this objective extremely challenging and in our view it is unlikely that a single individual could do this. (We would argue that it weakens localism as currently Police Authorities have at least one councillor representative, whilst the PCP will likely be a much smaller body.) The role of the Police and Crime Panel will therefore have added significance. We support the mixture of locally elected and independent members on the PCP. Our experience of independent members is that they bring differing skills, experience and diversity that enhance the advisory and scrutiny capacity. However, if the PCP is to be a truly representative group then the role must be attractive to independent members who would want to be able to make a difference. The absence of power to go with their advisory function, compared to what currently occurs, is unlikely to be as attractive to independent members. It would be a retrograde step if the PCP was not able to attract a high quality and diverse membership.

Collaboration

6.3.9 As we highlighted earlier in this Chapter, Wales is at the forefront of collaboration and our Police Authorities have enabled this to occur. They have taken strategic decisions and co-ordinated the process on an All Wales basis through an appropriate governance structure, the Police Authorities of Wales. We are concerned that by focusing the relative success or failure of a PCC on the electorate, then their focus will be on committing resources to achieve purely local outcomes. In making this point we would also highlight the role of the CONTEST board for Wales, jointly chaired by WAG and the police. PAW is also represented on the CONTEST Board and this again helps with oversight and has been recognised as good practice. It is a strong multi agency group working well at a strategic level, and the four PCC's would need to be linked into this arrangement.

6.3.10 Whilst a duty could be placed on a PCC to collaborate, there is always the potential for this to be overcome through tokenism. There is also the potential for tensions to be created between Chief Constables and PCC's if the collaborative agenda is downgraded in Wales. As we highlighted earlier, we are looking to drive out efficiencies and savings from across the four Welsh forces as well as from within those forces. We believe it would be advantageous in Wales to have an effective governance structure for collaboration and we will now go on to outline a proposal.

6.4 PROPOSALS FOR THE FUTURE OF POLICING IN WALES

6.4.1 The current generic model for the Police and Crime Commissioner does not take account of the complexities of the partnership landscape in Wales. The PCC role as outlined in the White Paper is focused on a police force area and there is a real need for an overarching collaboration structure that would incentivise the four Welsh PCCs to think and operate strategically on an All Wales basis. The Police Authorities of Wales governance structure has proven to be a partnership enabler by focusing on the cumulative benefits that joint working can bring.

A Policing Board for Wales

6.4.2 Our proposal is to create a new body to champion and drive forward collaboration on an all Wales basis - a Policing Board for Wales. At this stage our proposal is in outline form and we include some of the questions that would need careful consideration in developing this option. We feel that it would build on the existing collaborative framework that is working so well for communities in Wales and take it to a new and improved level.

- 6.4.3 The four PCCs, the four PCPs and the four Chief Constables would be core members of the proposed Board. The Board would be a co-ordinating body and partnership enabler operating at a strategic level and would not impact on the specific roles or responsibilities of directly elected PCC's within their respective force areas. Neither would the Board interfere with the operational independence of a chief constable. The above membership would replicate the existing PAW.
- 6.4.4 We see now an opportunity to capture the spirit of the reform agenda and to be constructive and progressive in taking forward collaboration. We envisage great benefits in inviting a representative of the Welsh Assembly Government to the Police Board. In making this proposal we are conscious of constitutional dynamics and there would clearly be a need to work through the detail carefully. However, WAG representation would enable much closer collaborative and partnership engagement across the devolved spectrum and provide even closer links between policing and our community safety partners. Whilst, it would be a matter for the WAG as to who might be the representative it could prove sufficiently attractive to warrant very senior civil service or even Ministerial attendance.
- 6.4.5 A further option would be to broaden the Policing Board even further to include representation from across the Criminal Justice System in Wales– the courts and CPS.
- 6.4.6 The wider representation would enable even closer partnership working and wider opportunities to achieve joint savings and efficiencies and in addition would potentially allow us to remove a number of existing partnership structures.
- 6.4.7 We see this proposal as attractive and if it receives support we would be very happy to work up a more detailed proposal.

Police and Crime Panels

- 6.4.8 Whilst we accept that the Government is averse to retaining Police Authorities, if we are to improve service delivery then in creating PCP's we must not lose sight of the many positive aspects our Authorities currently provide. This is particularly important in Wales because of the 22, relatively small, local authority structure we have which makes for a complex partnership landscape with many tiers.
- 6.4.9 The current mix of elected and independent members ensures representation in every local authority area. It means that there is a democratic level of accountability and a means of engaging through local authority mechanism with our communities. We do see this as very important as for reasons we have set out in this paper, we do not consider that a single PCC will be able to represent our many diverse communities.
- 6.4.10 We believe the proposals in the public consultation report would put too much power in the hands of a single individual. Proper scrutiny powers for the PCP are needed so as to provide the checks and balances so important to genuine democratic accountability.

