



WEST MIDLANDS POLICE AUTHORITY
ISSUES AND CHALLENGES: THE VIEWPOINT OF WEST MIDLANDS POLICE
AUTHORITY

27 September 2012

Contents

Introduction	2
Policing the West Midlands	
- Local Policing and Justice	4
- Protective Services	7
- Collaboration	10
Resources for Policing	
- Finance and Resources	12
- Personnel	15
Police Performance	
- Professional Standards and Quality	17
- Performance	19
Strategic Planning	20

Introduction

Derek Webley, Chair, West Midlands Police Authority



Police and Crime Commissioners (PCCs) are a massive change to policing governance across England and Wales. West Midlands Police Authority leaves to the PCC a police force that faces challenges, but is in a sound financial position, is delivering excellent crime reduction, and has ambitious plans for future reform. This report is a briefing on the central issues and debates that the West Midlands PCC will face from 22 November 2012. This report is:

- Comprehensive, reflecting the full range of Authority responsibilities and interests
- Concise, making it readable
- Focused on the strategic issues, opportunities and risks facing policing in the West Midlands, rather than a history of the police authority

With some sections authored by Authority members, we see this report as an important contribution to the transition to PCCs. Each section covers the background, the key decisions ahead and advice, where appropriate, on the options for decision. It is structured around four central themes: Policing, Resources, Performance and Planning.

PCCs are so new that as I write, no-one knows exactly how they will work day-to-day. In contrast, the Authority's established committee structure and working practices, with public meetings, agendas, reports, and minutes, offered transparent mechanisms for decision-making and scrutiny. Key decisions in recent months have seen hundreds of people come to observe our meetings, along with local and national media coverage. The PCC should consider developing decision-making and scrutiny processes that are at least as transparent and accessible. The people of the West Midlands demand efficient and effective policing, and they expect the opportunity to participate in and influence decisions. A PCC will wish to respond appropriately to this legitimate aspiration.

The PCC will operate within a three-sided statutory framework bounded by the Strategic Policing Requirement (SPR),¹ the Policing Protocol² and the Financial Code of Practice.³ The SPR, which is covered in the Protective Services section, potentially brings specialised areas of policing to a PCC's attention in greater detail than previously. The Policing Protocol may inspire the PCC to develop a local protocol for working with the Force and the Police and Crime Panel. The Financial Code of Practice reflects the new world where the Office of the Chief Constable and the Office of the Police and Crime Commissioner become separate "corporations sole" for the first time. The creation of two separate legal entities is arguably second only to the direct election of PCCs as the most significant change in policing governance brought about by the Police Reform and Social Responsibility Act 2011. Faced with the novelty and uncertainty of the new structures, the PCC is fortunate to have to hand an experienced and dedicated staff on whose advice and support they can call. Similarly, the Force has an excellent command team to which the PCC can turn for guidance and expert knowledge.

¹ <http://www.homeoffice.gov.uk/publications/police/pcc/strategic-policing-requirement>

² <http://www.homeoffice.gov.uk/publications/police/pcc/policing-protocol/>

³ <http://www.official-documents.gov.uk/document/other/9780108511332/9780108511332.pdf>

Issues and Challenges: The Viewpoint of West Midlands Police Authority

It has been an honour to serve as Chair of West Midlands Police Authority, and this report demonstrates the thoroughness and depth of knowledge that members brought to their responsibilities. Essential to effective governance is recognising, understanding and managing risk, and members have shown good judgement and expertise in this regard. The PCC has a high standard to match, and I wish them well.

A handwritten signature in black ink, appearing to read 'Derek A. Webley'.

Derek Webley DL MBE
Chair, West Midlands Police Authority

Local Policing & Justice

Background

Local policing and criminal justice are central to public interest in community safety, and are perhaps the most open aspects of police activity. The Local Policing and Justice Committee examined West Midlands Police performance and set the Authority's plans for public engagement. The PCC inherits these responsibilities, but also acquires a broader role in both community safety (through the power to make Crime and Disorder Reduction Grants) and a new role in ensuring an efficient and effective criminal justice system.

Issues for the PCC

Effective policing is based on neighbourhood policing. It is local and community driven, with the police, partners and the public working together to solve crime and disorder problems, and ensure that the public has a say. Continuous Improvement, the Force's ongoing reorganisation of local policing, has focused neighbourhood teams on community engagement and problem solving, while proactive Community Action and Priority Teams (CAPTs) support problem solving interventions. Maintaining effective partnership working and public engagement as budgets decline is central. The evidence is that the public is concerned by a lack of continuity, feedback and visibility of police officers and Police Community Support Officers (PCSOs). This destabilises communities where good partnership working and trust is in place. It is important these relationships are maintained. The need to shift police officers (including special constabulary) to "priority areas" raises the risk of volatility in neighbourhood policing. Consideration of the number, role and powers of PCSOs may be appropriate, with a comparative analysis of their use in other forces.

Community engagement maintains the four pillars of neighbourhood policing (access to officers, influence over policing priorities, answers to questions and greater accountability). Consultation and engagement includes local tasking meetings, street briefings, police surgeries, ward forums, safer estates and neighbourhoods groups, Community Safety Partnerships (CSPs) and the strategic tasking process. Websites enable the public to access local policing information, as well as crime and performance data. They can see current policing priorities, as well as forthcoming meeting dates, updates on past initiatives and contact details for local officers. The public can comment anonymously via the "Rate Your Local Police" website. A PCC should seek to ensure that neighbourhood teams maintain community engagement activity and understand the neighbourhoods they police. This is especially important in diverse and/or priority areas, as the need to incorporate the views of hard to reach members of the public in priority setting is crucial.

