Policing for a better Britain: the Stevens report

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Hilary Kitchin LGiU associate

Summary
The work of the Stevens Commission has involved a substantive review of policing which has the potential to inform current and future policy in a number of ways.

From the perspective of local government, the report’s commitment to local partnerships, and its opposition to what is seen as a trend away from neighbourhood policing, are of particular interest. The bigger picture involves local authorities too: the Commission wants to see greater powers over local policing plans and priorities devolved to lower tier local authorities, while at force level, the chief constable would be responsible to a Policing Board made up of council leaders. Recommendations on standards and training, and that police officers could be struck from a professional register on proof of misconduct, will also impact on local confidence in the police.

This briefing outlines and comments on the report, which is currently under consultation in advance of the Labour Party manifesto. A full copy can be found here.

It will be of interest to all members and officers with an interest or responsibility in both criminal justice and community relations, including members of Police and Crime Panels.

Briefing in full

Introduction
The findings of a high profile review of policing, chaired by Lord Stevens, generated strong responses from some police and crime commissioners when published in late 2013. The Commission, established by the Labour Party but working independently, undertook a substantial piece of work, with six days of witness hearings, plus survey returns from serving police officers and staff and voluminous written submissions, and has produced a hefty report.
The terms of reference covered the full remit of policing, governance and accountability, and the need to balance local and national priorities. The recommendations challenge current government policy on policing, and indicate the frustration experienced by professional police with public expectations of ‘more police on the beat’. The Commission examined the role of Police and Crime Commissioner (PCC), and its alternative proposals for governance of the police suggest more confidence in local government than in American-style elected officeholders.

The Commissioners, thirty eight in all, included among the British great and good, people with backgrounds in policing, security, business and commerce, community relations, local government, media, faith groups, victim support, and public policy and academic research. Individuals with judicial or policing experience were drawn from Australia, New York, Boston, and the Irish Republic.

Key findings and recommendations

The Commission looked at policing in its wider context, observing that today ‘policing takes place against the background of deep social transformations’ that include the economic downturn, migration, widening inequality, constitutional uncertainty, and the impact of new social media. Although crime levels have fallen challenging new forms of criminal behaviour are emerging. Endemic anti-social behaviour, public confidence in the police, the need to improve support for victims of crime, all make demands on the police at a time of fiscal restraint. Change is needed, but change that does not require additional resources.

The Commission concluded that ministers have made a number of wrong calls, particularly on PCCs, while not tackling issues such as police standards, misconduct, and the national and local structures that make cooperation and procurement problematic. The force ‘risks outsourcing key aspects of policing to the private sector in an ad-hoc and unprincipled manner’. The police service ‘is in danger of retreating to a reactive model of policing’, and neighbourhood policing is being threatened.

The Commission’s vision is for the future of policing to be based on British social values and the traditions of policing that have their roots in Robert Peel, with the local policing area as the core unit or building block of a system that is seen to be fair and effective.

The findings and recommendations are set out in eight distinct themes.

A Social Justice Model of Neighbourhood Policing

A key recommendation is that the social purpose of the police should be enshrined in law. A set of principles that could be a model for England and Wales has recently been introduced in Scotland, state that:

a. the main purpose of policing is to improve the safety and well-being of persons, localities and communities
b. the police service will work in collaboration with others where appropriate and seek to achieve its main purpose in a way which is accessible and engages with local communities, and promotes measures to prevent crime, harm, and disorder.

If adopted for England and Wales, the legislated purpose would be backed up by a set of national minimum standards that everyone would be entitled to receive.

A local policing commitment would set out the expectations that would be met for neighbourhoods, those calling for assistance or reporting crime, victims of crime, and for anyone coming into contact with the police.

Creating Effective Partnerships
Crime prevention partnerships are seen as at the core of neighbourhood policing, and the Commission wants to build on the success of Local Community Safety Partnerships [LCSPs], which it believes are being undermined, by cuts and a shift in focus towards the activities of PCCs.

