

# POLICE AND JUSTICE BILL

## OVERARCHING REGULATORY IMPACT ASSESSMENT

### 1. PURPOSE AND INTENDED EFFECT OF THE MEASURES

#### Objective

The overall objectives of the proposed legislation are to build safer communities by driving forward key elements of the police reform programme and sustain improvements in performance at neighbourhood, Basic Command Unit, force, national and international levels and helping build a culture of respect to tackle anti-social behaviour at its roots.

#### Background

Today, there is less chance of being a victim of crime than for more than 20 years. But crime and the fear of crime and anti-social behaviour are still too high. Communities continue to face threats from terrorism; organised crime; volume crime such as burglary and vehicle theft, often driven by drug abuse; violent crime, much of it alcohol-related; and anti-social behaviour.

The proposals included in the Bill are part of ongoing work to improve the way we tackle crime and anti-social behaviour through reform of the police and other crime reduction partners.

This overall Regulatory Impact Assessment (RIA) sets out to identify the costs and benefits to business, charities and the voluntary and public sectors arising out of the proposals in the Police and Justice Bill.

The RIA takes information from 12 individual RIAs and provides the overall costs and administrative impact as well as the benefits from those RIAs. The RIAs are identified below. Information on other aspects of the Bill, on which individual RIAs have not been conducted because of their negligible impact, is included as an annex.

#### National Policing Improvement Agency (NPIA) – Clause 1 and Schedule 1

- We will establish an agency to identify and disseminate good practice, assist police forces to deliver the national 'mission critical' priorities and provide operational policing support when needed.
- It will replace the existing Centrex (which leads on police training and development) and the Police Information Technology Organisation (PITO) and will also subsume parts of the Home Office. The NPIA will seek to drive improvement within police forces and support national implementation of the Home Secretary's key priorities for the police, as set out in the annual National Community Safety Plan.

#### Powers of Community Support Officers – Clauses 5 to 7

- Under the Police Reform Act 2002 chief constables have the power to designate Community Support Officers (CSOs) from a range of powers to tackle low level crime and anti-social behaviour. At present, this means that CSOs in different forces can be designated with some of the available powers, all of the powers, or occasionally none of the powers. However there are significant drawbacks to the current situation.
- The public currently have no way of knowing what the powers of CSOs are from one force to the next. A list of all the powers that can be designated to CSOs is available on the Home Office website but this does not tell people what powers are actually applied in individual force areas. CSOs are required by the legislation to carry a designation card detailing the powers with which they have been designated and to produce their designation if asked for by a member of public. However this rarely occurs in practice. This situation is confusing and disorientating, and leads many members of the public to think that CSOs have no powers at all. Also, it means that in some forces CSOs do not have sufficient powers to play a full part in neighbourhood policing and have a role more similar to that of neighbourhood wardens.
- The Bill will create a standard set of powers available to all CSOs regardless of their force. This will resolve the issue of public confusion surrounding CSO powers and help clarify their role. It will also ensure that CSOs in all areas have the powers they need to deal with the issues of anti-social behaviour and low level crime as part of neighbourhood policing teams.

#### Simplifying Police Powers of Stop and Search at Airports – Clause 10

- The Bill will provide the police with a new power to enable them to stop and search any person or vehicle in any area of an airport, where they have reasonable grounds to suspect that criminal activity has, or is about to take place. This will simplify the powers available to the police at airports to reduce airside theft, reduce opportunities for terrorist activities in the UK and reduce the smuggling of prohibited goods.

#### Disclosure of Death Registration Information – Clause 11

- The Bill will extend the powers of the Registrars-General for England and Wales, and Northern Ireland to disclose death registration information to the police, special police forces, the Serious Organised Crime Agency and other bodies for the purposes of the prevention, detection, investigation or prosecution of offences, particularly Impersonation of Deceased (IOD) fraud.

