Governance and Accountability of the UK Police: The Role of Police Authorities.

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Abstract
Improving the governance structures and systems of accountability of the police is one of the United Kingdom (UK) Government’s key legislative priorities. The current tripartite system of shared responsibilities between the Home Office, Police and Police Authorities is seen to be too bureaucratic and failing to fully provide a performance framework to deliver effectively and efficiently a police service at local community levels. The purpose of this paper therefore is to review the rationale behind calls for a more progressive and robust approach to police accountability and governance issues and focuses on the enhancement of the role of police authorities in an attempt to make policing more accountable to local communities. This the UK Government sees as central to achieving its core central performance target of improving trust and confidence in the police. The UK system is then compared to different models of police governance in the United States (US) as a means of introducing a discussion over the merits of directly elected representatives onto governance bodies. This is then followed by a discussion that looks at the relevance of ‘passion’ and compassion’ within the policing context and concludes on the influence that increased governance and accountability might make to policing in the 21st century.
Introduction

It was not until the Royal Commission on Police in 1962 that the governance of the police in England and Wales (United Kingdom) was formalised and became based on a system of partnership between local and central government, alongside a shared accountability with chief constables. This model became known as the ‘tripartite system’ and is inextricably linked to the concept of ‘constabulary independence.’ Such ‘independence’ has in the past, enabled chief constables to manage their forces with considerable autonomy free from accusations of political bias. Over the past two decades many questions have been raised by politicians, police officers and the general public as to the effectiveness of such arrangements. Consequently there have been a series of major attempts at reform of the current arrangements, in particular in the area of police governance (Home Office, 2001; Home Office, 2008; Home Office, 2009).

One practical outcome has seen the emergence of a more focused and formalised approach to governance across the United Kingdom (UK) public services and as a consequence the tripartite police governance arrangements, specifically within police authorities. In part to mirror the reforms of governance practices in the private sector as advocated by Cadbury (1992), Greenbury (1995) and Higgs (2003) the police authorities have adopted a code of good governance practice built around a framework of six core principles (CIPFA, 2007; CIPFA/SOLACE, 2007)). Through the adoption of such a Code it had been anticipated that the credibility and performance of an individual police authority might through its ‘Chairperson’ result in an effective ‘board’ in the public sector. One which was robust in its management of policing issues and responsive to community demands for scrutiny of police conduct and to ensure the effective and efficient use of monies raised through local
taxation. However issues such as the role of the chairperson, the organisational structure of the police authority and its capability to perform its function with a limited skill set from its members has resulted in a number of recent government sponsored reports highlighting a need for greater robustness in terms of police accountability and governance (Casey, 2007; Home Office, 2007; Home Office 2008; Blunkett, 2009).

The purpose of this paper therefore is to review the rationale behind calls for a more progressive and robust approach to police accountability and governance issues and draws together three recently published reports on police accountability in the United Kingdom (UK): ‘Protecting the Public: Supporting the Police to Succeed’ (UK Home Office White Paper, 2009); ‘Reducing Bureaucracy in Policing’ (Berry, J. 2009a; 2009b) and ‘A People’s Police Force, Accountability in the Modern Era (Blunkett, D. 2009).

Collectively these reports propose a radicalisation of governance structures with respect to the police service, with a particular focus on enhancing the role of police authorities in an attempt to make policing more accountable to local communities. Thereby it is suggested by raising the level of confidence and trust in local systems of accountability and governance of the police.

The structure of the paper then follows a format that seeks to introduce and expand upon the relationship between the police and the public in terms of governance and accountability initially though highlighting key incidents which have impacted on both political and public debate over UK policing over recent decades. The role both past and future of the current ‘tripartite’ arrangements is then discussed with a focus on the role of police authorities. An international dimension is then examined in part to reflect variance in policing models in terms of governance across the United States
How we got here?

