

APPENDIX**Nottinghamshire Police Authority****25th August 2010****Home Office Consultation Paper –
Policing in 21st Century: Reconnecting police and the people****Purpose of the Paper**

1. To outline the key proposals in the Home Office Consultation Paper “Policing in the 21st Century: Reconnecting police and the people”¹ . and to propose the Authority’s response.

Process

2. Members will have already consider this paper at the Business meeting on the 18th August. Members’ responses will be collated and presented as a late paper to the Police Authority meeting on 25th August 2010 for formal approval.

The Challenge

3. The Coalition government identifies the first challenge as one of a lack of accountability leading to a police service disconnected from the communities they serve. Their analysis concludes that there has been too much centralisation with targets and standards being driven from the Home Office and not the public. In particular they note that even with the efforts made by individual members of police authorities the public are still unaware of the authorities and their functions. A Cabinet Office review in 2007 highlighted that only 7% of the public would know to go to their Police Authority if they had a problem with policing in their local area. Community Safety Partnerships (CSPs) and Neighbourhood Policing Teams (NPTs) are recognised as positive initiatives in making better connections with the public.
4. The second challenge articulates their view that centralisation has also disempowered the police themselves. Inefficient bureaucratic processes, both centrally and locally generated, are blamed for wasting police time. The paper quotes the HMIC report “Valuing the Police – Policing in an age of austerity” which identifies that only 11% of police officers are available to the public at any time.
5. The final challenge is that of tightening resources. Members will be aware of the budget announcements in terms of reduced public spending. The Home Secretary is clear that police funding will take its

¹ <http://www.homeoffice.gov.uk/publications/consultations/policing-21st-century/policing-21st-full-pdf?view=Binary>

fair share and recognises that the Home Office is not a “protected” department.

6. The Government will not centrally mandate priorities in each local area but the following summarises their own:

“The key priority for the police is to cut crime – keeping people safe from the harm caused by everything from ASB to serious crime and terrorism. Our vision for reform is based on outcomes achieved through a strengthened bond between the police and local people. We want the public to be safe and feel safe, have a real say in how their streets are policed and be able to hold the police to account locally, having more opportunity to shape their own lives. We want them to trust the police and know that they will be there for them when they need them and to have confidence that the criminal justice system has ethics and integrity, is working in their interests and making the best use of their money.”

The Proposals

7. The Government sets out what is described as a new deal for both the public and the police summarised as:
 - Empowering the public by introducing directly elected Police and Crime Commissioners.
 - Empowering the police by removing bureaucratic accountability and returning professional responsibility.
 - Shifting the focus of national Government ensuring the police are effective in dealing with serious crimes and threats that cross force boundaries or national borders.
 - Empowering the Big Society by making sure everyone plays their full part in cutting crime in a Big Society (wider criminal justice and community safety partners, the voluntary and community sector and individuals themselves).

INCREASING DEMOCRATIC ACCOUNTABILITY

8. This will be achieved by:
 - The abolition of Police Authorities and their replacement by directly elected Police and Crime Commissioners.
 - 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 to hold their Police and Crime Commissioners and police forces to account.

Police and Crime Commissioners

9. There are no Consultation Questions on the establishment of Police and Crime Commissioners and the section starts “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”². The Commissioner will hold the Chief Constable to account for the full range of their responsibilities and will have five key roles:
- 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, the Government intends to make precept raising subject to referendum.
 - Appointing - and, where necessary, removing - the Chief Constable.
10. Commissioners will be elected for a set four-year term of office and term limits of two terms. The first elections will be in May 2012.
11. The operational independence of the police remains a fundamental principle and even though the Chief Constable will be accountable to the Commissioner this will not cut across their operational independence or their duty to act without fear or favour. Chief Constables will appoint all of their top management team.
12. The Commissioner will have specific responsibility, through the Chief Constable, to make sure that:
- Policing is available and responsive to communities including NPTs, response, investigation and problem solving.
 - Serious crime and protective services are addressed balancing local priorities and pressures with cross boundary action. Commissioners will be under a strong duty to collaborate.
 - Partnership working at a CSP and Local Criminal Justice Board (LCJB) level is effective to reduce reoffending and provide access to justice. The Government is considering further action in this area including enabling powers to bring together CSPs at a force level and giving Commissioners a role in commissioning community safety work. Consideration is also being given to the role of the Commissioner in respect of the wider criminal justice system but will give an immediate reciprocal duty on Commissioners and other criminal justice agencies to co-operate.

² Excepting the Metropolitan Police, City of London Police, British Transport Police, Civil Nuclear Constabulary and the Ministry OF defence Police.