Anti Social Behaviour (ASB) is always raised at Authority consultation events. The public want an effective response, particularly where problems are ongoing. Victims can be intimidated, and turn to the authorities as a last resort. Yet there is a need to balance public concerns with instances that are not really ASB, such as young people merely "hanging about". ASB is a strategic priority, and a PCC will need to monitor the neighbourhood policing and partnership response at local and strategic levels. Successful responses will involve Troubled Families interventions, Integrated Offender Management at the neighbourhood level, and effective local intelligence informing priority area plans. These

issues are critical to partnership working with local authorities, prisons, probation services and the NHS.

The Authority has had concerns over how vulnerable and repeat callers are recognised and dealt with. The HMIC ASB inspection (March 2012) highlighted that repeat caller identification is inconsistent. The Force has introduced a “Significantly at Risk” marker (SAR) which aims to make identification of vulnerability easier, and assist staff to record vulnerability more accurately. This means that a responding officer can act accordingly. A PCC should continue to monitor the “identification of vulnerability” to ensure that vulnerable individuals are given the protection and support they need.

The Force created a Contact Command in July 2012, which is the first in a series of changes in the way the Force communicates with the public. There is a proposal to move to two contact centres for non emergency calls. This is an area of high reputational risk, with high public expectations. A PCC should provide close oversight, ensuring that the move to a two hub structure both maintains and then improves contact performance.

With changes to service delivery a regular feature of business as the Force adapts to changes in budgets, appropriate consultation in order to maintain the trust and confidence of the public they serve becomes critical. The Authority and Force approved a Joint Consultation Strategy in February 2012, which aims to maintain confidence by ensuring the public can influence change. A PCC must pick up this baton to build proportionate and genuine consultation into service change programme planning.

The Authority’s consultation programme is a sustained and wide-ranging effort to obtain views from across the West Midlands. It is founded on the proposition that by listening effectively, we can work with the Force to make better decisions. What is clear is the enthusiasm and interest that people have for community safety issues, and their willingness to engage and discuss them. There is a strong foundation of support for the work the police do, and people want the police to succeed. It remains true that the public see the police as key to improved community safety, public confidence and reduced crime. The Authority has developed strong consultation structures, working with local authority partners, businesses, young people and the voluntary sector. The PCC is placed to build on these structures and continue the dialogue with the public including hard to reach groups.

Community Resolutions (CRs) were introduced in April 2009 to restore professional judgement and discretion to operational officers dealing with low level and minor crime. CRs can be more responsive, enabling victims to have a say in how a crime is dealt with. They empower the victim to require offenders to make amends, rather than pursuing a bureaucratic and disproportionate criminal justice outcome. More broadly, greater use of restorative justice requires work with partners to ensure effectiveness. For example, the Force has supported a cross agency Neighbourhood Justice Panels pilot to deal with out of court disposals. The PCC should continue to monitor CRs (which run at about 800 a month), checking for proportionality, appropriateness and effectiveness (including reoffending rates). The public should be confident that these non-judicial processes are scrutinised and do not allow offenders “off the hook”.

Following consolidation, there are thirteen operational custody blocks across the West Midlands, with five on stand by. There is a proposal to replace Birmingham Central custody at Steelhouse Lane with a sixty-cell new build facility, and new Black Country facilities are

also potentially required. Savings of £1.5m (cashable) and £1.3m (non-cashable) per annum have been achieved, with twenty-five custody sergeants returning to frontline policing. It is proposed that these two large new facilities will follow, allowing the estate to decline to eight custody suites. Consolidation of custody facilities is economically advantageous, but may impact on travelling and waiting times. The PCC assumes responsibility for the volunteer custody visiting service, the role and effectiveness of which requires ongoing attention.

Deaths following police contact, particularly where an individual has a mental health need, are not only tragic but pose a severe risk to public confidence. Section 136 of the Mental Health Act 1996 gives the police powers to take a person to a “Place of Safety”, either for their own protection or for the protection of others, so that their needs can be properly assessed. There has been a move away from using police cells for this purpose, and there are now seven hospitals designated as places of safety within the force area. This is a hugely positive development, but the risk shared with the NHS remains high. Close monitoring of this partnership with the NHS should remain a priority.

“Justice delayed is justice denied” remains an important truth. The average time from arrest to charge and then on to a court hearing in either Magistrate and Crown Courts is inconsistent across Local Policing Units, and generally too long. A PCC should continue to challenge these timescales, seeking greater consistency and speedier processing. The public expects the vigour and swift response that followed the riots in 2011 to become the norm. The PCC can facilitate robust discussion with criminal justice agencies to support an efficient and effective criminal justice system.

Offender management brings agencies together to work with offenders who cause harm. Effective offender management reduces crime and re-offending, and improves public confidence in the criminal justice system. It also aligns the work of criminal justice agencies with partners working locally. Integrated Offender Management (IOM) in the West Midlands extends these processes to include more offenders. It is a “whole system” approach to managing offenders through better coordination with a range of statutory non-statutory, private sector and volunteer partnerships. IOM is a strategic priority for the Force and all operational staff have links to IOM where partnership working and information sharing are essential. A PCC may wish to ensure that IOM continues to be both a strategic and local priority and that the performance framework is scrutinised.

Protective Services

Background

Protective services policing incorporates Force activities relating to higher level criminality (CID, Gangs and Organised Crime, Public Protection and Intelligence), operations (e.g. firearms, public order, roads policing, air support) and counter-terrorism. In facing the challenges ahead, the incoming PCC will benefit from a very strong and innovative Force leadership team, skilled and experienced in the protective services field. Also to hand will be infrastructure facilities and capabilities which are state-of-the-art and in some cases truly world class: in ballistics, forensics, firearms, public order training and an ethical and effective surveillance capability. In addition, the CTU (Counter Terrorism Unit) is a significant resource (though, in formal terms, this is currently a national asset under the governance of WMP/WMPA).