#### Data Capture – Clause 12

- We will provide the police with enhanced powers to enable them to collect passenger and crew data on journeys within the UK, particularly between Northern Ireland and the UK mainland. The powers will facilitate the acquisition, pooling and joint analysis of bulk data with other border agencies and will enhance the police's ability to investigate terrorism and serious organised crime.

Trading Standards Officers to issue specified Penalty Notices for Disorder – Clauses 13 and 14 and Schedule 5

- The Bill will enable Chief Constables to designate Trading Standards Officers (TSOs) with the power to issue Penalty Notices for Disorder (PNDs). We will also take a power to specify, by Order, other non-police employees who Chief Constables might accredit as having such a power. PNDs enable the police to deal quickly and effectively with minor disorderly behaviour by issuing offenders with fixed penalties, thus removing the need to take them to court. Providing TSOs with the power to issue PNDs in their own right will free the police from having to provide an accompanying officer for test purchase operations (in which under age people are used to test whether licensed premises are complying with the law banning sales of alcohol to persons aged under 18). It will also provide greater flexibility for TSOs enabling them to undertake more test purchase operations.

The Community Call for Action – Clause 17

- The Bill will create a mechanism to give communities (defined as an individual or a community group raising an issue of community concern) means to request action on a community safety issue which they consider that the police and/or other crime and disorder reduction partners have failed to address adequately.
- Members of the local community will approach their ward councillor with the problem. The councillor will have a crucial role in deciding whether there is a case for action and in trying to resolve the problem initially. If the problem cannot be resolved at this stage, the councillor will be able to refer it formally to the scrutiny committee of the council, which would be obliged to consider it. The scrutiny committee will gather evidence from community safety partners, and consider whether there is a case for requiring additional action to address the problem. In every case, the scrutiny committee would issue a report saying whether or not the committee regards the problem as one requiring further action; and making recommendations as to how it should be resolved. The relevant community safety partners will be under a duty to respond to the scrutiny report, setting out the action that they will take, or have taken. They would be able to give reasons for not taking action if they consider that it is not necessary to act in the interests of public safety or if they consider that action could only be taken at the expense of unacceptable impact on some other aspect of service provision. The partners would be required to provide reasons in writing

if the decision is taken not to take any action. Any partner deciding not to take action at this stage would attend the next meeting of the scrutiny committee to explain their reasons.

#### Amendments to the partnership Provisions of the Crime and Disorder Act 1998 – Clauses 17 to 20 and Schedules 6 and 7

- The Bill will make amendments to the partnership provisions of the Crime and Disorder Act 1998 to make Crime and Disorder Reduction Partnerships (CDRPs) (in Wales Community Safety Partnerships) the most effective possible vehicle for tackling crime, anti-social behaviour and substance misuse in their communities. The changes will:
  - amend the existing requirement on CDRPs to undertake three yearly audits and develop three year strategies, requiring them instead to produce an annual three year rolling plan;
  - repeal the requirement on CDRPs to provide an annual report to the Home Secretary;
  - place a duty on named agencies to share aggregate, depersonalised data, when doing so is in the interests of preventing crime, disorder and substance misuse (the Act currently provides only a power to share the data);
  - extend the list of agencies that share such data to encompass all CDRP “responsible authorities”. In practice, this means adding Fire and Rescue Authorities to the list;
  - require agencies to mainstream consideration of anti-social behaviour and substance misuse, as well as crime and disorder (of which they are already obliged to take account);
  - introduce an order making power to vary the list of agencies to that are required to mainstream consideration of such matters;
  - introduce an order making power to allow the alteration of the list of “responsible authorities” that comprise CDRPs;
  - take a new power to define national standards for partnership working with which CDRPs will be required to comply;
  - extend the powers of local authority scrutiny committees to include scrutiny of CDRPs; and

#### Extending parenting contracts and orders – Clauses 21 to 23

- The Bill will amend the Anti-Social Behaviour Act 2003 to extend the range of agencies that can enter into parenting contracts and apply for parenting orders beyond Youth Offending Teams and Local Education

Authorities to include other parts of the local authority such as housing officers and Anti-social Behaviour co-ordinators as well as registered social landlords.

