

Cheshire Police Authority



Policing Green Paper Consultation
Responses
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Our Reference MS/CPA/DT	Your Reference	Telephone (01244) 614001	Ask for Mark Sellwood
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Dear Sir/Madam

CHESHIRE POLICE AUTHORITY RESPONSE TO THE POLICING GREEN PAPER

Cheshire Police Authority has considered in detail the Home Office's Policing Green Paper and as part of its formal consultation response, has responded to the specific questions raised in the document, and these are attached to this letter. In addition, the Authority has chosen to offer some comments on Chapter 7 of the Green Paper, given the potential impact of the issues raised therein on police authorities.

In formulating its response, the Authority has met on a number of occasions to discuss its emerging views, and this has been complemented by meetings with representatives of the CDRPs in Cheshire, Halton and Warrington, to discuss, in particular, the issues around local accountability set out in Chapter 1 of the Green Paper. There have also been a number of meetings in the North West region where the key issues have been discussed.

In general, the Authority has welcomed the Green Paper and the recognition of the key role that policing plays in improving the lives of our communities. The Authority is looking forward to working with the Home Office to help facilitate the further improvements to policing, and is particularly pleased to see that it no longer intends to set a whole suite of performance indicators for policing, instead, entrusting that in the hands of the Authority at the local level to best reflect on the needs of the local community. Although the introduction of a single centrally set target around 'confidence in policing' is welcome, there will need to be a significant change in the way that we both deliver and measure that delivery of policing to enable the service to have a measurable impact on confidence. The more strategic role for HMIC is also seen as a positive step forward.

Whilst the Authority is fully committed to neighbourhood policing, it has some reservations about a centrally determined policing pledge, and whilst agreeing with the principle, would wish to see the exact contents of the pledge decided at the local level, in consultation with our communities.

The emphasis on partnership working with local government is a welcome step, which will inevitably bring with it greater benefits for the public and a more

responsive service to meet the wide range of communities needs. Closer working with partners has already led to enhanced policing visibility in our communities, particularly in rural areas, through the part funding by partners of a significant number of PCSOs, and the Authority looks forward to taking the partnership agenda forward.

The Authority welcomes the emphasis being placed on the enhanced role of police authorities to ensure they become more robust and challenging, and looks forward to the new inspection regime which we feel will enable us to more accurately evidence and assess where we add value to policing and will enable us to look very keenly at ourselves to ensure that we provide value for money, whilst holding the Constabulary robustly to account for the good of our communities as a whole. The Authority also supports the recognition of authorities investing in their own capacity and capability to ensure that they can apply the necessary governance and accountability to policing. The continuation of the police authorities' role in precept setting is fundamental and the Green Paper's reaffirmation of this is welcome.

Of greatest concern to the Authority, however, are the proposals around the directly elected Crime & Policing Representatives (CPRs). The Authority is not convinced that there is a 'democratic deficit', and has seen little evidence to suggest that there is the appetite amongst the public for another layer of local democracy, which would be likely to suffer from voter apathy and disinterest. There has been significant improvements over the last ten years in crime reduction and enhanced satisfaction and confidence in policing, and therefore feels that this proposal would not be beneficial in helping us work together with our communities. The current local authority representation on police authorities provides the necessary democratic mandate and any reduction in this would seriously weaken the role of local authorities in policing, and could potentially open the door for single issues or more extreme representation on police authorities, which I am sure we all agree would be detrimental to the core values of policing in this country, and the service provision to the community as a whole.

We accept, however, that the public should have a greater say on how their local police operate and target their resources at the local level, but we strongly believe that whilst people want to be able to know who to speak to when a problem arises, and that the service should indeed improve its responsiveness and answerability, we do not accept that people want to 'manage' their local police. We remain concerned that the imposition of directly elected CPRs could lead to unrealistic expectations, conflicting local mandates and a diverging agenda away from the Local Area Agreement framework to which all agencies are supposed to be working towards delivering. CPRs would diminish the role of local authorities in policing which is central to the management of neighbourhoods.

I trust that you will find the comments of the Authority helpful. Please do not hesitate to contact me should you require any clarification on points raised.

Yours sincerely



M Sellwood
Chief Executive

Policing Green Paper Consultation response form

Completed consultation response forms should be sent no later than Friday 10th October 2008 to the following address:

Electronic: policinggreenpaper@homeoffice.gsi.gov.uk

By post:

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Empowering Citizens

Chapter 1:

Improving the connection between the public and the police

1. How can we best ensure that neighbourhood policing teams can hear from as many people locally as possible in shaping their plans?

The Neighbourhood Policing Programme has been rolled out across England and Wales, giving every community access to a dedicated local team. The Neighbourhood Policing Team's role is to engage with their community so that the police can understand the community's priorities and tackle them. (Free response)

It is important that the neighbourhood policing plans reflect the needs of the community they serve, but must also ensure that they take account of professional knowledge and judgement in shaping the future direction of policing, and ensure that they tie in with the needs of policing which do not come within their remit (ie Level 2 policing).

Mapping of a local policing area to understand the needs of the community being served should be one of the first steps in addressing local need. Working alongside partners in identifying local need is a key way to ensure responsiveness to the public. Caution must be urged, however, in creating bureaucracies around local participation – it is not realistic to meet on a regular monthly basis due to the cost and time commitment, and whilst local people are in a position to identify the issues closest to them, they are not necessarily aware of the more strategic issues which local officers must also consider.

