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Oxford
Policing
Policy
Forum

Where next for
Police and Crime
Commissioners?

Report of the eighteenth Oxford Policing Policy Forum
10 December 2015

All Souls College, Oxford

POLICING POLICY FORUM

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Guest list

10 December 2015

Name	Job Title	Organisation
Ms Kate Algate	Operations Director	Neighbourhood & Home Watch Network
Ms Laura Bainbridge	Doctoral Researcher	The University of York
Mr Ron Ball	Police and Crime Commissioner	Office of the Police and Crime Commissioner for Warwickshire
Mr Rob Beckley QPM	Chief Operating Officer	College of Policing
Mr Jon Collins	Chief Executive Officer	Restorative Justice Council
The Lord Dear QPM DL		
Mr Blair Gibbs	Senior Policy & Strategy Advisor to the RT Hon Michael Gove MP,	Ministry of Justice
Det. Superintendent Stan Gilmour	DSU - Senior Investigating Officer	Thames Valley Police
Mr John Graham	Consultant	The Police Foundation
Mr Chris Gray	Strategy Unit	Ministry of Justice
Mr Alan Hardwick	Police and Crime Commissioner	Office of the Police and Crime Commissioner for Lincolnshire
Mr Jack Hart	Senior Researcher, Crime and Policing	London Assembly Conservative Group
The Rt Hon Nick Herbert MP	MP for Arundel & South Downs	House of Commons
Ms Ruth Hudson	Police Strategy and Reform Unit	Home Office
Mr Rob Jarman	Deputy Police and Crime Commissioner	Office of the Police and Crime Commissioner for Hampshire
Mr Martin Jelley	Chief Constable	Warwickshire Police
Ms Abigail Johnson		Ministry of Justice
Mr Stephen Kavanagh	Chief Constable	Essex Police
Mr Robert Leach	Consultant	
Mr David Lloyd	Police and Crime Commissioner	Office of the Police and Crime Commissioner for Hertfordshire
Professor Ian Loader	Centre for Criminology	University of Oxford
Mr Barry Loveday	Reader in Criminal Justice, Editor of Police Journal	University of Portsmouth
Dr Shona Morrison	Policy Adviser	Office of the Police and Crime Commissioner for Thames Valley
Dr Rick Muir	Director	The Police Foundation
Mr Peter Neyroud CBE QPM	Affiliated Lecturer and Resident Scholar	University of Cambridge
Mr Harvey Redgrave	Director of Strategy and Delivery	Crest Advisory
Ms Catherine Saunders	Communications Officer	The Police Foundation
Mr Anthony Stansfeld	Police and Crime Commissioner	Office of the Police and Crime Commissioner for Thames Valley
Mr Gavin Thomas	Vice President	Police Superintendents Association of England and Wales
Mr Paul Trott	Chief Executive	Office of the Police and Crime Commissioner for Gloucestershire

The Oxford Policing Policy Forum

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 the Chatham House rule. 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

Four years on from the first elections in 2012, Police and Crime Commissioners (PCCs) are now an established part of the policing landscape. The current government is committed to the PCC model and the opposition have committed to retaining them in the medium term. In advance of the 2016 elections, the 18th Oxford Policy Forum met to discuss what PCCs had achieved over the last four years and to consider how their role should evolve into the 2020s. This meeting of the Forum was chaired by Dr Rick Muir, Director of the Police Foundation. To stimulate discussion, a presentation was given by the Rt Hon Nick Herbert MP, former Minister of State for Policing and Criminal Justice and one of the main architects of the PCC model.

Opening presentation

Nick Herbert MP opened the Forum, setting out the history, context and evolution of the PCC model.

Nick Herbert explained that the notional concept of a police and crime commissioner role evolved over a number of years - the idea of replacing police authorities with a democratically elected element had been endorsed across the political spectrum more than a decade before PCCs came into existence. While in opposition, the Conservative party developed ideas for a robust form of civilian governance of operationally independent policing. This would involve sharper accountability (through one person rather than a committee); enhanced local innovation and a broader role than that of the police authorities. However Labour later stood against the Conservative proposals for Police and Crime Commissioners in the run-up to the general election, and an infectious negative rhetoric developed which soured what might otherwise have been a healthy debate around PCCs. The postponement of the elections to November, the lack of publicity about the elections and the inevitable poor turn-out provoked a crisis of legitimacy around the role.

Despite their unpromising start, Nick Herbert believed that the worst fears about PCCs have not been realised. Chiefly PCCs have provided a clearer two-way channel of communication between the public and the police. As elected civilians, PCCs are uniquely positioned to represent the public's concerns about policing and crime without interfering with the Chief Constable's operational decisions. Secondly, the local, devolved role has enabled PCCs to deliver more innovative and locally tailored services. While there had been some concerns around whether PCCs had too much power to dismiss Chief Constables and whether Police and Crime Panels had insufficient capacity to hold PCCs to account Nick Herbert thought that the model had largely proved its worth.

