 ****

Call for Evidence (Phase 2)

February 2021

Introduction

In September 2019 the Police Foundation launched a major, independent Strategic Review of Policing in England and Wales, the first of its kind in many years. The Review is examining how crime, fear of crime and other threats to public safety are changing and assessing the ability of the police to respond, both at present and over the coming decades. The Review is chaired by [Sir Michael Barber](https://www.deliveryassociates.com/who-we-are), assisted by Sir Bill Jeffrey (as vice chair) and guided by an Advisory Board, which includes former senior police officers, politicians and leading academics.

The overall aim of the Review is to set a long-term strategic vision for English and Welsh policing and present substantial recommendations for a modern service capable of meeting the challenges of the 21st century.

More specifically, the Review is considering:

* What the police mission should be, looking in particular at the public’s expectations of the police.
* The capabilities and resources the police service needs to achieve this mission.
* The future police workforce, including the roles, responsibilities, skills and knowledge of police officers and staff.
* How the police service should be structured and held to account, locally, regionally, and nationally.
* How the police service should work with other sectors to deal with complex social problems.
* How much funding the police service requires and how this should be allocated.

[Read more about the Review](https://www.policingreview.org.uk/)

[Read the Review’s Terms of Reference](http://www.police-foundation.org.uk/project/strategic-review-of-policing/)

Call for Evidence

Two phases of work will inform the Review’s final report and conclusions.

We have already completed Phase One. [Read the final report](https://www.policingreview.org.uk/wp-content/uploads/phase_1_report_final-1.pdf.).

Phase One looked at **the challenge**the police service should be designed and prepared to face over the coming decades. This included:

* Examining the changing nature of crime, threats to public safety and ‘demand’ on the police.
* Understanding contemporary public and societal expectations of the police service.
* Considering the fundamental principles that should define the police mission, remit, and purpose in the current context.
* Assessing the likely implications of predicted societal change for public safety and the police service.

We are currently working on Phase Two which will look at the (broadly defined) **capabilities** the police will need to meet these challenges. This will include their workforce, relationship with the public, accountability mechanisms, structures, and resources.

**This Call for Evidence relates to Phase Two of this work only**.

In this Call for Evidence we invite **all interested parties**, both from within and outside policing, to provide written submissions in response to a set of consultation questions. The intention is to collect evidence, insights, arguments, and perspectives which (sitting alongside a programme of secondary research, key informant interviews and commissioned ‘insight’ papers) will inform the Review’s final report to be published in October 2021.

The Call for Evidence invites responses to six questions. For each question we also include several more detailed sub-questions or points for consideration, which respondents may wish to focus on in framing their response.

The questions cover the following six areas:

* **Legitimacy and confidence**
* **Prevention and collaboration**
* **The future police workforce**
* **Resources (funding and technology)**
* **Organisational structures**
* **Governance**

Instructions for respondents

Respondents are invited to submit information, commentary, views, and arguments in response to **one, some or all of the questions** using the form provided on the following pages.

We welcome responses to **any question from any respondent**.

The boxes provided for your responses can be expanded to accommodate additional text. As a guide, please try to limit your response to a **maximum of around 2,000 words per question**.

You are welcome to submit additional documentation or provide links or citations to relevant material to support your response. If doing so, please be clear about how the material relates to the question or your response and be specific about the location of relevant content within the supporting or referenced material.

In the final section you will be asked for permissions with regard to crediting your submission, attributing responses, and potential further contact.

Once completed, please submit your response by email to **strategicreview@police-foundation.org.uk.**

The closing date for submissions is **5th April 2021.**

|  |
| --- |
| 1: Legitimacy and confidence  |
|  |
| **Q1: How would you assess the state of public trust and confidence in the police?**You may wish to refer to the public as a whole and/or to particular groups, such as victims of crime, people with particular needs, Black Asian and Minority Ethnic groups or other minority groups. |
|  |
| **Q2. What should be done to improve police legitimacy, especially among those communities who have less trust and confidence in the police?**You may wish to refer to specific examples of initiatives here or around the world that have improved public confidence in the police. |
|  |

