

**THE MAGISTRATES' ASSOCIATION**  
**JUDICIAL POLICY AND PRACTICE COMMITTEE**

**Response to the Home Office consultation — *Policing in the 21<sup>st</sup> Century***

This response concerns itself with the effects of the proposals in the consultation that could have an impact on magistrates' courts and the delivery of justice.

Any change which could result in a poorer service to the courts would be of concern. This includes the preparation and timely delivery of case files and the ability of the police to monitor bail conditions.

We understand the need to reduce bureaucracy, but — where they exist — good practice and procedures must be able to continue.

Much good work has been done in communities by agencies working together in community engagement — for example, PACT meetings, LCJBs etc. As the consultation document indicates, partner relationships need to be practical in focus, and deal with outcomes that matter to communities, however, it would be a matter of regret if existing good work is devalued or inhibited by the proposed changes.

We are certainly supportive of the role of volunteers in the criminal justice system. Indeed, the magistracy itself is a prime example of the Big Society in practice. Our *Magistrates in the Community* work is also part of our commitment to public engagement and magistrates participate with and communicate with an exceedingly wide array of groups and partnerships.

However with regard to 'power to the public' replacing the processes and structures there now, we are extremely concerned (i) whether a single officer — the new Commissioner — can in fact carry out the wide and demanding role currently undertaken by police authorities; and (ii) that the governance and scrutiny role must not be diluted. The public are involved now because authorities are made up of a mix of locally elected and independent members, one of whom is always a magistrate. We would very much regret losing a magistrate on the new body replacing the police authorities.

If police authorities *are* to be replaced however, we would work closely with a Commissioner to obtain quicker performance and results, and more 'joined-up thinking' and would expect to be invited to make a considerable contribution to the proposed Police and Crime Panels.

Finally, it should be noted that — with the full support of the Senior Presiding Judge — magistrates are often involved in the training of police recruits on how to behave in court, how they give evidence, the importance of having facts and observations correct etc.

## **Chapter Two**

### **Consultation Questions**

1. Will the proposed checks and balances set out in this Chapter provide effective but un-bureaucratic safeguards for the work of Commissioners, and are there further safeguards that should be considered?

*Safeguards are required to ensure all parties are involved and that a single post has the appropriate structure to engage all parties, including the magistracy. There are magistrate members on police authorities at present and we would look for a similar level of involvement under any new structure. Procedures will also be necessary to ensure the accountability of commissioners and that they carry out their duties impartially.*

2. What could be done to ensure that candidates for Commissioner come from a wide range of backgrounds, including from party political and independent standpoints?

*The position should be advertised in as diverse a range of publications and other media as possible. The recruitment material should not inadvertently exclude any potential candidates. Advice might be taken from the Ministry of Justice which has done very good work to increase diversity in the magistracy through its recruitment processes.*

*Given the politically sensitive environment in which this role is expected to perform it is important that the correct checks and balances are in place to avoid political bias.*

3. How should Commissioners best work with the wider criminal justice and community safety partners who deliver the broad range of services that keep communities safe?

*Commissioners will need to work very closely with existing networks and where appropriate develop new ones thus ensuring that all parties are represented. It might be appropriate to use the opportunity to review arrangements to ensure that all current and future engagement networks are; a) fit for purpose, b) representative of the community they serve, c) appropriately resourced and d) supporting and delivering to the improvement process.*

4. How might Commissioners best engage with their communities – individuals, businesses and voluntary organisations - at the neighbourhood level?

*Commissioners will need to build on the existing structures but make sure that appropriate language and mechanisms for engagement are used. The Commissioners may like to consider that the Magistrates' Association have been continuously involved over the last decade in developing and delivering programmes designed to inform and engage communities about the work of the criminal justice system.*

5. How can the Commissioner and the greater transparency of local information drive improvements in the most deprived and least safe neighbourhoods in their areas?

*Through a partnership approach to crime prevention — using all relevant parties including magistrates. Magistrates already engage in community engagement and know localities and problems well.*

*There is an opportunity here to explore how local magistrates can be more involved in the local Crime and Disorder Reduction Partnerships (CDRPs).*

6. What information would help the public make judgements about their force and Commissioner, including the level of detail and comparability with other areas?

*Information from the courts about sentences passed, made, as it is now, publically available on line and via the newspapers, is an excellent way of keeping the public informed. The public can attend court and magistrates go to public meetings to explain their powers and how sentences are determined.*

### **Chapter Three**

#### Consultation questions

7. Locally, what are examples of unnecessary bureaucracy within police forces and how can the service get rid of this?

*Although we have no examples to offer, the Magistrates Association fully endorses attempts to reduce bureaucracy and to improve performance and be mindful of value for money. We have been supportive of moves to do this in the magistrates' courts — for example, the recent criminal justice — simple, speedy summary initiative.*

8. How should forces ensure that information that local people feel is important is made available without creating a burdensome data recording process?