Policing in the United Kingdom has a long history. In 1829 enlightened reformers led by Robert Peel succeeded in introducing a professional police force to London, England which established and formalised the office of constable. The establishment of the ‘New Police’ was viewed as a necessary response to the breakdown of the old system of law enforcement which had failed to react to the rapid social changes of the mid-1800s and was an attempt to improve the relationship between community and police (Dixon, 1993).

Throughout provincial England and much of the common law world the establishment of modern police forces modelled on Peel’s London Police (Metropolitan Police) was thought the best solution to social disorder, rampant during the time. Crime prevention was seen as the police’s primary objective, however Peel recognised that in order to enforce the laws the ‘new’ police had to have the credibility and be legitimised in the eyes of the public. ‘Overall the London police emphasised the legitimacy based on institutional authority – that their power was grounded in the English Constitution and that their behaviour was determined by rules of law’ (Uchida 2001:22). This laid the foundation for modern policing which to a large extent remained unchanged in structure and constitution through the early part of the 20th century.

In more recent times policing in the United Kingdom has seen significant challenges to its authority and reputation as a ‘professional’ police organization. Back in the
1970s the Metropolitan Police in London saw a difficult and fragile period. Recruitment was poor with experienced officers leaving the force for better paid employment. Constantly throughout the 1970s the government had to battle to strive to maintain the Metropolitan polices establishment figure. This ultimately led to the Edmund Davis report in 1979 which greatly improved police pay and many commentators might argue brought the police ‘Back from the Abyss’ as the CID in both the Metropolitan and City of London police were alleged to be involved in widespread corruption, such scandals raising the level of critical public debate into police accountability. Poor leadership, lack of true professionalisms, lack of direction and infighting within the organisation had their own destabilizing influences, with seemingly little attention paid by Government with respect to issues of governance. There were suggestions that the police were unaccountable and relationships between the ethnic minority populations and police clearly deteriorated with serious public disorder being seen at the 1976 Notting Hill carnival and followed again in 1977. The 1980s again placed the police in centre stage of industrial strife and public disorder. Most notably in April, 1981 in Brixton, south London, following a disputed stabbing incident hundreds of white and black youths embarked on 3 days of looting and rioting. This resulted in the ‘Scarmen Inquiry’ (1982) which made a series of recommendations regarding the role of the police in society. The subsequent Home Office analysis of the urban riots of the early 1980s naturally had an important impact on legislation as it implied that policing in the future must reflect the needs of the community that is being policed. One of the consequences of this was the inclusion in the Police and Criminal Evidence Act (1984), which obliged police forces to make arrangements for obtaining the views of people in the area about matters concerning the policing of that area. The representatives of such consultative
groups that were to develop were to come from local social agencies, the police and
elected council officials; the aim being to provide a more open forum for the
discussion of policing at a community level with the hope of anticipating any possible
future areas of conflict whilst however not compromising the operational
independence of the local police commander.

Sixteen years on (2010) there is a general acceptance by politicians, local
communities and the police of the need to bind the police more closely to
communities, by reorganising the police to reflect their local, as distinct from there
national functions. The intention being to reinforce this through local police
authorities whom it is seen as having a particular role to play in influencing standards
of policing in their area and that, as representatives of the local community have a
duty to ensure local accountability in terms of monitoring the level and quality of their
local police service. These reforms at the local level are also inter-linked to other
government reforms and policies, such as, social inclusion partnerships, community
safety, community planning, best value, community support officers and crime
prevention, all of which are now a statutory responsibility of both the local authority
and police. Such responsibilities have increased the focus on the tripartite working
relationship challenging the key partners to clarify their own particular roles within
the arrangement

