



Home Office

Policing in the 21st Century: Reconnecting police and the people



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Chapter 2: Increasing democratic accountability

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2.1 We want to empower the public - increasing local accountability and giving the public a direct say on how their streets are policed. By 2012, the Government will have put in place the most radical change in policing for half a century. The public will have elected Police and Crime Commissioners and will be holding them to account for how policing is delivered through their force.

2.2 This will be achieved by:

- The abolition of Police Authorities and their replacement by directly elected Police and Crime Commissioners – ensuring the police respond to local priorities and are directly accountable to the public for delivering safer communities and cutting crime and ASB;
- Providing information to help the public know what is happening in their area and hold the police to account with accurate and timely information about crime, ASB and value for money in their neighbourhood;
- A more independent Her Majesty's Inspectorate of Constabulary (HMIC) that will shine a light on local performance and help communities hold their Police and Crime Commissioners and police forces to account.

Police and Crime Commissioners

2.3 The police are currently held to account locally by Police Authorities, which were established as part of the major reform of policing in 1964, to ensure that the governance (the appointment of the Chief Constable and holding him or her to account) was independent of local politics by requiring a third of the members to be Magistrates. This independence was further augmented by the reforms in 1994, requiring a proportion of police authority members ('independent members') to be drawn from local communities.

2.4 Individual police authority members have worked hard to engage their communities, but Police Authorities remain too invisible to the public. The public do not know how to influence the way policing is delivered in their community, let alone get involved. There is no direct way for the public to choose the people that represent them - only 8% of wards elect councillors who are police authority members. We will abolish Police Authorities and put power directly in the hands of the public. For the first time ever the public will be able to directly vote for an individual to represent their community's policing needs.

2.5 Police and Crime Commissioners will be powerful representatives of the public leading the fight against crime and ASB. They will ensure that:

- The public can better hold police forces and senior officers to account;
- There is greater public engagement in policing both in terms of priority setting and active citizenship;
- There is greater public – rather than Whitehall – ownership of force performance; and,
- The public have someone 'on their side' in the fight against crime and ASB.

2.6 Police and Crime Commissioners will ensure that the police are held to account democratically, not bureaucratically by Whitehall. This is part of the deal for

the police: removing micro-management by central government in local policing, in return for much greater responsiveness to and engagement with the public.

2.7 These reforms are too pressing for a lengthy Royal Commission on increasing policing accountability. The coalition agreement set out our intention to introduce Police and Crime Commissioners. We are keen to hear your views about how we can make this work most effectively. We will introduce legislation in the autumn and the public will be able to vote for their Commissioners for the first time in May 2012.

Scope and Remit of the Police and Crime Commissioner

2.8 We are determined to embed this reform into the existing force boundaries that people already understand. A single Commissioner will be directly elected at the level of each force in England and Wales with the exception of the Metropolitan Police (where local accountability is already strong) and the City of London Police. The British Transport Police, the Civil Nuclear Constabulary and the Ministry of Defence Police will not have Commissioners.

2.9 The Commissioner will hold the Chief Constable to account for the full range of his or her current responsibilities. Police and Crime Commissioners will have five key roles as part of their mission to fight crime and ASB:

- Representing and engaging with all those who live and work in the communities in their force area and identifying their policing needs;
- Setting priorities that meet those needs by agreeing a local strategic plan for the force;
- Holding the Chief Constable to account for achieving these priorities as efficiently and effectively as possible, and playing a role in wider questions of community safety;
- Setting the force budget and setting the precept. Our intention is to make precept raising subject to referendum. Further detail will be set out by the Department for Communities and Local Government (in England) and the Welsh Assembly Government (in Wales); and,
- Appointing - and, where necessary, removing - the Chief Constable.

2.10 Commissioners will need to appoint and lead a team to support them in their important responsibilities. The Government does not intend to prescribe these support arrangements in detail. It will be for individual Commissioners to decide how to ensure they have an effective support team with the right expertise and knowledge of the area – although the Government will, for example, require the appointment of an individual with appropriate financial skills, and establish process safeguards to ensure that appointments are made with propriety. Commissioners will need to demonstrate value for money to the electorate on any money spent on overheads rather than frontline policing.

2.11 The Government will work closely with the Welsh Assembly Government to ensure that the framework within which the directly elected Commissioners for the four forces in Wales operate reflects and respects devolved responsibilities.