It is accepted that the public want to have an input into local policing, but do not want to manage. Primarily, people want 'answerability', whereby they know who to speak to to get an issue addressed. Local policing teams are already visible in our communities and with the increased moves to ensure that officers are retained in that area, the knowledge of local officers with their local community will increase further. The use of PCSOs has also ensured that community intelligence networks have developed. The roll out of local engagement methods, with the involvement of other key agencies is a good way of achieving this, but the level of resource which is attached to this must also be considered.

The way in which authorities and forces engage with the public also has to be considered, and there should be less reliance on the formal meetings on which so many organisations rely. Whilst formal meetings are still a valuable part of the engagement process, greater effort should be made to meet with people on their own terms and utilise less traditional methods, such as meeting with people in places where they gather, such as supermarkets and post offices. Authorities must also utilise new technology and use methods such as SMS texting and 'blogs' to get over their message about policing and appeal to those groups of people who would not normally seek to actively exchange views with the police service. Greater effort should also be made by all the relevant agencies to ensure that they have a more co-ordinated approach to consultation in an attempt to avoid consultation 'fatigue' and ensure that the outputs and outcomes from the various engagement undertaken are better co-ordinated to avoid unnecessary duplication of effort.

It is generally accepted that, in the main, the public are more interested in local policing issues and are less likely to have views on the strategic aspects of policing. Therefore, authorities may wish to tailor their engagement accordingly, to ensure that the audience is most appropriate, and for the areas of greater strategic importance, existing frameworks such as Local Strategic Partnerships and CDRPs are utilised to provide better co-ordination and strategic outlook across the partnership landscape.

2. What is the most effective means of encouraging customer service in the police?

The police service's customers are the general law-abiding public. However, people are also more individually customers of the police service – for example as victims, witnesses, or citizens. This experience of the police service shapes perceptions and feelings of safety and confidence. (Free response)

Whilst acknowledging the importance of customer service in policing, the Authority has some reservations about setting strict targets as is proposed in the 'Policing Pledge'. Whilst such pledges are laudable, they are not always achievable, and it would be detrimental to the Constabulary's relationship with the public if these targets were not met. Local forces and authorities should be given the discretion, based on their knowledge of the area which they police, to set their own targets, based both on improving customer satisfaction but also on the resources available to them, to enable them to set more appropriate pledges.

Operation Quest has enabled the Constabulary to refine many of its processes which have worked to the benefit of the customer, and the Authority would wish to learn from the lessons of that Operation in taking forward improved customer satisfaction. There is some concern that the adoption of national standards is not appropriate as there must be recognition that 'one size does not fit all', and that a large urban area with very concentrated resources will not have the same type of demands as a largely rural force, where resources may be more widespread.

In developing a more customer focused approach, the Authority supports the greater integration of customer service into police training and the greater role for supervision, both through day to day management and through the PDR process, to ensure that a customer focused attitude is prevalent throughout policing.

3. Given the core role of PCSOs – which is one of high visibility patrol, community engagement and problem solving - do PCSOs have the right powers to enable them to do their job?

The current powers available to a PCSO can be found on page 18 of the main document. (Free response)

The Authority recently undertook a scrutiny of the role and deployment of PCSOs, and found that, whilst the majority of PCSOs felt that they had sufficient powers to undertake their core role, difficulties were often experienced with both the public, who expected them to do things for which they were not appropriately trained or authorised to do, and in some cases from police officers who were not fully aware of the role that PCSOs were meant to undertake. There may therefore be the need for some form of campaign to promote the role of PCSOs and to increase the public's understanding of their core purpose. There is also a need to ensure that training of probationers sets out clearly what is expected of PCSOs in neighbourhood policing roles.

The standardisation of PCSOs powers, together with uniforms and training will assist greatly in removing the confusion which currently exists around PCSOs, although local discretion as to how they should be deployed, within the core principles, should be retained. Moves to give PCSOs greater powers should be resisted as it will inevitably detract them from their core role of visible patrolling in communities, and will inevitably lead them to be used in a more confrontational role which will hamper their ability to integrate more effectively in the communities they serve. The Authority therefore wishes to reaffirm the core principles of a PCSO, as set out on page 17 of the Green Paper, and is opposed to any powers that would pull PCSOs away from those core duties and lead to a reduction of their visibility in our communities.

There is also some concern at the increasing proliferation of accreditation which is adding to

confusion amongst the public about the powers of particular uniformed patrols, eg local authority community wardens. It is vital that their powers do not increase over and above those of PCSOs, and that PCSOs are not left to deal with what have traditionally been local authority issues, such as dog fouling, at the expense of the wider community safety agenda. There needs to be some clarity and uniformity over the powers that can be issued to these particular bodies and this needs to be relayed clearly to the public.

The Authority also notes the reservations in the NPIA review about the introduction of a volunteer PCSO scheme and supports the general view that it would not wish to see any progress on this until the role of the PCSO has become clearer. To safeguard this developing and valued role current Government funding should be maintained within the police grant settlement.

4. How can we ensure that police authorities and local authorities everywhere cooperate in tackling local people's priorities – including ensuring that the local pledge is delivered everywhere?

The police are not solely responsible for crime and disorder reduction; it is important that they work alongside their partners such as the police authority, fire and rescue services, the local council and health trusts. It is important that they cooperate in order to make communities safe. (Free response)

The LAA process already ensures that the police and local authorities have to co-operate in tackling local people's priorities. In addition to that process, the various organisations already work alongside each other both formally and informally in addressing community safety issues. On the formal side, CDRPs and LSPs involve participation from a number of agencies, whilst informally, the police and relevant agencies co-operate on a number of levels, from joint tasking and co-ordination through to joint operations and initiatives. There is recognition, however, that CDRPs need to become more strategic if they are to contribute more effectively to the community safety agenda.

