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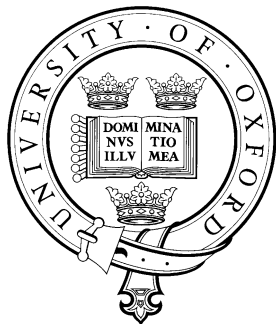
**CAPITA**  
SECURE INFORMATION SYSTEMS

Oxford  
Policing  
Policy  
Forum

Can policing be  
bought and  
sold?

Report of the tenth Oxford Policing Policy Forum  
4 November 2011

All Souls College,  
Oxford



CENTRE FOR  
CRIMINOLOGY

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# POLICING POLICY FORUM

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## GUEST LIST

Friday 4<sup>th</sup> November 2011

Mr Graham Barnard	Detective Superintendent (Rtd)	Thames Valley Police
Mr Richard Bellamy	Police Market Specialists	Capita Secure Information Systems
Dr Ben Bradford	Methodology Institute	London School of Economics
Dr Timothy Brain OBE QPM BA PhD	Honorary Senior Research Fellow	Cardiff University
Mr Jon Collins	Deputy Director	The Police Foundation
Mr Tony Dawson	Assistant Chief Constable for ISIS Programme	National Policing Improvement Agency
Ms Jesse Donaldson	Trainee Policy Analyst	The Police Foundation
Mr David Faulkner CB	Senior Research Associate	University of Oxford
Mr Christopher Flint	Crisis Management Advisor	Special Contingency Risks
Inspector Ben Gasson	Staff Officer	Thames Valley Police
Mr Blair Gibbs	Head of Crime and Justice Unit	Policy Exchange
Mr David Gill	Vice-Chairman	The Security Institute
Mr Roger Graef OBE	Chief Executive	Films of Record
Mr John Graham	Director	The Police Foundation
Mr Michael Grimwood	Police Productivity Unit	Home Office
Mr Dave Humphries	Director of Compliance and Enforcement	Security Industry Authority
Mr Stephen Kershaw	Director Police Reform & Resources Directorate	Home Office
Professor Ian Loader	Director, Centre for Criminology	University of Oxford
Ms Abie Longstaff	Legal and Policy Analyst	The Police Foundation
Mr Craig Mackey QPM	Chief Constable	Cumbria Constabulary
Mr Paul McKeever	Chairman	Police Federation of England and Wales
Sir Denis O'Connor CBE QPM	HM Chief Inspector of Constabulary	HM Inspectorate of Constabulary
Mr Mike Parfitt BA(Hons) Dip M	Head of Marketing, Central Government and Home Affairs	BT Global Marketing
Ms Sara Thornton CBE QPM	Chief Constable	Thames Valley Police
Mr John Tizard	Director	The Centre for Public Service Partnership
Mr David Whatton OBE QPM	Chief Constable	Cheshire Constabulary
Mr Andy Williams	Chief Inspector	North Wales Police
Mr Andrew Wright	Intern	The Police Foundation
Councillor Barry Young	Chairman	Lincolnshire Police Authority

## **The Oxford Policing Policy Forum**

The Oxford Policing Policy Forum is a joint initiative of the Police Foundation and the Centre for Criminology at the University of Oxford. The Forum provides an opportunity for a wide range of stakeholders interested in policing to discuss fundamental issues under Chatham House rules. The main purpose is to encourage informal debate rather than inviting an audience to listen to formal presentations. Participation is by invitation only (see guest list).

### **Background**

In the current context of austerity and cuts to budgets, police forces are looking to do more with less and it is clear that a larger market for the buying and selling of policing services is emerging. This raises a range of questions such as: what kinds of tasks are suitable for outsourcing? What factors should be considered? How do we ensure that the outsourcing arrangement provides good value for money, while upholding the required standards of service the public expect from their police force?

The 10<sup>th</sup> Oxford Policing Policy Forum met on the 4<sup>th</sup> November to discuss 'Can Policing be Bought and Sold?' The Forum was chaired by Roger Graef and an introductory presentation setting out some key issues was given by Professor Martin Gill, Director of Perpetuity Research and Consultancy International and Professor of Criminology at the University of Leicester.