2: Prevention and collaboration

|  |
| --- |
| **Q3:** **What more should be done to prevent crime and who should be responsible for crime prevention?**You may wish to address what the role of the police should be in crime prevention, alongside that of other actors and agencies.  |
|  |
| **Q4:** **How can the police work with communities to prevent crime and keep the public safe?**You may wish to comment on:* How local communities should be engaged in tackling crime.
* How the major policing and crime reduction priorities in a community should be determined.
* The role of organisations such as Neighbourhood Watch and how this might evolve in the future.
 |
|  |
| **Q5:** **How should the police work alongside other public agencies, businesses and organisations to keep communities safe?** You may wish to comment on:* How the police work with local government and health and social services and whether existing partnership arrangements are fit for purpose.
* How the police might work with charities and third sector groups.
* How the police might work with the private sector.
 |
|  |

3: The future police workforce

|  |
| --- |
| **Q6:** **How should the future police workforce develop in the future?**You may wish to reflect on:* Existing skill gaps and the skills and knowledge that police officers and staff will require in the years ahead.
* How the police service should recruit the people it needs.
* The introduction of the Policing Education Qualifications Framework (PEQF)
* How the learning and development of police officers and staff should be improved.
* How the diversity of the police workforce can be improved.
* What can be done to promote wellbeing at work for police officers and staff.
 |
|  |

4: Resources (funding and technology)

|  |
| --- |
| **Q7. How should the police service be resourced to meet the challenges of the 21st century?**You may wish to comment on:* Whether the police service has the resources it needs to meet the challenges ahead.
* The current police funding model – including the central government grant, the police precept, and the Transformation Fund – and whether it is fit for purpose.
* Whether the current levels of remuneration for police officers and staff are adequate.
* Whether the system for determining police remuneration is fit for purpose.
* Whether the police service is delivering value for money and ways in which value for money could be improved.
 |
|  |
| **Q8. How can policing make the most of new technologies?**You may wish to refer to:* Whether the state of police information technology is fit for purpose, providing examples of successes and areas of concern
* The most important technologies that policing will need to make use of in the years ahead
* The way in which police technology is procured and whether this system is fit for purpose
* The ethical implications of the police use of technology and how these ought to be managed
 |
|  |
|  |
| 5: Organisational structures |
|  |
| **Q9:** **How should the police service be organised at a local, regional, and national level?**You may wish to comment on:* Whether policing capabilities are currently sitting at the right levels (local, regional and national).
* The 43 force structure and whether it is fit for purpose.
* Lessons from other models such as the creation of Police Scotland.
* Whether existing collaboration arrangements are fit for purpose.
* The roles and responsibilities of national institutions including (but not limited to) the National Police Chiefs’ Council, the Association of Police and Crime Commissioners, the College of Policing and the National Crime Agency.
 |
|  |
|  |
| 6. Governance |
| **Q10:** **How should the police service be governed and held to account?**You may wish to reflect on whether the current system is working effectively and what changes you think should be made to it. Specifically you may wish to comment on: * The role of Police and Crime Commissioners.
* The role of directly elected Mayors.
* The role of Police and Crime Panels.
* The role of the Home Office.
* The role of Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) and the Independent Office of Police Conduct.
 |
| This submission focuses on two key points. First, the PCC’s s.38 power to remove Chief Constables from office. Second, the ability of PCCs to hold Chief Constables to account. Each is explored in turn.1. The PCC’s s.38 power to remove Chief Constables