Elections

2.12 The Government wants candidates for Commissioners to come from a wide range of backgrounds, including both representatives of political parties and

independents. Commissioners will have a set four year term of office and term limits of two terms. The Government intends to apply the existing framework for the conduct of local government and Parliamentary elections including the recognised eligibility criteria for standing for public office, in preparing for the first set of elections in May 2012. We are considering the appropriate voting system, and believe that a preferential voting system is the right option. We will work closely with local government representatives and the Electoral Commission to ensure that these elections are coordinated effectively and represent good value for money.

Role of the Chief Constable

2.13 The operational independence of the police is a fundamental principle of British policing. We will protect absolutely that operational independence. Giving Chief Constables a clear line of accountability to directly elected Police and Crime Commissioners will not cut across their operational independence and duty to act without fear or favour. In fact Chief Constables will have greater professional freedom to take operational decisions to meet the priorities set for them by their local community – via their Commissioner. This will include being able to appoint all of their top management team.

Specific responsibilities of Commissioners

2.14 We do not want to shackle Commissioners with reams of guidance and prescription on their role. Their local focus will be largely determined by the public. Set out below are some of the key responsibilities we intend all Commissioners to have and we welcome your views on these.

Local Policing

2.15 Commissioners will have a clear responsibility for holding the Chief Constable to account to make sure that policing is available and responsive to communities. The work of neighbourhood policing teams to identify and meet the most local priorities in every community is a fundamental element of local policing, but local policing goes beyond that work; it is also the full service of response, investigation and problem solving across all communities. Effective local policing which provides the police with legitimacy and the confidence of their communities is essential for supporting the wider police mission of protecting the public from serious harms and threats.

2.16 The public need to see their police on their streets as much as they need to know their emergency call will be dealt with quickly. There is no 'one size fits all' model. Policing must vary according to the characteristics of different neighbourhoods. But neighbourhood teams need to be closely linked to other parts of local policing and other police functions, be part of neighbourhood partnerships and neighbourhood management arrangements and engage with the community.

Serious crime, protective services

2.17 Crimes and criminals are not confined within force boundaries. Commissioners will be responsible for the full range of policing activity in which their Chief Constable and force engage and will need to look beyond their own force borders. They will need to balance local priorities and pressures with the cross boundary action, at national and regional level, also needed to secure operational efficiency. Chapter 4 sets out our approach to active cross-border collaboration.

Commissioners will be under a strong duty to collaborate, in the interests of value for money and to tackle cross border, national and international crimes (such as fighting serious organised crime and terrorism).

Wider community safety and criminal justice

2.18 Policing cannot be effective if it is working in isolation. Chapter 5 sets out how policing needs to be delivered in partnership with the public, but also with key agencies at the local level and across the criminal justice system (CJS). Effective joint working with partners will be key to the success of Commissioners. Long-term strategies aimed at discouraging offenders from re-offending and preventing others from embarking on a life of crime rely on the work of other partners, providing access to justice, effective sentencing, punishment and rehabilitation of offenders, good education and activities for young people, drug and alcohol treatment, and action taken by local council and housing officers.

2.19 Commissioners will be enabled to play a considerable role in wider questions of community safety. We are considering creating enabling powers to bring together CSPs at the force level to deal with force wide community safety issues and giving Commissioners a role in commissioning community safety work.

2.20 The ability to deliver swift justice and reduce re-offending whilst delivering value for money for the CJS as a whole will be affected by the ability of the Commissioner and the rest of the CJS to work together effectively. The Government sees a potential future role for Commissioners in respect of the wider CJS as further reforms develop, but immediately we will look to place a reciprocal duty, albeit one that does not compromise the necessary independence of partners, on Commissioners and other criminal justice services to cooperate with each other. This will help ensure that the decisions each CJS partner takes on priorities and investment will take full account of the implications for colleagues. We will also explore how they can best work with Local Criminal Justice Boards.

Value for money

2.21 Commissioners will hold their police force to account for the money it spends and ensure that it delivers value for money for the public. A key responsibility of the Commissioner will be to:

- Report to the public in a transparent and open way how funding is being used;
- Hold forces to account for their local use of resources, including the use of any national arrangements for buying goods and services and making good use of nationally provided services; and
- Hold forces to account for their contribution to and use of collaboratively provided services within their region.