The central strategic challenge for the PCC will be to strike an optimal (and politically acceptable) balance between, on the one hand, what the public spontaneously demand (mainly relating to various areas falling within local policing), and on the other, what the public objectively need in order to make them safe, but where public knowledge and experience may be lower. It is the balance that must be struck between populist sentiment and protective services. To achieve this difficult balance requires understanding of what is really going on and, occasionally, the courage to do the right thing.

Issues for the PCC

Many of the successes of the CTU during the last few years, not just in arresting terrorists, but in preventing acts of terrorism in the first place, have been achieved with the support of productive and imaginative engagement with the public. The linkage between local policing and counter-terrorism is key, particularly in identifying and responding to the potential community implications arising from counter-terrorism policing. There is a proposal that CTUs, post-Olympics, could be accountable via a national chain of command as part of the new National Crime Agency (NCA). This is a threat to the distinctive dimension of local counter-terrorism policing developed in the West Midlands. The Authority is very concerned that a CTU that was accountable to a distant and remote NCA and Home Secretary, rather than to the Chief Constable and PCC in future, would be less embedded in local policing, less responsive to local needs, and less effective as a result.

The maintenance of an effective response to the challenge posed by violent extremism will remain a key priority. The threat picture in the West Midlands, concentrated particularly in eastern Birmingham, is second only to London. Mitigating this risk while successfully maintaining public confidence and support requires joint working with a range of partners, not least Birmingham City Council. The removal of the national targets for preventing violent extremism (as flawed as those targets were), creates the risk that local authority partners will lessen their commitment to addressing the threat. A PCC can help maintain focus and appropriate oversight, notably via the fledgling Birmingham CONTEST Board.

The operational and demographic character of organised crime gangs and street gangs across Birmingham and the West Midlands is changing, presenting a new challenge, but one the Force is well placed to deal with. The key factors are to understand the nature and implications of these changes, and to work with local authority partners to constrain gang

leaders and manage persistent offenders. Over the years there has developed a capability for intervening effectively which needs to be maintained.

Much of Serious Organised Crime, almost by definition, extends beyond the boundaries of the Force. To address this threat requires close collaboration with neighbouring forces as well as national agencies (which are about to change, with the creation of a NCA in place of the current Serious Organised Crime Agency). Here, the Authority recommends that the incoming PCC should seek to preserve the light touch and effective current arrangements (code-named Operation Viper) in preference to a semi-autonomous and expensive regional "standing army". The debate is whether the current regional intelligence and tasking function (based on the present Regional Intelligence Unit), needs an operational investigatory arm. The danger is that the resources allocated to a regional tier are largely removed from the contributing forces, and hence no longer available for force-level operations. Instead, a strong regional tasking function can call on resources as required rather than abstract them permanently, thereby leaving them available also for single-force operations. It was the Force's experience of previous regional arrangements based on the separate and ultimately unsuccessful Regional Crime Squad that prompted innovation in the form of Operation Viper; to return to a separate regional body would be a retrograde step.

The experience of Project Champion, an abortive project to install overt and covert CCTV and Automatic Number Plate Recognition cameras in Birmingham, taught the Authority a difficult but valuable lesson in how human rights considerations must guide decision-making. From this the Authority has made human rights considerations the centrepiece of its approach to protective services. Proportionality in the protection of the right to privacy should have guided our consideration of Project Champion, as should a much more candid communication of the threat that Project Champion intended to address. Since then, the Authority has given close scrutiny to how the Force uses its surveillance powers, and has been very satisfied with the standards and processes in place. Equally, protection of rights to life, expression, privacy, and family life among other rights, has become central to our approach to safeguarding vulnerable people. The Authority supports the high priority that this aspect of policing is accorded in the Policing Plan, and also applauds the commitment of the officers who devote themselves to this area. Issues such as sexual "grooming" (particularly targeted at younger people in care), forced marriage, female genital mutilation, domestic violence, human trafficking, gender selective abortion, the abuse of older and vulnerable people, and electoral fraud are all at heart human rights issues, yet are very difficult both because of the sensitivities that surround them and uncertainties about the scale of the problem. The PCC will need to engage with partners across the public sector, as well as the public at large, to ensure there is effective protection of the human rights of everyone.

The introduction of the Strategic Policing Requirement (SPR) is an innovation to which the PCC will, as the law says, "have regard". The SPR sets out the national criminal threats, and the cumulative capabilities that the police nationally are required to possess, will cascade to the individual force level. The SPR acknowledges the role of professional expertise in determining what local capability is required to meet national challenges. In one sense, a West Midlands PCC is well placed; most of the national threats (organised crime, civil unrest, violent extremism) already have a West Midlands "footprint" and the capabilities required (public order teams, firearms officers, high level intelligence and investigatory capabilities) are already in place. However, a PCC will need to understand and if necessary

challenge these assessments and capability requirements. A PCC will need to be sure that as the SPR influences the Police and Crime Plan, the recommendations that arise from it (which will be made by Association of Chief Police Officers, and the Office for Security and Counter Terrorism in the Home Office, for example) are reasonable and well founded. A PCC may seek assurance that not only can WMP respond effectively to the threats faced, but can also expect an effective and timely response when a call is made for support from others.