The PCC’s s.38 power (see s.38 Police Reform and Social Responsibility Act 2011) to remove Chief Constables has been identified as contentious, (see The House of Commons Home Affairs Committee, Police and Crime Commissioners: Register of Interests (TSO, 2013), HC Paper No. 69 (First Report of Session 2013–14); The House of Commons Home Affairs Committee, Police and Crime Commissioners: power to remove Chief Constables (TSO, 2013), HC Paper No.487 (Sixth Report of Session 2013–2014); The House of Commons Home Affairs Committee, Police and Crime Commissioners: progress to date (TSO, 2014), HC Paper No.757 (Sixteenth Report of Session 2013–14); The House of Commons Home Affairs Committee, Policing forthe future (TSO, 2018), HC Paper No.515 (Tenth Report of Session 2017–19); Written Submission from National Crime Agency, National Police Chiefs’ Council and the Metropolitan Police (PFF0021); The House of Commons Home Affairs Committee, Oral evidence: Policing for the future, Tuesday 19 June 2018, Qu 636; Report of the Independent Police Commission, Policing for a Better Britain (2016).My research, (involving elite research interviews with some of the most senior stakeholders in policing at a regional and national level, see Cooper, S, *Police and Crime Commissioners: A Corrosive Exercise of Power which Destabilises Police Accountability?* Criminal Law Review, Issue 4, 2020; *The Times* 23.04.2020; *The Telegraph* 22.02.2021) finds the PCC’s s.38 power may cause two new corrosive effects. First, instability in police leadership; second, to Chief Constables abstaining from questioning and challenging PCCs with the consequent risk of becoming beholden to their PCC. Importantly, my research also finds some evidence that s.38 may lead PCCs to command, overrule and control Chief Constable. For example, one research respondent asserted: “[The PCC] runs the police, [the PCC] hasn’t let the Chief [Constable] get on with it at all. That’s not what you want from a PCC. [The PCC] regards them self as the Chief of the Chief!”While another highlighted: “Some [PCCs] feel that they are effectively the senior Chief Constable or the boss of the Chief Constable and that’s not the way the model was set up. They [PCCs] don’t have the background and history that many Chiefs bring … the profile of Chiefs is being eroded …”Further, Chief Constables could be held to account in a crude manner by their PCC. This possibility might also be a current reality as a PCC appears to currently instruct their Chief Constable and subject them to disparaging personal criticism:“[The PCC] is holding [Chief Constable X] to account in a shallow, hollow way. This should be a concern for any Chief Constable. [The PCC] is a dogmatic and bombastic bull … [the PCC] seems to take pride in belittling the role of the Chief Constable … you have got a very bright, informed Chief Constable who is trying to manage a whole range of things being personally vilified by [the PCC].”Therefore, my research calls for a re-examination of s.38 in light of these new important findings and I believe the Strategic Review is well placed to carry out this inquiry – indeed I am happy to support this important call and work with colleagues at The Police Foundation. Further, the present safeguards provided by PCPs and, if consulted, HMICFRS appear to be ineffective and in the case of the latter, underutilised. Evidence from policing’s leaders and Her Majesty’s Chief Inspector of Constabulary shows a “greater churn” of Chief Constables and it has also been hinted that the introduction, reputation and challenges associated with PCCs and their s.38 power might be the cause. (See Written Submission from National Crime Agency, National Police Chiefs’ Council and the Metropolitan Police (PFF0021); and Policing for the future, Oral Evidence, Sir Tom Winsor, Qu 636. See also The House of Commons Home Affairs Committee, Policing for the future (2018), HC Paper No.515 (Tenth Report of Session 2017–19), pp.68 and 69.)Useful outcomes of The Police Foundation’s Review would be to strengthen the role and powers of PCPs beyond their limited advisory capacity, doing so would enhance current safeguards and help ensure the PCC’s s.38 power is more effectively scrutinised. I would also recommend amendments to the Policing Protocol Order – specifically, to encourage PCPs to proactively engage the “professional view” of HMICFRS. This may also guard against the possible arbitrary removal of Chief Constables. 1. The ability of PCCs to hold Chief Constables to account

