Police accountability and scrutiny under Police and Crime Commissioners

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As the first and recently elected Police and Crime Commissioner for West Yorkshire, one of England’s big four Forces alongside the Met, Greater Manchester and West Midlands, accountability and effective scrutiny are at the top of my priorities when considering how I can do an effective job for the people I serve. Both are of particular concern when viewed in the context of 2.2 million people living and working across a diverse county with complex policing and crime prevention needs at a local level but with national implications.

At the time of writing I have been in post less than three months and the new governance arrangements have led to a period of significant transition that sees one accountable Police and Crime Commissioner replace seventeen members of the Police Authority. Across England and Wales there are forty one differing models for delivery emerging as, aside from legal requirements, Police and Crime Commissioners implement their own systems for ensuring accountability and effective scrutiny.

My own background is as a local district councillor for nearly 15 years, serving in an environment in which the importance of scrutiny alongside the executive function is well understood both by elected councillors, who represent the people, and the staff who support them, as council officers. But my most strategic contribution was not only in fighting for my own community, but standing up for the wider public interest on the Police Authority. Appointed by Wakefield Council, I helped play my part in collectively leading an organisation devoted to ensuring the effectiveness and efficiency of local policing.
Policing accountability: evolution not revolution

It is in that context of my own history and experience that I share my thoughts, because governments reforms have not happened in a vacuum from previous work to hold the police service to account. I spent over a decade, the latter ones as Chair of my Police Authority, carrying out the people of West Yorkshire’s business. I worked collaboratively and co-operatively to ensure the perception of the Force improved and that we kept professionals to the priorities of the public. So the world of policing was not an unaccountable one before Police and Crime Commissioners: for all the deficiencies of some Police Authorities which were not as challenging as they should have been, there were many recognised by organisations like the Centre for Public Scrutiny for their contribution. The culture I built of working together to achieve more in the Police Authority is one I have taken forward and re-invented in my relations with all my partners, including local councils, criminal justice agencies and voluntary sector organisations.

Ironically, Police Authorities engaged people outside of organised politics as members. This was a stated aim of government policy for Police and Crime Commissioners. But these posts across England and Wales have attracted, alongside those of us honest about our values and beliefs, ‘organised’ independents, backed by specific interest groups like one candidate dedicated to attacking the standards of the Police, as well as ‘undercover’ members of other parties too scared to admit their allegiances.

Despite my efforts over the long term to work on a cross party basis as a Police Authority chair, I think that – whatever one’s party allegiance – openness from those seeking a mandate is a necessary prerequisite to secure trust with the public. One risk of Police and Crime Commissioners as a policy was the possible loss of political parties’ own checks and balance on office holders. These checks and balances involved a guarantee backed by the organisation’s standards and behaviour regime, alongside a ‘brand’ based on other office holders of that political group. To denigrate this safety net as some proponents of the policy did whilst the legislation enabling the creation of Police and Crime Commissioners went through Parliament was ill advised. There could have been bigger implications for accountability than eventually came to pass, if political parties had not fielded candidates.
Public scrutiny: the police and crime panel and communities of interest

Having been elected by the people of my county, and securing a convincing majority, I now of course have a mandate to represent the public my Force seeks to serve. In fact, the case can and has been made by observers that I have the fourth largest direct mandate of any politician in the country, and by far the largest in my native region of Yorkshire. The role also gives me significant executive power, to set a precept and Police and Crime Plan for instance. Similarly to the Mayor of London in their oversight by the London Assembly, I am accountable to my local Police and Crime Panel. Constituted by councillors and co-opted members, it includes many former members of the Police Authority who have brought with them their previous experience and insights. This has real value, and the combined support and challenge role envisaged by the former police Minister who took the proposals through Parliament alongside his officials is the right one. I do not believe any Commissioners should be unchallenged, and the scrutiny arrangements set out allow for proper safeguards against not just any particular individual, but the very nature of the exercise of the executive power which they hold.

In my own case, I have, during one week in February, been stood before the West Yorkshire Police and Crime Panel to present and robustly defend my own precept proposal, and to hold a hearing on my appointment of a new Chief Constable. As this article is published, this spring (2013) they will have had their say on my Police and Crime Plan and on my choice of a Deputy. Rightly, they do ask the tough questions, not for their own sake, but for both the person on the street, and the representatives acting on the public’s behalf.