In recent years WMP has been responsible for the security of major events that have contributed to the visibility and commercial success of the West Midlands: the Papal visit and annual party conferences for example. On many occasions the Force finds itself policing several events simultaneously. The Authority takes the view that this is an area of significant strength and growing experience. Having said that, disputes about "who pays for what" between the police, local authorities and other partners continue to surface from time to time. As elected leaders, PCCs will probably find themselves having to play a more active role in these negotiations than police authority members have done. It is essential that all partners have confidence about the arrangements for fairly and appropriately sharing financial liabilities arising from major events.

There have been no material changes to the social and economic factors which partly lay behind the August 2011 riots. It is reasonable to presume that such events could be repeated and there is therefore a need to make contingency plans for such an eventuality. Important priorities here are: consideration of a wider range of tactical options, refreshed public order training at all levels, community engagement in order to head off threats and even greater regional collaboration in order to call upon rapid surge capacity. This allows the police to control the situation and defuse the momentum of events.

Collaboration between forces offers significant potential across the whole range of protective services; such collaboration reinforces trust and greater interoperability in an emergency. At present this is progressing on a bilateral basis with Staffordshire, but there is scope for a wider programme (see section on collaboration).

Stop and search, and the broader issue of "police encounters with the public", remains a live issue. The recording of Stop and Account ended in 2010 (as distinct from the recording of Stop and Search), and interest in this decision continues at a low level. WMP use of stop and search is lower than comparable forces, and the allegation of "disproportionality" – used by the Equalities and Human Rights Commission – requires closer examination. The Authority rejects simplistic comparisons of Stop and Search statistics against whole population figures, and desires a more sophisticated understanding of how stop and search is used, where it is used, and how its use maps against patterns of criminality, local population mix, and ambient street populations. Technology which allows electronic recording of stop and search data via Airwave could answer some of these questions. Some stop and search powers, such as those used at the airport, require particularly close and sensitive oversight. A PCC should not assume that there is automatic opposition to the use of these powers: the public generally recognises their value, and wants an effective and targeted response to the criminality they face.

Collaboration

Background

Arguably, local collaboration between police forces has only in the last twelve months emerged from the shadow cast by the proposals for force mergers in 2005-06. The fear that collaboration is a precursor to some form of merger continues to be the reflexive narrative used to describe collaboration proposals, regardless of how spurious that comparison is.

Collaboration in the West Midlands region (comprising the four forces of West Midlands, Warwickshire, Staffordshire and West Mercia), has not always proceeded smoothly. Proposals for four force and authority collaboration foundered for various reasons; bilateral collaborations between Staffordshire and West Midlands, and Warwickshire and West Mercia, have moved forward instead. The Warwickshire and West Mercia programme, often called the “strategic alliance”, has made considerable progress.

So far, the level of cost reduction achieved through collaboration has been small relative to the total Force budget, and there is uncertainty over the potential for large savings. Procurement, for example, makes up a small proportion of the total force budget – perhaps 10% to 15% at most – and there is little evidence that forces are paying inflated prices for goods and services. Collaborative procurement mechanisms already exist at regional and national levels, and these have achieved efficiency savings of about £4 million. However, savings are at the margin, and are not a solution to the wider funding challenge that forces face. The history of national collaborative policing procurement projects is mixed, as the procurement of protective vests and motorway patrol vehicles (the latter of which failed to recognise appropriately the West Midlands’ collaboration with the Highways Agency) attest.

The Police Reform and Social Responsibility Act 2011 increases central government powers to mandate collaboration in classes of police activity, rather than just between particular forces. These new powers have already been used in relation to the creation of the National Police Air Service, the development of which will require continued monitoring and oversight by the PCC to ensure that costs do not rise and that the West Midlands has appropriate operational access to air support. Pressure from central government to encourage (and potentially require) collaboration may continue.

Issues for the PCC

West Midlands and Staffordshire Police Authorities have agreed a strategy for collaboration, and are progressing collaboration in legal services, uniformed operations, and criminal justice and custody. The PCC will need to monitor the implementation of these programmes and consider opportunities for their further development. Further bilateral opportunities may emerge for collaboration in contact centres, and other areas of protective services, such as Special Branches, Major Crime and Intelligence. Collaborative procurement and use of IT systems, while complex, offers potential financial and operational advantages.

Regional four-force collaboration in response to serious and organised criminality is via Operation Viper, a unique, light-touch tasking and co-ordination function that avoids the need for a “standing army” in a regional crime unit. Viper is considered further in the Protective Services section. A Regional Intelligence Unit, Regional Prison Intelligence Unit and Regional Asset Recovery Team are also in place, and are the kernel of the developing

Regional Organised Crime Unit (ROCU). The ROCU's future development, performance and oversight should form part of a PCC's work plan, requiring joint scrutiny with the other PCCs in the region, and sensitivity to both the SPR and the development of the NCA.

Now the two regional bilateral collaborations are developing, the potential exists to reopen examination of four-force collaborative working. For example, West Mercia and Warwickshire forces have expressed interest in working on a four-force basis in forensic services. The longest standing example of collaborative working has been the Central Motorway Police Group (CMPG) comprising West Midlands, Staffordshire, and West Mercia. With bilateral collaboration in uniformed operations becoming a reality across the region, it will be necessary for the PCC to examine how CMPG can fit into the new structures and practices.

The PCC will need to work with other PCCs to ensure there is appropriate oversight of collaborative activity. Bi-lateral and multi-lateral arrangements will be required to deal with the variable geometry of collaborative activity, where different collaborations involve two, three, four or perhaps more forces. Reporting processes that reduce requirements for multiple reports into multiple forums are to be encouraged.

