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Policing the Big Society: Co-Production and Social Control

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Introduction: political and policy context

Whenever any government, whatever its hue, employs a soundbite phrase to represent and communicate an aspect of its core programme, a good deal of scepticism is excited. Does the phrase mean anything? Is it consistent with the detailed policies being promulgated or other values espoused? Is it simply old wine in new bottles? Is it capable of being operationalised and how would one know if it was? No aspect of the May 2010 election campaign attracted more attention and comment of this sort than the Conservative Manifesto pledge to build the *Big Society* and reduce *Big Government*. In the same way that New Labour successfully established itself electorally in the mid 1990s as a party that could be trusted to deliver 'law and order' by distancing itself from some radically law and order-challenging aspects of the Old Labour record,¹ so David Cameron's team distanced themselves from aspects of what have become, in the popular imagination at least, aspects of Thatcherism. Boldly stated in large graphics on a red background the Conservative Manifesto proclaimed 'There is such a thing as society: But it's not the same thing as the state'.²

This formulation has given rise to a good deal of conceptual confusion, not least among its advocates. The state is of course part of society, as is the market. It is misconceived, therefore, to talk of society as 'the third sphere' as if it were somehow independent of both the state and the market.³ Neither is the state-society relationship dichotomous, their relative size being zero-sum. The point which the Conservative Manifesto was making is that society is coterminous with neither the state or the market and is more than both. It involves relationships and behavioural norms lying outside both the mechanisms of the state and the market, and advocates of neither can afford to ignore these community associations and values.⁴ What is also clear is that despite the scepticism which by 2011 had begun to undermine and overwhelm the Big Society concept – the suggestion, for example, that it is a mere figleaf for public expenditure cuts and the traditional Tory desire to

¹ Downes D. and Morgan R. (1997) 'Dumping the 'Hostages to Fortune'? The Politics of Law and Order in Post-War Britain' in Maguire M., Morgan R. and Reiner R. (eds) *The Oxford Handbook of Criminology*, Oxford: OUP.

² Conservative Party (2010) *Invitation to Join the Government of Britain: The Conservative Manifesto 2010*, London: Conservative Party.

³ See, for example Glasman M. (2010) 'Society not State: the challenge of the Big Society', *Public Policy Research*, June-August, 59.

⁴ For broad reviews of the philosophical and policy backgrounds to the concepts see: Blond P. (2010) *Red Tory: How Left and Right have broken Britain and how we can fix it*, London: Faber and Faber; and Norman J. (2010) *The Big Society: the anatomy of the new politics*, Buckingham: University of Buckingham Press.

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dismantle state services⁵ - David Cameron and the Conservatives are not inclined to ditch it. On the contrary. On 14 February the concept was relaunched and elevated to the status of being the Conservative Party's 'underlying political philosophy' and David Cameron's 'personal mission'.⁶

The Conservative Manifesto proposed that the state would now be used to build the *Big Society*. And the *Big Society*, according to the Manifesto, is 'a society with much higher levels of personal, professional, civic and corporate responsibility; a society where people come together to solve problems and improve life for themselves and their communities'. It involves 'redistributing power from the state to society; from the centre to local communities; giving people the opportunity to take more control over their lives'.⁷ What was not said, and this has become a point of criticism, is whether this outcome is also to be sought by more tightly regulating the market so as to limit its power.⁸

Precisely how this grand narrative would inform day-to-day policing was little more than hinted at in the Conservative Manifesto. Police authorities would be replaced with directly elected individuals who would 'set police priorities for their local communities' and the police would be obliged to publish 'local crime data statistics every month' thereby enabling local residents to 'challenge their neighbourhood police teams to cut crime'.⁹

In the event the title of the Manifesto - *Invitation to Join the Government of Britain* - sought more than the Party wished. The Liberal Democrats became part of a Coalition. Though the Liberal Democrat Manifesto contained no equivalent, grand, declaratory slogan, it did include elements that resonated with the *Big Society* concept. 'Mutuals, co-operatives and social enterprises' were part of their plan for the economy, a means for giving people a 'proper stake in the places they work'.¹⁰ Elected Local Health Boards would give local people more control over health services.¹¹ Police authorities would become wholly elected.¹² 'Neighbourhood Justice Panels' would be introduced to give local people a direct say in how minor offenders are dealt with.¹³ And, a longstanding Liberal theme, the voluntary sector

⁵ See Polly Toynbee 'Cameron's magical thinking can't save this national joke', *Guardian*, 15 February 2011.

⁶ BBC report of Cameron's speech at Somerset House, 14 February 2011.

⁷ *Ibid.*, 39.

⁸ A point quite reasonably made by Glasman (2010), *op cit.* 62.

⁹ *Ibid.*, 57.