- The public are aware how funding is being used and holding to account the force for their use of resources.
- That the workforce is reflective of the diversity in the local community.

Checks and Balances

13. The core proposal to provide checks and balances to the power of the Commissioner is the formation of a Police and Crime Panel drawn from local councillors and independent lay members. The distinction between the Police and Crime Panel and the current Police Authority is that the panel will relate to the Commissioner and not the force. The Police and Crime Panel will:

- Advise the Commissioner on proposed plans and budgets.
- Consider annual progress reports.
- Have the power to trigger a referendum on the policing precept.
- Publicise any concerns.
- In the case of suspected misconduct ask the Independent Police Complaints Commission (IPCC) to investigate the Commissioner.
- Be able to recall the Commissioner but only when the IPCC has ruled that serious misconduct has taken place.
- Appoint an interim Commissioner if the Commissioner resigns or are unable to do their job.
- Hold confirmation hearings for the Chief Constable and the Commissioner's staff, without the power of veto.
- Be able to summon the Commissioner to public hearings.
- See papers sent to the Commissioner unless operationally sensitive.

14. Commissioners will be responsible for requiring that their forces hold regular beat meetings and the Government suggest that local councillors will monitor these meetings in their area.

15. Transparency is seen as an important tool in providing checks and balances with the following requirements:

- Policing plans to have a consultation phase with responses published.
- Force and neighbourhood performance on crime, antisocial behaviour and value for money compared to the past and other forces and neighbourhoods.
- Above data will be published to allow third party mapping and suggest possibility of weekly updates.
- Commissioners will be subject to the Freedom of Information Act.
- Commissioners will publish papers, notification of meetings, payments over £500, organogram of secretariat and salaries of all staff.
- Policing plans will need to be compliant with the Human Rights Act.

16. Her Majesty's Inspectorate of Constabulary (HMIC) will become an advocate of the public, independent from the Government and the police service. HMIC will provide comparative information in regard to performance and value for money as well as assisting on judgements of the Commissioner and their force through "light touch" inspections of their progress against local priorities and national obligations. The Home Secretary will retain powers to ensure that issues of sufficient risk or national importance are dealt with effectively.

REMOVING BUREAUCRATIC ACCOUNTABILITY

17. This will be achieved by:

- Ending Whitehall interference in policing – freeing the police from central control by removing Government targets, excessive centralised performance management and reviewing the data burden that is placed on forces – but ensuring that data is still available to local people.
- Reducing bureaucracy and promoting judgement – supporting professional responsibility and cutting red-tape.
- Ensuring that the leaders of the service take responsibility for keeping bureaucracy to a minimum at force level.

Cutting Centrally Driven Bureaucracy

18. The Government will retain its role in setting the national strategic direction for the police. They will not tell the police how to do their job that will be the responsibility of the police themselves. Nor will they hold the police to account that will be the responsibility of the Commissioner. It is recognised that data needs to be consistent to allow for comparisons but it will not be reported centrally. The Home Office will review the use of data for performance management, policed assessment and public information with a view to reducing bureaucracy. The National Crime Recording Crime Standard will be reviewed and ways to make justice information more transparent will be explored.

Promoting Professional Judgement

19. The Government intend to rebalance the professional judgement and discretion of police officers and other partners in the criminal justice system in order to reduce bureaucracy. Specifically:

- By September 2010, HMIC will complete its analysis of how working practices and processes across the criminal justice system can be improved to reduce duplication.
- By January 2011, the national requirement for the "stop" form will be removed.

- The processes under the Regulation of Investigatory Powers Act (RIPA) and the Police and Criminal Evidence Act (PACE) will be reviewed balancing bureaucracy against safeguards.
- From November 2010, charging decisions to officers for a broader range of summary offences will be rolled out.
- By September 2010, Lord Young will publish his review of health and safety law and practice across the public sector, including the police.

Police Leadership

20. The Government identifies that some bureaucracy has been generated by national policing organisations such as the Association of Chief Police Officers (ACPO) and the National Police Improvement Agency (NPIA) because of a culture of risk aversion resulting in collecting information “just in case”. The Government will expect strong leadership from ACPO to promote the greater use of professional judgement by police

NATIONAL FRAMEWORK FOR EFFICIENT LOCAL POLICING

21. This will be achieved by:

- Better value for money in local policing – ensuring sufficient officers and staff are available to the public at the times when they are needed most; and through a review of remuneration and conditions of service for police officers and staff.
- Better collaboration between forces to save money on back-office and operational support functions, and tackle serious and cross-boundary criminality more effectively.
- Simplifying national arrangements, including creating a new National Crime Agency that will lead the fight against organised crime, protect our borders and provide services best delivered at national level.