The Business Partnering for Policing (BPP) programme, however it develops, has potential implications for collaborative working. It is worth noting from the outset that the influences will not be only be in the direction from the West Midlands outwards; other Forces already have a number of contracts and partnerships with the private sector that will be part of any future consideration. For example, custody services in Staffordshire are provided by a private contractor. Therefore, given that one of the strands in collaborative working with Staffordshire relates to criminal justice processes – many of which relate to transactional services that may well fall within the scope of BPP – clearly there will be an overlap.

Collaboration can have significant equalities implications. Officers and staff may be required to work with other police forces, raising questions about terms and conditions, working arrangements and policies. Consideration should be given to who will be responsible and accountable for people-related decisions and actions in a proposed collaborative unit and that they are clearly identified. For example line and other management responsibilities including reporting arrangements and performance management, to whom grievances and complaints should be addressed and who has responsibility for actions and decisions that may result. Collaborative agreements require equality impact assessments in consultation with representatives from the police staff associations and trade unions as appropriate.

As collaboration grows in complexity, financial gain-sharing also becomes more complex. PCCs will need to establish appropriate oversight of collaborative arrangements both to ensure that gains are achieved and that these are shared equitably, yet without burdensome bureaucracy and complex cross-charging mechanism.

Finance & Resources

Background

By maintaining cost effective and efficient services, the Finance and Resources Committee ensured, a) a balanced budget each year, achieving cost reductions in line with the medium term financial strategy, b) good value for money for taxpayers, and c) effective procurement. A PCC should ensure that they maintain effective processes that comply with standing orders and financial regulations, as well as monitor major strategies, income generation, expenditure on special events, applications for special grant funding and corporate services.

The PCC should build on the strong existing internal audit function, ensuring continued effective financial control. The new governance structure creates a requirement for an external independent audit panel, the composition and recruitment of which is not yet clear. Potential exists for a joint panel with responsibility for the oversight of the financial code of practice, ethics, and standards. Such a joint panel could potentially cover more than one force area. New powers to issue Crime and Disorder Reduction Grants to external bodies create a requirement for capacity to audit external spend. The Audit function has also provided oversight of external inspection outcomes (i.e. reporting on inspections by HM Inspectorate of Constabulary, the Office of Surveillance Commissioners, and the Interception of Communications Commissioner, among others), thereby providing useful governance information for the Authority. Furthermore, the Audit function has established a robust, comprehensive and up-to-date risk register and risk management reporting which the PCC should maintain.

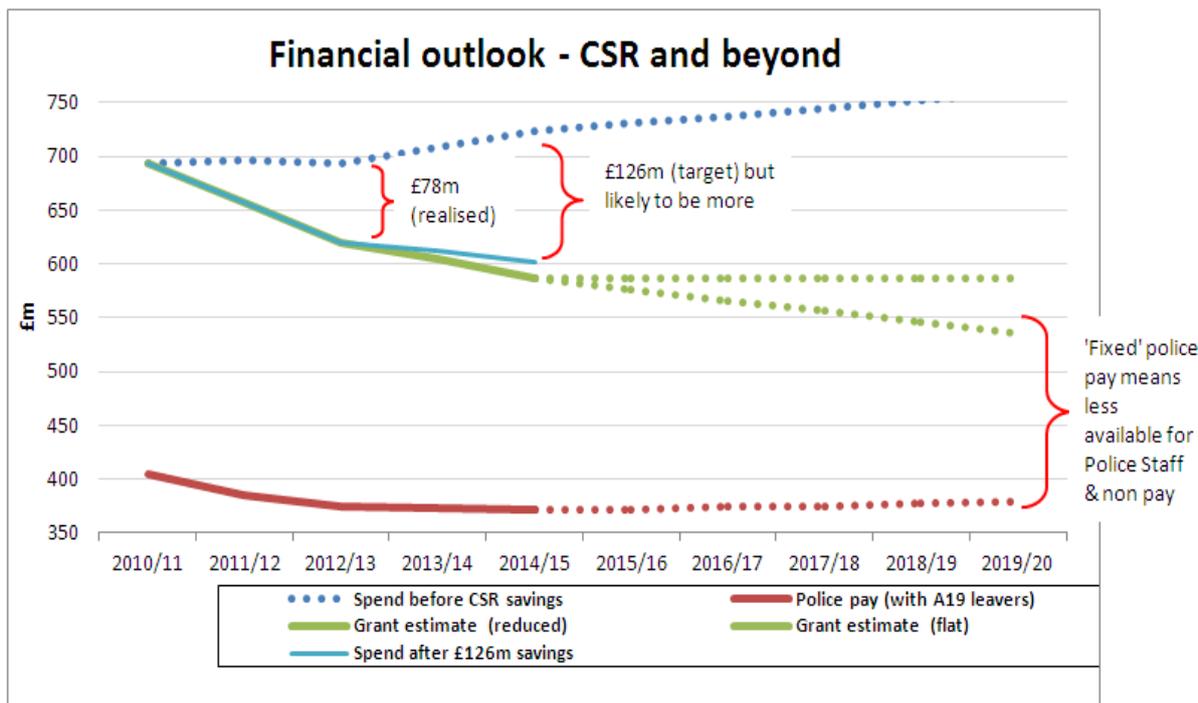
The Comprehensive Spending Review (CSR) for 2011-15 requires unprecedented savings. These funding reductions have hit the Authority proportionately harder than the majority of forces. Programme Paragon, our major change programme, initially sought savings of £50m, but the CSR required £126m of savings and led to more radical approaches.

