



Subject: **Association of Chief Police Officers**
To: Rory Manley for Christopher Chope MP
From: Maria Lalic
Reference: 2011/11/131-HAS
Date: 24 November 2011

You asked for information on the Association of Chief Police Officers (ACPO), covering their status, responsibilities, and whether their status would change with the advent of elected Police Commissioners.

The Association of Chief Police Officers (ACPO) is an independent private company limited by guarantee which provides policy advice to the government and to police forces, but which also coordinates some important operational functions at a national level. Its website explains its role as follows:

The Association brings together the expertise and experience of chief police officers from England, Wales and Northern Ireland, providing a professional forum to share ideas and best practice, coordinate resources and help deliver effective policing which keeps the public safe.

Statement of Purpose

The Association of Chief Police Officers (ACPO) is an independent, professionally led strategic body. In the public interest and, in equal and active partnership with Government and the Association of Police Authorities, ACPO leads and coordinates the direction and development of the police service in England, Wales and Northern Ireland. In times of national need ACPO, on behalf of all chief officers, coordinates the strategic policing response.

There has been some controversy about the status of ACPO, because it is not a police force or any other kind of public authority, and therefore it is regarded by some as insufficiently accountable. For example, until recently ACPO was not subject to the *Freedom of Information Act* because it is not a public authority. The previous government had announced that this would be remedied in this parliamentary session.¹ In January 2011, the Ministry of Justice announced the Government's plans to extend the scope of the *Freedom of Information Act* by increasing the number of organisations to which FOI requests can be made, including ACPO, the Financial Services Ombudsman, and higher education admissions body UCAS; and to further increase transparency in public affairs. The Association came under the *Freedom of Information Act* on 1 November 2011.

Concerns about ACPO and its role came to the fore earlier this year because of the revelations about undercover police work by Mark Kennedy under the auspices of ACPO's National Public Order Intelligence Unit (NPOIU). In January 2011 the Police Minister Nick Herbert reportedly told the Home Affairs Committee that neither the Government nor ACPO considered it desirable that they should continue to run operational units such as the NPOIU.²

¹ Written Ministerial Statement, HC Deb 30 March 2010 c110-1WS

² "Major clean-up of undercover policing begins", *Guardian*, 18 January 2011

It is significant that Kennedy did not work for any police force. He worked for a murky organisation called the National Public Order Intelligence Unit (NPOIU). With a budget of £5m this operates as a branch of the National Domestic Extremism Unit (NDEU) which, in turn, works alongside the National Extremism Tactical Co-ordination Unit (NETCU). Ask where this stands, and you will be told it reports to the Association of Chief Police Officers' Terrorism and Allied Matters Committee, codenamed Acpo(TAM).

Only those who have tarried in the foggy corridors of the Home Office, the Ministry of Justice and the Metropolitan police can have any notion of the Orwellian extravagance of these places. Agencies, units and groups cruise shark-like round the feet of terrified Home Office ministers. Their staffs, expenses, overtime and accommodation are crammed into London's Scotland Yard and Tintagel House. If challenged, they incant their motto: "We keep you safe."

Kennedy's bosses in the NPOIU work for Acpo, but this is not what it seems. It is not, as its name suggests, the police officers' staff club, nor is it a public body of any sort. It is a private company, incorporated in 1997. It is sub-contracted by Whitehall to operate the police end of the government's counterterrorism and "anti-extremism" strategies. It is thus alongside MI5, but even less accountable.

Acpo was once a liaison group. But, like all bureaucracies, it has grown. It now runs its own police forces under a police chief boss, Sir Hugh Orde, like a British FBI. It trades on its own account, generating revenue by selling data from the police national computer for £70 an item (cost of retrieval, 60p). It owns an estate of 80 flats in central London. While the generous logistical support it offered the greens was doubtless gratis, we do not know if E.ON UK, the operator of Ratcliffe-on-Soar power station, paid for security intelligence from Kennedy.³

ACPO's president, Sir Hugh Orde, responded to this article in a letter published two days later:

I find myself in agreement with Simon Jenkins (The state's pedlars of fear must be brought to account, 11 January) when he says that to have private companies and opaque agencies running undercover police operations cannot be right. However, he is both misled as to Acpo's role and omits to record that the use of undercover officers is highly regulated and governed in law through the Regulation of Investigatory Powers Act. Such operations are closely overseen by the surveillance commissioner and must be necessary, proportionate and lawful.

While the Metropolitan Police Service acts as lead force for the National Public Order Intelligence Unit, the NPOIU reports through Acpo to senior police leaders across England, Wales and Northern Ireland because it is historically a national police asset, not owned by any individual force. However, any operations the NPOIU supports must be requested and authorised by individual police forces, not Acpo. I have put on record, including in this paper, my wish to move Acpo away from limited company status to become a professional policing body. I am pleased we have already secured inclusion under the Freedom of Information Act to take effect later this year, and our aim for the future is to clearly focus the organisation on leadership in policing, under a

³ "The state's pedlars of fear must be brought to account", *Guardian*, 11 January 2011

new governance structure in line with the government's recent consultation on policing.⁴

Sir Hugh Orde has advocated reform of the organisation since he became president. For example, he made the following comments in his blog:

(...)

Over its history the Association has, time and again, been required to fill the gap where there has been a requirement for an effective, co-ordinated policing response. As a body composed of the police service's chief officers, it is uniquely placed to do so – providing a pragmatic solution where no national agency or alternative structure exists. We have, over the years, provided a de facto framework to house a number of tasks, carried out on behalf of the service through a pooled effort rather than individually in 44 separate organisations.

As an organisation that profoundly impacts upon public life, it is absolutely right that we should be subject to a clear accountability structure. Indeed, since becoming president, I have been vocal on my desire to move ACPO away from limited company status – a step we are wholly committed to, but which, it must be said, also requires impetus from Government to be achieved.