It is acknowledged that police practice in the criminal justice system needs to be improved. Home Office guidance on dealing with offenders and offending outside the criminal justice system would help clarify roles. The reporting of online crime would be facilitated by a combination of police and third party collaboration with financial services and affected businesses.

Police relationships with the private sector are essential, and while there will be pressures to extend these relationships as budget cuts continue to bite, decisions should be made in a principled way that attends to what the private sector can deliver more effectively and to the limits of private sector involvement in police work.

In particular, the powers of constables should only be exercised by the public force. Functions that rely on trust and legitimacy should normally be carried out by the public force.

Achieving better Democratic Governance
The evidence it received (outlined in a separate section below) led the Commission to conclude that the PCC model is systemically flawed as a method of democratic governance and should be discontinued in its present form at the end of the term of office of the serving PCCs. It has recommended an alternative means of achieving better local democratic governance: that the strategic direction be set by and key decisions made by local politicians.

Decisions about policing of neighbourhoods, local ‘volume’ crime, and anti-social behaviour should be made locally and based on effective partnership working. The power to make decisions about policing would be grounded in an elected local authority with effective scrutiny functions, rather than being the responsibility of a single individual.

Under the Commission’s proposals:
Greater powers over local policing plans and priorities would be devolved to lower tier local authorities, and to achieve this, through legislation:

a. internal force police boundaries would be reorganised in ways that were coterminous with the lowest relevant tier of local government

b. local government would have a say in the appointment of local police commanders

c. local authorities would retain a proportion of the police precept that would be ring-fenced and spent on commissioning local policing from their force

d. these authorities would have power to set neighbourhood policing and other priorities by agreeing policing plans with local police commanders.

At force level, the chief constable would be responsible to a Policing Board, comprising the leaders of each local authority within the police force area, which would have the power to set the overall budget for the area, appoint and dismiss the chief constable, and formulate and agree the strategic priorities for the force with the chief constable.

This model has the advantage of being flexible enough to be adapted to force restructuring and collaboration agreements when and if these occur.

Alternatives that ought to be considered as part of any consultation, though not adopted by the Commission, are for (i) relocating the powers of the PCC to be jointly exercised by an Elected Chair and indirectly-elected local policing board, and (ii) transferring these powers to a directly elected board.

The Commission recommend building on three decades of public partnership and community engagement, through compliance with three distinct tactics: Listening, Tracking Harm, and Doing Justice.

Public engagement should become a routine aspect of policing, with the police being proactive and maintaining continuous engagement with vulnerable groups. It is recognised that legitimacy depends to a great extent on how individuals experience one-to-one contact with the police, and that these contacts should be procedurally fair. The public should be able to feel that they are the authors of local policing decisions, not passive recipients.

A number of measures for improving the impact of neighbourhood consultation are discussed. There is a specific recommendation that police forces now consider setting up participatory budgeting units, and greater use of social media and other forms of democratic engagement is encouraged [Report, p.91].

A new Deal for Police Officers and Staff
The Commission endorses elements of the government’s proposals for modernising pay and conditions, and makes a number of recommendations on the professional status of police, entry level pay, and new models of working that would improve
Building a Police Profession

This set of recommendations on standards is intended to develop the police into an ‘evidence-based’ profession which will instil public confidence in the force. Key points are for:

a. The creation of a ‘chartered police officer’ as the basis of the police profession. This status would be linked to a set of standards and would be a mechanism for continuous professional development. It would be based on the standards and training set by the College of Policing.

b. A register of chartered practitioners would match other professions, and individuals could be struck off by the College of Policing after findings of serious misconduct. Hearings would be open to the public.

c. A code of ethics and new media guidelines are needed.

Raising Standards and Remedying Misconduct

At present, monitoring and inspection of police forces are separated from the investigation of complaints. The Commission recommends the abolition of the Inspectorate [HMIC] and of the Independent Police Complaints Commission [IPCC] and the creation of a new body. The new body would hold police forces to account for the delivery of standards, deal with misconduct, and avoid delay. It would have the power to impose an improvement framework, and would be a prosecution authority for serious complaints, also handling appeals for complainants who were not satisfied with the way in which a lower level complaint had been dealt with. The College of Policing would be responsible for conducting ‘professional competence and conduct panels’ with the new body ensuring that these met the public interest.