In Cheshire, the Authority has worked closely with local councils to help fund PCSOs and this has ensured that those agencies buy into a common approach in terms of local neighbourhood policing, and that local issues are identified through both the council's and the police's processes.

The development of neighbourhood management will also ensure that the various agencies involved at the local level work more closely with local people to help identify and tackle issues of common concern. The involvement of other agencies in this process will also help ensure that the wider strategic issues and the impact on services is considered in the process.

5. What is the right balance between local council representation and independent members?

Under these proposals police authorities will have a majority of directly elected members, complemented by representation from local councils and independent members. (Free response)

The answer to this question will obviously be different in each area, due to the different make up of local government around the country. From April 2009, the Cheshire police area will be made up of four unitary councils, and the number appointed to the Authority should remain, as now, on a population basis, with the largest council sending the largest number of members to the police authority.

The Authority has grave concerns about the proposals to have directly elected Crime and Policing Representatives (CPRs). Currently, members of police authorities are appointed to represent the whole Authority area and not just the area which they represent, and this ensures that Members retain a strategic perspective, and take Level 2 and national issues into consideration in their decision making processes. The appointment of very locally focused individuals, elected on a mandate to address local crime and disorder issues in their area, will be to the detriment of the greater strategic issues, with the concern that force direction will be overly dominated by short term local issues. What is the problem these proposals are seeking to address? There does not appear to be any real public demand for more local elections and the Authority feels that it is patronising to those Members already on police authorities, particularly local authority members, to talk of a 'democratic deficit'. There are plenty of bodies such as quangos that have a far greater democratic deficit and are far more removed from the public, it seems inappropriate that the police should be compared so unfavourably. There has been significant progress and achievements made in policing over the last ten years and it is unclear what these proposed changes would achieve, and could provide an unhelpful distraction from the core business of policing.

The appointment of directly elected CPRs also brings with it the spectre of the possibility of representatives of extremist parties being directly elected to oversee policing, and also the over politicisation of local policing, which the current set up avoids. The direct election of a percentage of the Authority would also call into question the role and validity of the other members and have the potential of creating a two-tier authority. If the directly elected members were seen as the voice of the public, what role would the other Members fulfil – there would clearly be competing mandates? In the current set up, all Members play an equal role and no differential is made between their appointment status, the proposals would surely undermine that and distance the appointed members from the public, which would surely be against the wishes of the Green Paper. It is also unclear what role these CPRs would actually play on the Authority. If they were elected on a ticket of addressing local policing issues, exactly how could they as police authority members actually influence policing at that level, when the role of a Police Authority member is not to get involved in operational policing issues. If the role of CPRs is to truly address local policing issues, then the constitution of police authorities would need to be changed, which the Authority does not support in this respect.

The Authority does not accept that the status quo is necessarily the best way to move forward. There is little or no evidence, however, of a public appetite for elections of members to police authorities, and is in danger of further eroding local government's link with policing. Elections could also confuse the public who would be faced with parallel democratic frameworks at the local level and weaken the mandate of local councillors. The democratic accountability of the police authority lies in those members that are elected through local authorities – they have the links with community, democracy and accountability. The retention of the independent members allows the diversity and skills mix of the Authority to be appropriately balanced.

Due to the unique governance role that police authorities fulfil, members of police authorities should therefore chair CDRPs. In the case of Cheshire, from April 2009, this will represent

4 CDRPs so is manageable within the current number of members, although there is some recognition that the number of members on the Authority may need to be increased (eg to 19 or 21 members) to provide resilience and ensure sufficient geographical spread across the force area which would allow each member to be allocated to a particular area and develop the appropriate links with the local police inspector and engagement networks. In any case, the number of elected local authority representatives should remain in the majority of one. This model also ensures that members on the Authority do not have competing mandates and focus on a strategic rather than localism agenda – local policing issues can be addressed by the public through the development of the appropriate local engagement networks discussed earlier in this response and it should not fall to police authorities to have to respond to short term populist policy which may address very localised issues at the expense of the wider strategic agenda.

The ability for local authority members to ask questions of police authority members is already in statute, but there may be a need to promote this further and reinvigorate the process in order that local councils effectively exercise their right of questioning their representative(s) on police authorities about policing issues. This is an established direct link between policing and local government which has in the main been forgotten and could be refreshed with no legislative change required.

6. To what extent might police authorities be able to allocate part of their budgets by participatory budgeting?

Participatory budgeting is when ordinary citizens are able to decide how to allocate elements of a budget. (Free response)

The proposals are unclear as to who would be involved in the participatory budgets process. How can the process be all inclusive yet not too bureaucratic? The concern about participatory budgeting is about the extent to which informed decisions can be made at the local level which also take into account the strategic. It is all very well allocating a sum of money to address a local issue, but if it is not in line with strategic policy or will just displace the issue elsewhere, the system will not work. It is therefore difficult at this stage to accurately forecast how much the Authority may wish to allocate to this scheme. To work effectively, the money allocated by the Authority would need to go into a collective pot for the other key agencies involved at that level to ensure buy in by those agencies and a joined up, multi-agency approach to the issue in hand.

7. What other community safety budgets do you think might be suitable to be allocated in this way? (Free response)

The allocation of funding in this way would appear to be contrary to the Local Area Agreement framework and is contrary to strategic ways of working and the developing sustainable communities strategy.