Diversity

2.22 Engaging with the community requires a diverse workforce. Commissioners will be responsible for holding the Chief Constable to account for ensuring that their police force reflects the diversity of the population it serves. This is important in getting communities more involved in policing, ensuring the police can understand local communities' needs and to build trust and break down cultural barriers. This is essential for the public to report and help solve crimes. More than 25% of police officers are now female and BME representation stands at 4.4%, up from 2% in

1999. These figures are higher for PCSOs, standing at 44% and 11.5%.¹ We must ensure that much more progress is made with these changes – across the whole police service as well as local policing.

Devolved Government

2.23 Responsibility for local government is devolved in Wales and we will be working closely with partners in Wales, including the Welsh Assembly Government, to ensure that there are checks and balances which make effective links to the different local government landscape in Wales. We want to ensure Commissioners and local government are empowered to make the decisions that work best for their local area.

London

2.24 In London, the Metropolitan Police Authority will be abolished and the Greater London Authority will fulfil the scrutiny role discussed below. We are discussing with the Mayor of London and the Metropolitan Police Commissioner what further changes, if any, are needed in London to complement these reforms. In particular we need to ensure that any new arrangements reflect the Metropolitan Police Commissioner's wider national policing responsibilities.

Checks and Balances

2.25 The public at the ballot box will be the ultimate judge of the success or failure of each Commissioner and how well they are serving their community. But the public need to have the right information to judge the Commissioner's performance and they need to know the Commissioner can be called to account with effective scrutiny and appropriate checks and balances, in particular at the local level.

Local Government and independent scrutiny

2.26 At the core of our proposals for appropriate checks and balances to the power of the new Police and Crime Commissioners is the establishment of a new Police and Crime Panel. This will ensure there is a robust overview role at force level and that decisions of the Police and Crime Commissioners are tested on behalf of the public on a regular basis. We will create Police and Crime Panels in each force area drawn from locally elected councillors from constituent wards and independent and lay members who will bring additional skills, experience and diversity to the discussions. We are clear that these relate to the Commissioner and not the force itself.

2.27 This Panel will be able to advise the Commissioner on their proposed policing plans and budget and consider progress at the end of each year outlined in a 'state of the force' report. If the Panel objects to the Commissioner's plans or budget they will be free, in the interests of transparency, to make their concerns public, or in cases of misconduct, to ask the Independent Police Complaints Commission (IPCC) to investigate the Commissioner. They will be able to summon the Commissioner to public hearings, take evidence from others on the work of the Commissioner, and see papers sent to the Commissioner as a matter of course except where they are operationally sensitive. They will hold confirmation hearings for the post of Chief

¹ R. Mulchandani and J. Sigurdsson Police Service Strength England and Wales, 31st March 2009, Home Office (2009) <http://www.homeoffice.gov.uk/rds/pdfs09/hosb1309.pdf>

Constable and be able to hold confirmation hearings for other appointments made by the Commissioner to his staff, but without having the power of veto. However, they will have a power to trigger a referendum on the policing precept recommended by the Commissioner.

Scrutiny at neighbourhood beat meetings

2.28 Neighbourhoods are the key level at which communities engage and are the building blocks of a Big Society. Police and Crime Commissioners will provide greater local accountability than ever before, but communities need a way of holding the police to account at the neighbourhood level. As set out in the coalition agreement we will require police forces to hold regular 'beat meetings' so that residents can hold them to account.

2.29 The term "beat meetings" conjures up an image of the same few people sitting around in a local hall. Police and Crime Commissioners will want to ensure that neighbourhood level engagement is inclusive and representative of the whole community. So they will be responsible for requiring that their forces' neighbourhood policing teams are having regular beat meetings at times and in places that are widely advertised, but also that they are taking an innovative approach to making the most of these meetings and other ways of engaging the full range of members of the public in diverse communities. For example, local police teams are already being encouraged to meet residents in supermarkets, old people's homes and schools – or online, via virtual beat meetings, Facebook or Twitter. And they are linking up with other services or prominent people in trusted voluntary or community groups such as neighbourhood managers - who are also engaging the public, to maximise the range of people they speak to.

2.30 Front line professionals need to be visible and available at times and in places where their communities can make their views known and assess progress on their priorities, and Commissioners will provide a powerful new impetus and public voice in making this happen.

2.31 Local councillors, who are elected by every neighbourhood to represent their interests, will take a close interest in ensuring that Commissioners are securing effective policing for every neighbourhood in their area.