6.5 CONCLUSION

- 6.5.1 The Report of the All Wales Convention⁴ included the following, '*many aspects of police work touch on devolved areas which fall within the Welsh Assembly Government's responsibilities, particularly:*

⁴ The Welsh Assembly Government set up an independent body known as the All Wales Convention to assess public views on the primary law making powers which the National Assembly for Wales should enjoy.

crime reduction; youth crime and anti social behaviour; domestic violence; arrangements for mentally disordered offenders and their social supervisors; the development and implementation of strategies against substance misuse; and transport and roads policy. Further, the key partners of the police in the wider policing world, such as local government and health, are devolved; and crucially, operating in the Welsh Language is often a vital every day requirement. So the particular challenge for the police in Wales is how a non-devolved service operates in a largely devolved environment, but yet enjoys coherence of strategy, accountability and funding’.

6.5.2 The context for policing in Wales is therefore unique and has been independently recognised as such. Our communities have benefited and are benefitting from the well developed relations we have with our partners across the sectors. The relatively small size of Wales brings many advantages and allows us to develop initiatives with partners in a way that could not be replicated elsewhere. We believe the partnership landscape in Wales should be recognised and we hope that we have made that case.

6.5.3 It would be a tragedy if our existing relations with partners and the benefits they bring to our communities were reduced through an approach that is focused on achieving consistency across England and Wales rather than need.

Chapter 7: Consultation questions

Chapter 2

Q1	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?
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ACPO welcomes the firm commitment to operational independence and expects to be held vigorously to account for the quality of that policing.

However, we are concerned that there remains real potential for operational independence to be undermined, damaged or lost inadvertently if the detail of the proposals is not very carefully constructed.

Our suggestions laid out in more detail in Chapter 2 include:

- Using the 1996 Act, as amended, as the basis for defining the role of Chief Constables and PCCs (making the publication of the LPP a joint responsibility, making clear the force is under the ‘direction and control’ of the Chief Constable etc).

In its report published in November 2009 it commented on present constitutional arrangements and the achievements of devolution to date. <http://allwalesconvention.org/getinformed/thereport/thereport/?lang=en>

- ACPO has doubts whether arrangements based simply on the current legislation and common law will be robust enough. We suggest that they may need supplementing by a code that describes in detail the standard model relationship.
- Given the tendency for local political debate to focus on that which is visible to the public at a very local level, ACPO agrees with the proposals which suggest that these duties will need to be explicit in legislation reinforced through national scrutiny.
- Clear protections need also to be in place in respect of the need for Chief Constables to deliver national commitments which may be in conflict with the local manifesto of the Police and Crime Commissioner.
- We support the changes in the appointment of Assistant Chief Constables/Commanders and Deputy Chief Constables/Deputy Assistant Commissioners and Assistant Commissioners and recommend that Chief Constables/Commissioners are given full responsibilities for managing people, resources and assets rather than perpetuate the bureaucratic approach shared with PAs at present. Chief Constables/Commissioners should be vigorously held to account for outcomes but given the flexibility to make decisions rather than having to seek approval at every stage.
- We suggest that there remain strong safeguards both on the appointment of only qualified individuals as Chief Constables and to ensure dismissal is only permitted following substantial protracted failure to deliver.
- ACPO recommends that candidature for PCCs is preceded by a vetting check, consistent with that applied to officers and staff as an eligibility criterion. Failure to do this will prevent the exchange of information – which Police and Crime Commissioners will need to effectively undertake their role - and may in turn impede the working relationship and undermine public confidence.
- ACPO understands that the HMIC is extracting from the recent inspections of Police Authorities some principles of good governance and these should be considered in legislating for the new arrangements.
- Whilst the proposal is not fully developed in the consultation document, ACPO has real doubts as to whether the current PCP proposal is workable. ACPO strongly supports the need for checks and balances on the PCC and recognises that that is a key role of the PCP. However, we see several factors that could make the proposal impracticable including what will become a double accountability it seems highly unlikely that the Chief Constable can be kept out of the PCP scrutiny. As local politicians the PCP will be acutely aware of policing issues across the area and probably in more detail on some than the PCC. Furthermore, it seems likely that in many areas, especially larger forces, there may often be a politician from one party as PCC and a Panel dominated by councillors from another. Such a situation would generate healthy debate, however, ACPO is concerned that if this did occur there could be obstructions when tackling issues such as budgets or policing priorities. Most importantly, having two accountability bodies can only increase cost and bureaucracy. It seems to ACPO that the critical issue on workability will be whether those involved in local arrangements see themselves as having a shared responsibility for policing above political differences and for the Chief Constable to report in one direction alone. It would perhaps be possible to bring the PCC and PCP together with the PCC as chair. It appears that Government's objectives may be achieved if some powers were to sit solely with the PCC, open to PCP scrutiny and others were to be shared. Such an approach may help mitigate the risks above.
- We suggest a full costing of the new model at the earliest opportunity that takes account of issues such as election and referenda costs and well as any support that may be required for PCCs and PCPs.