¹⁰ Liberal Democrat Party (2010) *Manifesto 2010*, London: Liberal Democrat Party, 27.

¹¹ *Ibid.*, 43.

¹² *Ibid.*, 72.

¹³ *Ibid.*, 75

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would be encouraged and power given back to local communities leaving 'neighbourhoods free to tackle local problems'.¹⁴

In the event the subsequent *Coalition Agreement* dealt mostly with specific policy propositions rather than policy values, though its foreword spoke of redistributing power 'from Westminster and Whitehall to councils communities and homes' so that 'wherever possible' people could 'call the shots over the decisions that affect their lives'.¹⁵ Likewise the *Comprehensive Spending Review* White Paper published in October emphasised that the Government's spending priorities and departmental budgetary settlements were underpinned by the aim of radically reforming public services to build the *Big Society* 'where everyone plays their part.... shifting power away from central government to the local level, as well as getting the best possible value for taxpayers' money.¹⁶ This meant, *inter alia*:

- 'Localising power and funding', the removal of resourcing ring fences and 'extending use of personal budgets for service users';
- 'Cutting the burdens on frontline staff, including policing';
- 'Increased diversity of provision in public services through further use of payment by results, removing barriers to greater independent provision, and, and supporting communities, citizens and volunteers to play a greater role in shaping and providing services'; and
- 'improving the transparency, efficiency and accountability of public services'.¹⁷

In November 2010 the Home Office *Business Plan* spelt out what this meant specifically for the police. The Coalition partners had by now agreed what to do about the governance of the police (about which issue the *Coalition Agreement* had been silent). There would be directly elected Police and Crime Commissioners, the police would be obliged to publish regular local crime statistics and there would be regular neighbourhood beat meetings. There would be an end to 'bureaucratic accountability (meaning no more national targets, and institutional structures 'simplified')'.¹⁸ All this would be in the context of a 23% reduction in real terms in the overall Home Office budget during the period 2010-11 to 2014-15, a reduction of 20% in Home office grant to the police (possibly reduced to 14% should the Office for Budgetary Responsibility prediction of an increase in local authority precept prove correct).

¹⁴ *Ibid.*, 84.

¹⁵ HM Government (2010) *The Coalition: our programme for government*, 7

¹⁶ HM Treasury (2010) *Spending Review 2010*, Cm 7492, London: Stationery Office, 6.

¹⁷ *Ibid.*, 8.

¹⁸ Home Office (2010) *Business Plan 2010-11 - 2014-15*, London: Home Office, 54.

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The specific policing policy proposals set out to support the *Big Society* initially excited the scepticism anticipated above. They were capable of being seen to amount to little more than extending or varying initiatives introduced by previous Administrations for:

- More direct, democratic accountability for setting the direction of policy; that is, another step in a thirty year old argument about accountability and the governance of the police in which the Conservative and Labour Parties have both made 180 degree U-turns;¹⁹
- Making the incidence of crime more visible and the police response to it more transparent; extending the system of local crime audits introduced to support Crime and Disorder Reduction Partnerships (CDRPs) introduced by New Labour in the Crime and Disorder Act 1998;
- Providing a better megaphone for public 'voice'; taking further the police community consultation arrangements originally recommended in the 1981 Scarman Report²⁰ and encouraged by New Labour (Police and Community Together (PACT) meetings) to support their Neighbourhood Policing initiative;
- Encouraging further public volunteering; extending the tradition of the Special Constabulary,²¹ neighbourhood watch, etc.

Cynicism that this was old wine in barely new bottles was increased by the imperative that there be substantial savings in police budgets with loud alarms that this was necessarily going to mean, despite repeated government assurances to the contrary, frontline services being cut.

However, publication in early December 2010 of the Police Reform and Social Responsibility Bill, The Localism Bill and the partially linked green paper, *Breaking the Cycle*,²² turned scepticism in some circles to either alarm or serious interest, and sometimes both. The first direct elections for Police and Crime Commissioners (PCCs) are scheduled to take place in May 2012. Provisions are included in the Bill for, *inter alia*: the responsibility of each PCC annually to publish a police and crime plan, setting the local police and crime objectives, the local precept and annual force budget; enabling PCCs to hold chief constables to account for the full range of their responsibilities and appoint, suspend and dismiss chief constables; creating Police

¹⁹ See, for example, Lustgarten L. (1986) *The Governance of the Police*, London: Sweet & Maxwell; Walker N. (2000) *Policing in a Changing Constitutional Order*, London: Sweet & Maxwell.

²⁰ Scarman Report (1981) *The Brixton Disorders*, Cmnd 8427, London: HMSO.