My research, (see Cooper, S, *Police and Crime Commissioners: A Dislocated Expectation?* Policing: A Journal of Policy and Practice, 2021 (forthcoming April 2021) finds that the accountability of Chief Constables to PCCs can have a number of significant strengths. In particular, visibility, frequency, and improved scrutiny. However, my research this article also draws attention to how the accountability of Chief Constables could be frustrated, administered inconsistently, and be of variable quality. Moreover, the accountability of Chief Constables may be subject to the vagaries of PCCs, including their variable calibre.For example, one Chief Constable outlined how PCCs have increased the visibility of accountability and led accountability to be more direct, instantaneous, and continual:“I am grilled, and that’s probably the best word for it. The simple optic of the PCC sitting next to me means accountability is very visible. The accountability is instant, direct, visible and quite personable … it’s a more continual, rolling accountability (with) a higher level of scrutiny and a greater level of detail, a greater level of understanding because of the way that the organizations now work together getting that oversight right. Fundamentally, the PCC provides a quicker, slicker, more straight forward process.”The argument that PCCs can lead the accountability of Chief Constables to be more frequent was also evident from a number of interviews with PCCs. For example, it was highlighted how accountability is now on-ongoing: “Police Authorities were wrapped around the little fingers of Chief Constables because they never really knew what was going on … Chief Constables were barely accountable to their Police Authorities, it was lip service … it was always Chief Constables that were always the Kings of their Kingdom. Every Chief Constable was the King in their Kingdom. Locally Chief Constables could do what the hell they liked and boy did they do it! We are in the organisation all the time, accountability is on an on-going basis.”However, my research also demonstrates how the accountability of Chief Constables to PCCs could be subject to a significant anomaly; namely, it might be predisposed by the relationship between Chief Constables and PCCs. In turn, this may lead accountability to be inconsistently administered and subject to significant variance. The accountability of Chief Constables could also be contingent on the calibre of PCCs, subject to their vagaries and hinge on luck.For example, one research respondent considered that current governance arrangements have potentially created inconsistences that could impact how effectively Chief Constables are held to account. More broadly, it was suggested that prior to their introduction PCCs lacked sufficient examination and with reflection may even be ‘a blunder’:“For one person, even though they are elected, to replace the wisdom and contribution of 19 (Police Authority members) is a tall ask. There’s only one person (the PCC) providing scrutiny (of Chief Constables) and that’s a heavy responsibility, so in terms of scrutiny of course it’s a lot less. Palpably has it worked? No. In the absence of stress testing, thinking it through, why do we want this, what’s the problem we are trying to solve I suspect PCCs might, in hindsight, be regarded as a blunder.”Further, a number of Chief Constables also asserted that the relationship between Chief Constables and PCCs could be administered inconsistently. While some strengths were identified, the risks PCCs bring to the accountability of Chief Constables could dominate and may even overshadow the governance of policing: “Whilst it brings clarity, it brings timeliness, it reduces political infighting, there is a significant risk that the relationship either becomes excessively hostile, excessively friendly or because of the weaknesses between the two, particularly where one has been selected by the other, there isn’t the balance, additional questioning or informing of the debate that a wider group would give. When it is operating at its pure best it has brought clarity about the ‘one to one’ eye to eye, explain where we are, why are we here, what are we doing, what is the plan but because of poor safe‐ guards and governance arrangements it too quickly descends into personalities and subjectivity in which accountability becomes likeability, becomes re-electability. Accountability becomes all of those things it shouldn’t.”Accordingly, I make recommendations for reform – recommendations that should not be viewed as threatening the PCC model, but a means to improve the working relationships prescribed by the Policing Protocol and as a way to strengthen the accountability of Chief Constables. Specifically, the Home Secretary should consult the parties bound by the Policing Protocol and review its suitability. The Policing Protocol is the statutory foundation of the relationship between PCCs and Chief Constables, yet my research shows change is needed. The Policing Protocol’s working principles need refinement and greater clarity is essential. Therefore, the Home Secretary should consider whether the Policing Protocol needs to be varied or replaced.Further, I call on the Home Secretary to issue an Accountability Code of Practice. This Code needs to be accessible and it must set out clear terms of reference, highlight cases of best practice and give examples of mechanisms that PCCs should use to hold Chief Constables to account. Importantly, this new Code of Practice must apply to all PCCs in England and Wales to ensure that Chief Constables are held to account consistently across England and Wales. As above, I am happy to support these recommendations and work with colleagues at The Police Foundation.I hope this submission and evidence helps. If I can provide any further information and / or assistance, please do not hesitate to contact me. Thank you, with best wishes Simon. |

Respondent details and preferences

|  |
| --- |
| This response is submitted by/on behalf of (name of individual, group or organisation): |
| Dr Simon Cooper, School of Law, University of Essex.  |

|  |
| --- |
| I agree that the individual, group, or organisation named above can be listed as a respondent in the Review’s reporting. |
| *Delete as applicable:* **Yes**  |

|  |
| --- |
| I agree that the views and information provided in this submission can be attributed to the individual, group, or organisation (named above), including in the form of direct quotations, within the Review’s reporting. |
| *Delete as applicable:* **Yes**  |

|  |
| --- |
| I am happy for the Police Foundation to contact me in relation to this submission, (for instance for clarification or further information). |
| *Delete as applicable:* **Yes**  |
| If yes, please provide contact details (email preferable) below.sjcoop@essex.ac.uk |

Please submit completed forms and any questions regarding this Call for Evidence to **strategicreview@police-foundation.org.uk**by **5 April 2021.**