#### Amendments to injunctions for tackling Anti-Social Behaviour – Clauses 24 and 25 and Schedule 8

- We will make amendments to the Anti-Social Behaviour Act 2003 (the ASB Act) and the Housing Act 1996 to;
  - ensure that those arrested for a suspected breach of the conditions of an ASB Act injunction are detained where necessary and are brought before the courts within 24 hours; and
  - clarify that Housing Act injunctions were created with the intention of offering protection to victims who do not wish to be named on the face of an injunction for fear of reprisal and where necessary whole communities that may have also been directly or indirectly affected by the behaviour of perpetrators.

#### Inspectorate for Justice, Community Safety and Custody – Clauses 26 to 37 and Schedules 9 to 11

- We will establish a single Inspectorate for Justice, Community Safety and Custody to simplify the process of inspection and to relate inspection more closely to the needs of users of the inspected services.
- The Inspectorate will build on the existing regime of rigorous independent inspection of institutions, including the treatment and conditions of those in custody, so as to inspect across organisational boundaries and thus deliver a more joined up, proportionate inspection regime. The inspection regime should have strong leadership and strategic direction, support the front line by reducing any unnecessary bureaucracy, and examine how the system as a whole can better deliver for those who come into contact with it and the general public. The purpose is to provide a spur for improvements for the end users in the quality of service provided, and assurance to Ministers and the public about the safe and proper delivery of services. It should make independent judgements, follow those with specific, practical, prioritised recommendations which take account of cost/benefit, report in public, inform policy and standard setting and be concentrated where it will add most value.
- This new inspectorate would replace five existing inspectorates:
  - HM Inspectorate of Constabulary
  - HM Crown Prosecution Service Inspectorate
  - HM Inspectorate of Court Administration
  - HM Inspectorate of Prisons and
  - HM Inspectorate of Probation.

The introduction of oversight by the Independent Police Complaints Commission (IPCC) of certain functions of Immigration Officers (IOs), in England and Wales – Clause 45

- We will enable the Secretary of State to make regulations conferring functions on the IPCC in relation to the exercise by Immigration Officers and Home Office Officials of specified enforcement functions such as immigration arrests.

## **2. RATIONALE FOR GOVERNMENT INTERVENTION**

The measures set out above are essential to drive forward the Government's reforms of the police service and its partners and thereby help build safer communities through further reductions in crime and anti-social behaviour. Below we identify what is already happening on each of the key pillars of the reform programme.

Many of the measures in the Bill were included in the '*Building Communities, Beating Crime*' White Paper<sup>1</sup> and the Respect Action Plan<sup>2</sup>.

### **Police Reform: Actions so far**

In 2001 we embarked on reform of the police service, the main priorities of which were to embed a performance management culture within the service and modernise the workforce. Significant progress has been made;

- overall crime is down by 35% since 1997 and the chance of being a victim of crime is at a 20-year low;
- police numbers are at an all time high. We now have over 141,000 police officers, 71,000 police staff and 6,300 Community Support Officers; and
- investment in policing has increased by over a quarter in real terms since 1997.

However, despite these successes there is still much more to do to tackle crime and anti-social behaviour. Reducing crime in itself is not enough - we need to ensure that people and communities feel safer too and have confidence in the police service.

There are currently three key elements of the reform programme;

- building a more responsive, citizen-focused police service with neighbourhood policing at its heart;

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<sup>1</sup> <http://police.homeoffice.gov.uk/police-reform/white-paper.html/>

<sup>2</sup> [http://www.respect.gov.uk/assets/docs/respect\\_action\\_plan.pdf](http://www.respect.gov.uk/assets/docs/respect_action_plan.pdf)

- reshaping the national policing landscape to ensure effective policing at district, force and national level; and
- further modernising the police workforce.