²¹ Gill M. and Mawby R.I. (1990) *Volunteers in the Criminal Justice System: A comparative study of probation, police and victim support*, Buckingham: Open University Press.

²² Ministry of Justice (2010) *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*, London: TSO.

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and Crime Panels (PCPs) for each police area to advise and scrutinise the work of the PCC; enabling a PCC to award a crime and disorder reduction grant to any person in order to secure or contribute to crime and disorder reduction in their police area; and placing a duty on PCCs to work co-operatively with other bodies whose activities might contribute to the reduction of crime and disorder (Clauses 9 and 10). How those reductions might be achieved collaboratively and by means of 'payments by results' (PBR) was discussed at some length in the green paper, which also announced justice reinvestment pathfinder projects to be set up early in 2011.²³ Meanwhile the Localism Bill provides for the takeover or purchase by local groups of local authority services or assets, some of which might be police-related.²⁴

These provisions open up innovative policing and criminal justice possibilities which extend beyond *the police*. Which makes the serious literature underpinning the *Big Society* concept worthy of close attention. Central to this literature is the notion of co-production, an aspect largely ignored in the increasingly acrimonious debates of early 2011. The focus has been almost entirely on citizen volunteering and service delivery partnerships between the state, commercial and voluntary sectors and the degree to which the announced public expenditure cuts will undermine the likelihood of these aspects of the 'Big Society' happening.²⁵

Co-production: a theoretical etymology

Ramirez²⁶ has explored the key terms – production, consumption, value, etc – employed in the analysis of industrial production. The traditional account, he suggests, goes something like this. Producers add value to things, utility value, which then determines the price commanded by their products in the market place. Customers then destroy whatever value producers have added. The cake is eaten: it no longer exists. The car wears out with use: its value depreciates.

This utility model of production informs Adam Smith's theory of wealth creation and Marx's labour theory of value. Smith distinguished productive and unproductive work:

²³ Ministry of Justice (2010), *Ibid.*, Chapters 3, 5 and 6.

²⁴ Localism Bill 2010, Clause ?. See Department for Communities and Local Government (2010) *Decentralisation and the Localism Bill: an essential guide*, London: DCLG.

²⁵ Thus, for example, the speech on 7 February 2011 by Dame Elizabeth Hoodless, outgoing Chairman of CSV, asserting that the 'massive' council cuts would make it harder for voluntary groups to deliver services in the local communities. Or the mockery of the *Times* cartoon on 15 February depicting Cameron holding a DAFTA award bearing the legend 'DAFTA – Best Director in a Completely Incoherent Foreign Language... 'The Big Society''.

²⁶ Ramirez R. (1999) 'Value co-production: intellectual origins and implications for practice and research' *Strategic Management Journal*, 20: 49-65.

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the work of servants, for example, though 'useful' was 'unproductive'. Likewise Marx held that services had no value independent of the work itself. This categorisation informed the traditional, three sector model of the economy (primary (extractive - mining, fishing and agriculture), secondary (manufacturing) and tertiary (services)²⁷). The usefulness of this categorisation had widely been called into question by the time of Daniel Bell's seminal study of national economic development.²⁸ The importance of intellectual property, the organisation of science and technology, for example, was recognised. Nonetheless it was Bell's empirical conclusion that the organisation of services involved lower labour productivity than manufacturing. In recent years, however, the implicit distinction between manufacturing and services has been challenged as has the traditional model of manufacturing as a linear and transitive process. This is the point at which the concept of co-production enters the fray as well as the view that services are not merely 'useful' but critically important in the process of wealth creation. Thus the title of David Halpern's influential text *The Hidden Wealth of Nations*.²⁹

Ramirez, for example, prefers to talk generically of 'offerings' rather than 'goods' and 'services' on the grounds that the provision of both involves processes of value creation which are increasingly synchronic, interactive and mutual rather than sequential, unidirectional and transitive. Further, some of the co-produced added value is not capable of being monetized, thus Halpern's 'hidden'. This analytical approach rests on some fairly straightforward observations as well as more complex insights.

Simple value-based models of what manufacturers and service-providers offer are difficult to apply in the increasingly complex, real world of decision-making. In manufacturing, for example, products are more and more made up from many components, themselves the product of many materials worked on by complex means and sourced from across the world. Suppliers are often simultaneously producers *and* customers. Relationships are two way. The customer as passive consumer and value destroyer often does not fit. All parties are engaged in a chain involving mutuality and interdependence. Producers and customers, moreover, are both involved in risk-taking and risk-sharing which involves their continuous access to each other in an uncertain environment. Purchase is not a one-off decision after which the value of that which is purchased is gradually destroyed. Contracts are

²⁷ See Gershuny J. (1978) *After Industrial Society? The emerging self-service economy*, Macmillan: London.