8. Do you consider the creation of the Communities Safety Fund to be the best way to use the money that currently makes up the BCU fund?

The BCU Fund is currently used at Basic Command Unit level to help deliver crime and disorder reduction locally and promote partnership working. The Community Safety Fund will be available to Crime and Policing Representatives to allow them to address locally identified priorities. (Free response)

The current BCU fund is a vital resource to fund a number of projects at the CDRP level, and the removal of this funding from the CDRP will cause them to have to make some difficult decisions on the future funding of certain initiatives. Although much of the funds may still be allocated to CDRP business, the lack of guaranteed funding for certain projects will cause some difficulties. Some CDRPs in Cheshire have not mainstreamed their funding for community safety posts/drug workers, and the loss of the BCU fund could, in some cases, result in the loss of staff allocated to CDRP work.

If the funds were allocated on the basis of a needs assessment commissioned by the CDRP, then there would be no objections, but there is some concern that money may end up being allocated to those in the community who 'shout loudest', who experience has shown are not always those in most need. It is also likely that the use of the Fund would be primarily aimed at tackling issues raised by the public, and would ignore those areas, such as domestic violence and other 'hidden' crimes, which do not feature in public concerns but are a key area of support by many partnerships.

If the concept of CPRs is retained, consideration could be given to allocating funding to these individuals from the Proceeds of Crime Act. A local CDRP has also suggested that a levy on alcohol sold by local retailers above a certain strength be allocated to community safety initiatives, which could come within the remit of the CPR.

As with the allocation of any public funds, the allocation criteria should therefore be transparent and based on a needs assessment, and not be at the whim of any one individual.

9. How might the Councillor Calls for Action be best used to complement the broader changes to local accountability arrangements for policing?

Councillor Calls for Action is a new power enabling local people to raise issues of concern on local Government and Crime and Disorder matters. The Councillor Calls for Action would allow councillors to raise local concerns with the relevant member of the local CDRP. In extreme cases it would allow the local councillor to refer a concern to the relevant overview and scrutiny committee for further action. (Free response)

The links between the Local Authority's overview & scrutiny committee and the Constabulary and Police Authority is unclear. If an issue is escalated to the Overview & Scrutiny Committee, what, if any sanction has that committee over a policing matter? Will the Committee expect to summons the local BCU commander to account for policing issues in their area, and if this is the case, how does this alter the current dynamic whereby the BCU commander is accountable to the Chief Constable, who in turn is accountable to the police authority? In the current set up, there is no reason why a councillor cannot raise a concern on a community safety issue with their local CDRP, or indeed, directly with a member of the Police Authority as they quite often do.

It is important to note that the current arrangements already allow for questions at meetings of relevant councils to a nominated police authority member, which gives the local authority an opportunity to raise concerns over local policing with the police authority. In practice, however, local experience has shown that this is little used.

If, however, our proposed model for police authority membership was adopted (as set out in question 5), local people would have an opportunity to raise issues about a local policing matter with their local police authority representative, who could then raise that via the CDRP (on which they will also be sitting) and if necessary through both the local authority's oversight and scrutiny committee and at police authority level. Where those issues were raised directly with councillors, they would be expected to liaise with their local police authority representative who would escalate the issue accordingly. There is some confusion,

therefore, how this proposal will fit in with the role of the CPR – will this not in itself cause confusion between the two roles as the CPR is supposed to be directly elected to represent the views of local people in terms of policing. There also needs to be some clarity on how this process would dovetail with the strategic assessment which all CDRPs are required to produce. The Councillor Call for Action will therefore need to tie in effectively with this process to ensure a co-ordinated approach to a particular issue.

Professionalising and freeing up the police

Chapter 2:

Reducing bureaucracy and developing technology

1. How can we best involve frontline officers and staff in designing more effective and less bureaucratic processes?

We ask a lot of the police and so it is critical that they are able to focus on meeting those priorities in the most efficient way possible. We believe that frontline officers are best placed to identify what is effective and what is not. We propose that we create bureaucracy champion who will convene a frontline practitioners group to test proposals of the police service, Government and CJS for impact on the frontline. (Free response)

The Authority recognises that there are many processes in place which hamper the effective and speedy delivery of policing services, and welcomes any plans to reduce bureaucracy. Whilst the concept to work with frontline officers to look at reducing red tape is to be welcomed, caution must be urged in rushing head long the other way and eradicating processes which have been put in place for a good reason, all to achieve a reduction in bureaucracy. The process needs to look in depth at why certain processes have become over bureaucratic and inefficient and try to identify ways in which this can be reduced. It should, however, avoid the tempting quick wins of getting rid of certain processes because they involve too many bureaucratic processes. Much of policing can impact significantly on people's human rights, and it is therefore essential that the necessary processes and checks remain in place to ensure that the police are operating within a fair and transparent framework, and where the fairness, or indeed, legality of police action is called into question, it is essential that those safeguards are there to identify what, if anything, has gone wrong.

The service must look at the vast wealth of data that it currently collects and re-assess if that data is needed. The service should only collect information which it uses and acts on, and any other information which is surplus to requirements or no longer fit for purpose, should be disposed of. The views of frontline officers are essential in that process, but the reasons behind the collection of that information need to be identified before the appropriate decisions are taken.

The Government's promise of increased funding for IT solutions will make a positive contribution to finding IT solutions which will reduce the reliance on duplicate paper copies which currently ties up so much of an officer's time.

