

The Police Foundation's response to the 'Review of Police Leadership and Training'

About the Police Foundation

The Police Foundation is the only independent charity focused entirely on developing people's knowledge and understanding of policing and challenging the police service and the government to improve policing for the benefit of the public. Founded in 1979 by the late Lord Harris of Greenwich, the Police Foundation has been highly successful in influencing policing policy and practice, through research, policy analysis, training and consultancy.

Introduction

The Police Foundation welcomes the opportunity to respond to this Review. We believe that this review makes a significant contribution to the future of policing, at an important time in the development of the police service.

There are currently major changes proposed to the policing landscape, including the disbanding of the National Policing Improvement Agency (NPIA), the Serious Organised Crime Agency and the Association of Police Authorities (APA), the introduction of Police and Crime Commissioners, the creation of the National Crime Agency (NCA), and the repositioning of ACPO. Following the Home Office's 'Policing in the 21st Century' consultation, these reforms have been taken forward individually and there does not appear to be a high level, overarching police reform strategy that is fully joined up and covers all policing functions.

We realise that the Neyroud Review did not have the remit to reposition all of the policing functions, nor to detail those functions to be abandoned as well as those to be subsumed under the new body, so it falls to the Government to ensure that the proposals contained in the Winsor Review, the Police Reform and Social Responsibility Bill, the NCA Creation Plan and the Neyroud Review are mutually consistent and that between them they present a joined-up approach to cover the necessary police functions. We would like to see an overarching plan that shows that this is being done.

Despite these concerns about the bigger picture, we welcome the broad direction of travel contained in this review, and in particular the focus on evidence-based policing and a better-trained, professionalised police service.

Response to the consultation questions

We have responded to the questions on which we have a view below.

1. *How can arrangements for police leadership and training best support the police in being able crime fighters?*

The Police Foundation welcomes proposals to increase the professionalism of the police. The Review has identified and resolved a real need for a body to provide registration, training and continuing professional development in policing and we support the creation of a Professional Body, which can simplify the current complex structure around leadership and training into one body, to achieve this.

However, we have concerns over the range of responsibilities proposed for the Professional Body. It appears from the Review that the Professional Body may be intended to operate in some ways as a membership organisation, in some ways as a policy-making body and, possibly, in some ways as a disciplinary body. In addition, the Professional Body would be responsible for a national delivery body, which, among other

functions, would provide international police training and support. This wide remit leaves the Body open to criticism that its role is unclear and will confuse the public. Similar criticism has been directed at ACPO, which has been described by the APA as a functional hybrid due to its range of responsibilities.¹

This confusion may result, in part, from the current scale of change to the policing infrastructure. With regard to ACPO, it is difficult to envisage which functions will be lost in the transfer to the professional body, given that the full range of functions that ACPO currently undertakes is unclear. We note that the Home Affairs Select Committee has asked Mr Neyroud what functions ACPO would be giving up under the Review.² We would also like to know the answer to this question. The Review does refer, for example, to leadership and strategy, but not to areas such as ACRO (the criminal records office). As mentioned previously, it is important that the Home Office ensures that there is clarity about where the functions currently carried out by ACPO will be located in the future.

There is also significant confusion over the abolition of the NPIA. The NPIA performs a wide range of functions, not all of which are proving simple to re-house. We understand that under the Neyroud Review the new Professional Body will assume some of the functions of the NPIA and ACPO, such as training, leadership, the setting of effective practice and standards, and the knowledge strategy. We note the diagram at Figure 11 that lists the current non-ICT functions of the NPIA and we were given to understand that some of the operational support functions would come under the ambit of the new NCA.³ However the NCA Creation Plan contained little information on this and it seems that the Government has not yet decided where the functions are to be positioned:

“We are looking at the functions that it is right to bring into the NCA, but, given that it is an operational crime-fighting body, it is not right that all the NPIA functions should come into it.” Theresa May, House of Commons, 8 June 2011⁴

A recent report by the National Audit Office also found that:

*“Whilst the proposals outline that the new National Crime Agency is to take on much of the operational support function (of the NPIA), it is not yet clear which organisation will take on responsibility for the critical systems and services.”*⁵

The Home Affairs Committee expressed similar concerns taking evidence from Nick Gargan, Chief Executive of NPIA,⁶ in which he stated: *“Currently only 24 NPIA officers out of 2,000 know where they are going to end up”*.