²⁸ Bell D. (1973) *The Coming of Post-Industrial Society: A Venture in Social Forecasting*, New York: Basic Books.

²⁹ Halpern D.(2010) *The Hidden Wealth of Nations*, Cambridge: Polity.

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increasingly involved and dialogue is built into the operation which determines not just the continuing value of that which is purchased but the value of the various activities ancillary to the use of the product or service which has been purchased.

Ramirez cites as an example the case of modern passenger aircraft. Planes now have built into them not just electronic systems which signal faults and maintenance needs but all customers and sub-contractors involved in their use have access to a manufacturers' data system which indicates such matters as spare parts availability and do-it-yourself courses of action for tackling problems in the most speedy cost effective way that might arise during use. Most personal computers now have the same built in back-up arrangements. Moreover customers are constantly made aware electronically of new programmes capable of being downloaded such that use value is maintained or even advanced. By these means the product is capable of being put to purposes not envisaged when purchased. There is, in effect, an ongoing *conversation* between producer and consumer which determines both what is subsequently produced, whether the new add-ons are purchased and when the original product is replaced..

The difference between what Ramirez characterises as the traditional industrial view of value production and co-production is summarised in Table 1.

Table 1: Traditional Industrial and Co-Production Models of Production³⁰

Value	Industrial View	Co-Productive view
Creation?	Sequential, unidirectional, transitive	Synchronic, interactive
Measured and managed?	In monetary terms	Some values not capable of being monetized
Design and delivery?	Added by producer	Co-invented, combined and reconciled with customers
A function of?	Utility and rarity	Any utility and rarity originates in exchange
Nature of?	Objective (exchange) and subjective (utility)	Contingent and actual (established interactively)

³⁰ Adapted from Ramirez op.cit., 61.

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Customers do what to?	Destroy	Co-create
Realized when?	At purchase, as single transaction	Co-produced over time
Role of consumption?	Not a factor of production	Consumers managed as a factor of production
The units of analysis?	Firms and activities	Interactions

Relevance for Public Services Generally and Criminal Justice in Particular

The Government, it is officially reported, has asked the Office for National Statistics to prepare non-economic measures of societal wellbeing to accompany those traditionally used for measuring economic wellbeing (GDP, levels of employment, etc). This reflects the growing preoccupation among economists with the relationship between economic growth and various subjective, typically un-measured, considerations such as the level of trust between people, their feelings of security, their satisfaction with the prevailing work-life balance, and so on. Stiglitz, for example, has argued that economic development is more than just a matter of capital accumulation and ironing out distortions, or inefficiencies, in the economy.³¹ It is also about changing cultural attitudes and practices, democratizing the workplace to encourage participation and workforce feelings of security, so as smoothly to effect change during a period of transition which might otherwise generate destabilising feelings of insecurity. Wilkinson and Pickett, epidemiologists reviewing multiple data sets from a variety of sources, have demonstrated that wealth, if accompanied by gross inequalities, tends to be accompanied with higher levels of crime, mental ill-health, obesity and other morbid social conditions which, in the long-term, prove costly.³² Halpern concludes from his review of the literature that though the causal relationship between subjective wellbeing and wealth creation is complex, a greater sense of social well-being is important for economic success. Politicians, he suggests, should pay more attention to policies that might enhance wellbeing.³³

³¹ Stiglitz J.E. (1998) *Towards a New Paradigm of Development: Strategies, Policies and Processes*,

³² Wilkinson R. and Pickett (2009) *The Spirit Level: Why More Equal Societies Almost Always Do Better*, London: Allen Lane.

³³ Halpern (2010) op.cit., 24

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Part of Halpern's review is devoted to the public sense of security and the incidence of crime. He demonstrates statistically that most of the variation between nations regarding fear of burglary is explained not by the actual rate of burglary but by the general level of social trust between people. Likewise public fears about walking the streets at night have to do with more than the actual risk of being victimised. It reflects general feelings of trust. It is important, therefore, that more than the incidence of crime be tackled. Fear of crime and public confidence in the police and criminal justice system should equally be the focus of policy³⁴. Moreover, as has been demonstrated from analysis of community cohesion in South Wales,³⁵ the way people think about their local community is complicated and differs according to the income, age, gender and origins of respondents. Poorer neighbourhoods tend to be areas with lower cohesion whose residents have lower confidence in their own ability and police effectiveness to tackle crime and ASB of which they are more likely to be victims than residents in more affluent neighbourhoods.