Building a responsive, citizen-focused police service:

- Every community in England and Wales to benefit from neighbourhood policing by 2008. 24,000 Community Support Officers by 2008.
- Call handling is being improved through the introduction of national standards and a single 3 digit non-emergency number will be introduced.
- Victims updated regularly about case progression.
- Local communities can indicate action by the police or other community safety partner to tackle persistent local problems.
- Police performance is measured by customer satisfaction.
- By 2006 this will all be backed up by standards that will set out the quality of service people can expect when they contact their local police force.

Ensuring the national landscape is fit for purpose in the 21<sup>st</sup> century:

- Establishing a National Policing Improvement Agency.
- Ensuring the service is structured in a way that enables it to provide effective neighbourhood policing and to protect us from serious organised crime and terrorism.
- Improving the way the police are held to account.
- A relentless focus on improving police performance.
- Publication of a national community safety plan.
- Reducing bureaucracy - free up 12,000 officers for the front line.

Building a truly modern workforce:

- Allowing entry for those with valuable skills at levels above constable.
- Fostering new talent by reviewing graduate recruitment and the High Potential Development Scheme.

- Improving training across the police service.
- Strengthening leadership at all levels.
- Making much faster progress on diversity.
- Reforming pay arrangements.

## **Respect**

The Government launched its anti-social behaviour strategy – the TOGETHER campaign – in 2003. TOGETHER is a campaign across England and Wales that takes a stand against anti-social behaviour and puts the needs of the local community first. The campaign represents a commitment by everyone involved to take a stand, be accountable for their actions and uphold standards of decency and behaviour. Above all, the TOGETHER campaign is about taking action.

The approach has been to prioritise what matters to our communities – empowering people and local agencies to play an active role in establishing and reinforcing the boundaries of what is acceptable. Enforcement of standards has been an important element of this and the Anti-social Behaviour Act 2003 ensured that agencies had the tools they needed to take action in respect of anti-social behaviour.

This campaign has been a success. The proportion of people who perceive a high level of ASB in their area is 17% (or one in six). This has fallen from one in five (21%) in 2002/3. There has also been a significant increase in the use of powers:

- 6497 Anti-social behaviour orders (ASBOs) had been issued by June 2005.
- Over 800 dispersal orders, dispersing an estimated 14,375 people, have been made to tackle the problem of intimidating groups between January 2004, when they were introduced, and June 2005.
- Over half of all Crime and Disorder Reduction Partnerships have dedicated anti-social behaviour teams (56%). Three out of five of these (60%) have more staff now than a year ago.
- There has been a 27.6% drop in recorded crime in areas with neighbourhood wardens, compared with a 4.7% increase in comparator areas.

The Respect Action Plan sets out the Governments plans to build on the success of the TOGETHER campaign to drive forward the new respect agenda following the establishment of the Respect Task Force on 2<sup>nd</sup> September 2005.

### **3. CONSULTATION**

Consultation both within Government, including the Cabinet Office Better Regulation Executive, and with the public has been undertaken in relation to some of the measures within the Bill. Further details are provided within the individual RIAs where consultation on the implementation of the measures in the Bill may be carried out.

#### **4. OPTIONS**

The specific options for each measure have been identified in the individual RIAs mentioned above. General options for the Bill are;

- do nothing – this would mean that the necessary structural changes and powers are not in place to help drive through further improvements in performance by criminal justice agencies and reductions in crime and anti-social behaviour;
- implement in part – to do this might enable some of the developments we seek to make to the police and the justice system, but would not fully realise the all the benefits from the proposed reforms; or
- implement in full – would allow us to move forward on police reform, the Respect agenda, management of offenders and youth justice and sentencing.

It is recommended that the measures in the Bill are taken forward in their entirety in order to realise all the benefits we seek to introduce and to help build safer communities.

#### **5. COSTS AND BENEFITS**

##### **Business sectors affected**

The vast majority of the provisions in the Bill impact only on the public sector (primarily the police and their crime reduction partners). Where the private and voluntary sectors will be engaged, the business sectors affected are:

##### Disclosure of Death Registration Information

- Financial sector organisations, such as banks, lenders and credit card companies.
- Retailers and other bodies who provide services to individuals committing IOD fraud.