Value for Money in Local Policing

22. This section repeats the new value for money role of HMIC

Review of remuneration and conditions for police officers and staff

23. A review of remuneration and conditions for police officers and staff has commenced with an end date of January 2011 (source Home Office Structural Plan). The Independent Public Service Pensions Commission (John Hutton) is considering Police pensions with an interim report in September 2010 and the final report in time for the 2011 budget.

Collaboration between forces

24. Commissioners will be expected to take a key role in making collaboration between forces happen. Collaboration is expected in a range of operational and back office functions as well as cross boundary criminality. To maximise cooperation there will be a new duty to collaborate. HMIC will assess decisions by Commissioners and their forces advising the Home Secretary who in turn will have power to direct forces to collaborate. Collaboration between other public sector organisations and the use of the private sector is also identified as Commissioners will hold Chief Constables to account for:

- Meeting the professional standards for providing protective services set by ACPO.
- Determining the right group of forces to collaborate with.
- Identifying the elements of operational and business support services to collaborate on.

New National Arrangements

25. There will be a new National Crime Agency building on the Serious Organised Crime Agency (SOCA) and the Child Exploitation and Online Protection Centre (CEOP). It is planned that the agency will be operational by 2013 with key elements of its functions being operational before then as part of a transitional period. The agency will be led by a senior Chief Constable and will be responsible for:

- Improving what we know about the threat from organised crime.
- Providing effective national tasking and co-ordination of police assets bringing coherence to regional policing capabilities. There will operational protocols between the agency and chief constables.
- Ensuring more law enforcement activity takes place against more organised criminals, at reduced costs.
- Strengthening UK Border policing arrangements.

26. The new agency will initially be made up of an organised crime command, a border policing command and potentially an operational support command. Consideration will be given to the role of the agency in tackling serious economic crime and counter terrorist policing. The agency will have a role in improving “interoperability” between forces, which is currently led by ACPO. Consideration will also be given to the role of other national units currently residing in forces (e.g. Police Central e-Crime Unit in the Metropolitan Police) and within ACPO (e.g. Police National Information and Co-ordination Centre). Functions currently within the NPIA (to be phased out by 2012) may also be integrated into the agency. Commissioners will have a duty to co-operate with the new agency and the governance of the agency will be linked to the new Police and Crime Commissioners.

Other National Issues

27. Where it is the national interest the Government will develop new national projects including centralised procurement, convergence of IT systems and appropriate police functions e.g. National Police Air Service.

Association of Chief Police Officers

28. ACPO is expected to reposition itself as the national organisation responsible for providing the professional leadership for the police services including leadership development. ACPO will advise Commissioners and their forces on strategy, best practice and operational matters. ACPO recognises that it needs to be more accountable and to have a direct and indirect mandate which will include a role for Commissioners.

TACKLING CRIME TOGETHER

29. This will be achieved by:

- Enabling and encouraging people to get involved and mobilising neighbourhood activists.
- Developing and implementing a radical CJS reform strategy;
- Stripping away unnecessary prescription and bureaucracy in the partnership landscape.

Neighbourhood activity

30. Later this year the Government will publish a new crime strategy which will set out how the approach to preventing and reducing crime will be shaped in the Big Society The Government want to promote individual responsibility for keeping neighbourhoods safe including:

- Taking part in joint patrols with the police.
- Looking out for their neighbours.
- Develop Neighbourhood Watch and Community Crime Fighters
- Participatory budgeting.
- Community restorative justice.
- Volunteering as special constables, magistrates, police cadets, police reservists and victim support

Criminal Justice System Reform

31. The Government is committed developing and implementing reform of the criminal justice system. There is an anticipated role for the Commissioner in reforming the criminal justice system locally (see para 12). The reforms will include:

- A new approach to cutting crime including more active citizenship

- Police Reform as set out in this paper
- Sentencing reform
- Developing a new approach to the rehabilitation of offenders in the community.
- Reviewing the prison estate's contribution to rehabilitation

Local Partnership Working

32. The Government remaining strongly committed to partnership working but have concluded that the range of partnerships covering community safety and criminal justice have overlapping responsibilities causing confusion and restricting their ability to work together. They wish to allow local areas to develop their own partnership structures so will remove all statutory duties associated with community safety work save the overriding key duty of partners to work together. There is an anticipated role for the Commissioner in leading partnership working locally including the potential for force wide structures locally (see para 12).