Financial Position

WMPA balanced the 2011-12 budget through use of Regulation A19, voluntary redundancy and savings from non-pay budgets. The Authority also reviewed command team structures, with reductions in Assistant Chief Constable, Director and Chief Superintendent posts.

The medium term challenge is addressed by the Continuous Improvement and Priority Based Budgeting (PBB) programmes, which are robust, logical and risk assessed mechanisms for identifying savings, allocating resources and specifying service levels. This combined approach provides both “top down” and “bottom up” challenge to costs, working practices and resource allocation and will be looking to realise savings of £25m to balance the 2012-13 budget. Work is currently underway to identify further savings of £20m for the 2013-14 budget. These approaches have not only delivered cashable savings, but improved staff skills to allow continued cost reduction, service review and overall value for money. West Midlands is ahead of its savings targets and the Committee continues to be confident that they will be achieved, if not surpassed (as highlighted in the HMIC report “Valuing the Police”). Good levels of reserves have been maintained to support both revenue and capital budgets should financial pressure continue.

The Authority receives proportionately more funding from Central Government Grants versus precept receipts than every authority except Northumbria, meaning that the 20% CSR cut impacts more on WMPA than all but one other police authority. The Authority has kept precept increases low, particularly in the current economic climate. For the last two years the Authority has accepted government grants to effectively “freeze” precept levels, whereas many other police authorities increased them. As a result, the West Midlands has the second lowest policing precept in England and Wales.



The Authority has written to the Home Office to express its concern about the damping mechanism on the funding formula. The national funding formula for police authorities is designed to reflect the relative needs of each area and so give different levels of funding for each authority. However, the Home Office uses a mechanism known as damping, meaning that it has given the same level of funding reduction to all authorities, regardless of need. This means that our allocation in 2012-13 is £23m lower than our formula entitlement.

The Authority has lobbied government and other stakeholders on funding formula damping and where party conferences or public order disturbances impose additional costs.

Issues for the PCC

Having taken office on 22 November 2012, the PCC will probably have to submit their first precept to the Police and Crime Panel on 1 February 2012. Thus the PCC will have a short period in which to set their first budget and precept for 2013-14. Similarly, the first Police and Crime Plan is required by 31 March 2013, meaning that these two decisions are likely to dominate early work planning.

The Authority, initially with Surrey police and authority, has explored the potential for engagement with the private sector in policing, in a programme known as Business Partnering for Policing (BPP). The Authority approved the strategic business case for BPP at its meeting on 12 July 2012, but also decided to defer further decisions (known as

“gateways”) until after the first PCC election. Six consortia have been shortlisted for the contract, which would aim to “transform” policing, making it more efficient and productive through improved business practice and new technology. The Authority’s objective has been to leave the PCC an informed legacy which gives maximum latitude and flexibility to reform policing to meet future needs and financial circumstances. By approving the strategic business case the Authority has affirmed the need for continued reform of policing practice to meet future customer needs, exploit new technologies and adapt to financial pressure. The PCC must consider how best to meet these challenges, and decide whether and how private sector engagement can support continued efficient and effective policing.

A number of government grants will be transferred from local Community Safety Partnerships to the PCC, potentially creating a new community safety “commissioning” function. The PCC will need a mechanism for distributing these funds to partners, which may involve commissioning of services, which police authorities have not done previously. Commissioning will require immediate attention as partners and stakeholders need to plan their income and activity for 2013-14 and beyond. This funding will become an unringfenced part of the PCC budget, raising concerns that if formula damping is applied the West Midlands will be further disadvantaged.

Further issues of potential interest:

- Possible changes to the grant funding formula
- Localisation of council tax benefit and its impact on precept receipts
- Consequences of the Winsor Review of police pay and conditions
- The financial consequences of potential decisions on custody suites and call centres
- Strategic development of shared services and facilities with other forces and partners

Personnel

Background

The CSR requirement to make financial savings and hence workforce reductions has dominated the committee's work. The Force headcount peaked in April 2009 at 14,557, but since then has decreased by 12%. In May 2012 there were 7872 police officers, 786 PCSOs, 562 specials and 3282 police staff (12,502 officers and staff).

The Priority Based Budgeting and Continuous Improvement programmes supported workforce remodelling. A new operating model focused on LPUs and the long term impact of the reductions in officers and staff was agreed, including new management spans of control. As well as stopping recruitment, officer numbers fell as a result of to police pension regulation A19 that requires retirement after 30 years' service. Staff also exited through voluntary and compulsory redundancy, with the latter minimised by effective alternative employment policies. Despite reducing numbers, the proportion of officers on the frontline will increase to 90% with the percentage of the total workforce on the frontline rising to 79% by 2015.

The Authority implemented the recommendations in part one of Tom Winsor's review of Police Pay and Conditions, which focused on bonuses and allowances. Anticipated savings and increased value for money were not realised, and the changes were cost neutral.

The committee monitored officer and staff welfare and the provision of an effective occupational health service. The committee oversaw a change in policy from one of minimising the number of ill health retirements and keeping officers on restricted duties, to one allowing ill health retirements when appropriate, which is a more pragmatic, value for money approach. The Authority championed the introduction of an officer and staff survey, which the PCC is encouraged to sustain.

A representative workforce sustains policing by consent, and local employment targets are in place. When recruitment stopped as a result of CSR the Authority retained the targets for diversity in officer and staff progression, considering them to be of even greater importance at that stage. The Authority assessed the impact on diversity arising from the workforce reductions, engaging with staff associations and unions.

Liaison with trade unions and staff associations remains a key activity, both to keep consultation under review and take advice about the implementation of workforce reduction. Close working and good relationships supported effective management of complex issues. For example, the Authority has had fewer tribunals related to A19 than comparable forces.

