Police and Crime Commissioners - One Year On

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Summary

- It has been a year since the first Police and Crime Commissioners were elected, prompting several looks at their work in their first year in office.

- Unsurprisingly opinion ranges from deeming them a success to a failure, although objective observers tend to point to a few successes while recognising that a year is not that long in which to make a significant difference.

- PCCs themselves are among the most positive, and many among them who opposed, or were at least sceptical, of the reform have come to see the benefits the post can bring in improving public service and are able to highlight positive changes they have been able to make because of the reform.

- This briefing will be of interest to any members or officers involved in policing or criminal justice.

Briefing in full

Directly elected Police and Crime Commissioners (PCC) and Police and Crime Panels were created for each police force area in England and Wales (with the exception of London) by the Police Reform and Social Responsibility Act 2011. In London the role of the Police and Crime Commissioner was given to the directly elected Mayor of London, to be exercised through the Mayor’s Office for Policing and Crime (MOPAC).

The first elections took place on 15 November 2012, amid criticism of the policy—which some saw as politicising the police service—and the handling of the elections—which the government was accused of under-publicising. The elections saw a record low turnout, ranging between 11.6% and 19.5%. They also saw a record number of independent
candidates winning; helped by concern about politicising the police and the electoral system a dozen independents were elected, five of them overturning a first-round lead by a major party candidate.

PCCs have now been in office for a year, and the anniversary provided the opportunity for many to consider their impact on policing over the past twelve months.

Even a year into office might not be enough time to form a proper judgment on PCCs. The nature of their task means that their impact will often become clear over time rather than immediately, and sometimes it will be hard to assess exactly how much impact they have had; the causes of crime are often deep and complex. While they can move quicker where they have direct control, the ‘policing’ part of their job, the ‘and crime’ involves so many other agencies and factors it will, by definition, require a longer term measure of success. Despite that, the one-year-on reviews have been generally positive.

**PCCs: by others**

Jon Collins, deputy director of the Police Foundation, perhaps put it most succinctly in an article for The Guardian’s Society section. Noting that generally the relationships between PCCs and others are working well, and some are coming up with innovative ideas he concluded “there has not been time to put any of the ideas into practice” and with the next elections scheduled in just two-and-a-half years “they have a limited amount of time left to show what they can really do.”

The Home Secretary, Theresa May in a speech at Policy Exchange was far more upbeat, despite promising a “warts and all” speech about the impact of PCCs on the policing landscape it was light on the warts. Unsurprisingly she robustly defended the government’s law and order policies, including the introduction of PCCs, and linked them directly with the fall in recorded crime.

She set three tests to highlight the success of PCCs: how visible and accountable they are, the reforms and innovations they are driving and to what extent they are using their powers to hold their forces to account.

**Visible and accountable**

Mrs May is clear that PCCs have succeeded in being more visible and accountable. Highlighting that only 7% of the population were aware of the old police authorities, even with a low turnout in the PCC elections they can claim higher public awareness. She also predicted that turnout would increase in 2016, with elections being held with local elections in May, and inevitably focussing more on the policies of the incumbent and challengers than on the concept of the office.

There is polling evidence to back up Mrs May’s claims that PCCs are better than police authorities, although the picture is mixed. A ComRes poll for BBC’s Sunday Politics showed only 7% of people could name their PCC (although that number increased to 17% in Wales) but that 55% of people were able to state that their region had a PCC. The Home Secretary would presumably be less pleased that while there were a significant number of people who felt PCCs were making a positive difference, generally, there were
still many who felt PCCs made no difference or made matters worse; for example 11% felt levels of crime were worse because of PCCs, while 40% felt they made no difference. Two YouGov polls echoed these findings. One for The Times found 11% of people could name their PCC, but where overwhelmingly neutral when it came to their impact. When asked if the police had become more accountable and more effective 63% and 64% felt they made no difference (with 23% and 25% saying they didn’t know, which is arguably just ‘no difference that I’ve noticed’). The second YouGov poll, for Centreground added some more depth. It came up with an even higher rate for naming PCCs (19%), but reflected the uncertainty in other polls about the impact of PCCs. Only 16% agreed they had helped reduce crime (32%, twice as many, disagreed). Perhaps more worryingly for proponents of PCCs only 11% of people agreed they had a good understanding of what PCCs do, while 48% disagreed. While the ideal of everyone understanding the functions of elected servants may be unattainable, true accountability is difficult to realise if the electorate are generally ignorant of an office holder’s functions.

**Reforms and innovations**

There are, clearly, constraints on a PCC’s ability to truly innovate. The number of partners with which they have to work, the operational independence of the police and the requirement to operate within the national criminal justice framework means that, generally, they have to innovate by persuasion, carrying others with them to new ways of working. Promotion of innovation is a government priority. This year they have made a £20 million pot available to PCCs to fund innovations, and £50 million will be made available for the 2014/15 financial year.