The current appetite for devolution offers some exciting possibilities for a fusion of governance by handing PCC powers to new elected mayors, only previously achieved in London (and more recently Manchester). However he warned devolution must be undertaken carefully, with due thought to the co-terminosity of boundaries in particular otherwise we risked getting lost in a mess of transactional relationships. Areas of responsibility that Nick Herbert envisaged could be devolved to PCCs included probation and justice services; prosecution responsibilities; oversight of local prisons and a wider remit in relation to the victims of crime.

In conclusion, Nick Herbert urged participants to accept that Police and Crime Commissioners are here for the medium term and that it would be wise to move beyond a grudging acceptance to recognising the potential of the role and the opportunities for growth.

Open discussion

Have Police and Crime Commissioners achieved their objectives?

Despite many participants having initial reservations about the introduction of PCCs they had come to view the role quite positively and felt it had value. Participants who were Chief Constables or PCCs themselves described a new clarity and rigour around decision-making that the model of accountability had brought about. Participants felt that there had been a greater level of innovation and professional commitment that would not have been possible under a police authority - the public nature of the role allowed PCCs to get closer to and have a better understanding of the localities they served. One person described the role as a 'lightning conductor of accountability', allowing everyone within and outside the service to direct their concerns about policing and crime through a single individual.

Critics had initially suggested that the political nature of the role risked interfering with the operational independence of the Chief Constable, but participants felt that these concerns were not borne out. Further, several felt that it had in fact had the reverse effect, appropriately placing the political concerns in the PCC's domain, freeing up the Chief Constable to concentrate on their operational role. However, a number of participants agreed that they would have preferred to have seen independent candidates in the role rather than those who were party-aligned; one participant expressed concern that party-aligned PCCs might have the unfair advantage of a closer relationship with the Home Office if the government in power is their own party. Due to the civilian nature of the role, some participants agreed that ex-police officers might also not be ideally placed to represent the public.

The PCC's job description had been somewhat unclear at time of the first elections and while some rose to the challenge of putting policy into practice, others who might have been less clear about what they had signed up for were less enthusiastic, perhaps leading to a high turnover of candidates (a lower number than expected are standing again). One participant suggested that the notion that PCCs are chiefly concerned with controlling crime, which was promoted in some election publicity, did not reflect the reality of the role. In essence it was agreed that a PCC could be characterised as both a challenger and supporter of the Chief Constable, similar to the relationship between a Chair of the Board and a CEO.

There was agreement that PCCs had been responsible for what one person described as a 'sea change' in victims' services, for example the establishment of victim and multi-agency safeguarding hubs, and other services such as restorative justice; as representatives of the public, victims' services sat more appropriately with PCCs than the police who were (rightly) rather more concerned with the offender.

Innovation

It was generally agreed that local innovation had improved under police and crime commissioners and some forces were offering what could be considered models of excellence in certain areas of policing, for example domestic abuse, volunteering and restorative justice services. Participants felt that the local nature of the role and its clear 'commissioning' element allowed PCCs to more effectively tailor local services to meet the needs of the population they served though there had been some variation in the quality of services across forces. One participant felt that some PCCs had had been subjected to unhelpful criticism over their spending decisions which may have led to under-allocation of resources. Another felt that some forces had not involved the local population in problem solving, again resulting in poor commissioning. Others felt that while there may be no shortage of ideas among many commissioners, implementation had not necessarily run smoothly due to the inevitable barriers in acceptance of new ideas and criticisms of variations in services as evidence of a 'post-code lottery' and 'inconsistencies' across forces. It was felt

that there was too little sharing of experiences of commissioning among PCCs, although recently the College of Policing had run some events jointly with the APCC to share joint learning and innovation.

Accountability

Participants agreed that police accountability had improved significantly after the introduction of PCCs. However the low turn-out at the first elections could not be ignored, though some participants argued that a small mandate was preferable to no mandate at all (in reference to Police Authorities). Even among the most engaged, turnout was lower than expected - a Neighbourhood Watch survey¹ of its members found that 80 per cent had considered voting, though 56 per cent actually did, and 36 per cent didn't know who their PCC was. It was acknowledged that in part this due to holding a separate (therefore more expensive election) in November which had reduced the Home Office publicity budget, however some felt that the Electoral Commission had not done enough to inform the public.

While accountability for geographic crime had improved, a number of participants expressed concern that PCCs were not accountable for non-geographic volume crime such as fraud (currently the responsibility of the City of London) and other national concerns such as counter-terrorism and crime that had moved online.