Both the government and police authorities also have a role to play in this process and need to review what they currently require of forces and ask whether the collation of all that information is still necessary. If the promises to eliminate all but one target and reduce the data requirement on forces by 50% come to fruition, this will also inevitably aid the process. Bodies such as the Audit Commission and HMIC must also be consulted during this process to ensure that they will not penalise forces at a later date if information which was previously collected is no longer readily to hand during inspections.

2. How can we ensure that new forms of bureaucracy do not replace those that we are committed to reducing? *(Free response)*

The appointment of a bureaucracy 'champion' will play a key role in ensuring that both the Government and the police service itself complies with the desire to reduce bureaucracy, and must be given the necessary influence and access to new proposals to ensure that they can provide a centralised, co-ordinated role in maintaining a reduce level of bureaucracy. It will be vital that they liaise closely with the tripartite parties and are involved in the work of the National Policing Board and other agencies which may be responsible for spawning new, over complicated structures.

3. How best, together, can we tackle the risk aversion that Sir Ronnie Flanagan identified? *In his Report, Sir Ronnie Flanagan identified a number of areas that together had helped to create the bureaucracy that now surrounds the police. Sir Ronnie identified that the majority of these reasons stemmed from risk aversion. (Free response)*

The Authority supports the comments of Sir Ronnie Flanagan in his Review of Policing with regards to the current risk aversion culture in the police service today. In particular, it supports the greater use of professional judgement, working within clearly defined policing values. To assist this, officers will require the appropriate level of training to help them identify how to police in a pragmatic style within the ethics and values of the force, whilst maintaining a quality service to the public. Officers will also require more active, hands off supervision to assist officers, backed up by support from the force.

Sir Ronnie Flanagan's view that increased discretion must be accompanied with an increase in accountability of officers and staff, under active supervision would appear to have merit and should be supported.

Chapter 3: Defining roles and leadership in the police service

The NPIA will consult on how we can ensure that constables gain a wide professional understanding of their force's work through their initial training and deployment, and their subsequent development, balancing this requirement practically with the need to provide constables with the specialist skills to enable them to deliver professionally in the complex environment of 21st Century policing. The NPIA will also consult on how best to ensure that all new Police Constables are trained in providing the best possible quality of service to the public.

- 1) How can we best change the operation of Senior Appointments Panel to make it more proactive in succession planning and appointments, with greater strategic input into leadership development?

Currently the Senior Appointments Panel spends most of its time discussing individual chief officer applications to posts as they arise. We are proposing that in future, the SAP spends relatively more time on the strategy for the management of the overall pool of top police talent. (Free response)

The Authority welcomes the recognition in the Paper that police authorities must remain integral to the chief officer appointments process, as they are best placed to be able to identify the needs of a particular force, based on their continued scrutiny of local performance and activity. It is not clear from the proposals, however, how SAP will ensure that posts have an appropriate range of candidates, and the proposals seem to suggest that authorities may be required to carry chief officer vacancies for a prolonged period to enable a co-ordinated round of appointments to such posts to be made. In the case of chief constable appointments, for example, this may work to the detriment of forces, particularly if the Deputy acting up has limited experience themselves at deputy rank.

In developing a leadership strategy, the Paper gives no specific reference to working more closely with the NPIA on its Senior Leadership Development Programme, other than talk about the creation of a National College of Police Leadership. Whilst there is mention of information coming from the SLDP to help inform SAP's process, there is little mention of how SAP will input into the development programme to ensure the flow and make up of candidates coming into the process is right. SAP must also have the ability to scrutinise in more detail those officers who apply to go onto the SDLP and where appropriate, require certain officers to gain more experience in particular areas of policing where they have obvious deficiencies before they are able to be put through the process. This will ensure that there are no 'weak' applicants and that authorities are not left with candidates who are not entirely suitable for vacancies but where pressure is placed on them to appoint from a remaining pool of relatively weaker candidates.

It is also not clear how SAP will be able to advise the Authority on weaknesses in their chief officer team where performance is of concern. This would appear to be rather narrow minded and does not take account of other factors and local complexities which could have had an influence on that performance but which would not be obvious to SAP.

- 2) How should a scrutiny gateway for the renewal of fixed term appointments work? (Free response)

In renewing fixed term appointments, the SAP should consider the views of the police authority in the first instance, as they will have been closest to the performance of that particular officer over their contract period and will be recommending renewal based on a number of factors, such as performance and local need. Given the increased role in undertaking Chief Officers' PDRs, this role is further enhanced. Rejection of a police authority's recommendation for renewal would undermine local accountability and set an unhealthy precedent for future appointments.

- 3) What is needed to recognise that it can be right for chief officers to leave a force before the expiration of their contract because that is best way forward for the individual or for the organisation?

Sometimes it can be right for an individual to leave before the end of their fixed term appointment not necessarily due to poor performance but because it is best for the individual or organisation. (Free response)

When police authorities appoint chief officers (above the rank of Assistant Chief Constable) it is generally assumed that those officers will remain in force until the expiration of their fixed term contract. The greater involvement of police authorities in the Chief Constable's PDR process should help identify where it may be appropriate for an officer to consider their future with the force.

In a force where performance continues to be poor and where action by the chief officer has had little impact, the Authority may consider that it would be the best option for the force if the Chief Constable left the force before the expiration of their contract. This may also be the case where a negative relationship has developed with local agencies and/or the press which if allowed to continue, would be to the detriment of the organisation as a whole.