The counter-productive consequences of the police, and by implication the whole of the criminal justice system, not responding creatively and effectively to these issues are laid out by Halpern:

'Thoughtful senior figures in the Home Office and Ministry of Justice would describe government policy as not just to reduce crime, but also to reduce fear and ensure that the public, and victims in particular, feel that justice is done. But the danger is that fear reaches the point that it distorts policy away from effective strategies to reduce crime and deliver justice. For example, public appetite in the UK for locking up offenders is head and shoulders above that of any other European country. More than half of Britons (52%) favour a prison sentence for a recidivist burglar, with the next nearest country being Ireland at 38%. This is a very expensive and not very effective way of dealing with crime. Typical estimates are that, at best, about 5 percentage points in the 30% fall in crime rates in the UK since the late 1980s comes from the near doubling in the UK prison population over the same period.'³⁶

Halpern argues for a shift in the centre of policy gravity away from 'squeezing vice' towards 'rewarding virtue', rebuilding what he calls the 'gift' or 'regard' economy, the mutually positive way in which people look after each other.³⁷ In the same way that

³⁴ *Ibid.*, 62-4.

³⁵ Cooper H. and Innes M, (2009) *The Causes and Consequences of Community Cohesion in Wales: A Secondary Analysis*, Cardiff: UPSI, Cardiff University.

³⁶ *Ibid.*, 64-5.

³⁷ *Ibid.*, 98-123.

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'care' or 'regard' work – teaching, nursing, social work, etc - is in modern economies poorly rewarded financially compared to impersonal skills and occupations (accounting, banking, etc), so, Halpern argues, regard has not been sufficiently encouraged or rewarded. It has been punished when absent: many ASBOs, for example, but few individual support orders. This punitive approach, he maintains, carries dangers: if people are generally treated like rogues they tend to become so. By contrast:

'If we could boost activity in the economy of regard by even a few per cent, the fiscal and well-being impact would be immense. The logic is not that of the altruism of volunteering, but of true reciprocity. Unlike traditional rights and responsibility approaches, the dynamic would be a virtuous one of greater trust and mutual respect.'³⁸

What model of government and public services does this imply? Halpern argues that:

'effective government rests heavily on the 'virtue' of citizens, and strength of social capital and norms in society. These webs of interconnection, everyday habits and institutional habits are what do most of the heavy lifting to keep our societies, economies and governments going. Viewed from this perspective, the state is only a part-player in good government.... the paternalistic model..... is one rooted in co-production and partnership.... agency is not a zero-sum game. More collective responsibility does not necessarily imply less personal responsibility.'³⁹

The problem is that the level of social trust and a sense of respect in a society appears to be linked to such intractable, difficult-to-change social characteristics as high inequality and low social mobility. Different social strata characterised by locational separation and distinctive lifestyles (living in different housing zones and tenure types, frequenting different leisure venues, using different transport systems, etc) tend to be more distant socially one from the other and are increasingly wary or fearful of the 'other' as a consequence. New Labour's failure greatly to change the level of social inequality or the rate of social mobility in Britain led it to focus on populations judged statistically to be at risk of family breakdown and offending, teenage pregnancy and so on. The argument was that if a high level of social inequality and a relatively low level of social mobility is difficult for government to change, then one can at least focus on the poorest, high-risk decile of the

³⁸ *Ibid.*, 119.

³⁹ *Ibid.*, 246-7; see also Putnam R (1993) *Making Democracy Work*, Princeton: Princeton University Press; and Putnam R. and Feldstein L. (2003) *Better Together*, New York: Simon and Schuster.

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population, typically that with the lowest level of social capital (community networks of support and trust) and attempt to lift or push them into the mainstream of social life. That involved targeted, support initiatives like SureStart and the Youth Inclusion Programmes pursued by the Youth Justice Board through the local youth offending teams in England and Wales. It also meant very limited provision of voluntary parenting programmes for parents whose children were getting into trouble and possibly lacked the support or example of marital partners or extended family networks. Halpern argues for going further than this. The reform of public services in the form of co-production is part of his recommended package.

What Halpern does not do is spell out what this might mean for policing. But he recognises general difficulties. If co-production involves a greater level of public engagement then that may not be appealing to busy people. In the same way that most people would rather a professional investment manager handled their pension fund instead of their having to prepare for and attend a monthly Investor Club, so it seems likely that most people, most of the time, will be unwilling to spend time attending meetings (PACT meetings, for example) discussing aspects of local crime prevention. Furthermore, as other discussants of co-production have pointed out, the concept of co-production:

- Looks messy in that it may encompass a broad range of activities and relationships which it is difficult for participants, funders and commissioners to assess in terms of pre-determined objectives or outcomes;
- May involve costs and benefits which spill over service provider organisational boundaries, which can act as a disincentive to commissioners;
- Is difficult to take to scale because it is contingent on local partners and circumstances;
- Requires of local practitioners new leadership skills: facilitating and enabling rather than merely managing.⁴⁰

The Implications for Policing

It is possible to distil from this general discussion some of the implications of the co-production approach for policing and the police. Some of the deep lessons scarcely have to be spelt out: they are fundamental to the sociology of policing and are well understood by most police managers, namely:

⁴⁰ See Boyle D., Coote A., Sherwood C. and Slay J. (2010) *Right Here, Right Now: Taking co-production into the mainstream*, London: NEF/The Lab/NESTA, 12-13.

