

The Police Journal/2011, Volume 84/Issue 4, December/Articles/Commissioning Accountability: Change to Governance and the Police - PJ 84 4 (320)

**Police Journal**

**PJ 84 4 (320)**

**1 December 2011**

## **Commissioning Accountability: Change to Governance and the Police**

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*As recessionary pressures take effect and public sector services, including the police, attempt to ensure the services they provide remain effective, efficient and economically viable in times of austerity, reforms to governance in an effort to increase accountability must be considered as important as any procedural or structural reform. This article considers the strategic and economic impact of introducing directly elected Crime Commissioners within England and Wales, in reforms to policing that have been described as the most radical in decades. Redistributing accountability and reordering the balance of power to create a new post-tripartite system involving possibly four different interested parties, including Chief Constables, the Home Secretary, Crime Commissioners and the Commissioner Panels, will undoubtedly have serious implications for the provision of policing services. Whilst not a panacea for issues surrounding accountability within policing, the new proposed changes, if implemented correctly and robustly with financial, public and political support, may have the opportunity to reform the policing landscape by increasing transparency and re-engaging the police with the different communities across the United Kingdom. In addition to these positive connotations, potential problems and difficulties have also been discussed throughout this article, which must be acknowledged and considered carefully if the proposed changes are to have the desired effect.*

*Keywords: accountability; commissioners; governance; police*

### **Introduction**

The recent publication of the Home Office consultation document 'Policing in the 21st Century: Reconnecting the Police and the People' has once again focused the debate around police governance and accountability (Home Office, 2010a). The government is currently consulting on plans to introduce directly elected Police and Crime Commissioners, create an independent police and crime panel and introduce a new National Crime Agency in what has been described as the most radical reforms to policing for at least 50 years. There seem to be accord and unity amongst the coalition government on these issues, which have featured in a significant part of the recent general election, appearing in both the conservative and liberal democrats' manifestos (Conservative Party, 2010). However, whilst there may be a sense of agreement amongst some MPs from the different political parties, this cannot be said for all agencies, stakeholder groups and

organisations affected by the proposed changes. Amongst the groups that are most vocal and concerned is the Association of Police Authorities (APA), who under the proposed plans, it would appear, will no longer exist (BBC, 2010; Home Office, 2010b; Independent, 2010). This article will explore the options available to the government by examining the potential advantages and disadvantages associated with both the current and the proposed new system.

## New Era of Economics and Politics

The public are encouraged to engage with public sector organisations and the 'big society' ideology and, if implemented robustly, this will apparently encourage participation and volunteerism. In doing so, it is anticipated that empowering communities and decentralising power through rolling back the frontier of the state will have far-reaching and significant strategic implications for the delivery of policing services to consumers (Gravelle & Rogers, 2010a). In times of economic unrest, societal change and political uncertainty, challenges facing the police organisation are significant (Gravelle & Rogers, 2009). Currently facing a real-terms budget reduction of between 16% and 20% accompanied by significant structural reform, it will be for the police service to deliver a better service for less (Neyroud, 2010; Davis, 2010).

Perhaps referring to a 'better for less' rather than 'more for less' aspiration for delivering policing services more accurately encapsulates the task facing all 43 police forces across England and Wales. As society moves to become more individualistic and consumer-orientated, with neoliberalism and free market forces dominating, it appears the police service will be reformed to ensure it remains relevant (Shaffer & Kipp, 2009). Accompanying the economic situation, constant structural and procedural changes facing the police service, for example the fast-approaching Olympic Games being held in the United Kingdom, will further complicate the policing landscape with many practitioners and commentators suggesting that now is not the best time to undertake such a radical reform programme (Pritchard, 2009). However, it seems highly likely that the government will continue its proposed programme of reform in a perceived attempt to ensure policing remains accountable, effective and a progressive public service.

## The Current System

Currently, responsibility for the delivery of all policing services is shared among three different bodies. The power-sharing responsibilities are divided among the Home Secretary, Police Authority and the Chief Constable (Wakefield & Fleming, 2009). This arrangement is commonly referred to as the tripartite system established by the Police Act 1964. Under this system, the Home Secretary is responsible for the overall efficiency and effectiveness of policing in England and Wales and is accountable directly to Parliament. The Chief Constable is responsible for all operational policing decisions within the force, controlling with autonomy over any available resource (Pope & Weiner, 1981). The third and final party involved in policing is the Police Authority which regulates and holds Chief Constables to account. In addition to this important duty, the Police Authority sets the strategic direction and budget. The composition of police authorities can differ; however, in most instances there are 17 elected members (Barrett, 2011). Nine elected members are from local government and are nominated to the authority. The remaining eight independent members who are included as part of the authority come from the local community, with a requirement that at least one independent member is a magistrate. **TABLE 1** below sets out in detail the wider role and primary responsibilities of each of the parties involved in policing within England and Wales.