- It appears that the proposals give PCCs less power for raising precepts than PAs currently have. This appears to work against the stated agenda. The proposals involving the PCPs and referenda would seem to make it very difficult to increase precept regardless of the case to be made.

Q2	What could be done to ensure that candidates for Commissioner come from a wide range of backgrounds, including from party political and independent standpoints?
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ACPO does not consider that this is a question for it to answer.

Q3	How should Commissioners best work with the wider criminal justice and community safety partners who deliver the broad range of service that keep communities safe?
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ACPO supports a wider role for PCCs within the criminal justice system but there is a need to ensure that PCCs are not spread too thinly. However, currently for the CJS there is no real local accountability as the Crown Prosecution Service, Her Majesty’s Courts Service and the National Offender Management Service are, to a large degree, national organisations running central policies. PCCs could provide an opportunity to fundamentally change the accountability of not only the police but also the CJS. ACPO would support this if those bodies were freed from current national structures and if the cost of the CJS could be locally devolved so that the local CJS shares the costs or the benefits of more expensive / efficient local approaches. However, the scale and complexity of such a challenge should not be underestimated, indeed it may be considered that criminal justice should be nationally consistent rather than have local insight.

The link with community safety is important but over-extending the role would be a risk. It is noted that local authorities already have some democratic oversight of this objective and therefore the key issue is creating a practical working relationship between the PCC and local authorities. This is perhaps achievable with the simpler partnership framework suggested in Chapter 5 of Policing in the 21st Century.

However, ACPO agrees with the aim of a constructive link to local authorities and given the scale of the role (especially if covering the CJS) suggest that the PCP could be constructed with some members from local authorities who have key ex-officio responsibilities for community safety.

Q4	How should Commissioners best engage with their communities – individuals, businesses, and voluntary organisations – at the neighbourhood level?
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This would seem to be an enormous challenge especially in some larger forces where the area covered is greater than that covered by ten MPs. Moreover, complexity and the challenges that this brings will stem from more than one source; not only will the size of a force play a part but equally other factors, such as, the diversity of the communities it represents. It therefore seems clear that the PCC will require considerable assistance both from the force and the PCP unless he/she has a sizeable staff which would inflate costs.

Forces already engage in a variety of local engagements including neighbourhood meetings and police surgeries. The feedback from these and other engagement, and survey work done by forces to identify local concerns, will provide a valuable information feed to PCCs.

However, a PCC will need ways to engage that are independent of the force. This is a further reason for the PCP to be created with:

- Members from local authorities with ex officio responsibilities for community safety
- Shared responsibilities with the PCC rather than simply scrutiny.

Q5	How can the Commissioners and the greater transparency of local information drive improvements in the most deprived and least safe neighbourhoods in their areas?
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We do not believe that the new arrangements will necessarily drive additional improvements in the most deprived neighbourhoods beyond the focus already in place in forces. Whether there is more or less commitment to these areas will depend on the political mandate of the PCC.

In terms of the least safe areas, forces already prioritise operational activity in such areas so the only ways we can envisage a PCC making a substantial impact would be through either, agreeing plans which tip the strategy further in such directions, generating additional resources through precept, or using political leverage to increase partnership commitment to such areas. All these tools are open to Police Authorities and we see no reason that the PCC will be more capable in this respect that the PAs are now.

Q6	What information would help the public make judgments about their force and Commissioner, including the level of detail and comparability with other areas?
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The critical issues in relation to these points are dealt with more fully in the response to Chapter 3. To enable comparative performance to be undertaken some local measurements need to be consistent nationally whilst others need to reflect local concerns and issues. However the prime focus of public information should be the local policing plan and success against it. Otherwise, the PCC and CC are being judged on a national indicator set rather than the local plan which identifies what the key local priorities are.

Nationally, a short list of key indicators of public concern would probably include at least burglary and serious public place violence. What is key is that the performance regimes that are introduced should not be lengthy, cumbersome or bureaucratic. HMIC should ensure the consistency and format of the data e.g. at ward level. If data is presented inappropriately, it will inevitably lead to league tables and “back door” targets that may skew activity.

Put briefly, the majority of local information should be:

- Based around LPPs in order that the public understand the agreed focus for the force
- Supported by a minimum of national benchmarking data focused on high profile crime types and the quality of local service
- National fitness assessments of protective services and interoperability
- National information on value for money.

The approach of recent years has been to almost ignore LPPs and the use of national league tables, targets and judgments has set a ‘one-approach fits all’ presentation of policing issues.

ACPO is very supportive of increased data provision to the public and most forces already produce data and crime-maps but workload might be an issue in a time of reducing resources. We would stress however the fundamental need to put the LPP at the centre of public information.