In particular we have not been made aware of proposals for the repositioning of Missing Persons and the DNA Database, and we are confused by the planned timescale of closing the NPIA one year before the opening of the new NCA. The re-housing of the NPIA remit is complicated and it is imperative that vital policing functions are not overlooked or lost.

We are aware that one vital NPIA function that appears to be unassigned is research. Under the Review's proposals, the role of research is to inform the work of the Professional Body, assisting it to set standards and develop expertise. We fully support this evidence-based approach to policing and to this end it is crucial that funding be

¹ Association of Police Authorities (2010) *Response to Policing the 21st Century*.

² Q11-19, The New Landscape of Policing, April 26 2011, Uncorrected Evidence to be published as HC939-iv.

³ Chapter 4: Home Office (2010) *Policing in the 21st Century: Reconnecting police and the people*, London: Home Office.

⁴ <http://services.parliament.uk/hansard/Commons/bydate/20110608/mainchamberdebates/part007.html>

⁵ National Audit Office (2011) *Accountability and cost reduction in the new policing landscape: Report for the Home Affairs Select Committee Inquiry New Landscape of Policing*, London: National Audit Office.

⁶ The New Landscape of Policing, May 24 2011, Uncorrected Evidence to be published as HC939-iv.

made available to create a high quality research base, open to research commissioned from a range of independent agencies. We alert attention to bodies such as the King's Fund, which is independent but works with a range of different organisations to support the development of policy and services in the health sector. Policing would greatly benefit from a similarly independent approach to research and evidence gathering that feeds into policing policy and practice, building on the work of the NPIA.

If the proposed Professional Body is to be effective in supporting the police, it is essential that decisions are made as to where supporting functions, such as the commissioning of research, and other functions will be placed. Otherwise, there is a risk that the new Professional Body will be asked to house a range of functions that are not complementary, resulting in an organisation whose remit is unclear and confusing

2. *Who should set and maintain the standards for the police service and how should it be done? Do you agree with the proposal for a professional body supported by a charter?* The Police Foundation supports the creation of a Professional Body to set standards, in the sense of standards of professional behaviour. In its capacity as a centre for registration, training and professional development the Professional Body should rightly be responsible for setting standards of good practice, professional behaviour and conduct.

We want to be clear, however, that the new Professional Body should not be given the remit to set national policing strategy or policy. These must be set by either Parliament or by Government, through the Home Office. We make this point because the word 'standards' is not adequately defined in the Review. Care needs to be taken, therefore, to ensure that the setting of standards does not go too far and become, in effect, policy-making. ACPO's undue influence on policy has been highly criticised⁷ and the new Professional Body should take care that it does not follow a similar route.

Perhaps in an attempt to prevent this, the Review goes on to propose a system of scrutiny by the Home Secretary for certain standards:

'The greater the potential for harm, the higher the risk and the more intrusive on liberty, then the greater the degree of democratic scrutiny that should be applied to the professional standard.'

Examples are provided of those standards needing a high level of scrutiny:

'areas which are subject to regulation or Codes of Practice, such as the police use of firearms, and the use of intrusive surveillance'

No concrete example is given of a standard that would not attract scrutiny, but we would like to understand which standards might fit into this category. Of further concern is the proposal that it should be the Executive Board of the Professional Body that decides which standards need scrutiny by a democratic body and which do not. The inappropriate use of the Professional Body to set what is in effect policy cannot be justified by a system of Home Office scrutiny; particularly one in which the Professional Body itself is to decide which standards should require such scrutiny. Care must therefore be taken to ensure that the remit of the Professional Body clearly proscribes an inappropriate level of involvement in policy-making.