Leadership

Concern was also expressed that the introduction of PCC's had had a detrimental impact on the recruitment of police leaders (an issue raised in the College of Policing's Leadership Review²). Rather than directly apportioning the blame to PCCs themselves, it was felt that the appointments framework had had a considerable impact here (HMIC ceased to be involved with appointments, the Senior Appointment Panel had been removed and a regulation requiring senior leaders to have had experience in other forces has been abolished). This had resulted in a worrying lack of competition for Chief Constable posts resulting in a higher number of internal appointments, risking diversity in senior ranks.

Police and crime panels

There was concern that the role of Police and Crime Panels remained ambiguous in terms of their power to hold PCCs to account. However one participant argued that giving greater powers to Panels risked creating two points of accountability which could overturn a PCC's decision-making. He suggested that Panels should have just enough power to intervene 'when things go really wrong'.

Single figurehead

While many agreed that a single elected individual offered a clear and unambiguous line of communication and increased the speed of decision making, others recognised that there were certain disadvantages to the model – most notably, when an individual leaves their post they take their knowledge with them. One person suggested that assuming one person can necessarily be a mechanism of accountability in large forces is unrealistic and he felt there was some unfinished business in making the PCC role a mechanism of engagement. One participant mentioned that with the success of the post resting entirely on the informal dynamics between two personalities (the PCC and the Chief Constable) a 'coherent path of capability development' was lacking.

¹ http://www.ourwatch.org.uk/uploads/pub_res/2013_May_PCCs_survey_analysis_-_Full_Report.pdf

² <http://www.college.police.uk/What-we-do/Development/Promotion/the-leadership-review/Pages/The-Leadership-Review.aspx>

How will the role develop?

Localism

The majority of participants spoke in favour of increased localisation of policing which they agreed facilitated the development of locally tailored services and clearer lines of accountability. One participant suggested there should be more forces, based on divisions at a county or even Borough Command Unit (BCU) level with regional subsets. Another person argued that localisation could be taken further than BCU level which he believed would make the service more accessible to the public. Another participant suggested that forces should be freed up to concentrate on neighbourhood policing and co-operate with other forces in specialised areas of policing such as firearms and roads.

The perceived benefit of economies of scale (for example creating larger forces through mergers) was questioned. One participant drew a comparison with the business world where larger didn't necessarily mean better. He argued that economies in relation to commissioning could be supported at the national or government level without the need for mergers. Police Scotland's single force and the perceived loss of local accountability were cited as an illustration of letting forces become too large, however another participant felt it would be more useful to move away from the concept of police forces and instead focus on regional and national policing capabilities, and multi-agency approaches locally with a wider remit than policing.

National vision

While local visions had become much clearer through introduction of Police and Crime Plans many felt that the national (and the international picture) had been neglected and participants largely agreed that this should be developed by the government of the day. Related to this was a lack of clarity about 'what the police are for' (a topic discussed at the first Oxford Policing Policy Forum³). One participant argued that a national vision had been successfully articulated by the Coalition Government in 2012 in pre-election papers, and with the introduction of a national tier for policing (National Crime Agency and the College of Policing) however it was the responsibility of the current government to rearticulate it for the next five years to reflect the new demands on policing. It was suggested that the police service could adopt something similar to the armed forces' Strategic Defence Review. Other participants doubted whether a consensus on a national vision could be achieved collectively, while another person suggested that changes were happening so quickly in the policing arena that even if all concerned could agree on a vision it would soon become outdated.

Redrawing the map

Two emerging Police and Crime Commissioner models were identified – 'Market Town' and 'Metro' which could be distinguished from each other by scale and function. The larger Metro model (for example that found in London, and more recently Manchester) is based on city regional boundaries and brings together a number of public service budgets, including those outside the criminal justice system, such as health under the control of a mayor. A smaller Market Town model would integrate various parts of the criminal justice system and other public safety services (including fire and rescue). The integration of budgets and services could allow a more co-ordinated approach that would facilitate upstream and prevention work around crime and public safety. However one participant warned of the dangers of pooling responsibility in sensitive areas where clear lines of accountability were critical, for example firearms and the improper use of force.

Suggested geographical models for regional devolution included shire or county based units which already have a clear geographic identity. One participant suggested a model similar to that proposed by the

³ <http://www.police-foundation.org.uk/uploads/holding/oppf/oppf1.pdf>

Redcliffe Maud Report⁴ which advocated 58 new unitary authorities operating as regional, commercial and social hubs, based largely on major towns, and a more limited mayoral model could be adapted for the shire areas. The existing 43 police forces would need to be incorporated into the new structure as easily as possible and sufficient forethought should be given as to how the boundaries would be redrawn so that as far as possible local services would be co-terminous. This would be more straightforward where metropolitan areas are concerned. However careful thought would need to be given to boundaries in non-metropolitan areas.