Issues for the PCC

The PCC is the employer of all police staff from transition, with a requirement to agree the second stage transfer of staff between the Office of the PCC and the Office of the Chief Constable by April 2014. This is a significant and novel task, shaping the role of the first and potentially successive PCCs. The Authority notes with interest developments in the Mayor's Office for Policing and Crime in London in this regard, where procurement and estates functions are to transfer from the Metropolitan Police to the Greater London Authority. The

second stage transfer may be contentious, and the PCC should consider carefully their role, experience elsewhere, and the public's expectations for effective governance and oversight.

The PCC assumes responsibility for the recruitment and potential dismissal of the Chief Constable, and while this responsibility is narrower than that borne by the Authority (the Authority appointed the Deputy Chief Constable and Assistant Chief Constables, as well as the Chief Constable), appropriate processes and performance monitoring arrangements will be required.

The WMP workforce has faced reductions, with the implementation of A19, five years without recruitment, a vacancy freeze and voluntary and compulsory staff redundancies. The enduring impact of these in combination is not clear, but the demography, age-mix and diversity of the Force are all affected. If financial pressures lessen thanks to successful cost reduction programmes, potential decisions to end the use of A19 and restart recruitment may become possible. These are not easy decisions; it would be unfair and legally contestable for A19 to be rescinded and then reinstated if financial pressure rebuilt. However, to begin officer recruitment at a time when other officers are being forced to retire is equally problematic, even if the absence of new recruits is arguably the greatest risk to overall organisational health. A19 will be reviewed as part of the 2013-14 planning process, and the PCC is advised to give this matter close and careful consideration, even if the final decision for its use may rest with the Chief Constable. There are broader questions, such as the capacity of the Learning and Development and Occupational Health departments to absorb increased demand if and when recruiting restarts. Setting the right mix of frontline and support posts, police officers and support staff, also remain salient. Finally, building a workforce that appropriately reflects the community it serves remains a key priority.

Against these local concerns, the national framework for police terms and conditions faces significant changes to which the PCC will need to respond. The second part of Tom Winsor's review presages radical reform, including the following:

- Police officer retirement will be at age 60 rather than after 30 or 35 years' service
- The possibility of an all-graduate police service with professional accreditation
- Direct entry, potentially at ranks up to Chief Superintendent
- Annual fitness testing for all officers

Changes on this scale require close, regular dialogue with trade unions and staff associations to understand employer liabilities, gauge the success of Force activity and maintain healthy employee relations during what continue to be uncertain and difficult times.

Professional Standards & Quality

Background

Examining professional standards work helps to understand public confidence in the police and the organisational health of the Force. Trends in the number of complaints are a useful indicator of public confidence, and the fairness and effectiveness of how the police deal with complaints or allegations of misconduct influences public perceptions.

Recorded complaints decreased in 2011 and 2012, with the decrease following the decline in total recorded crime. The length of time taken to resolve complaints also fell, although the committee was disappointed that timeliness targets were not met. The committee scrutinised the conduct of police officers and police staff with reports on the number of, a) civil claims against WMP, b) officers subject to misconduct proceedings and c) officers suspended. The committee was pleased to see the number of suspended officers decline, along with the number of civil claims. Seeking parity between the misconduct procedures in place for officers and staff was a key objective for the committee.

WMP Professional Standards Department restructured in 2011 and provides an effective service, with the Anti Corruption Unit (ACU) demonstrating appropriate independence. However, disproportionality in professional standards processes remains a concern to which the PCC could legitimately give attention.

The Independent Police Complaints Commissioner updated the committee regularly on the most serious complaints. The committee managed the investigation into the small number of complaints against the most senior police officers, ensuring an independent and rigorous investigation in order to reassure the public of police probity at the most senior level. The IPCC quarterly bulletin, "Learning the Lessons", was used by the committee to ensure that appropriate learning had taken place following serious complaints or misconduct issues.

The Police Authorities (Particular Functions and Transitional Provisions) (Amendment) Order 2010 gave police authorities duties to monitor non-recordable complaints and intervene in such complaints when necessary. The Committee examined Force processes to manage these complaints and reported on its regular dip sampling exercises. The committee welcomed the Force encouraging complaints about quality of service but was concerned that there was inconsistency in how these complaints are managed Force-wide.

Issues for the PCC

The role of the PCC as the directly accountable public representative in policing is likely to lead to an increased focus on complaints handling. More complaints about policing – whether relating to misconduct or quality of service – are likely to be directed to the PCC, who will see higher business volumes and public expectations. Quality of service complaints about the concerns and experiences of the public during their encounters with the police are of particular interest, and the PCC should scrutinise these and how they are dealt with. The PCC should also determine how to identify cases requiring intervention, and an effective process for doing so. The PCC will need robust processes and appropriate resources to manage this increased complaints workload, perhaps building on the dip-sampling methodologies developed by the committee. The PCC's interaction with the IPCC,

particularly in relation to high profile cases, is likely to be significant also. The Authority has asserted its oversight role in relation to issues such as provision of places of safety and deaths following police contact, and a PCC is recommended to do the same.

Schedule 14 Paragraph 7 of the Police Reform and Social Responsibility Act 2011 gives the PCC new powers to direct their Chief Constable in relation to complaints matters. The interpretation and operational consequences of this provision will require serious consideration to understand its potential use. Furthermore, the PCC will need to decide how to manage his/her quasi-judicial functions, notably police appeals. The appointment of lay members to police misconduct hearings also remains a statutory requirement.