Challenges to the tripartite arrangements

The governance responsibilities and roles of the tripartite partners are set in
statute. However in recent years that has been an increasing awareness of the
need for reform. Sir Ian Blair, the former Metropolitan Police Commissioner,
argued that the police needed ‘a new structure and a new energy for public
connection with policing (Blunkett, 2009:16). Her Majesty’s Inspectorate of Constabulary (HMIC) argued that the 43 force structure in England and Wales was ‘no longer fit for purpose’ and called for the merger of smaller forces. In February 2008, Sir Ronnie Flanagan published the final report of his independent review of policing. The question of police accountability being one of the central themes with Flanagan stating that ‘I remain unconvinced that the police service is clear on the various distinctions of role’ (Flanagan, 2008). He went on to recommend that all the agencies that made up the stakeholder model for police governance and accountability should clarify and redesign their roles and responsibilities to remove duplication and sharpen incentives and accountability for performance and productivity. In July 2008 the Home Office Green Paper ‘From Neighbourhood to National: Policing Our Communities Together’ provided the Government’s response to growing calls for reform by acknowledging that ‘the current arrangements are less than ideal’ and proposed ‘a new model for decision making, based on clear principles, which will clarify when it is right for decisions to be made at the national, regional and local levels.’ By means of reinforcing this commitment the Government’s latest White Paper (2009) specifically identifies the need to make police authorities more accountable for the ensuring that the police deliver effectively for the public. In order to achieve this there will be a focus on improving the existing structures to help police authorities meet their potential. This work will be based on increasing the effectiveness of police authorities through improvements in their capacity and capability, and through greater public engagement and involvement. The framework by which the Government intends to achieve this is by:
• Looking to police authorities to be more visible and high profile in the communities they serve, including expecting them to identify a lead authority member for each basic command unit or equivalent area within each police force.

• Developing the capability and capacity of police authorities by asking them to set competencies for all police authority members and leadership competencies for police authority chairs; and creating strong executive leadership.

• Supporting them to become more representative of the communities they serve, and of wider society.

• Using the lessons from the recently introduced police authority inspections to challenge and support police authorities to improve further. (Home Office, 2009: 34).

Connecting the police to the public

The police are a bureaucracy like the civil service or local government (Fleming, 2008). However what is distinctive about policing in the UK is that unlike the ‘National Health Service (NHS), there is no ‘National Police Service’ and no overall ‘Commander-in-Chief; (Berry, 2009b). The reasons behind this lie in the historical development of the UK police service which has fought to maintain its political neutrality and ‘operational independence’ of its Chief Officers. Such ‘independence’ however has in itself resulted in the development of complex governance arrangements which has led some observers of the police to comment that in the ‘modern policing environment there is a need to ensure that
this independence does not add unnecessary bureaucracy and defeat the purpose of delivering safety and security’ (Berry, 2009b:19).

Currently therefore, governance of policing in England and Wales is shared under a tripartite arrangement (Home Secretary, Chief Officers and Police Authorities) and are based on several broad principles (Blunkett, 2009:15):

- The political impartiality of the police
- Policing with the consent of the public
- The Government’s duty to provide a safe society; and
- The need for the spending of public money to be properly accounted for.

The Home Secretary is answerable to the public and Parliament and responsible for setting the legislative and performance management framework in which the 43 police forces operate. Over the last decade these responsibilities have had the impact of shifting the locus of control more towards the ‘centre’ with the emphasis on centrally driven targets, which the government itself has recognised have gone too far (Flanagan, 2008; Berry, 2009a; Home Office, 2009). The role of the Chief Officers is to control and direct their force including civilian staff and budgets (Blunkett, 2009). Police authorities are accountable within their force area (there are 43 police authorities to oversee the 43 police forces) to local communities and central government and set the strategic direction for their forces and hold their chief officers of police to account on behalf of the local community (Jackson and Dewing, 2009).