## Criticisms of the Current System

Under this system, one of the current anomalies is that the Home Office, along with other politicians, can apply significant pressure on Chief Constables to direct resources in particular ways. However, the result of any such action is solely the responsibility of the Chief Constable and there seems little accountability on behalf of individual politicians. Another area of concern under the current system is the legitimacy of the

Police Authority. Although it is true that members are appointed representatives, the majority of officials that form the Police Authority have not been directly appointed by the public as representatives of the people on policing issues. Instead, the majority of officials are elected to local government positions as councillors and not as a direct consequence of knowledge of policing matters (Wakefield & Fleming, 2009).

**Table 1 Role of the tripartite system**

<b>Police Authority</b>	<b>Chief Constable</b>	<b>Home Office</b>
Maintain efficient force	Responsible for direction and control	Promote efficiency
Agree budget, responsible for expenditure	Prepare draft budget, financial management	Determine grant
Appoint Chief Constable	Control, direct employees	Approve appointment of CC
Set local objectives, consult locally	Adhere to local & national objectives and targets	Set national objectives, set performance levels
Issue local policing plan	Draft local policing plans	Receive copy of local policing plan
Control finances for extra resources	Operational and resource allocation control	Can determine levels of performance

The lack of awareness among the public also raises concerns over the legitimacy of police authorities. In a survey conducted by the Cabinet Office in 2007, only 7% of respondents indicated that if they had an issue with the delivery of policing services they would know they should contact their local Police Authority (Home Office, 2010c). In Louise Casey's Crime and Communities Review, 67% of respondents would not know who to go to if they were unhappy with the delivery of local policing services. Interestingly, only 19% of respondents in an IPSOS MORI poll stated that the local councillor was the best person to hold the police to account. Similarly, in a local government inquiry, 48% of respondents mistrust councils whereas only 24% mistrust the police (Home Office, 2010c). This lack of awareness and apparent lack of transparency has almost certainly reinforced the argument for introducing directly elected Crime Commissioners (Weitzer, 1995). As the public are mainly unaware of the existence of police authorities, it is highly unlikely that the public are informed and aware of their role, or who the members are.

There is also a belief that police authorities in their current state often fail to hold Chief Constables to account. In part, it is believed that the lack of powers and autonomy held by the authority combine to reinforce the position of the Chief Constable while leaving the authority little option other than to submit to the operational decisions of the Chief Constable. It would be highly unlikely, unusual and irregular that the Police Authority would not release the policing budget or precept to chief officers. Overall, there seems to be a 'democratic deficit' surrounding police authorities and, as a result, there has been in recent years growing concern over public dissuasion and disconnection with policing. Reiner has stated that police authorities 'play the piper but never name the tune' (Reiner, 2010).

## **The Proposed Changes**

One of the primary objectives of the proposed reforms is to increase understanding and participation in policing by reconnecting the public with the police (Home Office, 2010a). Under the new revised system, the Police Authority will be replaced within the tripartite system to include instead a Police and Crime Commissioner for each police force excluding London (Home Office, 2010b). The consultation paper uses the terminology and describes the role of the Police and Crime Commissioners as a 'mission to fight crime and anti-social behaviour' (Home Office, 2010b). Therefore it appears that the Commissioner will be responsible for:

- Holding the chief officer to account by ensuring the priorities set by the wider public are achieved. It will be for the Commissioner to ensure that maximum efficiency, effectiveness and economic viability is attained;
- Identifying, engaging and representing local communities within the force area;
- Setting the policing budgets and precept (the proportion of council tax that is spent on policing);
- Appointing the Chief Constable;
- And where necessary dismissing the Chief Constable.

Although the role of the Commissioners is similar to the responsibilities of the police authorities as previously explored, one of the significant differences is that the Commissioner will have the power to dismiss chief officers. This appears to shift and redistribute power within the tripartite system, which it is claimed will result in a fairer and more accountable arrangement. It is anticipated that the introduction of directly elected Commissioners will stimulate engagement and raise awareness by becoming more transparent and ultimately more accountable and accessible to the public. Among the more concerning aspects of the proposals is the projected cost of implementing the reforms.

## Economic Implications of Change

In times of economic hardship and flat economic growth, the financial implications of introducing Crime Commissioners will be significant (Audit Commission, 2010; Gravelle & Rogers, 2010b). If the government continued under the previous arrangement to keep police authorities, it is believed that the current system would cost between 0.5% and 0.75% of the police budget and precept to maintain all police authorities across England and Wales (Home Office, 2010c). In 2010/11 costs, this would equate to £52-£78 million. The government estimates that the single one-off costs associated with introducing the Commissioners would be £5 million. However, in addition to this cost, there would be additional annual running costs, which are outlined below.