(...)

The current Government signalled its intention to work with ACPO to reform the organisation in its green paper *Policing in the 21st century: reconnecting police and the people*:

The Association of Chief Police Officers

4.53 We want to professionalise the police at all levels. ACPO needs to play its role in this by repositioning itself as the national organisation responsible for providing the professional leadership for the police service, by taking the lead role on setting standards and sharing best practice across the range of police activities. ACPO's focus on professional standards means they should also play a leading role in leadership development, including some training programmes, while ensuring effective support and challenge from other providers. ACPO will continue to play a key role in advising Government, Police and Crime Commissioners and the Police Service on strategy, best practice and operational matters. Strategic policy will be set locally by Police and Crime Commissioners and nationally by the Government.

4.54 We will expect ACPO to play a leading role in ensuring that Chief Constables drive value for money, and have the capability to drive out costs in their forces. We will revoke the previous Government's planned creation of a Police Senior Appointments Panel.

4.55 ACPO itself recognises the need to increase its accountability for what it does and for the public funding it receives. It will need to have a governance structure which makes it accountable to those who fund it and have an elected mandate – both directly and indirectly – for policing; in short, the rebalanced Tripartite which will, in future, include a key role for Police and Crime Commissioners. We are working with ACPO to agree the most appropriate structure for achieving this, with accountability and transparency the key conditions.⁵

⁴ "Undercover action and the role of ACPO", *Guardian*, 13 January 2011

⁵ Cm 7925, July 2010, p 33

In August 2010, the Home Secretary commissioned Peter Neyroud, who was then Chief Executive of the National Policing Improvement Agency, to undertake a review of police leadership and training. The Terms of Reference included:

- how ACPO can own and develop a shared vision in the service which engages practitioners, with Police and Crime Commissioners locally and nationally, with Government and other organisations such as the new National Crime Agency, for the standards of leadership and the development of the profession, building on learning from the Leadership Strategy;
- how to develop an ACPO capacity to deliver leadership development, and assessment/accreditation, supported by the Superintendents' Association, the Police Federation and others, which brings a cohesive approach to the leadership landscape;
- how the leadership functions can be transitioned effectively in the context of the need for very substantial budget reductions;
- the need to respond to the Government's priority of reducing the unsustainable national deficit, including alternative funding models for leadership that both reduce and recover cost;
- the potential role of other providers in training delivery, including other public sector leadership academies, the private sector, and other institutions.⁶

The report *Review of Police Leadership and Training* was published on 5 April 2011 and contained a number of proposals, including the creation of a new transparent and accountable chartered professional body for policing, responsible for leadership, learning and standards:

One The creation of a new single professional body for policing, which should become chartered by the Privy Council.

One A That the new professional body for policing is a professional body for the whole of the police service, with the repositioning and merger of ACPO into the professional body as the “head and heart” of the body.

Supporting Proposals

That the Home Secretary should have the ability to appoint a ‘nominee’ non-Executive director to the Board of the chartered body.

That the professional body should, in the interests of transparency and public accountability provides the Home Secretary with a business plan and a regular report of key issues. This will reflect the funding that I will propose that the body receives from the Home Office as well as enabling the body to reflect on, and respond to, the national priorities articulated by government.

That a Police and Crime Commissioner be involved in and chair an Independent Scrutiny Board (ISB), somewhat akin to the concept of a scrutiny panel in the case of a PCC as envisaged in the Police and Social Responsibility Bill

That ACPO repositions itself by merging its existing organisation into the chartered body whilst at the same time bringing in the wider membership.⁷

⁶ Peter Neyroud, *Review of Police Leadership and Training*, April 2011, p 9

⁷ Peter Neyroud, *Review of Police Leadership and Training*, April 2011, p. 15

In April 2005, the Government issued a consultation document on the Review's proposals - *Review of Police Leadership and Training*. The consultation closed on 28 June 2011. The Government is considering responses to the consultation.

The Home Affairs Committee considered the recommendations contained in Peter Neyroud's report, including proposals for a new professional body and the role of ACPO and whether it would still be needed if there were to be a professional body for policing. The Committee highlighted concerns about the involvement of ACPO's members, who are unelected and unaccountable, in policy making:

The Police Foundation stated:

we believe ACPO should take great care when advising on policing policy...We strongly believe that policy should for the main part be left to Government ministers who are accountable to Parliament. ACPO has been criticised on a number of occasions for lobbying on policing policy issues, particularly under the last government, and we believe that this should not continue.⁸

The Committee's report *New Landscape of Policing* raised the question on whether the professional body would become ACPO by a different name:

When we asked Peter Neyroud whether the Professional Body was "just a revamped ACPO", he replied

No, absolutely not...I think there are some pretty well rehearsed flaws in the current organisation, not the least of which was creating the organisation as a company limited by guarantee operating in public space—that was a serious flaw. I have been very careful to try and set out an organisation that encompasses the whole of the profession. I think that is, again, a deep flaw in the current process.

114. We asked Sir Hugh Orde how he thought the new Professional Body would differ from ACPO. He commented:

I think the very clear difference is it [the Professional Body] is an inclusive organisation that requires the support and engagement of every officer...so it is completely different. It would be a body of 145,000-plus people. It should include all people who are involved in policing, sworn and unsworn; otherwise, frankly, over time it will not work.

This commitment to an inclusive organisation sounded positive, but was slightly undercut when Sir Hugh added: "Whether one can start off with that sort of great big event or we need to start building incrementally I think is a matter for debate."⁹

I hope this information is useful.

⁸ Home Affairs Committee, *New Landscape of Policing*, 14th Report, 23 September 2011

⁹ *ibid*