In particular police authorities have a pivotal role in settling individual force budgets which is complicated owing to the fact that funding is derived from a variety of sources. As far as police funding is concerned the Home Office allocates grants to each of the 43 police authorities who, in turn, raise additional
funds by levying a precept on local authorities. Police authorities also receive an allocation from the business rates from the Department for Communities and Local Government. It is then the role of the Chief Constable of each police force to agree the spending of the budget with the police authority (Blunkett, 2009:15). Clearly central government remains the primary source of funding for the police service where the total provision for policing revenue grants in 2008/09 was £9,227m, an overall increase of 2.9% from 2007/08. However, by 2010/11 year on year increases are set to fall by 2.7%. Small as this figure may appear there is an implicit assumption that ‘significant cashable improvements in efficiency and productivity over 2008-11 will therefore be central to delivering the Police Service’s mission’ (Home Office, 2008). To further reinforce the issue of increased prudence each police authority will be mandated by the Home Office to publish in their next policing plan (2010-11) a Value For Money Statement setting out how the force is doing with the money allocated to it (Home Office, 2009). The UK government has also set an explicit target for the police service overall to deliver savings of at least £545m per year by 2014, with at least 100m being delivered in 2010-11.

In order to achieve this target the UK Government acknowledges that there is a need to ‘reshape’ the performance management system for the police service. This will be developed to meet the obligations of the new Public Service Agreements (PSAs) agreed between the UK Government, the police service and police authorities. The core elements of which are to tackle crime and terrorism, improve criminal justice and raise confidence (Home Office, 2008). The mechanisms by which this is intended to be achieved are fourfold. First there will be a greater level of local accountability for individual police forces
and police authorities. This will be articulated through ‘The Policing Pledge’, which will inform the local community of the type and level of service that it should expect for its’ police. Second, there will be a greater focus on partnership working throughout the Criminal Justice System (CJS). Thirdly, overall responsibility for managing the performance of police forces will shift from the Home Office to Her Majesty’s Inspectorate of Constabulary (HMIC). Fourthly, with one exception (public confidence in the police), the Home Office will neither set nor maintain top-down numerical targets for individual police forces. The Analysis of Police and Community Safety (APACS) framework, under which comparative assessments of policing performance are published, will remain but the Home Office will no longer make graded assessments under this, which has been interpreted by some as de facto targets’ (Home Office, 2008, p. 83). This, therefore marks a significant shift in responsibility and focus in terms of the future police performance management system and places a greater responsibility on the role of individual police authorities.

**The role of police authorities in England and Wales**

Police authorities exist to hold forces to account in their communities and to do this they have a number of duties and powers (Rea et al. 2009). Thus police authorities are responsible for governance of policing in their areas. As such police authorities have a vital role to play in ensuring that the police deliver effectively for the public, setting the force’s priorities each year, allocating the budget to deliver to those priorities and holding police forces and Chief Constables to account for their management of resources on behalf of the public (Home Office, 2009).
The statutory requirement on a police authority is ‘to secure the maintenance of an efficient and effective police force for its area’ (Police Act, 1996). Police authorities are indirectly assessed as part of force inspections by Her Majesty’s Inspectorate of Constabulary (HMIC), and clearly poor performance by a police force reflects badly on its police authority. However until the joint Audit Commission/HMIC inspections report in 2011 there is still no objective measure of police authorities’ performance and consequently wide scope for variation across 43 different authorities.

A Home Office White Paper on policing in 2004 concluded that ‘police authorities, like police forces, should be subject to independent inspection in order to ensure public confidence’ (Building Communities, Beating Crime, 2004:14). There has been some recent progress towards such greater scrutiny and standard setting for police authorities. The Association of Police Authorities (APA) has made efforts to encourage common standards between authorities by introducing guidance for authorities on performance management- ‘Police Performance Guidance for Police Authorities’ (2006). As previously identified, The Audit Commission and HMIC are also in the process of drawing up a formal inspection framework for police authorities, based on a self-assessment framework devised by the APA. A clear timetable for these inspections has been published and will see every police authority in England and Wales inspected in the course of 2010 and 2011 (Home Office, 2009).