A Structure Fit for Purpose

While the current 43 separate police forces are no longer cost effective or able to meet all the challenges of modern crime, there is little or no consensus on a better alternative. The Commission suggests three options:

a. Actively encouraging locally- negotiated mergers and collaboration agreements

b. A coordinated amalgamation into ten regional police forces

c. A national police service for England and Wales, or two separate national forces.

Unable to consider this issue fully themselves, the Commission recommends that detailed proposals be drawn up for consultation.
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Making Savings and Efficiencies

Procurement of IT and Forensic Science are the main bugbears of the police service at the present time. The urgency of addressing these problems with national guidelines and national frameworks is underlined. The police lack a national procurement strategy, and one is clearly needed, coordinated jointly by the Ministry of Justice and Home Office. Savings could be achieved as soon as 2016-17.

In addition, the Commission recommends that forces rationalise their use of technology, and adopt a single platform for assessing intelligence. It sets out public interest tests which should apply to the procurement of goods and services, and to contract design and monitoring.

Democratic Governance: considering the evidence

Challenges and dilemmas

The key questions identified by the Commission, in a field they acknowledge is complex, are:

1. How to reconcile the public need to have a direct voice in setting priorities with operational responsibilities and the rights and protections of individuals and minorities

2. Handling the tension between responding to public concerns and making decisions that are based on reliable evidence

3. Making it possible for police to respond to local issues and at the same time meet the demands of cross-border crime and terrorism

4. How to ensure that police practice is structured along democratic principles.

Democratic Accountability

Regulatory mechanisms are needed for official oversight of the police. In parallel, the allocation of resources and choosing of priorities are political issues, requiring governance mechanisms that give the public a voice. Police independence is important too, creating the need for a subtle balancing act. As a result, ‘the question of police governance raises hard constitutional questions pertaining to the balance between external oversight and operational responsibility’.

Surveys of the police and police staff, which report concerns that elected PCCs are demonstrating a tendency to influence or direct operational matters are triggering fears that this long-standing tension has returned to prominence in the last year.

Legitimacy and public consent

There is a continuing tension between public demands and grounded strategies, from the point of view of the police. [The best known of these dilemmas is that between the policing of hotspots, and unfocused patrolling]. There is a concern that the election of PCCs has exacerbated this tension, PCCs having many incentives to...
press for the kind of popular activities that reassure their electorate. The Commission heard at its regional meetings that it is ‘feared that PCCs will pander to popular policies at the expense of silent crimes… and would prioritise visual, front-line, policing at the expense of hidden policing work’.

It is hoped that the promotion of public understanding about ‘what works’ by the College of Policing will in the future influence public opinion. The Commission also argues that it is necessary to create democratic institutions which are capable of assessing, weighing, and discussing these issues. Its view is clearly that the demands of the electoral cycle upon a single elected official, coupled with other constraints, mean that PCCs are unable to fulfil this function effectively.

**Local and national responsibilities**

In some instances, the decisions of PCCs have left police forces with gaps in their capacity to respond both to local issues and to collaborate with other forces in combating major crime. These are core services that need to be provided with consistency and to acceptable standards, and the Commission warns that a close watch needs to be kept on how the national Strategic Policing Requirement is interpreted locally. Instances have been reported of PCCs seeking to disband specialist units to divert resources to local spending priorities: once again this has led the Commission to pose the need for further thought about governance arrangements.

**Democracy in policing, policing in a democracy**

When introducing PCCs, the government presented the new system as reversing a trend to bureaucratic centralism and making the police more democratically accountable. The Commission agrees that elected politicians should hold the police to account: its difficulty arises over how politicians are elected, and to what kind of political office.

And elected politicians need to be backed up in multiple settings, in which members of the public can deliberate about policing issues and how best to respond to them – whether citizens’ juries, neighbourhood panels, or participatory budgeting.