### **Presentation**

Professor Martin Gill opened the Forum, identifying a transformative shift in domestic security provision away from focusing on public good and towards private profit. What is the effect of this? he asked, and how can the police function in a business paradigm while providing a public service?

Martin referred to a recent study<sup>1</sup> by Perpetuity Research & Consultancy International in which 43 police officers were interviewed about the barriers and opportunities to working with the private sector. Broadly, officers fell into three categories: sceptics, pragmatists and embracers. Although there were many positive responses to the idea of working with the private sector, the study identified nine barriers:

- Lack of leadership from official authorities
- Lack of accountability of the private sector industry, including a lack of awareness of regulations covering the private sector or scepticism of current regulations
- Conflicting principles in the public and private sectors
- Potential threat to the reputation of the police
- Frontline policing is not conducive to private sector control
- Resistance to reducing police numbers
- Shortage of business skills in the polices, making police concerned about negotiating contracts
- Ability of private sector to deliver
- Absence of evidence that the private sector provides value for money

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<sup>1</sup> *Can private policing replace the police? Police views.*

For their part, the private sector commented that the police were on the whole not an easy service to work with; indeed one interviewee said the police were the ‘customers from hell.’ Private sector interviewees cited the barriers as

- Policing has too many fiefdoms
- The police expect the private sector to operate on a low profit level
- The police are reluctant to commit to meaningful partnerships
- The police do not understand business
- The police are reluctant customers – one interview described them as ‘grudge customers’

Martin set out three key issues for the Forum to consider:

- What aspects of policing could be outsourced or charged for?
- What are the potential benefits and drawbacks of partnerships with business?
- What does the private sector need to do to fill any gaps?

## **Open Forum**

Forum participants both recognised, and were disappointed by, the views of officers that emerged in the survey. The overall feeling was that opinions had advanced little over the last thirty years; the police service was still seen as slow and indecisive with inadequate business skills. Indeed, the point at which a contract with the private sector is negotiated is often the first time anyone in the service has specified what a job will involve and the standards required. The police need to recognise these failings, participants said, and take care to avoid being the ‘customers from hell.’ It was clear that the issue of private policing was a sensitive topic in terms of anticipated cuts in police officer numbers, but the private sector brings potential opportunities to do things cheaper and better and to free up officers for frontline work. Participants pointed out that, with the right mindset, many of the listed barriers could be overcome, such as using lawyers to negotiate contracts on behalf of the police. These are explored further below.

## **Considerations**

*What could be outsourced?*

The Forum discussed how to decide which policing roles were appropriate to outsource to the private sector. On the whole, it was felt that the decision could not simply be reduced to resource allocation, and therefore categorising officers by back office, middle office and frontline, or categorising tasks as core or non-core doesn’t resolve the issue. Participants believed it was more useful to place the decision in the context of public trust and confidence, as public interest considerations apply across all areas of policing. A better guide would therefore be to divide policing tasks into those needing a warrant or powers of enforcement (which should not be outsourced) and those that did not (which could be outsourced). Possible criteria for deciding whether to outsource a task emerged as:

- Does the role require enforcement powers?
- Does the role require discretion and accountability?
- What are the risks?
- What are the priorities?

Participants felt the Home Office could assist forces by producing guidelines or a set of principles covering these issues.

The provision of custody suites was given as an example of a role that was suitable for outsourcing, as it is a defined area with set standards of welfare and clear rules of engagement. Participants asked whether the work of a call centre might also be able to be performed by the private sector. However, the work of a call centre was seen as more complicated: the range of decision-making is much broader and the high volume of calls, coupled with the complexity of decision-making, is not easy to manage. The role of the call centre was divided into two parts:

- Receiving calls – this was often already civilianised and might be appropriate for outsourcing.
- Follow on work – decisions such as the deployment of officers, response and intelligence required warranted officers and thus follow on work was seen as not suitable for privatisation.