One participant expressed concern that devolution of the CJS and collaboration of blue light services were being treated as single issues rather than being seen in the context of a cohesive direction of travel and he felt this reflected a lack of understanding of the future role of PCCs. Another warned against bringing services together in one geographic area simply because of convenience. He felt that consideration should be given as to how the governance of these services would fit with the objectives of the PCC role (which is essentially thematic rather than geographic) and if necessary, a new blueprint for the post should be developed. He also thought that public should be consulted in this process so that there was a full understanding of what they expected from justice services and how the PCC role could meet their expectations.

Expansion of the PCC role

It was agreed that the PCC role has the potential to expand by taking responsibility for wider parts of the criminal justice system; this could include responsibility of the entire local youth justice service (including custody and youth offending teams), witness services and the oversight of out of court disposals. PCCs could also take on responsibility for appointing other senior figures in addition to Chief Constables. Key questions to consider here would be whether PCCs had sufficient capability, competency and leadership skills to become 'Crime and Justice Commissioners'. One participant suggested that the new role should be tested against a clear set of principles – key amongst these are whether the expanded role promoted innovation and joined up justice. It was not anticipated that the transition would be easy as those in power would contest their space, and as with blue light collaboration, it was anticipated that devolution of justice services would be demand-led and would initially move forward on a piecemeal basis, with PCCs invited to submit their plans to the Ministry of Justice.

Some participants spoke of the disparate structure of the criminal justice system and how bringing more of it under the PCCs control was a welcome prospect. Durham Constabulary's Checkpoint trial⁵, an out of court disposal project which involved a number of agencies (under the governance of the PCC) was mentioned as an interesting model of integrated justice. It was argued that if PCCs had more authority and responsibility over various parts of the CJS this could improve outcomes, accountability and preventative upstream work. One participant mentioned that it was important to view the CJS from the point of view of the public who in contrast to practitioners, do not distinguish where a crime is situated on the CJS ladder.

Other participants described the barriers to joined up working and information sharing between local services. Another spoke of the concept of 'policing web' where all organisations concerned with solving community safety and crime are viewed as one entity and that the PCC model might be adaptable to a 'web-like' model. He gave the example of Public Safety Canada⁶, a single body with responsibility for ensuring public safety across the country. Another person spoke of the concept of 'safer communities'

⁴ https://en.wikipedia.org/wiki/Redcliffe-Maud_Report

⁵ <https://www.durham.police.uk/Information-and-advice/Pages/Checkpoint.aspx>

⁶ <http://www.publicsafety.gc.ca/index-en.aspx>

which could involve the contribution of the local population, not just the police service and local authorities and PCCs had a significant opportunity to shift culture here.

The practicalities around devolution were also discussed. One participant warned that devolution of the criminal justice system could only continue in the medium term if budgets from Community Rehabilitation Companies could also be devolved, allowing PCCs to access funding pre-court. Some participants were concerned that unless it was mandated by central government blue light collaboration might only be achieved by a small number of forces due to the likely opposition from employees and local councils, however current government policy is that blue light collaboration should be entirely voluntary. Other participants argued that PCCs would need much more control over the council tax precept otherwise their capacity to take on an expanded role would be inhibited. The government would also need to commit the appropriate resources as so that PCCs had the appropriate level of funding for their new responsibilities.

Leadership

One person felt that some of the concerns highlighted by the College of Policing in its leadership review would resolve over time as the dynamics of crime forced greater flexibility onto the police service. He felt the service was getting better at recognising equivalent skills, career paths were becoming more flexible and officers were now more likely to join the service at different points of entry, bringing fresh experience with them. Guidance on leadership from the College could be strengthened and the Senior Police National Assessment Centre could apply additional levers, although PCCs would need to support this by signing up to best practice in selection and leadership development.

Conclusion

Participants agreed that PCCs are here to stay for the foreseeable future and that the most constructive way forward would be to build on and develop the role, which despite its imperfections had made a valuable contribution to policing. It was agreed that devolution offered exciting opportunities to create efficient and integrated public services, however if PCCs were to take on wider responsibilities, a new blueprint for the role would need to be developed. Participants acknowledged that a national vision for policing which took account of the changing nature of crime and 'what the police are for' was lacking, however further discussion was needed around how the widening gulf between the national and the local could be bridged. Accountability remained a concern and achieving a healthy mandate at the next election could not be left to chance; it was the responsibility of all participants present to publicise the role and promote a positive debate about PCCs.

Catherine Saunders