Chapter 3

Q7	Locally, what are examples of unnecessary bureaucracy within police forces and how can the Service get rid of this?
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ACPO has a well developed agenda to address the so-called ‘super out-putters’ of bureaucracy which is outlined in Chapter 3 of this report and clustered around six areas. Parallel work is being undertaken by ACPO alongside HMIC. A full report is being prepared which will provide some additional detail and attempt to quantify the potential efficiency gain available. This work must now be developed into a formal programme and its delivery will be strengthened by the new context provided by democratic accountability.

ACPO would point to the scope and scale of the challenge and emphasise that, while some areas can be tackled through ACPO leadership, others will demand the concerted action of partners or direct input from Government.

Q8	How should forces ensure that information that local people feel is important is made available without creating a burdensome data recording process?
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ACPO recognises the potential conflict between the desire to maximise the amount of information available and the bureaucratic cost of servicing this demand. It fully supports the notion of an engaged and ‘intelligent’ customer for policing services. The well rehearsed caveats to this position involve the ability to anonymise key information and to avoid even internet based data creating a bemused public and an unacceptable work load for the police. It is possible to provide information on three basic levels:

1. Local information made easily accessible, including recent and historical crime data for local priorities and ‘you said, we did’ reports back to the community on the actions that have been taken to meet community concerns.
2. Force priorities - as identified and agreed with the PCC through the local policing plan.
3. A small number of measures published locally to a national standard to support some level of force comparison.

ACPO would pose two further considerations. Firstly, how does the increased availability of this local data support the citizen gaining a balanced view of policing priorities? ACPO would wish to explore the more systematic availability of information about protective services and national policing priorities to reinforce in the public’s mind the notion of the ‘golden thread’ described in the report.

The second issue concerns context and interpretation. ACPO recognises the need for an open information channel with the public and would not seek to mitigate that relationship through layers of bureaucratic interpretation. Nevertheless, there are concerns that ‘dumping’ data on the public, far from informing, may cause unnecessary concerns or frustration.

ACPO contends that comparison with self, over time is the most illuminating use of data. It is understood, however, that there is a desire for force level comparison. Indeed, it must be recognised that any data produced has the ability to invite ‘amateur league tabling’. ACPO is attracted by the American ‘Uniform Crime Reporting’ (UCR) approach which focuses national attention on a short list of serious or iconic crimes. We also need to come to a more informed conclusion about ‘Most Similar Groups’ (MSG) as an interpretive tool. Is this the most indicative measure of relative safety and good performance or should the focus be more on local outcomes over time?

ACPO seeks further engagement on this important issue.

Q9	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?
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There is a need for more clarity in the proposed changes to the role of the HMIC. To be effective in reducing burdens and avoiding de-facto targets, they need to adopt an approach that is much more risk-based and proportionate. It appears that lack of resources has been forcing them to carry out too many ‘desk-based’ inspections and to reduce the number of personal contacts with staff and stakeholders. Forces are also often expected to comply with ‘best practice’ taken from areas where local circumstances may be very different.

It is acknowledged that HMIC has a critical role to play in this landscape. The shape of that role will be determined as much as anything by resource availability. ACPO urges HMIC to adopt a work programme that can be delivered to time and to a high quality within an anticipated context of reducing resource.

The onset of democratic accountability renders the notion of HMIC as a ‘fierce advocate of the public interest’ with an emphasis on intervention untenable. Instead, ACPO would support the HMIC role as being focused on ensuring the validity of the Local Policing Plan agreed between the Chief Constable and the Police and Crime Commissioner. Indeed, some HMIC involvement would be required to make this process and the resulting document truly tripartite. Validation of the plan would involve ensuring that it was generally appropriate and sufficiently ambitious, reassuring that the data supporting it was meaningful and that the focus of the plan did not exclude issues of harm and risk beyond local policing. Ideally, this important local role would still allow some oversight of national policing structures and the delivery of an agenda of thematic inspections prioritised by threats of harm and risk.

Q10	How can ACPO change the culture of the police service to move away from compliance with detailed guidance to the use of professional judgment within a clear framework based around outcomes?
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The debate surrounding police doctrine is a symptom of a much larger issue; that is the degree to which complexity of mission and organisational response has made affordable delivery impossible. Behind the much quoted data on police availability is a picture of specialist functions and ‘gold plated’ support arrangements. It would be a gross simplification to see all specialism as ‘bad’ but an important part of the effort to cut bureaucracy is the need for simplicity in what policing is aiming to achieve and how it is organised to deliver. ACPO believes that there should be clarity amongst police stakeholders and the wider public that operational officers cannot be trained and equipped to be ‘experts’ in everything from medical care to multi-culturalism and from matrimonial relationships to mental health assessments. We should all celebrate the omni-competence of operational officers whilst recognising the limitations that generalism presents.