The mere fact of having the panel meetings also helps frame the debate in the public sphere, with my proposals being debated in public further increasing the visibility of my work and office. I value every opportunity to discuss my decisions with the general public, at a local community meeting of residents concerned about crime, or through my ‘Listening to You First’ engagement that elicited over 2000 responses to a survey about the people of West Yorkshire’s policing and crime prevention priorities. For the media an opportunity for my decisions to be debated where I can be forced to think again makes these debates newsworthy. Their coverage makes me and my office accountable to the wider electorate, allowing for a wider conversation than if I only relied on public surveys and face to face encounters with the public.
There are of course limitations to this such as the quality of the debate and coverage that may have a bias towards undermining the public confidence in the police.

I have personally taken the view that beyond formal structures of political scrutiny there is a need to use collective mechanisms to help provide for accountability. Beyond notions of geographical representation, provided for by the membership of the Police and Crime Panel, I have been keen to secure and build links to communities of interest. This began through the electoral process, and chances to meet and debate my positions with young people as a candidate informed my decision to establish a youth advisory group. Young people in popular narratives are often identified as troublesome. They are of course also likely to become victims, and a need to crack down on a law breaking minority is matched by a need to reach out and build trust with those young people who do play by the rules, and for those who have opted back into society and should be helped to turn their lives around.

Mandate to challenge as well as accountable for delivery

Accountability has a purer form than involving communities of interest such as young people. The highest point of accountability is that derived from and referenced back to the ballot box. I was proud to be able to stand on my record of leading an effective Police Authority, which gave me the experience and knowledge to take on the office I now hold. The public are at the centre of my approach, and their mandate empowers me as a Police and Crime Commissioner to pursue a clear agenda which I can be judged on my success in delivering, from the evidence in my annual reports each year, my effectiveness at collaborating with others and through political debate.

I have to say accountability needs real meaning for voters: it cannot be an abstraction of process but a real exchange of ideas. In the end the police are one of the most important institutions in the public sector, as valued as the National Health Service (NHS) and in face of the most serious dangers, such as of terrorism, as critical to the survival of the many, or the few, as any other group of individuals or service. People do care about policing, and the degree of concern at cuts to police budgets has demonstrated that. They also care about the contribution of partners, like their own council or victim support, particularly when in the case of victims of offences like domestic violence they have to rely so heavily on these services and the people who work in them.
The danger is that at the local level, in the era of austerity, a Police and Crime Commissioner can only influence so much. A funding formula which disadvantages my own Force and cuts from the Home Office mean that despite my decision to make the maximum increase I have been permitted in council tax I am still forced to preside over substantial cuts. The damage so far stands at 1400 police staff and officers with a hundred million cuts programme enforced through the Comprehensive Spending Review as my financial context on taking office.

So this is the ‘elephant in the room,’ as it were. A dramatic shift in the oversight and accountability to the public for policing has been made by central government in England and Wales to a newly created group of locally elected politicians who will be held directly accountable by the public. A cynic may pose that the government’s commitment to localism in this case may simply be a ploy to place the unavoidable consequences of cuts, such as a reduction in the number of police, on anyone but themselves. Is the commitment to localism or to localise blame? This type of analysis is primarily political, but it has important implications for questions of accountability in this new era.

My mandate as a Labour Police and Crime Commissioner, with a campaign highlighting analysis that the cuts proposed for West Yorkshire were too far and too fast, gives me a legitimate basis to challenge for the required funding envelope to do the job properly. So the public are right to hold me account for what I spend, but also for how well I argue for the right level of funding to make them safe. The community outcome framework I have set allows for use of resources and their effectiveness to be evaluated, but alongside this the quality and force of the case I make to government is as important to the fulfilment of my mandate. So accountability must be judged against something. Primarily, this in my view is to the mandate I have been given. I will fulfil my mandate in the way in which I hold the Chief Constable to account, as they will be judged by the way they manage the Force.
Conclusion

The Police and Crime Plan I have prepared has engaged partners, including an observer from the Police and Crime Panel, but its key themes and outcomes were drawn directly from my mandate based on the choice of voters to elect me. My commitment to neighbourhood policing and tackling burglary is not some idealised view of voters’ knowledge of policy when no way to distribute a leaflet to every house was provided, but is a frank summary of the position people opted for on party or their knowledge of the candidates’ differing policy lines. They made their choice, and to be accountable I must deliver and make a real difference in crime and their fear of it based on the mandate they have given me.

Chief Constables have themselves never been held to account by someone with such a mandate or personal authority. If Police and Crime Commissioners are to succeed, and be judged by voters to have succeeded, we will need to remember the mandates we have each and every day to deliver on scrutinising the force effectively and being both accountable and seen to be accountable.

Mark Burns-Williamson is the Police and Crime Commissioner for West Yorkshire. In 2012 Mark was awarded an OBE for services to the Community and Policing.