##### Power to collect passenger data on domestic air/sea travel

- Carriers operating by air and sea within the UK and in particular, between Northern Ireland and the UK mainland.

##### Extension of stop and search at airports

- Employers at airports.

#### Expansion of parenting orders and contracts

- Organisations that provide parenting programmes
- Registered Social Landlords

#### **Costs and Benefits**

See Table 1 for information on the costs and benefits of each measure. More detailed figures are contained within the individual RIAs.

**TABLE 1**

Measure	Key benefits of preferred option	Cost
National Policing Improvement Agency	<p>An organisation focused on delivering outcomes for the citizen through helping make improvements in policing. This will result in better services for the public.</p> <p>More police service buy-in to the national policing bodies.</p> <p>Less cluttered, better coordinated landscape. Rationalisation of the tasks and jobs achieving efficiencies nationally and in local forces.</p> <p>Bringing IT and business change together. More professional business change capability for the police service.</p> <p>Support to the frontline of policing.</p> <p>Development of a clear contract between the national-level bodies and local police forces.</p> <p>More rigorous performance management of the national-level policing bodies.</p>	<p>Establishment of the NPIA will require £3.3m to cover the cost of the Programme Team, supported by external consultants as required; plus an additional provision for £11m to cover the costs of a shadow agency and other transitional costs such as unavoidable redundancies.</p> <p>Once operational the budget for the NPIA will be within that of its precursor agencies – around £500m.</p>
Standard powers for Community	Implementation of the preferred option would aid public understanding of the role of CSO	The potential additional training cost of this measure will vary significantly from force to force with those that have already designated their CSOs with the vast majority of

<p>Support Officers (CSOs)</p>	<p>Would ensure CSOs have all the powers they need to play a full part in neighbourhood policing</p> <p>Would ensure that they spend their patrol time more productively without incurring unnecessary training costs.</p> <p>Would ensure that CSOs have been designated with sufficient powers to deal with low level crime and anti-social behaviour bringing operational benefits and potential savings in police officer time.</p> <p>Will also reduce the burden of time spent re-designating CSOs each time it is decided to add to a CSOs powers. Currently it is estimated that the designation process takes a minimum of 2 minutes per CSO. On current levels of CSOs this is a potential saving of 210 police officer hours, a figure that could rise to 800 hours when the number of CSOs reaches 24,000 in 2008.</p>	<p>powers incurring the least costs whilst those few forces (only one force has yet to designate its CSOs with any powers at all) that would need to train their CSOs in most of the powers in a standard set of powers incurring the most. The average total cost of this measure for all 43 forces in England and Wales is £2.1 million. This cost would fall to police authorities and be met from existing funds.</p>
<p>Extension of stop and search at airports</p>	<p>The new power would put an end to confusion over what powers can be used by police to conduct stop and searches in certain areas of an airport. This should improve their ability to prevent crime at airports, such as theft from passengers and retail outlets and smuggling of prohibited goods. Preventing this kind of relatively minor criminal activity would also reduce opportunities that could be exploited for terrorist purposes.</p>	<p>As the new power would provide an additional police tool, there may be opportunity costs where police are exercising these new powers and are therefore unavailable to undertake other tasks. However, this is a question of prioritisation for the police, which will depend upon the particular circumstances of the situation. Clearly it is preferable for the police to have the option</p>