The PCC will assume responsibility for complaints against the Chief Constable, and will need to maintain appropriate oversight of complaints against other chief officers, even though responsibility for these passes to the Chief Constable. For general police misconduct matters, the PCC should continue to focus on public confidence, using the numbers and types of complaints, the work of the ACU and the number and management of misconduct proceedings as indicators. Focus on the appropriate use of suspension, with an emphasis on minimising duration, should remain a priority, and a PCC is advised to give consideration to where decisions are taken not to move to misconduct proceedings.

The current approach to dealing with complaints, promoted by the IPCC, places an emphasis on customer satisfaction, recognising that there may be a justifiable and genuine reason for dissatisfaction even when there has been no misconduct. To this end the Force, encouraged by the committee, has introduced assessment teams to examine each complaint and emphasise local resolution and quality of service complaints. The PCC will wish to be reassured that officers have sufficient training and supervision to ensure that it is delivered consistently across the Force, with appropriate central oversight and supervision from Professional Standards Department.

Finally, public concerns relating to their personal experience of policing are often about allegations of incivility. The PCC should seek to require high standards in this regard, recognising that personal encounters with the police can shape wider perceptions of policing and cascade through communities.

Performance

Background

The government has removed national performance frameworks and allowed police authorities and forces to adopt local performance metrics with an overarching priority to reduce crime. The Authority closely monitors performance, recognising the impact police performance has on public trust and confidence. The Authority has held private performance workshops themed on Trust and Confidence, Performance Management, Organisational Health and Value for Money, publishing reports afterwards. These workshops have led to a deeper understanding of performance, the drivers behind it and how it can be improved, including more use of comparative data from similar and regional forces. The workshops successfully oversaw a return to strong performance after concerns emerged in 2010-11.

The workshops considered:

- Gaps in customer satisfaction between victims of crime versus anti-social behaviour, and also between different age and ethnic groups
- Resilience of the force to continue performance improvement
- Detection rates
- Business crime
- Equality Diversity and Human Rights
- Gang activity in West Midlands
- Gun crime
- Trends in recorded crime versus experience / perceptions
- Robbery

Public reports inform further performance scrutiny at the Authority's public committees.

Issues for the PCC

The PCC will need to have in place robust and accountable mechanisms for monitoring, understanding and reporting Force performance. The Authority also identifies a number of performance issues to which the PCC should devote attention:

- Understanding public trust and confidence in West Midlands Police, including understanding variation in perceptions between ethnicities, ages and geographies
- Understanding and improving the 'customer experience', particularly for victims. Surveys suggest there is room to increase the percentage of victims of crime or ASB who are "very" or "completely" satisfied with their contact with the Force, rather than "fairly" satisfied. Similarly, a PCC could seek to understand more fully cases where respondents are "completely" or "very dissatisfied" and how this links to complaints and sharing of lessons learned.
- Understanding public perceptions of criminality, and the gap between perceptions of risk and actual criminality
- Encouraging performance data sharing with partners to refine our understanding of patterns of criminality and develop preventative programmes.
- Develop the potential for strategic performance assessment to cascade through the organisation to support geographic, departmental, and team planning, as well as Personal Development Plans.

Strategic Planning

Background

The PCC must produce a five year Police and Crime Plan in consultation with the Chief Constable, to be issued as soon as possible after taking office. The plan is required to set out:

- The PCC's police and crime objectives
- The operational policing service which the Chief Constable is to provide (including reference to the Strategic Policing Requirement)
- The financial and other resources which the PCC will give the Chief Constable
- How the Chief Constable will report to the PCC on the provision of policing
- How the Chief Constable's performance in providing policing will be measured
- The crime and disorder reduction grants which the PCC is to make

The Police and Crime Plan is not subject to national guidance, so the Authority has adopted the Association of Police Authority Chief Executives (APACE) guidelines.

The Planning Process

The aim is to give the PCC full information, whilst offering the flexibility to produce a Police and Crime Plan that addresses a PCC's priorities, as set out in manifestos and other statements.

The planning process is based on the Force Strategic Assessment (FSA) that builds knowledge of key threats and risks, and identifies activity that addresses these. The FSA is subject to continuous review, and incorporates implications arising from the Strategic Policing Requirement, local neighbourhood priorities, Community Safety Partnership assessments, Joint Strategic Needs Assessments and Health and Well Being Strategies. It will be underpinned by a comprehensive profile of the Force to provide background and contextual information. The FSA is accompanied by "horizon scanning", a risk assessment process that identifies and scores organisational, operational and crime issues. High level risks become the basis of strategic priorities in the Police and Crime Plan. Data from public consultation and engagement (including the Authority consultation report, "Feeling the Difference" perception surveys and "Contact Counts" victim satisfaction surveys) further inform planning, as does ongoing performance assessment.

In parallel with the development of a Police and Crime Plan, an updated workforce plan sets out the establishment and strength over the period of the Police and Crime Plan together with employment targets covering BME and female officers. The planning process is complicated because the funding settlement for 2013-14 which will not be announced until 21 November 2012.

Oversight of project and programme management

As a large and complex organisation, WMP manages a wide range of programmes and projects covering many aspects of the business. The Authority established a Corporate

Business and Planning Committee following Project Champion, the failure of which had highlighted concerns about appropriate project and programme management. With significant organisational reform likely to remain a necessity, a PCC will need to be assured that they understand the risks they and WMP carry. Effective programme and project governance requires sustained commitment and reporting mechanisms that appropriately signal risk. A PCC will need to find mechanisms, either bespoke or embedded in existing Force programme and project management structures, which can offer proportionate, effective and transparent oversight.

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For more information about Police and Crime Commissioners and the election on 15 November 2012, see www.westmidlandspcc.info or scan the link below:



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