Removing bureaucratic accountability requires changes to police culture, a shift in the attitude of the public and key regulators but also presents challenges to police leadership. Police leaders must become more entrepreneurial, less risk averse and take seriously the responsibility of creating an environment which enables and encourages staff to use their professional judgment. Formal leadership training, through its Professional Reference Group, is seeking to ensure that these challenges are reflected in key leadership programmes.

The most potent factor in preventing the development of less bureaucratic policy has been the lingering presence of a regime driven by central targets and built on threats of intervention. At their worst central targets discouraged sophistication and flexibility, rewarded some perverse behaviour and limited the use of professional judgment. They are also clearly inconsistent with the proposed role of the Police and Crime Commissioner.

Q11	How can we share knowledge about policing techniques that cut crime without creating endless guidance?
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A review of doctrine within the police service is at an advanced stage. The proposal is to focus on the core principles contained within the National Decision Making Model rather than a host of specific guidance. The production of specialist guidance in written form has ceased with officers being directed towards the Police On-Line Knowledge Area (POLKA).

Even the production of new guidance in this form will be assessed against principles of impact and affordability. A clear balance needs to be struck between the need for immediate access to operational knowledge and information and prescriptive practitioners that add a cost and bureaucratic burden.

Business process re-engineering undoubtedly offers one of the best means for securing continuous efficiency but support and consultancy for Forces needs to be affordable and results gained locally must be made available to others much more quickly.

Chapter 4

Q12	What policing functions should be delivered between forces acting collaboratively?
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Paragraph 4.9 of the Government’s paper states “the public want to know that crime and ASB is being dealt with in their neighbourhoods and that the police are there for them when they need them”. This is a reasonable definition of a local policing service that cannot be shared or collaborated on. As a principle, functions to be delivered collaboratively would be those where capacity, capability and value for money can be achieved without compromising these local policing services.

Where resources are not required on a day to day basis but are called upon as and when required to meet exceptional circumstances, these operational services may be delivered collaboratively (eg: mounted branch, underwater search, HOLMES teams etc). In particular, high cost, specialist, functions lend themselves to regional, or even national, delivery arrangements.

Additionally, there are some functions that are “back office” and therefore have little impact on local delivery. They are things that all Police Forces will need to provide (eg: pay roll, facilities management, scientific support), but which are not a part of the core local delivery. Where these back office functions can be provided at less cost through economies of scale, then collaboration is an option.

Q13	What are the principal obstacles to collaboration between forces or with other partners and how can they be addressed?
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Some obstacles have been overcome by existing collaborative arrangements. These obstacles include:

- Sovereignty and the overwhelming accountability for providing local services
- Governance beyond the local
- Differential terms and conditions of staff and complex legal framework covering employment and risk

Even where these fundamental issues have been addressed and overcome there remain significant barriers to progress. Forces are of varying sizes and have: different priorities; different levels of sunk investment in capability and technology; differential impact; real and perceived, on staff and closeness of services to point of delivery.

Where collaboration has overcome these significant barriers there have been two features of success:

1. A top down determination of the nature and scope of the service to be delivered through collaboration
2. An incentivised path towards achieving the new arrangements.

Incentivisation over the next few years may not involve new money but might involve a greater degree of central direction over the funds that are available in order to achieve the desired efficiencies.

Furthermore the idea of a National Policing Plan, referred to in ACPO’s response to this Chapter, will be a useful instrument in addressing obstacles to collaboration.

Q14	Are there functions which need greater national co-ordination or which would make sense to organize and run nationally (while still being delivered locally)?
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It is suggested that the two criteria that drive the decision to collaborate – economies of scale and the relative frequency of need – should be applied to questions of national co-ordination. Where there are expensive commodities that can be shared amongst Forces (e.g.: air support, witness protection services etc) or where significant economies of scale can be achieved through national arrangements, over and above those economies achievable by a number of Forces collaborating (e.g.: back office services, and ICT) then they should be directed and co-ordinated at a national level.

It is, in ACPO’s view, likely to be more difficult to organise functions on a national basis without a national delivery framework. Bottom-up collaboration will struggle in the face of a lack of opportunity to invest for future savings in a difficult budgetary climate. Police Authorities, which may be replaced, are unlikely to support a shift of resources towards the national. The proposals for Police and Crime Commissioners increase the pull towards the local and will create barriers to bottom-up progress around national co-

ordination. A separate framework is required. Two models are considered in ACPO’s response to this consultation paper.

It is recommended that we shift the focus from national procurement to national purchasing. What we have at present means individual procurement through a central contract. ACPO wish to move to a central purchasing agreement in order to achieve savings for the greater good.

Q15	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?
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Individual forces already have many services provided by the private sector. For example, pay roll, communications, medical examiners and facilities management. There is a well established relationship between the private sector and individual forces.