	<p>The significant improvements in crime prevention and detection, which this measure should achieve, will contribute to the safety of passengers and staff at airports</p> <p>Reduced instances of theft should lead to a reduction in insurance claims. It may also result in increased levels of investment by companies at the airport on the basis that it is now a safer environment than it was previously</p>	
Disclosure of Death Registration Information	<p>Increased capability for the public and private sectors to reduce the instances of IOD fraud.</p> <p>Reduction in the £1.7bn cost of identity fraud.</p> <p>Reduction in the instances of distress suffered by the recently bereaved where their relatives' identity has been hijacked.</p>	<p>£2.4m for capital, infrastructure, policy development and administration costs for the first three years of operation. The costs will be recovered from data users.</p>
Power to collect passenger data on domestic air/sea travel	<p>Passenger data, movement audit trail and management information will be extremely valuable to border control, law enforcement and intelligence agencies, providing greater support for security operations.</p> <p>Carriers will benefit in terms of both security and customer confidence. Improved intelligence will result in more targeted interventions by the border control agencies, whilst reducing the impact on legitimate traffic.</p>	<p>The routine provision of passenger and crew information will impact upon carriers. Carriers operating within the United Kingdom by air and sea will be affected</p> <p>The actual impact will vary from one carrier to another and will be influenced by factors such as the amount of information currently collected, whether the carrier already has systems in place to collect and store data and whether it is already complying with a requirement to provide data to the Border Agencies in the UK</p>

	<p>The advance capture and sharing of data will enable all of the Border Agencies to manage their resources more effectively and respond swiftly and appropriately to the perceived risk.</p> <p>There will also be increased opportunities for joined-up border operations</p> <p>The provision could also be of assistance in, for example, the control of infectious diseases by facilitating the tracing of people known to have developed severe infectious diseases.</p>	<p>However, it is envisaged that data on domestic journeys will be provided by means of a “single window” enabling carriers to provide data on a once only basis, instead of having to comply with separate requests from individual border agencies as at present.</p>
<p>Trading Standards Officers to issue Penalty Notices for Disorder</p>	<p>TSOs will be able to issue PNDs for licensing offences and will no longer require an accompanying police officer when undertaking test purchase operations. Police officer time will be freed up to enable action to prevent and deter alcohol-related crime and anti-social behaviour by young people.</p> <p>TSOs will also have greater flexibility in dealing with licensing offences.</p>	<p>We estimate that providing TSOs with the power to issue PNDs would result in approximately 1500 additional PNDs being issued by TSOs. 140,000 PNDs in total are currently issued annually.</p> <p>The additional PNDs would be processed through existing police and court computer systems at minimal cost.</p> <p>The police may have to produce more additional booklets of PNDs, but this will be offset by the savings from releasing officers from accompanying TSOs.</p>
<p>Community Call for Action</p>	<p>These proposals will empower communities to request an improved response where they are dissatisfied with the response of the local Crime and Disorder Reduction Partnership to an issue of</p>	<p><b>Training costs for ward councillors</b> – We will build on ODPM and the LGA work to develop the capabilities and capacity of local councillors. There are also opportunities to build such training into the anti-social behaviour,</p>

	<p>particular local concern, or at the very least an explanation of why action cannot be taken.</p> <p>The preferred option provides the desired mechanism within existing structures by adding to the duties of local authority Scrutiny Committees and Ward Councillors</p>	<p>TOGETHER Academy programme.</p> <p><b>Scrutiny committee costs</b> - Scrutiny involvement will be infrequent. The scrutiny committee will be able to reject cases if councillors have not taken sufficient steps to resolve the problem without their involvement. We estimate that the scrutiny committee of an average-sized district council would be involved in a maximum of five cases a year.</p> <p><b>Costs to community safety partners</b> – Minimal costs arise from the new duty on partners to give evidence to the scrutiny committee, and from responsible authorities being co-opted onto the scrutiny committee. Over 60% of top-tier authorities are already looking at community safety issues. Attendance at meetings and giving evidence is therefore already part of the work of the police and other local partners.</p>
<p>Reform of Crime and Disorder Reduction Partnerships (CDRPs):</p>	<p>Removal of statutory requirements that are of limited benefit.</p> <p>Resources targeted in a more cost-effective way</p> <p>Duty to share depersonalised information will reduce the risk of inaccurately defining problems and misallocating resources.</p> <p>Standards will improve consistency across England and Wales</p>	<p>Costs reduced as practitioners are already undertaking a lot of this work and it is deemed good practice.</p> <p>Training cost implications for those CDRPs that currently do not use data and intelligence the proposed way</p> <p>Estimated £4.5m staff time cost implication per year of developing annual rolling plans. To be met by changing working practices from three yearly strategies that are produced currently and yearly reviews that a lot of CDRPs already undertake.</p>