- 4) How can we establish better succession mechanisms, including in poor performing forces?

Currently candidates apply for chief officer roles as and when they are advertised and there is little/no succession planning. (Free response)

Once aspiring chief officers pass the SLDP, there is little further development opportunities given to chief officers, and a two tier can open up between chief officers in smaller forces and those in the larger forces, meaning, for example, that ACCs from small forces are less likely to be promoted to the rank of Deputy in a larger force, resulting in a polarisation of skills sets between small and large forces. A more effective process needs to be in place to ensure that the more talented individuals are identified and that authorities are encouraged to appoint officers more on their talents than the force from which they originate. Chief Officers in poor performing forces are a good example where they could be discriminated, unfairly, due to the poor performing nature of their force, although the experience they have gained from that force may indeed be more valuable, and this needs to be properly addressed if those with the best talent are to proceed through the ranks.

In identifying appropriate applicants for chief officer posts, SAP must also be dissuaded from the view that the big forces should necessarily be afforded the 'cream of the crop' from the SLDP. There may be a greater need from a smaller force, with very particular problems for which a particular applicant may be the most appropriate choice, and a move to such a force should not be seen to be a negative career move.

In terms of the 'big' jobs in policing, the Met's example may be worth pursuing, whereby the future commissioner is 'groomed' in force at the deputy level, learning the ropes and then be promoted to the top job on the incumbent's retirement. This then ensures that the force does not experience a period where the leader is required to get up to speed on key issues and is already aware of the main issues and personnel in that organisation.

- 5) The government would also appreciate views on the proposed approach to Regulation 11's provisions on serving in another force as chief officer before becoming a chief constable.

Legislation demands that a chief officer must have served at least 2 years at chief officer rank in another force if they wish to become a chief constable. Regulation 11 allows for this to be waived in exceptional circumstances. (Free response)

The Authority agrees with the proposal to retain the requirement for aspiring Chief Constables to have been a chief officer for a minimum of two years in another force, unless in exceptional circumstances. This ensures that there is a regular 'churn' of individuals with ideas from other forces who can bring a fresh approach to policing. There is also concern that if this requirement is dropped, applicants from other forces would be dissuaded from applying for top jobs where the internal officer was a candidate, thus limiting the choice the authority will have in the appointments process.

Chapter 4: Focusing on development and deployment

1. The Government would be grateful for initial views on its outline three-year equality, diversity and human rights strategy for the police service.

We are proposing to set minimum equality standards for policing, support and work with statutory staff associations and diversity staff support groups and to explore the possibility of widening the interpretation of the Genuine Occupational Requirement to increase representation of under represented groups in the police service and higher ranks of the organisation. (Free response)

The Authority supports the development of a three year equality strategy, which it hopes will help draw together and provide clarity to the many different strategies currently in place in response to the diversity agenda.

In terms of targets, the Authority would support the development of local targets which are able to more accurately reflect local demographics, and in the spirit of the Green Paper's claim to be setting only one overall target for policing, would hope that police authorities will be free from to determine those targets without national moderation which tend not to be based on local knowledge.

In ensuring the very commendable aim of the progression of women and ethnic minority officers in the service, the Authority hopes that this is achieved through ensuring they have the right skills and opportunities afforded to them and that jobs are offered to those with the necessary skills and talents and not on any other irrelevant factor.

2. The Government would be grateful for views on what impact (positive, negative or none) will the Green Paper proposals have on communities, police officers and staff from diverse backgrounds. This will inform further development of the Equality Impact Assessment for the Green Paper. *(Free response)*

No comment.

Strategic role for Government

Chapter 5:

Co-ordinating change in policing

1. Are our proposals for strengthening the National Policing Board and encouraging collective action on the small number of issues that demand national attention right?

The National Policing Board is made up of representatives from NPJA, ACPO, APA, SOCA, HMIC and the Home Office. The NPB is the main forum for discussions on policing, allowing structured discussions on key strategic issues, and providing governance to joint work conducted at lower levels. In order for its support to be well-targeted, a new approach to decision-making is needed based on an agreed set of principles. We propose that these principles form the 'rules for engagement' which help determine when it is right for decisions to be taken nationally, encouraged regionally, or devolved locally. (Free response)

The Authority supports the NPB's development of 'rules of engagement' as a way of clearly setting out its priorities and provides some clarity on its role. In relation to the proposals around 'collective action', the Authority has some concerns over the situations where a consensus of opinion between the key partners cannot be reached. Whilst acknowledging the need to move forward on key issues, particularly those in the national interest, how exactly will these be defined, and how will the 'robust and direct action to ensure the problem is addressed' actually operate?

The Paper acknowledges that there will be disagreements from the tripartite partners on key issues, and the Authority is concerned that the NPB may use this robust action too readily to ensure the Government's direction is imposed rather than allow for a process of dialogue to reach a suitable resolution. In previous debates, such as around police mergers, such action could have resulted in an outcome which was completely contrary to local opinion and views of the public. It would therefore be helpful if the rules of engagement set out clearly when these powers would be used and that it would not seek to undermine the important role that the tripartite structure in policing fulfils.

2. Using the principles we have outlined, what issues should be decided at the national, regional and local level, and who should have responsibility for taking those decisions?