*In our experience, what people tend to be interested in is the sentence but also crime and detection levels – and the split between out-of-court and in-court disposals. Police forces have numerous mechanisms to make information publically available, web sites, survey results, open days, special projects on hot topics of crime, bulletins, PACTs etc.*

*What would be very useful would be to have a dedicated single point or source of information which would enable local residents, employees or people who use the local area to be able to access one sight which is able to provide data on what incidents have taken place, when and where they have occurred and what has been done. All of this data is already collated locally and nationally it requires the simple process of sharing the information and presenting it in a format that the local community want and feel is accessible.*

9. What information should HMIC use to support a more proportionate approach to their 'public facing performance role', while reducing burdens and avoiding de-facto targets?

*Work with the agencies to see what is successful. The Magistrates Association has had great success with its MiC programme taking the presentations to a very wide range of groups and meeting and discussing with huge numbers of the public.*

10. How can ACPO change the culture of the police service to move away from compliance with detailed guidance to the use of professional judgement within a clear framework based around outcomes?

*This is a matter for ACPO but we hope that they would welcome the opportunity.*

11. How can we share knowledge about policing techniques that cut crime without creating endless guidance?

*No comment to be made.*

## **Chapter Four**

### Consultation questions

12. What policing functions should be delivered between forces acting collaboratively?

*More efficient networking between the CJS agencies, including the magistrates' courts would be beneficial. The use of digital recording to replace taped interviews would assist the magistrates' courts.*

13. What are the principal obstacles to collaboration between forces or with other partners and how they can they be addressed?

*More electronic networking and standardisation between the agencies.*

14. Are there functions which need greater national co-ordination or which would make sense to organise and run nationally (while still being delivered locally)?

*National systems can sometimes provide obstacles to speedier service (IT systems for example) — however greater and more sophisticated sharing of relevant data, which speeds up processes in magistrates courts, would be beneficial. Magistrates, having seen the creation of HMCS, are also well aware of the danger that centralisation breeds bureaucratic management layers and systems which are detached from the needs of frontline service providers.*

15. How can the police service take advantage of private sector expertise to improve value for money, for example in operational support, or back office functions shared between several forces, or with other public sector providers?

*No comment to be made.*

16. Alongside its focus on organised crime and border security, what functions might a new National Crime Agency deliver on behalf of police forces, and how should it be held to account?

*No comment to be made.*

17. What arrangements should be in place in future to ensure that there is a sufficient pool of chief officers available, in particular for the most challenging leadership roles in the police service? Is there a role for other providers to provide training?

*No comment to be made.*

18. How can we rapidly increase the capability within the police service to become more business-like, with police leaders taking on a more prominent role to help drive necessary cultural change in delivering sustainable business process improvement?

*No comment to be made.*

## **Chapter Five**

### Consultation questions

19. What more can the Government do to support the public to take a more active role in keeping neighbourhoods safe?

*There are a huge number already of partnerships, groups and initiatives which exist to do just this and magistrates play their part. However, all too often the funding for these initiatives is the first to be cut when finances are under pressure.*

20. How can the Government encourage more people to volunteer (including as special constables) and provide necessary incentives to encourage them to stay?

*The government should first of all be aware of how many people do volunteer and an audit of how much volunteering already occurs in a constabulary area would be a first step. Better recognition by government and employers of the value of voluntary service to society would also help.*

21. What more can central Government do to make the criminal justice system more efficient?

*First and foremost, provide adequate funding. However, as important is to consult properly on planned initiatives, to allow sufficient time to evaluate pilots before moving to either full implementation or the next initiative and ensure that government departments are not working against each other but are working towards a coherent criminal justice system. Government also needs to consider issues more widely and consider the effect of policy changes on other areas. As an example, a move to reduce the number of custodial sentences will fail unless probation are given the resources to manage an increase in community orders. They also need to confirm what they mean by more efficient. My understanding is that efficiency is the comparison of results achieved to the resources required. This will not necessarily be the cheapest option.*

22. What prescriptions from Government get in the way of effective local partnership working?

*Central government should decide the principles and the objectives — and allow local partnerships to develop solutions together. Magistrates have significant experience of*

*the difficulties for partnership working created by giving different agencies different targets— and the tendency for the centre to seek to control the implementation of policy works against innovation.*

23. What else needs to be done to simplify and improve community safety and criminal justice work locally?

*Tackling Crime together could be our mission statement. We are a central part of the criminal justice system — with very few exceptions, all criminal cases begin in the magistrates' court, and at least 95% remain there. We operate across the country and have done the job for 650 years. Our magistrates as well as being professional in their role are also active members of their community, and are 'the public' and part of the 'Big Society'.*

*Our Magistrates' in the Community project has informed and involved thousands of people — young and old — about crime, punishment and court procedure, we have a public face and continue to develop it and introduce the public to the court system. We commend this model of working.*

*The respective roles of the police and the judiciary need to be determined. The increased use of fixed penalties, cautions and conditional cautions has resulted in responsibilities becoming unclear. This has resulted in inconsistencies and an adverse effect on the quality of justice.*

September 2010