	A saving of £400-500k per year from reduced bureaucracy per CDRP.	Publication costs of £1.5m per year. To be met by changing work practices and incorporating into yearly publicity costs.
Expansion of parenting orders and contracts	The proposed option will enable a greater range of agencies able to work with parents via contracts or orders. This will have benefits for the parents and young people, for the community and for the staff working on the frontline to reduce anti-social behaviour and to ensure positive outcomes for young people.	<p>Our five year estimated costings are:</p> <p>Year 1 – £1.5M  Year 2 – £2.8M  Year 3 – £3.5M  Year 4 – £3.7M  Year 5 – £4M</p> <p>These are based on volume assumptions for contracts and orders and estimated costs for applying for orders and entering into contracts and for providing the support components that go to make up contracts and orders (for example parenting programmes).</p> <p>There will also be a one off cost of £250k for the training of county court judges in the use of parenting orders.</p>
Amendments to injunctions for tackling Anti-Social Behaviour	The implementation of these amendments will provide a more effective tool with which to tackle anti social behaviour, thereby giving respite and protection to victims and communities that have suffered as a result of that behaviour.	<p>There is a possibility that because of their improved effectiveness, practitioners may decide to make more use of Injunctions and thereby increase the police and court time spent on hearings, but such costs will not be significant.</p> <p>There may also be a need for training for judges on these amendments. But again these costs will not be significant.</p>
Single Inspectorate for Justice,	We aim to simplify the process of inspection, to relate inspection more closely to the needs of users of the inspected services and, in doing so, to reduce the	£2.2m implementation costs in the first year (for Human Resources, accommodation, an Advisory Board and Information Technology)

<p>Community Safety and Custody</p>	<p>overall cost of inspection.</p> <p>The preferred option would be a more flexible and coherent approach to the provision of assurance and the promotion of improvement.</p> <p>Co-ordinated, prioritised and streamlined inspection programming, including strengthened consultation with service users and providers, and with other scrutiny bodies, to focus inspection where it will provide best value for money.</p> <p>Reduction of the additional work arising from inspection for inspected bodies, in particular by avoidance of duplication, alignment of activity, sharing of information and co-ordination of fieldwork.</p> <p>Sensitivity and flexibility in identifying and responding rapidly to emerging public and Ministerial concerns, modifying priorities accordingly.</p> <p>A consistent and pro-active approach to the assessment of risk and consequent variation in the degree of inspection applied.</p> <p>Greater ease in tracking the experience of service users across agencies providing a clearer emphasis on the end user's perspective and enabling outcome-focused findings and incisive, user-friendly reports.</p>	<p>Per annum running costs of £50 -£100k for an Advisory Board and £318k for Information Technology above the budgets of the existing 5 inspectorates that the single inspectorate will replace.</p> <p>Some IT savings in subsequent years</p>
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	<p>Ability to promote improvement across agency boundaries by exploring themes and making recommendations that span agencies, so as to encourage innovation, diversity and the spread of good practice, and discourage “silo” working.</p> <p>Convergence of inspection methods and criteria, so as to promote rigour and clarity, accompanied by development of a robust and transparent internal quality assurance process.</p> <p>Effectiveness and efficiency from pooling funds, skills, knowledge and support services, and the ability to assimilate and continually learn from a wide range of experience.</p> <p>Ease of partnership working and a requirement for co-operation with other scrutiny bodies in areas that span their remits, including provision for statutory guidelines on joint inspection arrangements, leading to avoidance of duplicative demands on inspected services.</p> <p>Provision of a strong, expert, independent public voice to give authoritative assurance and constructive criticism on how the newly configured and rapidly developing justice and community safety system is working for the people who rely on it: victims, witnesses, defendants, jurors, convicted offenders, professionals and the wider public as ultimate funder</p>	
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	and beneficiary.	
Oversight by the IPCC of certain functions of Immigration Officers	The preferred option establishes a mechanism for external, independent oversight of complaints relating to death or serious injury. The provisions represent the right level of jurisdiction over high risk areas of the business without being overly bureaucratic.	There will be additional costs to the IPCC in taking on this additional work, including staffing costs and set up costs to include external communications. Given the very low number of complaints about Immigration Officers historically, we anticipate that costs will also be very low.