Whilst there are several examples, therefore, of individual forces achieving benefit in private sector collaboration or outsourcing, ACPO believes that this benefit increases in direct proportion to the number of Forces that are party to such arrangements. Because individual Forces have different legacies and different priorities it is difficult for the private sector to gain leverage and deliver significant savings by delivering bespoke proposals for each individual Force. ACPO contends that private sector expertise might be directed centrally by way of mandation. Clearly, however, ACPO would wish to approach such a significant step with caution and adequate consultation. There is work to be done in reconciling business processes amongst individual forces before offering those processes to the private sector which might profit from that reconciliation work that is needed.

At times of financial constraint in public sector budgets, there is an opportunity to take advantage of private sector capital as well as expertise. An ‘invest to save’ opportunity may present itself from working with that capital to achieve greater efficiencies. There is danger, however, in central arrangements, around the creation of a monopoly supplier. There would be concerns about resilience if there were to be a reliance on one supplier.

ACPO also notes that the public sector has barriers to entry for private service providers. Procurement rules and TUPE are issues that confront any merger and acquisition but, for some reason, the private sector seems to hit more obstacles whenever a public authority is involved.

Q16	Alongside, its focus on organized 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?
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ACPO is very clear that a focus on organised crime and border security requires an agency with an operational law enforcement culture. It is quite sufficient to expect that a National Crime Agency would deliver that co-ordination of intelligence and response. There are some national intelligence functions that do make sense as part of the National Crime Agency. For example, the National Fraud Intelligence Bureau (NFIB), the National Ballistics Intelligence Service (NABIS) and the UK Human Trafficking Centre (UKHTC), and similar national functions would have coherence and synergy with a National Crime Agency.

The idea of brigading non-operational services under a National Crime Agency is flawed. There is no cohesion in structural, cultural or capability terms. National policy and support functions should be

undertaken by ACPO; Lead Forces; or a new national body created to specifically provide support in particular services.

Q17	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?
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ACPO believes the building blocks are in place for the development of future police leaders through the National Police Leadership Strategy previously approved by the National Policing Board. We do not recognize that there is either inefficiency, or deficiency, in the pool that is available for the future leadership of the Service. The proposed new role for ACPO will allow the Association to take a stronger role in setting national standards in the key leadership functions and commissioning courses and other development activities. The new training programme for Superintendents at Bramshill has received highly favourable feedback and is supported by further enhancement of the Strategic Command Course and the provision of executive level development for chief officers.

ACPO will need to take responsibility for national talent management to ensure staff with clear potential for the most senior positions, are identified at an early stage and get the best balance of operational experience, secondments and other opportunities. Bramshill has now put in place a model where credible police leaders see inputting on courses as a key part of their own development so that we have the best people training the leaders of the future. The creation of ACPO as a professional institute would very much support this model and allow stronger links with academic institutions, international colleagues and other professions. It would of itself create a more evidence based approach to policing and a strengthening of the professional status of police leaders very much to the benefit of the public we serve.

Talented people need to reach the senior positions at an early stage in their service but ambitious individuals must also appreciate the expectation that they will need to move forces to gain the full range of experience. The current freeze on promotions in most forces is a threat to the development process but the High Potential Development Scheme does allow officers on the scheme to be promoted as supernumerary. Evidence of recent intakes to the SCC show that there are outstanding officers coming forward and it is crucial that this momentum is maintained.

It is important that development opportunities include working and training with other sectors and the opportunity to obtain mainstream qualifications including through external providers. All of the above also applies to police staff positions and the skills and experience of police chief officers needs to be complemented by police staff chief officers in executive teams.

Q18	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?
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ACPO do not recognise the proposition, that lies behind this question, that there is a crisis of police leadership around business skills. There is ample evidence of police leadership dealing with not only operational challenges but also with organisational change and re-engineering. The development of "business skills" has been strengthened in both the Independent Commanders' Course and Strategic Command Courses at Bramshill. At the same time it is inevitable that every middle or senior manager in the police service is having to learn quickly the realities of managing in a time of uncertainty where the need to deliver more for less is paramount, with all the complex and sensitive people issues this entails. As the

reforms proposed by the Coalition take effect it will be important that ACPO in consultation with Police and Crime Commissioners and the Home Office agree standards for the business skills required of middle and senior managers supported by training and assessment and accreditation regimes.

It is critical that police leaders throughout their career are trained and assessed against mainstream standards which recognise the realities of the size and complexity of budgets and projects that police leaders are held accountable for but also that they are supported by professionals with particular expertise in finance, human resources and other business disciplines.

All the evidence of recent years is that if inspection and performance regimes focus on the right things in this case value for money, benefit realisation and resource usage then police leaders will produce against those standards. The creation of a performance regime with a strong basis in process improvement and sophisticated measures of productivity is the best way to rapidly increase the capability within the police service.