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- Most policing is not undertaken by *the police* but by the public at large or other institutions for themselves (looking after neighbours' property, rebuking young people behaving badly, revitalising intra-familial or intra-institutional imposition of informal or non-criminal sanctions in schools, firms, etc⁴¹);
- There is a symbiotic relationship between the exercise of informal and formal control systems and the achievement of social order;⁴²
- The effectiveness of 'the police' is critically dependent on the regard in which they are held by the public (the police only know about most crime because the public choose to tell them, they only solve a high proportion of the crime reported to them because the public choose to tell them whodunnit, the successful prosecution of offenders is dependent on members of the public being prepared to testify, etc⁴³)
- What the police do, the priorities they set, the manner in which they exercise their unavoidable discretion is based as much on moral judgement in the light of public expectations as on what it says in the law books.⁴⁴

These lessons are well embedded in the British police tradition. They lie at the heart of the doctrine of policing by consent and the Peelian maxim that the 'police are the public and the public are the police'.⁴⁵ The police scarcely need to be told that their effectiveness is fundamentally dependent on their legitimacy with the public at large. In recent years their need to maintain public confidence has been evidenced by their investment in website information and other innovations designed to enhance public-police communication and confidence.

All this is well understood. Nonetheless the drive for co-production is based on the proposition that most public services, policing included, have tended to disempower members of the public, inducing a dependency culture and creating unnecessary waste because services have inadequately been shaped by recognition of users' *assets* as well as their *needs*. Solutions have too often been top-down, generating a 'them' and 'us' culture, inadequately recognising the assets and strengths of those

⁴¹ The essence of the Peel, Rowan and Mayne, Reithian doctrine that 'the police are the public and the public are the police'; see Newburn T (ed)(2005) *Policing: Key Readings*, Part B. The Role and Functions of the Police, Cullompton: Willan.

⁴² Innes M. (2003) *Understanding Social Control: Deviance, crime and social order*, Maidenhead: Open University Press.

⁴³ Skolnick J. (1966) *Justice Without Trial: Law Enforcement in Democratic Society*, New York: Wiley; Greenwood P, Chaiken J. And Petersilia (1977) *The Criminal Investigation Process*, Lexington MA: D.C.Heath; J.Reiner R. (2010) *The Politics of the Police*, 4th Ed., Oxford: Oxford University Press.

⁴⁴ Banton M. (1964) *The Policeman in the Community*, London: Tavistock; Bittner E. (1967) 'Florence Nightingale in pursuit of Willie Sutton: A Theory of Police' in H.Jacobs (ed) *The Potential for Reform of Criminal Justice*, Beverley Hills: Sage.

⁴⁵ See Reiner R. (2010) *The Politics of the Police*, Oxford: OUP, Part 1

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on the receiving end of services. The notion that the police are mere 'citizens in uniform' has long been recognised as a fiction.⁴⁶ But might the gap be made less wide?

In light of these observations the co-production model would seem to suggest the following general propositions for the police in a Big Society:

Localism

Subsidiarity: devolving to the greatest extent possible decisions regarding operational priorities and budgeting. This should be done to ensure maximum scope for members of the public to express their concerns and views about policing priorities and methods and make it feasible for their views to shape the delivery of policing services locally. There is no necessary inconsistency between this aim and the Government's creation of a National Crime Agency.⁴⁷ Nor does it necessarily run counter to the possible merger of police forces. What it argues is that decisions and resource allocations should *wherever appropriate* be devolved *within* the police organisation to police forces, BCU commanders and Neighbourhood Policing Teams. It would clearly not be appropriate, for example, to devolve responsibility for international people trafficking to a neighbourhood policing unit, whereas it would almost certainly be appropriate to devolve to that level responsibility for responding to youth anti-social behaviour.

Joining-Up: working in close partnership with other police-related public services to provide joint service access points, information for users and outcome targets. It was the burning complaint of many practitioners and commentators during the New Labour years that there were too many, top-down dictated, process indicators or targets and that the targets and performance indicators in adjacent services were not consistent one with another. The police, for example, had a target for 'offences brought to justice' whereas youth justice services aimed to reduce the number of 'first-time entrants' to the system. If cost effectiveness dictates that police call centres be centralised and local police stations closed, then it is important that there be developed consistent, joint informational sources available at one-stop-shops (electronic and geographical) where police-related services can be found out about and readily understood by the public.