**Conclusions about PCCs**

The Commission believes that democratic controls are essential, and that there must be ‘no retreat from the idea of giving people a voice in how they are policed by elected politicians being involved in setting the strategic direction of the police and hold them to account for their delivery of it’. The problem is that ‘there is mounting evidence that PCCs are a flawed means of giving effect to that principle’.

Six main reasons are given:

1. The elections were mismanaged, leaving PCCs with a potential legitimacy deficit
2. Those PCCs who were elected are predominantly male, white and middle-aged. Only six are women and none are from a visible ethnic minority. They include a number of recently serving police officers and former members of police authorities, quite inappropriately.

3. They are largely invisible to the public, and there is little evidence that they have captured the public imagination. It is difficult for individuals and communities to engage with a single individual within a geographically wide area of responsibility.

4. The appointment of deputies and other staff have often been highly controversial, with 16 PCCs now believed to have appointed their own friends, former colleagues and contacts as deputies on salaries of up to £65,000.

5. Too much reliance is placed on the ‘hire and fire’ power that the PCC has over the Chief Constable. Formerly public scrutiny processes of accountability are being replaced by opaque arrangements focused around private meetings between PCCs and chief officers. Scrutiny is proving ineffective and particular decisions have caused serious disquiet.

6. Police force areas mean that there is a huge variation in electoral constituencies. Local neighbourhood engagement is an uphill task. The ‘single individual’ model of accountability increases the risk that PCCs will frame their policing approach around the demands of their natural support, perhaps at the expense of minorities’.

These are not issues that the Commission believes can be ironed out over time. There is particular concern that the scope of PCCs may even be extended to include aspects of the criminal justice system.

Responses to the report
While there were some initial responses, the impact of the report's findings and recommendations will emerge more slowly. Inevitably, on such a highly politicised subject, initial responses reflected the positions of the two main political parties. The initial response from Conservative PCCs, defending their role and rejecting what was seen as a step backwards, was reported in the Bath Chronicle. Labour leaders claimed responsibility for introducing the framework for neighbourhood policing and were concerned at it being under threat. Shadow Home Secretary Yvette Cooper announced a year-long consultation on the reports 37 recommendations, which she expected would largely be accepted as the basis of the party's manifesto in 2015. Press commentary on publication of the report was mixed, and tended to point to the proposals on standards, training, and professional registration of police officers as being of most value.

Comment
This is a substantive review of policing which has the potential to inform policy in a number of ways. The weight of evidence that the Commission received, and the
authority of panel members, means that the report cannot be dismissed on the basis of political association with the Labour Party, although is also of interest because it will influence the Labour Party manifesto.

The findings on neighbourhood policing, and the urgency with which police forces are exhorted to engage with the public using additional forms of consultation should influence local police practice and be taken into account by PCCs. Police and Crime Panels will want to look at the options for public consultation that are in use locally, and make recommendations where these can be built on and improved.

It will come as a shock to many in local government that the police service lacks many of the checks and balances in procurement and contracting that we have become used to. These subjects have an added significance when the risks attached to externalisation of services, which involve contact with the public and sensitive responsibilities, are concerned. Again, this is an issue that should be on the agenda of Police and Crime Panels.

One senses that the Commission had some difficulty in formulating and conveying its findings on the need for a further radical change in police governance. The case against PCCs is made on reasonable grounds, some disturbing, but underpinned by what one senses is an instinctive dislike of an elected official with this degree of power. The Commission makes it plain that its proposals for policing boards are not a return to police authorities. The consultation on this particular proposal must test the potential and limits of this proposal rigorously if the proposal is to stand up to the stormy political weather that would accompany its introduction. The lack of political consensus and lack of public consultation about the introduction of PCCs may well be one of the reasons for the lack of interest in their election.

Possibly, given current concern about the conduct of police officers in recent cases and the launch of the IPCC investigation into police conduct at the Hillsborough disaster, the recommendations on building a police profession, raising standards and remedying misconduct will have the greatest resonance, and are most likely to be implemented.

For more information about this, or any other LGiU member briefing, please contact Janet Sillett, Briefings Manager, on janet.sillett@lgiu.org.uk