The Police Foundation is similarly concerned about the role of the new Professional Body in setting guidance. Guidance is intended to assist the police in interpreting legislation. It is currently produced by ACPO and the review identifies 400 pieces of

⁷ Including at our Oxford Policing Policy Forum: Police Foundation (2009) *Politics and the Police*, available at <http://www.police-foundation.org.uk/files/POLICE0001/OxfordForum/OPPF%20REPORT%206th.pdf>, and in: The Guardian, 16 February 2009, *Police Chiefs Body faces call for review*.

doctrine that, it states, are 'of varying quality.' Although the ACPO Guidance is not binding, it is often assumed it has legal force and police officers are sometimes surprised to learn it is not legislation itself. The courts also on occasion assume the Guidance sets out recognised policing policy on matters such as DNA retention.⁸

The review identifies an opportunity to consolidate the guidance, but it is not clear who will be responsible for drafting it in the future. We recognise the need to provide guidance to assist the police in applying the legislation in a practical context and we appreciate the specialist knowledge that the police provide in terms of operational matters. If the Professional Body is to provide guidance, however, the Home Office needs to retain ownership of that guidance and responsibility for ensuring that it accurately reflects the relevant legislation.

The Police Foundation is also concerned about the role of the proposed Professional Body in the management of complaints. The review states:

'It must be for the Chief Officer to judge whether a member of the force has fallen so seriously below the appropriate professional standard as to be brought to the attention of the Professional Body.'

The role of the Professional Body once an officer has been brought to its attention is not set out, but we have some concerns about its role on complaints resolution and investigation. Schedule 14(7) of the Police Reform and Social Responsibility Bill proposes removing the right of a complainant to appeal to the IPCC following a local or supervised investigation. Alongside this, the Neyroud Review intends the relationship on discipline and misconduct to be between the Chief Officer and the Professional Body, rather than the IPCC and the Professional Body. Thus, taken together, the Review and the Bill greatly increase the powers of Chief Officers to handle less serious complaints and remove independent examination of the use of these powers.

We have grave misgivings about this overall development. The majority of complaints are for issues that could be termed 'less serious' and we are already concerned that less than 1% of complaints against the police are investigated by an independent body. Research shows that the police often adopt a defensive attitude to complaints and a grievance heard frequently is that the police do not take complaints seriously.⁹ In 2007, the British Crime Survey found that 80% of people who made a complaint against the police were very or a bit dissatisfied by the way the police handled it. In both 2008/09 and 2009/10 police forces found 90% of allegations to be 'unsubstantiated',¹⁰ with the figures varying widely across forces. In Cheshire, for instance, only 3% of allegations were held to be substantiated whereas in Northamptonshire substantiated allegations amounted to 23%. This suggests a need for greater standardisation and more independent examination, rather than less.

We cannot emphasise enough the importance of an impartial, independent police complaints system. The police hold a unique position in society with considerable coercive powers to resolve disputes and conflicts and intervene in people's lives. With these powers comes a serious responsibility to adhere to the rule of law and to account for their actions. Public confidence in policing depends primarily on the existence of effective means for securing redress when policing goes wrong. If citizens are to have confidence in the police service as a whole, they must believe that the actions the police take are legitimate and lawful and that any police officer acting outside this framework will be held to account for their actions in a timely, transparent and fair manner. Without

⁸ Regina (GC) v Commissioner of Police of the Metropolis [2010] WLR (D) 193

⁹ May, T., Hough, M., Herrington, V., and Warburton, H. (2007) *Local Resolution: The Views of Police Officers and Complainants*, London: The Police Foundation.

¹⁰ IPCC (2011) *Police Complaints: Statistics for England and Wales 2009/10*, IPCC Research and Statistics Series Paper 19, London: IPCC.

the right of appeal to an independent body, the credibility of the complaints system is greatly undermined.

In the spirit of the professionalisation of policing, perhaps it is time to consider the introduction of a more professional (and independent) approach to police complaints. Under the current system in England and Wales the IPCC can only investigate serious cases related to police conduct, rather than operations or policy. By contrast, Northern Ireland uses a Police Ombudsman, who can independently investigate any aspect of policing. In Northern Ireland the Police Ombudsman has a statutory duty to be independent,¹¹ while the IPCC merely has to maintain an 'appropriate degree of independence,'¹² and figures show that 86% of people in Northern Ireland believe the Police Ombudsman to be independent, whereas in England and Wales only 69% of people believe the IPCC to be independent from the police.¹³ Although the introduction of an Ombudsman in England and Wales would be likely to be prohibitively costly in the current climate, there are many lessons to be learnt from the principles behind such a system, not least of which is its commitment to independence and transparency.