Service Transparency

⁴⁶ Though not one abandoned by some critics: see Hitchens P (2004) *The Abolition of Liberty*, London: Atlantic Books..

⁴⁷ Home Office (2010) *Business Plan 2011-15*, London: Home Office, 3.

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Publication of local crime statistics and maps. This was a Conservative Manifesto commitment, was an undertaking incorporated in the Home Office Business Plan⁴⁸ and on 1 February 2011 was operationally launched nationally. Every citizen is now able, by entering their postcode, to access via the internet an up-to-date crime map for their immediate neighbourhood, see which officers patrol and are responsible for their area, learn how those officers can be contacted, when PACT meetings are scheduled to take place. The consequences of providing this information (which may be misleading) have yet to be seen: they may prove positive and negative, reassuring or the opposite.

Publication of additional police and policing-related information. There is a powerful case for going further than the above. Given that so much policing is undertaken informally by residents individually and collectively, police websites might also provide details and links to residents' and tenants' associations, neighbourhood action groups and so on. It would also be helpful if the police and local authority websites were integrated so as to be able to tabulate and summarise by area requests for police action (or the attention or action of the local authority) concerning such matters as speeding traffic, noise, graffiti, street cleaning or lighting, rubbish collection, etc. These data are as valuable to the police as they are to the policed. They are indications of more than public need or demand. They also represent public assets (social networks, public commitment to the welfare of the neighbourhood, a willingness to assist, an expression of mutual trust) on which everyone, including the police, can draw. They are also indications of neighbourhood deficits (public frustration, lack of trust, etc) of which the police and residents should be aware. One-stop-shop policing websites should not be dominated by police PR or marketing considerations. They should also be co-production resource bases.

Improved Access for Public Voice

Directly elected Police and Crime Commissioners. This is the Coalition's principal, highly controversial proposal for achieving public voice, though it remains to be seen whether dissenting voices emerge among Conservative and Lib Dem MPs when it comes to parliamentary votes on the issue.⁴⁹ The Welsh Assembly Government, for example, has already stated its opposition to the policy.⁵⁰ The proposed powers and responsibilities of PCCs have now been published. Though assurances have been

⁴⁸ *Ibid*, 13.

⁴⁹ The Welsh Assembly Government has publicly declared its opposition to PCCs and announced that it will not appoint representatives to the proposed Police and Crime Panels (PCPs) for which provision is made in the Police Reform and Social Responsibility Bill.

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given that the 'operational independence' of chief constables will remain unaltered it is an error to see PCCs as existing police authorities dressed in different clothing. Direct elections will almost certainly politicise the whole terrain of police priorities and methods, probably exacerbating the degree to which chief officers are publicly pressurised to use or abstain from using different police powers and techniques. But they will also open up potentially innovative uses of police resources to achieve order and justice. Which is why the Police Reform and Social Responsibility Bill 2010 needs to be absorbed alongside the Decentralisation and Localism Bill and the 'rehabilitation revolution' green paper (see below). The so-called 'arms race' in 'law and order' policy-making may be displaced from the sphere of central to local government.

The appointment of Neighbourhood Justice Panels (NJPs). This proposal, incorporated in the Lib Dem Manifesto and the Ministry of Justice *Business Plan* has since been highlighted in the 'rehabilitation revolution' green paper.⁵¹ The original concept was pioneered in Chard, Somerset, by community groups in collaboration with a councillor, the local police beat manager and the local newspaper. An NJP was established to deal with 'low level crime and anti social behaviour' (assaults, neighbour nuisance, public order, criminal damage and race hate) within the neighbourhood. Restorative justice (RJ) is central to the exercise:

'Volunteers from the community bring offenders and victims together to apply a restorative justice approach, concluding with the offender signing an acceptable behaviour contract, focused on repairing the harm done and stopping the behaviour.'⁵²

The Government is to evaluate the effectiveness of NJPs. The outcomes on which the evaluation will focus will almost certainly include the reduction of criminal justice system business and cost as well as offender desistance.

Gathering residents' crime and ASB-related wellbeing data locally. This topic is covered in an accompanying paper from Martin Innes.

Working With Offenders and Victims

Developing Networks with Victims and Offenders. The New Labour, Manichean or implied zero sum relationship between victims and offenders – the liberty of victims traded against the rights of offenders - was always both theoretically and empirically

⁵⁰ See the statement of Carl Sargeant, WAG Minister for Social Justice and Local Government, 12 October 2010.

⁵¹ Ministry of Justice (2010), *Ibid.*, 82.