Transparency

2.32 For democratic accountability to be effective the public need independent transparent information on the performance of their Commissioner. When the public go to the ballot box to vote for their Commissioner, we want to ensure they have the full range of information available, so they can make their decision based on facts rather than anecdote and rumour. And we want to ensure that communities are able to engage properly with their Commissioner during their terms of office, so local policing plans will have a consultation phase with responses published.

2.33 The public must be able to see the performance of their police on crime, on antisocial behaviour and on how they spend the public's money. They must be able to compare this performance with how the police have performed in the past and how they are performing in relation to other neighbourhoods and forces.

2.34 From January 2011, we will ensure that crime data is published at a level which allows the public to see what is happening on their streets and neighbourhoods. We will require police forces to release this data in an open and standardised format that would enable third parties to create crime maps and other applications that help communities to engage and interact with their local police in a meaningful way. We will build on this over time to ensure that communities always have access to the most up to date and accurate picture of crime in their neighbourhoods. We will build on this over the next year by ensuring that the police are in a position to publish data more frequently than this, to bring the UK in line with best practice from other countries - some do so every week.

2.35 Across the public sector we are making changes to ensure that Government, and especially public spending, is transparent to the public, communities and businesses. As part of this we will make sure that police forces are providing information about how much of the taxpayer's money they receive and what they are doing with it.

2.36 We will also ensure that Police and Crime Commissioners – and their support teams - are subject to similar transparency arrangements. They will be subject to Freedom of Information requests, publish as default all papers and notifications of meetings, and all payments they make over £500 (in line with wider transparency arrangements for local government). They will also publish organograms and salaries of appointees of their small teams and establish a code of conduct (including gifts and hospitality). Policing Plans will need to be compliant with the Human Rights Act.

2.37 The Government will publish estimates of the cost of the elections and other aspects of the Commissioners policy in due course.

2.38 The Government will make proposals for the pay of Police and Crime Commissioners later in the year. These will reflect our focus on value for money and transparency, and take account of variation in force size and responsibilities.

HMIC

2.39 Her Majesty's Inspectorate of Constabulary (HMIC) will become a stronger advocate in the public interest, independent from the Government and the police service. We will ensure that HMIC has the powers to be able to undertake this critical role and strengthen the public's trust and confidence by providing them with objective and robust information on forces.

2.40 HMIC's role will be to work for the public to shine a light on policing outcomes and value for money locally and help them make informed judgements on how well Police and Crime Commissioners and their forces are performing in relation to local priorities and national obligations. It will do this through a light touch inspection regime and production of publicly accessible information and the publication of Value for Money Profiles providing comparative information on costs and outcomes. A more robust Inspectorate will not mean a return to unnecessary and burdensome regulation. Any inspection activity will need to be proportionate and add value.

Checks and balances at the national level

2.41 There are some issues of sufficient risk or national importance to warrant national oversight and requirement, and the Home Secretary intends to retain powers to ensure that these are dealt with effectively. These will include powers to ensure that events of national importance such as the Olympics are policed adequately and that the police service can provide an appropriate response to threats to national security or crisis. They will also include powers to ensure that our national policing capabilities and structures are used effectively to provide a proportionate response to future regional and national threats (both discussed in Chapter 4).

Complaints and recall

2.42 Police and Crime Panels and the IPCC will have a critical role in dealing with formal complaints against Commissioners. In the event of allegations of misconduct, we envisage that the Police and Crime Panels will receive complaints and will be able to refer them to the IPCC to investigate.

2.43 We will also introduce the power of recall in relation to Police and Crime Commissioners. Police and Crime Panels and the public may have a role in triggering the recall of Police and Crime Commissioners, but recall will only be used where the IPCC has ruled that serious misconduct has taken place.

2.44 If a Commissioner should resign or be unable to do their job, the Police and Crime Panels will be able to appoint an interim Commissioner until a by-election can be arranged or the Commissioner can return to the post.

Consultation Questions:

1. 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?

2. What could be done to ensure that candidates for Commissioner come from a wide range of backgrounds, including from party political and independent standpoints?

3. How should Commissioners best work with the wider criminal justice and community safety partners who deliver the broad range of services that keep communities safe?

4. How might Commissioners best engage with their communities – individuals, businesses and voluntary organisations - at the neighbourhood level?

5. How can the Commissioner and the greater transparency of local information drive improvements in the most deprived and least safe neighbourhoods in their areas?

6. What information would help the public make judgements about their force and Commissioner, including the level of detail and comparability with other areas?