But what type of organisation is a police authority? The Police Act 1996 and Police Authority Regulations 2008 prescribe the size and composition of police authorities. Some police authorities are larger but most have 17 members. Nine of the 17 are elected councillors appointed by relevant local council or councils. Police authorities have no control over who is appointed in this category of membership. The ballet box determines who is appointed as a councillor and there are no specific skills or
expertise that must be satisfied. In contrast the remaining independent members are appointed from the local community by reference in large part to skills and expertise they possess (Association of Police Authorities (APA), 2002) one of whom must also be a local magistrate (Jackson and Dewing, 2009). To ensure there independence they may not be a police officer, an employee of the police force or police authority or be a county, district or borough councillor. The independent members are appointed by a five member selection panel. These are appointed by the police authority and one is appointed by the Home Secretary. The fifth member, or independent assessor, is appointed by the other four members from a list compiled by the Home Secretary (Home Office, 2009). The police authorities across England and Wales have similar structures, powers duties and responsibilities for governance and police accountability. But are similar bodies found in other countries and do they undertake similar roles? To highlight the complexities of international comparisons a brief account of different arrangements present in the United States (US) are sighted in order to broaden the context of the discussion.

**Police governance and accountability in the United States**

‘Unlike the pattern in many places in the world where law enforcement is exclusively a state or national function, policing in the United States (US) is predominately a matter for local, municipal government. Overwhelmingly, municipal street patrol and other basic police services are provided by local authorities, including both police and sheriff departments’ (Rea, 2009:18).

Across states and counties in the US accountability arrangements differ. Police chiefs in some smaller police department are elected and answerable to the electorate while others are appointed by the local political power. Often these police chiefs lack the
‘operational independence’ of UK chief constables and have a less secure employment status.

In addition the function of oversight bodies set up in various cities and counties across the US vary in their roles and responsibilities. Some exclusively deal with police misconduct and are similar to the UK’s Independent Police Complaints Commission (IPCC) while others have a monitoring role and set strategic objectives for the police service. As a means of illustrating different models in reality the City of Los Angeles police governance model is contrasted with that of the City of Chicago governance model.

Under the City, Charter, the Los Angeles Board of Police Commissioners is the head of the Los Angeles Police Department (LAPD). The Board is comprised of four civilians and sets overall policy, while the Chief of Police manages the daily operations of the Department and implements the Board’s policies or policy direction and goals. Commissioners are appointed by the Major and confirmed by the City Council (www.lapdonline.org/police_commission).

By contrast The Police Board of the City of Chicago is an independent civilian body that overseas certain activities of the Chicago Police Department. The Board derives its authority from city ordinances and state law. The primary role of the Board is to decide on certain disciplinary cases when the Superintendent of Police files charges to discharge or suspend a Department for more than thirty days. (www.chicagopoliceboard.org).

In summary models of police governance and accountability differ across cities and the emphasis tends to focus on police complaints and discipline. In Los Angeles the Commission holds the Chief of Police to account whereas in Chicago, The Police Board has more restricted powers.
Notwithstanding the different models for police governance across the US the most striking difference compared to that of England and Wales (UK) is that the appointment of members onto police boards/commissions is in the main undertaken by an elected major. The notion of directly elected representatives having an influence over the control of policing has had a mixed reception in the UK. Directly elected majors, such as in London and a number of other cities have asserted their authority over their local police committees-most notably leading to the resignation of Sir Ian Blair the Commissioner of the Metropolitan Police in 2008.

However despite an original intention of introducing directly elected representatives to police authorities (Home Office 2008) in the end following extensive lobbying from both the police, police authorities and other interested parties the government dropped the proposal from its latest White Paper (Home Office 2009).