⁵² *Op cit.*

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questionable. Most repeat offenders are also repeat victims. Many adolescents, for example, join gangs for what they regard as self-protection.⁵³ One of the reasons for school truancy is that children often don't feel safe in school or going to and from school. Repeat adult offenders dependent on alcohol and illicit drugs, sex workers, etc, are highly vulnerable to exploitation. It is for this reason that successful interventions tackling violent gang behaviour and gun and knife-related crime involve dialogue with gang members and entering into compacts with the young people involved.⁵⁴ It means developing a degree of trust and understanding between the police and the victim-offenders. The same lessons apply wherever crime and ASB-related intimidation exists. Victim support networks need to be built to work *with* the police, provide mutual assurance and arrive at agreed preventive interventions: such approaches do not imply complicity in offending or failure rigorously to enforce the law.

Diversifying the Policing Family

Developing the CPSO Role. Though of recent origin with their effectiveness still questioned by some leading politicians and commentators, there are now 16,500 CPSOs, 10 per cent of the uniformed workforce, which now comprises less than two thirds of the increasingly civilianised police workforce.⁵⁵ Though unsworn, CPSOs already have a considerable array of powers⁵⁶ and have become key to neighbourhood policing, gathering intelligence about public concerns and generally getting close to the public. The police workforce could be further mixed and the CPSO role further developed (it is proposed by many, for example, that out-of-court restorative justice interventions could be delivered by neighbourhood policing teams).⁵⁷ As has vigorously been stated police efficiency and public confidence in the police would not be enhanced by cutting their numbers or limiting their role: on the contrary.⁵⁸

Allocating police budget resources for alternative policing and crime and disorder reduction initiatives. Clause 9 of the Police Reform and Social Responsibility Bill

⁵³ See Pitts J. (2009) *Reluctant Gangsters: The changing face of youth crime*, Cullompton: Willan

⁵⁴ Centre for Social Justice (2009) *Dying to Belong: An In-depth Review of Street Gangs in Britain*, London: CSJ.

⁵⁵ Audit Commission, HMIC, Wales Audit Office (2010) *Sustaining value for money in the police service*, London: Audit Commission, HMIC, Wales Audit Office.

⁵⁶ See 'Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007' (SI 2007/3202).

⁵⁷ See Independent Commission (2010) *Time for a Fresh Start: The report of the Independent Commission on Youth Crime and Antisocial Behaviour*, London: Police Foundation/Nuffield Foundation.

⁵⁸ Audit Commission, *et.al* (2010), *Ibid*, Chapter 4, Managing the Workforce.

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2010 empowers PCCs to make 'crime and disorder reduction grants' to groups who, in their opinion 'will secure, or contribute to securing, crime and disorder reduction'. The grants can incorporate payment by results (PBR) provisions. That is, the grants may be subject 'to any conditions (including conditions as to repayment)' which PCCs consider appropriate. These powers open up innovative possibilities ranging from neighbourhood patrol initiatives to diversionary and support arrangements (RJ, police station triage assessment initiatives, parenting programmes, etc) which senior police commanders may judge either threatening or liberating. If the *subsidiarity* principle for police budgets (see above) is pursued and BCU commanders are given greater scope for planning, alongside their local authority Police and Crime Panels (PCPs), how their allocation will best meet the community needs of their patch, then a mixed economy of Big Society-style policing could be brought to every locality with potential savings and greater effectiveness for both policing and criminal justice

Conclusion

The Big Society may yet prove to be a will o' the wisp and co-production a rather ugly term best reserved for Hollywood. But the economic crisis of 2008-10 has precipitated fundamental policy re-thinks as well as herald severe cuts, some of which may prove to have progressive consequences. One cannot shrug off the possibility that application of Big Society thinking to policing carries the threat of dangerous populism whereby more surveillance, oppressive and punitive forces are unleashed. But it could equally signal more constructive, genuine engagement in policing by the community, a more positive approach with regard to disadvantaged victim-offender groups and more parsimonious use of a criminal justice system which has in recent years arguably been used to an unsustainable and damaging degree. As the 'rehabilitation revolution' green paper pointed out, the last decade witnessed the passing of no fewer than 27 different Acts of Parliament that 'added layers of complexity and eroded important elements of judicial discretion'.⁵⁹ The same could be said of the discretion whittled away from the police, the probation service and youth justice. That trend the Coalition Government says it will now reverse. The ball must, ironically, be started rolling with a further slew of legislation serving to restore discretion, remove restrictions and devolve budgets and decision-making. Opportunities for innovation now arise. The test of the Government's commitment will come when local failure and scandal strikes. But it is to be hoped that that risk will be taken and, when the test comes, faced up to as a reasonable price to pay.

Rod Morgan, 21 February 2011

⁵⁹ Ministry of Justice (2010), *op.cit.*, para 165.