Chapter 5

Q19	What more can the government do to support the public to take a more active role in keeping neighbourhoods safe?
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ACPO would welcome an increase in personal responsibility from the public to assist in tackling crime and the damage caused by crime, and recent Government commitments to promote people getting involved in keeping their neighbourhoods safe are supported. ACPO would like to see the Government both acknowledging current engagement activities happening (Neighbourhood and other Watch schemes, Street Patrols, Special Constables), and providing more encouragement through incentivisation schemes. ACPO recognises that whilst, there needs to be a degree of realism that many people simply do not want to be engaged with, let alone become, active participants, there is more that can be done to actively progress the Big Society philosophy in a community safety context.

Huge strides have already been made in relation to police understanding and responding to local needs/expectations through initiatives like ‘Neighbourhood Policing’ and through Community Safety Partnerships. It is however essential that the government support organisations across the public sector to work together to ensure that the interests and priorities of the public are central, and customer participation is built into service design. This is particularly important as funding streams reduce.

Neighbourhood and Victim Support have a major role in *“enabling and encouraging people to get involved and mobilising neighbourhood activists”*. In order for them to be encouraged to take on a greater role in the Big Society, ACPO would like to see the creation of a publicly funded infrastructure to support them locally and nationally. At a local level people will have more confidence in keeping their neighbourhoods safe if offenders are brought to appropriate visible justice and if those who come forward as witnesses are given sufficient support. People will not come forward if they are concerned about reprisals either from the offender or lack of support from the criminal justice system itself. There are particular concerns around how much people feel they will be penalised by the law for intervening, and clarity for the public will have a big impact on public willingness to become involved.

Recent budget cuts have also hit existing voluntary groups hard, both directly through access to grants and funding, and indirectly as donations have fallen. Some recognition of the impact of funding withdrawal on support for smaller charities is essential, if these valuable groups are not to disappear entirely. ACPO is not

convinced however that ‘compact’ arrangements, between community partnerships and the community, have been beneficial in helping forces work effectively with the voluntary sector as they have proven to be a bureaucratic and unwieldy. We would like to see the compact redesigned in order to facilitate better understanding and cooperation between forces and Volunteer Community Services.

Q20	How can the government encourage more people to volunteer (including as special constables) and provide necessary incentives to encourage them to stay?
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There are two elements that are key to achieving greater public involvement. Firstly, there needs to be the opportunity, and secondly there needs to be the incentive to join and stay.

Opportunity

The Big Society concept makes volunteering more overtly important – there are opportunities to build upon existing volunteer groups such as street pastors, specials, neighbourhood watch etc. with appropriate enhanced local and national support.

Currently, the public do not know how to get involved in community life and therefore largely abstain from it. When they do volunteer, there needs to be a conversation about a clearly defined role and clarity on the tasks they are required to perform and the outcomes they should be achieving. Volunteers often have misconceptions as to what they can do and what we can reasonably expect them to do. If members of a community could become part of a Neighbourhood Alliance, with defined roles and responsibilities within it, then more people would come forward and play a part in the life of the community.

Further opening up of policing to the public will demystify the organisation and allow many more opportunities for volunteering. For example, PSNI bring the public into operational planning events, and allow access to control rooms during major operations to experience the challenges of real time decision making. Bringing the public into the policing world – for community appointments, for ethical advice, for service design and wherever else is appropriate – will allow better relationships, better understanding of policing and increased engagement between police and public.

Increasing Special Constabulary numbers does bear a cost (marketing, recruitment, vetting, training, uniform, equipment etc). Government investment of specific Special Constabulary funding over the last six years, alongside increased focus within the police service has seen numbers rise from 11,000 to 15,500. Consideration of the required funding and supporting national infrastructure is important in achieving and sustaining volunteering within the police service.

Incentives

There needs to be an innovative reward and recognition scheme dependant on individual need – noting that many volunteers actually want no financial reward, just recognition of the part they are playing in civic society and a feeling of making a difference. This could include volunteer awards, such as certificates and citations or civic medals, a Council Tax rebate for Civic Society work, or increase in benefits or allowance for such work.

Recent research into volunteering generally shows that the skill of the volunteers’ managers’ has a significant impact on a volunteer’s experience and willingness to contribute/stay. Enhancing the volunteer management skills within the police service would ensure the time given by individuals is well used and felt to be well used by their community, by their employer, the police service and by the individual themselves. This could also include consideration of the duties being undertaken by Special Constables, recognising their contribution to neighbourhood policing and the development and retention of specialist postings.

Training volunteers in the notion of Civic Society and offering a mentor and further development would be popular with some. A voluntary career in Civic Society could be created, linked to some form of formal accreditation or qualification such as the current NVQ in Public Services.

Encouraging employers to recognise citizen contribution to public safety and service, through a system of nationally recognised references in support of voluntary service, or consideration of tax incentives pro rata for service given would assist. Existing schemes such as ‘Employer Supported Policing’ should be widely advertised. Under this scheme, businesses allow their staff who are special constables to have paid periods of time-off to allow them undertake their special constable duties.