Thus far many of the innovations have been innovations for the criminal justice sector, but remarkably familiar to those in local government. Those the Home Secretary highlighted range from private sector involvement (West Midland’s Business Improvement Plan), joint working with neighbouring boroughs (like the West Mercia and Warwickshire strategic alliance which predates PCCs) and shared services (like Merseyside’s joint Police and Fire Command and Control Centre which was approved, but not initiated, by the PCC).

This is not to say PCCs are not innovative, but reflects the long-term thinking required to effect change in the public sector which is, perhaps, further tempered by the PCC’s political antennae warning them that the public may still not be sold on the PCC concept. At a lower level, where PCCs are able to be more agile because budgets are smaller and partners can be more responsive, there are plenty of examples of PCC innovation and reform. Kent’s Youth Commissioner, a policy that Ann Barnes is admirably retaining despite the controversy of the first incumbent, creates a post that explicitly represents an age group that frequently falls foul of the criminal justice system, but often has remarkably little say in criminal justice matters. Several others are launching variations of victim centres, moving to balance the needs of a victim in a system often focused on processing the offender.

One of the best examples of reform, however, comes from Northumbria. There, following a sexual attack on a drunk girl, Vera Baird realised that those involved in the security industry had no safeguarding training. Responding to this she, along with willing partners, introduced training for Northumbria’s security firms, before raising the issue with the Home Office. The result, remarkably rapid, has been the national introduction of safeguarding training for Security Industry Authority accreditation. While this might have happened
without PCCs, Ms Baird herself cites the fact she was a PCC as a key factor in getting the reform promoted so quickly.

**Holding the police to account**

Holding the police to account is a key function of the PCC, but one that’s difficult to demonstrate in practice. Given that it will, often, take place in a comfortable working relationship between the PCC and senior officers, there is the risk that accountability may take place without total transparency. Perhaps the easiest way to demonstrate accountability publicly is through targets: this is something the Home Secretary does not like, commenting that where some PCCs have set performance targets she was “not overjoyed with that – there is a very good reason I have abolished all national police targets” though she continued–accepting the principles of localism–“it is the prerogative of police and crime commissioners to introduce local targets if they want to do so.”

Perhaps the biggest change between police accountability to a police authority and to a PCC has been the immediacy the new arrangement brings. Instead of a panel which would comprise entirely or mostly part-time members the PCC is a full-time scrutineer. Several PCCs highlight the fact that they get the same daily briefings that their chief constable receives. Arguably this is meaningless, since the operational independence of the police means the PCC cannot direct immediate responses should the briefing reveal something they do not like. However, the pressure they can immediately bring to bear on the chief constable will have some impact on the chief’s thinking, especially when it is coming from the individual with the power to fire them.

She did, however, highlight Ann Barnes’ work in calling in Her Majesty’s Inspectorate of the Constabulary (HMIC) to look at the crime recording practices of the Kent police force. HMIC’s investigation uncovered some serious issues, revealing that the performance culture had resulted in various tactics being used to skew the recorded figures in order to meet targets. Ms Barnes, aside from being vindicated in her decision to call in the HMIC, concluded that the result will be much greater public confidence in crime data, but also to share Mrs May’s view, that numerical targets create a culture that hinders, rather than helps, the police do their job.

What is particularly interesting in this case is that Ms Barnes was the first PCC to use the new power to call in the HMIC after concerns about crime recording had been raised during the election campaign. She had also been the long-serving chair of the Kent Police Authority. Given that the individual primarily involved in police accountability in Kent did not change, it perhaps offers some justifications for the reform: the issues were raised during the democratic process, Ms Barnes was able to use new powers, and she has also written about how the new rôle has changed her perspective and the way she acts towards police accountability.

**The Stevens Report**

Lord Stevens’ report, *Policing for a Better Britain* (which will be the subject of a fuller LGIU briefing in the future) presents what is probably the most negative view of PCCs after one year. The report was commissioned by the Labour Party to consider the future of policing in England and Wales, including governance and accountability. His conclusions on PCCs are unequivocal, with the title of the relevant section “PCC’s [sic]: a Failed Experiment”
meaning you won’t read this particular police and crime tome expecting a twist in the final pages.

While the report accepts the need for democratic accountability stating “there must be no retreat from the idea of giving people a voice in how they are policed by electing politicians being involved in setting strategic direction of the police and hold them to account for their delivery of it” it considers there is evidence that PCCs are a flawed way of delivering this and has “structural defects”. It concludes that the PCCs first term should also be their last. The report cites six reasons:

1. The election was badly handled, resulting in a potential legitimacy defect.
2. PCCs are unrepresentative, and predominantly white, middle-aged men.
3. PCCs remain relatively invisible to the general public.
4. There has been controversy over the appointment of staff to PCCs’ offices.
5. The power to hire and fire has resulted in damaged relationships, and the Police and Crime Panels are not an adequate check on this power.
6. The size and scope of the PCC’s job makes it difficult for them to be totally representative, and more likely to focus on their core constituency.