Even with the first category, receiving calls, participants were concerned that there could be grave consequences if important calls were missed, or underlying issues such as domestic violence were not identified. Who would bear responsibility for this risk? What would the effect on confidence in policing be if a tragedy occurred? The Forum then went on to consider other aspects of outsourcing.

*What should we consider when outsourcing?*

#### Value for money

In the current economic climate it is perhaps unsurprising that value for money is a primary consideration. For non-warranted activity, do the numbers work? Will it save money? The Forum agreed the private sector could potentially represent good value for money, but it was crucial to maintain a high quality of service. An honest dialogue over contracts was needed to agree the right terms and conditions, with the aim of improving the service or transforming the business. Contracts could contain wider provisions than simply financial, allowing certain types of employment practices or a certain degree of corporate responsibility for example.

#### Standards of Policing

The Forum discussed whether policing is seen as a profession and generally concurred that it was and that the public should view it as such, with good motives and high standards. The oath a constable takes to uphold the Queen's peace and to protect life and property creates an ethos that only becomes embedded over a period of time and participants were clear that this ethos should not be risked simply for profit. Concerns were raised about transparency, accountability and legitimacy (see further below). Further, police constables have 'original authority' so, although they are given orders, they are also expected to exercise their own discretion. Privately employed individuals do not, by and large, have the authority to exercise such discretion and may also be obliged to comply with certain rules of their own company, which can lead to inflexibility. The police are also aware of the importance of maintaining a good relationship with the public, so a police constable might for example tackle a confrontational situation in a very different way to a private employee. The Forum identified the need for a debate around how to price risk and reputation and how to effectively integrate policing standards into the terms and conditions of commercial contracts.

Other participants pointed out that officers make mistakes and private employees may well reach or exceed the standards required. Private custody employees are under the operational control of the chief constable and many have had training in conflict management and in dealing with vulnerable people. Further, it was felt that the private sector's understanding of the ethos of public service is underestimated. It was pointed out

that commercial organisations could not concentrate on profit over customer satisfaction; if they did they would not survive in a competitive market.

### The relationship between the police and the public

The Forum agreed that the relationship between the police and the public is of paramount importance and any potential effect of outsourcing on this relationship must be seriously considered. It was pointed out that although customer satisfaction is relatively higher in the private sector, trust is higher in the public sector; people believe that public sector employees are working for motives other than profit. The reputation of the police in terms of motive, standards and quality of work therefore must not be put at risk, even for financial savings. Trust and professional standards are particularly important when dealing with perceived 'undeserving' or vulnerable people. Would a private company deal with such people differently? Privately run shopping centres that deny entry to teenagers at certain times of the day, or ban 'hoodies' represent examples of how the profit motive can trump all other considerations, including the right to freely access what is essentially "public" space.

Following the privatisation of the utilities, the public have become more sceptical of outsourcing and there are some jobs the public would expect a warranted officer to perform. It would be difficult to pull back from this position without losing public confidence, so it is important to understand what the public want from their police service in order to decide what types of task could be considered for outsourcing. It was recognised, however, that the public demand for security has risen over the last thirty years, despite a drop in recorded crime and that no agency could ever meet this demand. The seemingly insatiable public desire for security needs to be further analysed and understood and it will be interesting to see whether the introduction of Police and Crime Commissioners increases or reduces the demand.

The increase in demand could be perceived as justifying outsourcing: the public have raised their expectations of what they should receive from a service and the private sector are experienced at meeting or deflecting this. Indeed, only 9% of the demands placed on the police is crime-related; much of their time is spent in helping, assisting and caring roles, responding to emergencies or even writing reports for insurance company claims. Some participants felt it was important to inform the public of those tasks they intend to outsource to private companies to avoid confusion and maintain clear lines of accountability. Others thought that since ultimate responsibility would lie with the chief constable, informing the public in this way would serve only to confuse and complicate matters further.