Within the context of these concerns, we believe that it is essential that the limits of the role of the Professional Body, with regards to setting standards, developing guidance and managing complaints, are clearly set and defined, to ensure that it focuses on its core purpose.

3. *How should any arrangements for police leadership and training be made accountable and transparent to the public? What role should the public themselves have in influencing how the police do their work?*

Legitimacy and accountability are important cornerstones of the new Professional Body. The public need to be confident that policing will not be led by a self-regulating organisation, and that there are clear mechanisms of accountability and scrutiny.

We are therefore pleased to see that the Executive Board of the Professional Body will be accountable to the Home Secretary. We repeat that the setting of national policing strategy and policy should be the responsibility of Government. However, as alluded to above, we are concerned that the new Body will not only be a powerful stakeholder, but could also exert considerable influence on the shaping of policy and policing strategy. For this reason it is right that the Board should be accountable to a democratic body.

We are, however, concerned that the exact roles and functions of the different boards and the Council of Chief Constables are not clearly set out. We note the Independent Scrutiny Board is to be: "*responsible for providing the Executive Board with independent advice as well as scrutinising its operations ... and their impact across the country*". However, we are not sure how this links to the work of the Council of Chief Constables. We would also like to see plans for some non-police members on the Independent Scrutiny Board.

4. *How and by whom do you think police leadership, training and development should be delivered for police officers and staff?*

The Police Foundation supports steps towards a more professional police service, and high quality training is an important part of this. We believe the use of outside training providers could provide an opportunity to counteract a police culture that has been described as insular and defensive.¹⁴ It will also be important to ensure that the training curriculum is relevant and that it develops the multi-faceted skill set required of the constable role; including not only theory but work place skills such as problem-solving,

¹¹ The Police (Northern Ireland) Act 1998.

¹² Section 10, Police Reform Act 2002.

¹³ Inglis, G. (2010) *Confidence in the police complaints system: a survey of the general population in 2009*, IPCC Research and Statistics Series Paper 17, London: IPCC.

¹⁴ Berry, J (2010) *Reducing Bureaucracy in Policing*, Home Office: London.

communication, situation management and teamwork. Local forces must also be given some level of flexibility to determine the training needs appropriate to their communities.

We agree that there needs to be a stronger emphasis on the relationship between education, evidence and practice in policing. We also support the continuing professional development of police officers and the shift from an in-house approach to a greater use of external providers such as institutes of higher education. Training will also benefit from being managed by one national body to ensure it is of a sufficiently high standard and that it covers both academic and vocational development.

There are two areas in particular, however, which we believe are insufficiently valued under the current police training system. The first of these is business and management skills. As identified by Jan Berry's report, the culture of policing can be a barrier to innovation and development,¹⁵ yet it is important, particularly in the current context of reducing resources, for the service to find new ways to operate efficiently and effectively, while maintaining a high level of public confidence. To this end we would like to see greater use made of secondments. Currently secondments do take place at senior police level to Government or public sector organisations; however this scheme could be broadened to cover a wider range of work environments including the private sector. To support this, a reassessment is needed of the current police pension arrangements, which discourage officers from leaving to gain outside sector experience and subsequently returning to the force.

Secondly, as identified in the Review, training on human rights and ethics has hitherto been undervalued. Human rights values based on fairness, procedural fairness, respect and equality are important to policing, not only because they have been shown to increase confidence and legitimacy, but also because one of the principal roles of the police is to protect and promote people's rights and freedoms.¹⁶ Policing frequently involves balancing different rights and in practice, the police exercise considerable powers that can affect the liberty of citizens.