**Table 2 Potential annual costs**

Description of cost	Total annual expenditure (£m)
Police and Crime Commissioner Salary and benefits	5
Police and Crime Commissioner support	36.9-63
Police Crime Commissioner Panels	2
Chief Executive Officer salary and benefits	7.9
Elections (held every four years @£50m)	12.5
<b>Total</b>	<b>64.3-90.4</b>

*Source: adapted from Home Office (2010a).*

The Crime Commissioners would each receive an annual salary of £122,000, with a total expenditure for all 41 Commissioners of £5 million per annum. In addition to this cost, the support team functions would need to be considered. Representing large numbers of people within their constituencies, the Commissioner will need operational support and this cost is estimated to reach between £36.9 million and £63 million. The panel overseeing the Commissioners would cost an additional £2 million per annum and would be

responsible for holding the Commissioner to account and protecting the interests of the police. The government also predicts that it will be necessary to have two statutory posts in place within each force area. These posts would include a head of paid staff and financial officer posts. It is estimated to cost £7.9 million in salaries and bonuses. The final associated cost of introducing Commissioners would be the cost of elections. For the purposes of calculating the annual running cost of the system, the election cost of £50 million every four years has been divided into four, resulting in a total annual running cost in 2010/11 cost equivalence of £64.3-£90.4 million, which is more than the economic cost of running the police authorities under the current tripartite system.

## Potential Risks of Change

Writing in 1993, Loveday (1993) identified that Police Authorities should reflect local needs and priorities informed by a consultation process. It would appear that this concept has been found wanting. Clearly, there are also serious issues and concerns that exist around the issue of introducing directly elected Commissioners. Logistical considerations of how accountability will be delivered to large numbers of constituents by only one Commissioner will need to be considered. If the introduction of Police Crime Commissioners were conceptualised in an effort to inspire localism, potential complications then arise whereby it may be impractical for one individual to represent up to 500,000 individual constituents. In research conducted by Loveday (2006), the argument was made that local Basic Command Units (BCUs) should be responsible for delivering neighbourhood policing and community policing, with other national agencies responsible for providing specialist services. Under this system, more localised accountability from BCU level may have the capacity to deliver increased levels of accountability. Officials, including local politicians, mayors, council leaders or a specially elected commissioner could hold BCU police commanders to account with the ability under certain circumstances to dismiss officers, thus strengthening local mechanisms of control and liability. Although the government has in some way addressed this by budgeting for operational support for Commissioners, provision will need to be made for access. The location of offices and other venues of the Commissioners within each force will also be an issue. Many living or working some distance away from these places may find access to their services difficult. Indeed, the size of each community Commissioners represent will also differ. Budgets, number of police officers, geographical land mass and the number of inhabitants will each differ and it is likely that there will be little uniformity for Commissioners, opening the debate on how local Commissioners will have the capacity to deliver local priorities (North Yorkshire Police Authority, 2010).

As crime has been falling to an historic low, many will perhaps wonder why a seemingly 'winning' combination under the tripartite system would not be needed (Flatley *et al.*, 2010). Unmistakably, this reform is likely to further politicise policing. It is feared that local members of the public will simply not have a strong enough local profile over the entire force area to campaign and get elected against political candidates put up by the major political parties such as Labour, Conservatives or the Liberal Democrats.

In addition to this concern, the possible relationship between Police Crime Commissioners and partner agencies, including Community Safety Partnerships (CSPs), also seems unclear. As the legislation currently stands, there is no obligation for the Police and Crime Commissioners to work with statutory partners on issues of crime and justice (Chambers, 2009). With the 'big society' being held up as the gold standard, provision for cross-agency collaboration surely needs to be re-examined (Gravelle & Rogers, 2010a).

## Operational Difficulties and Weaknesses

Similarly, closer scrutiny and deliberation will also be needed around the issue of 'operational independence', with concerns being raised by many stakeholder groups, not least from police authorities and police chiefs (Home Affairs Select Committee, 2010). It has long been the case in England and Wales that police chiefs have autonomy in the way in which they direct resources and make operational decisions. The consultation paper clearly states, however, that this principle of operational independence is fundamental to British policing and the government will take every action to ensure this is maintained under the reforms (Beare &

Murray, 2007). This must then be a matter that needs to be resolved prior to introducing the Crime Commissioners, and will unquestionably be a point in which consensus must be reached for the proposals to progress. This will be needed to ensure that Commissioners will be aware of the boundaries in directing chief police officers to carry out specific actions. It is likely that this will need to be defined prior to the introduction of Police Crime Commissioners. In a recent conference held in London, the chairman of the Home Affairs Select Committee, Keith Vaz MP, stated that he would ask that this be legislated in a memorandum of agreement (Vaz, 2011). The panel overseeing each Commissioner will also need perhaps to put in place some much-needed checks and balances so as to ensure that too much power is not put into the hands of one elected official (North Yorkshire Police Authority, 2010).