*The principles outlined in the Green Paper are the importance of whether **operational benefit** and **cost-effectiveness** are maximised at that level. The decision-making level should be **proportionate** to the scale to the problem, and enable **risk** to be managed effectively. Those responsible for a decision should have the right **skills and resources** to deliver and to innovate, and should be **accountable** for their decisions. There should also have sufficient **resilience and flexibility** to meet changing demands and to ensure a **consistent** and high-quality approach is in place. (Free response)*

The Paper states that at the local level, forces should be responsible for agreeing the neighbourhood element of the Policing Pledge. The Authority believes that this should be done by both the force and the Authority at this level, as they can use the information obtained through their comprehensive engagement networks, and working alongside other partner agencies, to develop a true picture of local demand. Whilst the dissemination of best practice from the centre is helpful in the development of the force, the way in which the workforce mix is set should be decided at the local level, based on an assessment of the most effective way in which to deliver policing locally. A relaxation in restriction over both officer and PCSO numbers would be welcome to enable the force to develop the most appropriate workforce mix, although the Authority is conscious of both the national and local public's desire to maintain officer numbers and decisions in this area would not be taken lightly and only after careful consideration of its impact on policing both locally and nationally.

Whilst the Authority welcomes the promise in the Paper that there will only be one centrally set target, it is sceptical that this will in fact be the reality, and the number of targets included within the policing pledge itself suggests that this will not be the case. The Authority would welcome the opportunity to set its own targets, based on its knowledge of local issues and crime trends, enabling it to target resources at the area of greatest need. In setting its own targets, the Authority would continue to utilise resources such as iQuanta to ensure that its performance compared well with other forces and its Most Similar Group, and would also expect to receive guidance from the centre and from bodies such as HMIC and the Audit Commission on the most effective way to resource and support the delivery of policing services.

At a regional level, there is already a significant level of collaboration and joint working being undertaken. The Chairman and Chief Executive of the Authority, together with the Chief Constable meet with colleagues in the North West region on a regular basis to discuss collaborative working, and a number of projects have already commenced across the region. The Authority notes the NPB's intention to take robust and direct action if a particular problem is not addressed, but the Authority would urge caution in using those powers and rely on local forces and authorities to help deliver collaborative working, although it accepts that there may be occasions where pressure needs to be applied to remove blockages to joint working. The Authority has welcomed the development of regional structures such as the Regional Intelligence Units as an effective means of dealing with regional issues. In developing such units, the governance arrangements must be considered carefully to ensure that the interests of local people from the constituent forces are protected.

At a national level, the Authority supports the concept of a national procurement framework which will inevitably result in efficiency savings for authorities in the bulk purchasing of goods and services for the police service. The Paper also talks about the development of national IT solutions, and although the Authority accepts the need for a national solution to ensure the compatibility between different forces' systems, is sceptical as to how this will work given the track record to date of delivering national IT solutions. The well established arrangements for counter terrorism, for example, appear to work well and the Authority would not wish to make any suggestions for reform in this area.

3. In what areas of policing should we give greater freedoms to frontline practitioners to enable them to deliver on local priorities and on seriousness in the most effective and efficient way? *(Free response)*

Police forces are currently piloting a scheme which allows officers discretion over making arrests rather than focusing on achieving set targets.

The Authority has for a long time expressed concerns about the way in which the introduction of the National Crime Recording Standard appears to have removed the ability of officers to use discretion, in that they are now required to record all incidents, however small, which has inevitably increased bureaucracy and the associated form filling, but has also led to the public's perception of crime increasing due to the higher level of recorded crime. The Authority accepts that there must be an accurate audit of crimes and that the NCRS has helped eradicate many inequalities in recording practices, but would like to see the return of common sense policing where officers time is not wasted on minor low level crime at the expense of other policing matters.

The review of the lengthy stop and search form is welcome and it is hoped that will lead to increased productivity on the frontline. As stated earlier in our response, the Authority would not wish to see an eradication of all forms of audit as it is vital that these checks are in place to enable the Authority and other bodies to scrutinise the work of the police, but would welcome the reduction of unnecessary bureaucracy and the associated recognition by bodies such as HMIC and the Audit Commission that this is the case.

Chapter 6: Reinforcing collaboration between forces

1. What more can be done to build upon present policing arrangements to improve the security of our borders?

Currently there three main policing functions at ports, who work alongside the UKBA; Special Branch is responsible for national security and counter terrorism matters, Protective Security provide policing to secure the port infrastructure and General Policing deal with crime and disorder. (Free response)

No comment.

2. If a border policing agency were created, how far should links with local forces and local accountability be preserved?

Any border policing agency independent of local forces would require a police authority-like structure to scrutinise its activities. We have proposed that locally elected Crime and Policing Representatives should make up a significant proportion of a police authority. (Free response)

It is important that the appropriate level of local accountability is preserved, particularly in those force areas where the proposed new border policing agency will primarily operate (ie around ports and airports). Perhaps lessons can be learnt from the accountability arrangements which have been developed as part of the Regional Counter Terrorism hubs, or from the current arrangements for the British Transport Police.

If the proposal is for a distinct standalone police force, it may therefore be appropriate that the border agency has its own, standalone, police authority, but it is important that that does not detract from the need for liaison with local accountability arrangements where the policing impacts on issues of local as well as national concern. Some form of formal consultative arrangement may therefore be appropriate to be established to allow this flow of information to take place.

3. What are the operational benefits and risks of creating a national police border force as proposed by ACPO?

ACPO propose creating a separate national police border force in England and Wales that would focus on all aspects of security and law enforcement at the borders, under its own chief constable. (Free response)

The risks to local policing could come from a number of areas, such as the top slicing of police grants to fund the new national police force for the borders, and also a loss of skilled officers from specialist departments such as Special Branch who may be tempted to work for such national forces, leaving local forces with a potential skills gap. There may also be some operational difficulties if the force was to work in Scotland as well, due to both the unique funding arrangements there, and also the separate legal system which operates north of the border, making the mobility of officers across the national boundary more difficult, although comparisons can obviously be drawn with British Transport Police which currently faces similar difficulties.