The Commission’s recommendation is that PCCs are abolished and, instead, new powers given to local authorities. They highlight four key measures:

1. Police forces would be required to organise internal boundaries so they are coterminous with local authorities.
2. Local authorities would be given a say in the appointment of local police commanders.
3. Local authorities would be able to retain some of the police precept to commission policing services.
4. Local authorities would have the power to set priorities for neighbourhood policing.

While this addresses lower levels of the police, it does not replace the strategic rôle of the PCC. To do this the commission propose that a policing board, comprising the leaders of all the relevant local authorities, be given some of the powers currently held by the PCC, including budget setting, the power to hire and fire the chief constable and the responsibility to agree the force level policing plan and strategic priorities with the chief constable.

While Labour has said it expects to implement the majority of recommendations they have not been specific about the abolition of PCCs, Yvette Cooper, the shadow home secretary, stated that the party recognised the system was flawed, but “the question now is not whether to reform but how to reform. So we will consult now on options for reform.”

**PCCs: on themselves**
The anniversary of taking office has inevitably allowed PCCs to reflect on what their first year in office has meant. The Association of PCCs has published *One Year On* which provides brief details of the various ideas and projects undertaken by PCCs. More revealing is *The Pioneers* a collection of essays written by PCCs published by Policy Exchange. Reading through it becomes clear that individual PCCs find great value in their office and can highlight positive differences they have made.

While it’s not clear whether PCCs like West Midland’s Bob Jones (who stated he “would be quite happy to declare [himself] redundant.”) were invited to contribute others who did admitted having warmed to the idea. In his essay Tony Lloyd (PCC for Greater Manchester) stated “I’ll admit I was sceptical to the idea as it’s a new way of doing politics in this country.” He continued, “as the year has gone on, I have seen more and more how Commissioners have the potential to be an effective catalyst for change, and how local people can be involved in decision-making and policy-formation on a level that has simply never been seen before.” Indeed, the collection features several essays by people who—while writing now about the positive difference they, and the office, have made—had previously opposed the reform. Whether this is politicians going native or undergoing an evidence-based conversion is impossible to tell, but there are certainly more champions of PCCs than there were a year ago.

What also becomes apparent from reading the essays is how much PCCs have grasped the ‘and crime’ part of their job and the criminal justice leader rôle envisioned by ministers. Adam Simmonds, Northamptonshire’s PCC declares that he has “chosen to interpret the ‘and crime’ aspect of my role boldly, broadly, perhaps controversially. It needs to cover criminal justice and community safety, drugs and alcohol, early intervention and prevention activities, enhancing wellbeing, galvanising local communities in cultural change.” Perhaps his expansive view of his job comes from his analysis of the problem: that when the question was asked within the previous system of who was responsible for crime reduction or prevention “the answer has been a mushy collective sense of accountability; everybody, and nobody.”

 Plenty highlight the need to work in partnership, both with those traditionally involved in criminal justice, but also with those often overlooked like the health service. Alun Michael even takes his inspiration from the health sector, highlighting a ‘public health’ approach of focusing on victims and prevention being better than cure.

However, perhaps the best endorsement of the power of a PCC comes, again, from Vera Baird this time writing for The Guardian’s Public Leaders Network: “It is fantastic that as a police commissioner I have been able to lead from the front and bring partners together to bring about change … In my view, the police authorities, however well-intentioned, could not have brought about such a sea-change so quickly through a part-time, committee-based role.”

**Comment**

One year on the jury is still out on PCCs, not because they are inherently controversial or, as the Stevens Commission would claim structural flawed, but because there has not been enough time for them to have an impact in an arena as complex as crime reduction.
As such it is difficult to take either the Stephens Commission’s or the Home Secretary’s views in their success or otherwise without a large pinch of salt. Just as it’s easy to write-off the Home Secretary’s celebration of PCCs as politics, others would say that equally it’s easy to write-off the Stevens Commission, which consisted of many former senior police professionals, as merely seeking to return power to current and future senior police professionals. Indeed, their proposals would arguably worsen some of the faults they identified with PCCs.

What we can say is that none of the disasters predicted have come to pass in the first year of PCCs. While there have been some rocky relationships between PCCs and chief constables, it was not unheard of for the relationships between police authorities and chief constables to falter. While name recognition of PCCs may not match those of a reality TV star, we are in a country where few elected servants, of any level can boast high name recognition Even despite those low levels, recognition and awareness is demonstrably higher than it was for police authorities.

What is clear after one year is that the PCCs themselves are seeing huge potential in their office, and are starting to innovate and become, perhaps, laboratories of democracy that improve services and provision for others to observe, adapt and emulate. The fact that Labour did not immediately accept the Stevens Commission recommendation but instead suggested they recognised the need for reform might suggest that, regardless of the result of the next election, PCCs in some form might be here to stay. Whatever the result of Labour’s deliberations and the next election, the next two-and-a-half years of the PCCs first term of office will be interesting to observe.

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