**Discussion**

The organisational structure of the police service in England and Wales with its tripartite arrangements is clearly highly complex, particularly with respect to governance and accountability. Berry (2009b:3) calls for a ‘service-led public debate to identify the optimum structure for policing while an independent review clarifies the roles and responsibilities of each policing stakeholder’. The UK Government itself whilst recognising that clarification of the current arrangements is important specifically sees greater public representation on overview and scrutiny committees as the mechanism for influencing policing priorities and ensuring police accountability at force level. In addition it focuses on ‘strengthening accountability by raising the standards of Police Authorities, whilst ensuring that they have strong executive
leadership…and that they properly reflect the communities they represent (Home Office 2009:31).

Clearly increasing the public impact of the Police Authorities and strengthening their links with local councils should go some way towards making accountability for policing more transparent at local levels and providing a mechanism to ensure that policing standards rise or remain at the level of service expected by the public. What must not let be lost sight of however is the central role that the police themselves play within this ‘new order’.

Clearly if as the UK Government seems intent on doing it shifts the locus of responsibility away from central (Home Office) management/control of the police and places a greater emphasis on force level community orientated policing that is responsive to and accountable to police authorities Then the orientation of policing itself could embrace more of the principles that it was originally intended to focus upon-namely keeping the peace, preventing crime, arresting offenders and being responsive to those in need. What appears to have happened over recent years is that the increasing bureaucracy (Berry, 2009a; Berry (2009b)) of modern day policing has distracted rank and file officers away from their primary objectives and has led to a disconnect in some areas between themselves and the public. There is no evidence to suggest that the passion and commitment of police officers to serve the public is any less than it was in the past. In fact given the disarray that the UK police service (Metropolitan Police) found itself embroiled in the 1970’s the standard and professionalism of police officers has improved considerably. But what may have happened is some of that passion to do the ‘job’ has been frustrated through lack of resources, red tape and more mundane forms of bureaucracy such as paperwork. This in turn with an increasing lack of visibility of patrolling police
officers has led in some police areas to a return to a more adversarial relationship with police only responding to incidents, often characterised through confrontation. Thus the notion of a ‘compassionate’ police service has to an extent been replaced by ‘bureaucratised and inflexible’ service which is demand led and increasingly sees itself as a victim of negative press coverage, an oppressive audit regime, constantly changing government priorities and an increasingly vocal and demanding public. Such an environment raises question marks as to how the police themselves feel about their role in society.

There is clearly an opportunity for management scholars to investigate the issues surrounding the role of police in society and a need to focus on the more emotional elements of the role. Clearly there are untold examples of police officers bravery and compassion demonstrated as they go about their daily routine. But more in depth research needs to be devised to measure the emotional impact on police officers of working in a modern day society where public demands for accountability and transparency of actions increasingly may curb police officers ‘natural instincts’ to react to certain incidents in a manner that lessons their effectiveness. For a police officer to be fearful of the consequences of their actions even though acting in good faith would have serious consequences for policing.

**Conclusion**

Increasingly public satisfaction and confidence in policing has been one of the central planks of the current UK Government’s agenda on law and order. Through primary legislation (Home Office 2009) it seeks to improve policing performance through changes in the relationship between central government, police forces and police
authorities. The intention is to move away from centrally controlled performance targets to one top-down target for police forces to improve public confidence in whether local crime and community safety priorities are being identified and addressed.

To manage and monitor this effectively much government effort has been focused on consulting over the appropriateness of current police governance and accountability arrangements to perform such a task. Although a debate has been had over the merits of introducing directly elected representatives onto police authorities the final government consensus is that the current membership of police authorities ‘is a good balance of local democratic accountability through membership of local councillors and independent community members and reflects the communities they serve’ (Rea, 2009:26).

The role of police authorities is therefore set to be enhanced and their success at developing effective accountability arrangements will be benchmarked at an individual authority level on a measure of the confidence on the community that the police service is accountable; that chief officers are held to account for decisions that they make and that the governance arrangements in place are seen to support the police in providing effective and efficient policing in the communities they serve.

Bibliography


www.lapdonline.org/police_commission

www.chicagopoliceboard.org