This has highlighted another potential issue that will need to be carefully considered as the legislation is drafted. It has been established that the panel overseeing the Police Crime Commissioners will have the power of veto over the appointment of a Chief Constable but will need a three-quarter majority (Home Office, 2010b). Despite this, they cannot, however, reject the sacking of a Chief Constable as this will be a matter for the Commissioner alone. This surely will need to be carefully thought through. Again, this power of veto and issues around autonomy with limited checks and balances will need to be amended as the bill progresses through both Houses of Parliament in Westminster.

## **Public Influence and Expectation**

It is likely that although public spending will certainly be reduced, public expectation is unlikely to follow the same trend, but instead may remain constant or even increase. Reasons for this may partly be as a result of the 'consumer' and 'individualistic' society that has developed over recent years, with this ideology increasing pressure on public sector organisations, including the police, to continue to provide increasingly better quality of services (Samli, 1995). This public expectation may also increase following the introduction of Police Crime Commissioners as candidates for the elected office stand on undeliverable manifestos, unrealistically over-promising and consequently under-delivering. If this becomes the case then it is likely to do very little to improve the relationship between the police and public.

Finally, concerns highlighted over the proposals include eligibility of candidates to stand for the post of Commissioner, with apprehension being expressed over extremist political parties such as the British National Party (BNP) or the English Defence League seeking candidacy. Research carried out by Button and Loveday (2010) into proposals to create an elected office to the CSPs raised similar issues, with apprehension over extremist or single-issue candidates being elected to office. Elected candidates may express extreme right-wing agendas or be fixed on tackling single issues such as anti-speeding campaigns. Additionally, candidates may target certain sectors of communities such as travellers, young people or individuals from ethnic minority groups. Former police officers are disqualified from standing for the position of Commissioner for four years following retirement. Indeed, the policy surrounding individuals who have or have had criminal convictions to be eligible to stand would also need to be examined (Home Office, 2010b). Low turnout may amplify these issues as the police and Commissioners together attempt to re-engage with communities.

## **Accountability**

Given the economic projections of implementing Crime Commissioners, it therefore appears that accountability, accountability and more accountability is to be paramount to the successful implementation of the Crime Commissioners as communities are empowered to engage directly and easily with the police and influence the delivery of policing services (Punch, 2009). With a focus on 'bottom up' accountability from communities, Commissioners, police and politicians, along with a side-ways accountability from police to statutory and volunteer partners of the 'big society', the proposed reforms may be successful (Eaton, 2010; Cabinet Office, 2010).

With a drive for cohesion, efficacy and improving social trust in communities, it will be for the police,

Commissioners and public to work together and create a productive and stimulating environment, drawing on creativity and experience to solve goals identified in a changing environment (Gravelle & Rogers, 2009). It is likely that the 'single point of contact' offered by the Commissioner will be favourable with the public as it may leave a sense of access and empowerment; however, the detail of how this will be achieved needs to be further considered throughout the consultation process. To overcome the democratic deficit successfully, Commissioners will need to ensure they are representative of all the different communities.

## Conclusion

In conclusion, the aim of electing Commissioners in 2012, due to government slight postponement, appears at first glance to be to make the current system more democratic and for that reason seems to encourage transparency and accountability, which has apparently been a weakness of the current tripartite model operating across England and Wales. It means that police chiefs will have to interact and work closely with Commissioners as they establish their new powers and responsibilities. Further repercussions such as the implications for the statutory and volunteer partners of the police must also be considered if maximum efficiency is to be delivered, especially in times of economic uncertainty. If implemented correctly, designing out political party infighting may be an advantage overlooked by many. However, accountability must be at the centre of any reform introduced within this area. In addition, encouraging collaboration between Commissioners, especially on global and national issues such as terrorism, the fast-approaching Olympic events and on issues surrounding wider efficiency savings, such as the procurement of resources, must be well thought out. Reducing bureaucracy, providing a joined-up service, increasing public involvement and promoting democratic accountability will arguably be the criteria and measures of success of the new scheme as England and Wales move slowly towards an elected model of policing. Clearly, whatever the outcome of the consultation process, it will be imperative that the knowledge and experience built up by the police authorities whilst carrying out their duties of holding the police to account are retained and passed on to their successor.

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