An inquiry by the Equality and Human Rights Commission¹⁷ found human rights are seen by frontline officers as a less important part of the training process, as 'political correctness' rather than a useful tool of policing. The Inquiry identified a feeling amongst police that human rights are 'criminal's rights.' The Joint Committee on Human Rights similarly identified a lack of understanding of human rights at all levels and recommended independent research into the extent of police knowledge and awareness of human rights.¹⁸

We would therefore welcome an increased focus on training in ethics and human rights that includes a clear understanding of why human rights should be at the core of policing. This could begin at recruitment level with the assessment of candidates with high empathy and negotiation skills who identify with the peacekeeping aims of policing,¹⁹ and continue through a training programme based on ensuring an understanding of human rights values and rewarding officers who demonstrate those values. Rather than being a separate training module, human rights training should feature in every part of frontline police training, using case studies to illustrate how a human rights approach could diffuse a difficult encounter or assist policing in other concrete situations.

¹⁵ Berry, J (2010) *Reducing Bureaucracy in Policing*, Home Office: London.

¹⁶ 4.1: Patten C (1999) *A New Beginning: Policing in Northern Ireland - The Report of the Independent Commission in Northern Ireland*, HMSO.

¹⁷ Equality and Human Rights Commission (2009) *Human Rights Inquiry: Report of the Equality and Human Rights Commission*, London: Equality and Human Rights Commission.

¹⁸ Joint Committee on Human Rights (2009) *Demonstrating Respect for Rights? A Human Rights Approach to Policing - Seventh Report of session 2008-2009*, London: The Stationery Office Limited.

¹⁹ Greene, J. (2010) *Policing Through Human Rights*, *Ideas in American Policing* (13), December 2010.

In addition, we would welcome the establishment of clear links between the Professional Body and the Learning the Lessons Committee, a multi-agency committee that has been established to make valuable use of complaints to produce lessons for policing policy and practice. This would, as the review recognises, ensure that the lessons learnt from complaints are fed into police training and professional development.

5. *How should any training and leadership arrangements be funded? How can this be done in a way that ensures value for money?*

While the Police Foundation does not take a view on the development of the Professional Body's funding mechanisms, it is clearly important that funding arrangements should not prevent or discourage police officers from accessing and completing appropriate training that supports their development and encourages high quality, evidence-based policing. In addition, it is also important that the need for the Professional Body to generate funding does not compromise its work to achieve its core purpose.

6. *Should a new framework of professional policing qualifications be introduced? How do you think that the standards for policing and the skills of police officers and staff should be attained, assessed and maintained?*

The Police Foundation welcomes efforts to improve the skills of police officers and staff and to formalise the mechanisms for promotion within the police service. However, we have misgivings about the effect that a pre-entry qualification might have on diversity in the police force. The Equality Impact Assessment at Appendix 4 of the Review highlights the slow progress made in recent years to increase the numbers of women and ethnic minorities in the police force, particularly at senior level, and we are concerned that the cost of the Police Initial Qualification (PIQ) could discourage applicants from diverse backgrounds from applying, given that 40% of people from ethnic minorities live in low-income households (as opposed to 20% of white people).²⁰ For example, Surrey Police, in partnership with the University of Portsmouth, deliver a training course for prospective applicants. This pre-entry qualification has allowed Surrey Police to reduce their in-house training from 24 weeks to 10 weeks and to save £8,500 per probationer²¹. However, the fee for students is £1,230,²² which may discourage some potential applicants. To manage this issue, adequate bursary programmes must be made available, the commitment contained in the review to flexible approaches to gaining the PIQ should be translated into practice, and equality assessments should be routinely conducted to make sure an appropriate balance of backgrounds is achieved. This is essential in ensuring that the police are representative of the communities that they serve.

In addition, if proposals for a PIQ are implemented then we support the intention that is set out in the review that it should include an understanding of the evidence on effective practice in policing. The Police Foundation supports the development of an evidence-based approach to policing, and this could help to contribute to this. However, this again draws attention to the need for an ongoing commitment to research, including the funding of research carried out by independent bodies, in order to inform and improve this evidence base.

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²⁰ <http://www.poverty.org.uk/06/index.shtml?6>

²¹ ACPO (2010) *ACPO Submission to the Independent Review of Police Officers and Staff Remuneration and Conditions*.

²² http://www.polfed.org/early_learning_1010.pdf