Q21	What more can central government do to make the criminal justice system more efficient?
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The Criminal Justice System is made up of a number of different agencies, Police, CPS, HM Court Service, Probation, Youth Offending Service and Prisons. In a simple linear process, as cases progress from investigations to post sentence offender management, processes within the different agencies overlap and numerous exchanges occur. Each handover introduces inefficiency to the system. While this is so in this linear process, further complexity to the processes, through the management of those considered a risk pre offending and individuals frequently being engaged at more than one stage of the criminal justice system, adds further inefficiencies.

To increase the efficiency of the system, Government can work with the relevant agencies to reduce the number of handovers and ‘junctions’ within the processes and where these remain in place to work towards the overall goal of making these as seamless as possible through the development of like processes at the point of handover.

ACPO is pleased at the recent developments to return charging decisions to the police and would welcome an extension of this for all but the most serious offences.

Electronic case files provide an excellent opportunity to smooth out inefficiencies in handover cases between agencies. There needs to be one national system, not many different locally created processes and progress towards this should be accelerated.

Targets and the measurement of performance can direct the focus working practices and Government should ensure that measures/targets for each Criminal Justice agency are complementary rather than working against each other.

The current fiscal situation is causing all agencies to review their expenditure and all will be making tough choices on where to spend less. There is a risk that when one agency makes significant change to their business due to budgetary cuts, an equivalent or indeed, greater spending increase may be caused within another agency. When considering how to apportion budget cuts, Government should consider the collective impact for all agencies within the criminal justice system.

Case Management and streamlined process have been very effective in Magistrates’ Courts, and should to be adopted by Crown Courts on a proportionate basis. There is no benefit in building a full evidential file when a defendant has pleaded guilty at the first occasion. Continuity evidence, whilst important, can be referred to without full statements being required.

In London the Integrated Prosecution Teams which have co-located Police Criminal Justice Units and CPS Units removed duplication and have introduced a single file which has produced significant cashable and non-cashable savings. Consideration should be given to implementing this nationally and identifying the

opportunities for HMCS to share administration. This will improve communication flows and ensure all agencies are aware of how a case is progressing in the CJ system.

Many cases end up at the Crown Court which could be dealt with in the Magistrates’ Court – either by the defendant electing or by the Magistrates sending the cases. This creates an overloading for the Crown Courts and results in severe delays for trial timeliness which impacts on victims and witnesses. In addition the cost of a Crown Court trial is significantly higher than a Magistrates’ trial.

We need to clarify and extend Magistrates’ sentencing powers so that more cases are dealt with in the Magistrates’ Court. We also need to look at re-classifying certain offence types so that instead of being triable either way they are summary only and have to be dealt with in the Magistrates’ Court. Examples of these offences could be Theft Shoplifting under £5000 and Actual Bodily Harm.

In addition we need to further incentivise the early guilty plea tariff. Presently this applies on a sliding scale from first appearance at court through to plea at trial. This needs to be extended to receive the maximum guilty plea tariff when a plea is indicated in custody suites and then applied on a sliding scale thereafter.

Finally, technological developments, e.g. Virtual Court and IT that supports a single case file, present real opportunities for change as evidenced in Chapter 5 of this report.

Q22	What prescriptions from government get in the way of effective local partnership working?
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The level of regulation surrounding Community Safety Partnerships is a blocker to delivering effective local partnership working. A reduction of these regulations, while retaining positive areas such as the “Hallmarks” and combining the core elements of Community Safety Partnerships, Stronger and Safer Partnerships and Local Criminal Justice Boards would allow communities to thrive and develop their own agendas and local target setting.

The lower level targets which each agency are currently set, can divert individual agencies attention away from broader strategic outcomes, such as making a place safer or reducing deprivation, to focus on narrower objectives. Government encouragement of a locally empowered approach for partnerships to focus on delivering the priorities for their local communities would go a significant way to delivering this.

Many small charities and volunteer groups rely on small funding grants. While application processes may vary from provider to provider, many such groups find the application processes burdensome and often lack the expertise or time to complete complex bid documents, often to obtain relatively small amounts of funding. A reduction in the bureaucracy and quantity of paperwork involved would assist more timely distribution of monies to locally identified needs.

Q23	What else needs to be done to simplify and improve community safety and criminal justice work locally?
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The internal structures and infrastructures of different agencies viewed together within the criminal justice system can create inefficiencies, duplication and additional administration costs. The co-location of resources and agencies would assist in simplifying local criminal justice work improving communications and reducing inefficiencies.

Focusing on visible and appropriate justice will change the policing culture. Restorative justice, where the harmed and the harmer are brought together to establish what actions could help rectify the impact of the perpetrator's actions, is an important part of this, but so are highly visible community sentences, visible to all at a local level. This fusion encourages timely, community-owned interventions and solutions.

Integrated offender management represents a major opportunity to 'turn off the offending tap' as set out in the body of Chapter 5.