There would also need to be clear lines of accountability developed for those areas which had large ports or multiple ports in their force area, where a significant amount of policing could be handed over to the new national force. This would inevitably have a significant impact on local policing but may also impact on the allocation of resources to that local force, which would need to reconsider its level of resources if a significant element of its policing was handed to another force.

4. Are there any variations to ACPO's national policing model that could offer greater operational benefits than those currently being delivered under the present arrangements? *(Free response)*

No comment.

5. What would be the main costs?

Proposals for changing present structures would need to be both affordable and cost effective. (Free response)

There is concern that the costs of developing a national force would inevitably impact on the general policing 'pot', and that authorities may either be top sliced to fund the agency, or the general level of grant reduced to fund such a national agency. Would this cost be applied across all forces or would those force areas where the national force would primarily operate lose a proportion of their funds? There may be concerns from some smaller forces who would not directly benefit from the creation of the national force that any further reduction in their police grant could make their own level of resources unviable, unless the restriction on the fixing of the council tax precept were eased.

It would be assumed that some of the set up costs may be off set by transferring the assets of those forces who would lose their policing function at ports and airports, although their will inevitably be additional costs involved in developing new infrastructure such as IT.

6. Will structural reform be required?

The scope and timing of changes to police structures may be dependant upon new legislation. Some would require constitutional changes to the police service, others just changes to working practices. (Free response)

The Authority would not wish to see the police merger debate re-opened – this causes too much distraction in the service at a time when it is important to retain our focus on the delivery of effective policing. During the last merger debate, there was overwhelming support amongst the public of Cheshire for the retention of the current force boundaries, which it was felt reflected local policing needs well. As previously stated, however, there needs to be consideration of the impact of the creation of such a national force on other forces and on the national resources available for policing as a whole.

Respondent information

How did you find out about the consultation?

- a) from the Home Office
- b) on line
- c) Through our organisation
- d) through friends
- e) through an event
- f) through the media
- g) other (please specify)

x

How are you replying to us?

- a) by e-mail
- b) by post
- c) at an event
- d) other (please specify)

x

Please indicate the region of the UK you are from, or the organisation that you represent is based:

- a) England
- b) Scotland
- c) Wales
- d) Northern Ireland

x

Are you a: (please tick all that apply)

- a) member of the general public
- b) member of the police force
- c) member of a police body (eg police authority / ACPO / APA)
- d) local government
- e) central government
- f) other (please specify)

x

General comments on Chapter 7 “Improving performance in policing”

- The Authority welcomes the introduction of clear guidance on the capacity of police authorities to do their job, but would urge against the guidance being too prescriptive. One of the strengths of police authorities is that they provide a local input into policing and a standard model for police authorities would not be appropriate. The Authority is committed to the self assessment process as commissioned by the APA and has recognised that there are areas of its business which require strengthening and guidance may help to do this. The Authority is slightly puzzled by the comment that the Government will ‘work with partners’ to raise the capacity and influence of police authorities. Who are these partners are how will they improve capacity and influence?
- Improving training and skills for police authority members and officers is welcome, and the opportunity to engage with the National Police Leadership College will provide the Authority with the necessary support to build its capacity.
- The Authority has reservations about the proposals to directly elect Members to the Police Authority, and these concerns are expressed elsewhere in our response. The timetable of 2010, however, would seem unrealistic, and it is hoped that if these proposals do get the go ahead, that authorities will be given sufficient time and the necessary resources to make this happen.
- The reasons behind the creation of a Policing Pledge are noted, but there is some concern at the centrally dictated targets which are included. The Authority would wish to set their own targets, based on their knowledge of the local environment.
- The independent inspections of police authorities is welcome, although clarity on which body will be undertaking the process and how it is to be funded would be helpful.
- The proposals to include powers to address under performance in police authorities needs further clarity and in its current state, the proposal is not supported – how will the process to nominate extra members to the Authority work?
- The move to a more focused and hard hitting HMIC is a positive step, and the Authority looks forward to working closely with the Inspectorate in improving police performance. In widening the skills base of the Inspectorate, will consideration be given to the tenure of HMIC officers to ensure that they do not become over familiar with the forces which they are inspecting and that there is a regular churn of inspectors to ensure fresh ideas are brought into the service. In relation to the ‘Bank of England’ type arrangements, whilst the

HMIC has a role in reporting to the public, the use of a 'public letter' may cause some confusion with the public, and the Authority would wish to see this contact to be undertaken through their well developed local networks rather than from a national perspective, which could potentially undermine the role of the Authority.

- Whilst the promise to only set one central target around the confidence in policing is welcome, the Authority is sceptical as to how this will work in practice. Will the 'confidence' target be solely dependent on a survey of the public, or will there need to be a series of data collection around other targets under the over-arching target to assess the level of confidence? Whilst the Home Office may only be setting the police service one direct target, through the various other processes, such as the LAA, PSA, Policing Pledge and national targets, there is a feeling that the actual number of targets will reduce very little.
- There is some concern that changes to iQuanta will prevent authorities gauging comparative performance from its most similar group of forces. It is hoped that the proposed changes will still ensure that forces can be held to account for their comparative performance.