### Public/Private Realm

One view put forward was whether greater consideration should be given to the broader issue of whether, as a society, we want to preserve a strong public realm and whether the police should be part of that realm. Public services are provided to all of us because we are all citizens, not because we pay for them. Public spaces are increasingly being privatised with more 'mass private property' such as shopping malls, commercial squares and supermarkets taking over public space. This expansion has increasingly led to the police (and private organisations) charging for the provision of security, such as in football grounds, and this is likely to continue.

### *Some possible solutions?*

The least well-answered question from Professor Gill's survey was 'what is the best way for the private sector to engage with you?' Police were more able to say what did not work, rather than identifying what did. The Forum offered a number of suggestions for improving partnerships between the police and the private sector.

## Knowledge gap

The Forum raised concerns about the lack of information about how many and what kinds of tasks the private sector already performs. Other knowledge gaps that were identified included:

- A set of principles on what the privatisation of policing means to the citizen, covering issues such as the use of coercive powers, the setting of priorities and direct lines of accountability
- Guidelines on what level of responsibility and risk the private sector could be expected to assume. It was pointed out that we need to know this before something goes wrong, rather than after.
- The capability range of the private sector - what kinds of task could the private sector do well, or indeed better than the police?
- What is the current level of private sector involvement in policing in other countries?
- What motivates private sector employees (other than profit)?
- What constitutes good and bad practice?
- What ultimately drives public demand for security and order.

## Regulation

The Forum heard that private sector organisations and employees are subject to a range of regulations covering training, investigation and mental health checks and that if they fall below standard, their licenses could be withdrawn. However, it was noted that the police are not sufficiently aware of the extent and efficacy of such regulation, and therefore do not have full confidence in the oversight regulations. This could be partly rectified by better communication from the regulators and greater police involvement in the drafting of standards and regulations, but while necessary this was not considered sufficient.

## The contract

Many participants felt that the key to good partnerships between the police and private organisations was the right contract. With open communication between the parties the police could benefit from a highly specialised and motivated workforce. It was important to look at more than simply financial savings, the Forum agreed, and a number of additional considerations were raised:

- Does the private company share the values of the police?
- How is the financial saving being made? Is the company cutting back on something the police believe to be important?
- Will working with private companies result in more officers being released for frontline duties?
- Will the company allow the force to train its employees? Can the force charge the company for this cost?
- Are the lines of accountability and responsibility clear?
- Does the chief constable exercise have full command and control of “his/her” private sector employees?

## Procurement

Some participants were critical of the procurement system, saying the guidelines were overly strict and in some circumstances the rules created barriers to open communication and good partnership working as well as discouraging flexibility in reaching mutually beneficial

contracting arrangements. The procurement rules might need to be reevaluated in the context of the emerging market of buying and selling policing services.

### Police and Crime Commissioners (PCCs)

There was mixed opinion over whether the introduction of PCCs represented a solution to the barriers facing outsourcing. The Forum was clear that localism would increase under PCCs and that chief constables would be under greater pressure to take account of local issues. It was hoped that PCCs would assist police in selecting the best services for the community; however some participants were concerned that purely local decisions, unconstrained by national standards, could result in unpredictable and erratic decision-making. It was felt the Home Office had an important role to play in this context and could assist PCCs and forces by at least setting guidelines or better still national standards.

### **Conclusion**

Although participants at the 10<sup>th</sup> Oxford Policing Policy Forum recognised the potential financial benefits of outsourcing, a number of risks were also identified. The most serious concerns focused on the possible threats to the reputation of the police, and the relationship between the public and the police. It is clear further research is required in these fields, analysing what the public want from their police and attempting to understand the seemingly insatiable public desire for security.

Clear principles are also needed to assist forces when considering whether and what to outsource to the private sector and the Home Office was urged to set out appropriate guidance. The guidance ought to be driven by values in policing, participants suggested, and should aim to reinforce trust, legitimacy, use of discretion and public interest.

As one participant said; ultimately the mechanism of regulation may come to be more important than who delivers the service.

**Abie Longstaff**