## **Environmental and social impacts**

It is expected that establishing standard powers for CSOs, include powers to tackle litter and graffiti offences will have a positive impact on the environment. Otherwise, there will be no overall environmental or rural impact of the proposed legislation.

We expect that the proposals will improve safety and quality of life in communities through further reductions in crime and anti-social behaviour; and will help build a culture of respect in the country as a whole.

## **Race equality impact assessment**

Where a racial equality impact has been identified this is considered within individual RIAs. A separate overarching Race Equality Impact Assessment has been conducted.

### **6. SMALL FIRMS IMPACT TEST**

The impact on small firms is dealt with under the individual RIAs.

### **7. COMPETITION ASSESSMENT**

The competition assessments are dealt with under the individual RIAs.

### **8. ENFORCEMENT, SANCTIONS AND MONITORING**

Enforcement and sanctions are dealt with under the individual RIAs.

### **9. IMPLEMENTATION AND DELIVERY PLAN**

Implementation and delivery plans for the individual measures in the Bill will be developed as required.

### **10. POST-IMPLEMENTATION REVIEW**

The component parts of the legislation will be reviewed to check that they are fully effective and economic.

### **11. RECOMENDATION**

It is recommended that Option 3, full implementation of the proposals detailed in this RIA, be pursued.

### **12. DECLARATION AND PUBLICATION**

I have read the Regulatory Impact Assessment and am satisfied that the benefits justify the costs.

**Hon. Liam Byrne MP**  
**Minister of State for Policing, Security and Community Safety**  
**Home Office**

[DATE] May 2006

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## INFORMATION ON PROVISIONS ON WHICH A RIA HAS NOT BEEN CONDUCTED

Full RIAs have not been conducted on the following provisions of the Bill because their regulatory impact will be negligible.

- 1) **Basic Command Units** – clause 2 and Schedule 2 (paragraphs 1 and 2)

Legislation is currently silent on the internal organisation of police forces. As a matter of practice, forces are divided up into two or more geographical areas known as Basic Command Units. BCUs are typically coterminous with local authority areas, but there are a few examples in which this is not the case. It is generally acknowledged that a lack of coterminosity hampers effective partnership working between BCUs and local authorities. In recognition of the importance of BCU and local authority boundaries coterminosity we will place BCUs on a statutory footing and require that they are coterminous with local authorities except with the Secretary of State's consent.

There are currently some 229 BCUs of which 199 are fully coterminous. Reviews are already being conducted or plans are in motion to move a further 22 to coterminous arrangements. This leaves 8 BCUs that do not currently have plans to move their boundaries to achieve coterminosity. The legislation will formalise existing arrangements and sweep up the remaining non-coterminous BCUs. The costs of changing the boundaries will vary from case to case, depending on the scale of the change required – in 6 of the 8 cases the change required to achieve coterminosity will be very small. As now, forces will continue to periodically redefine their BCU boundaries and costs will continue to be absorbed within existing force budgets.

- 2) **Composition of police authorities and the selection of their members** – Clause 2 and Schedule 2 (paragraphs 3 to 8)

The composition and method of appointment of members of police authorities is set out in detail in the Police Act 1996. In line with the recommendations of the Hamer Review, we will make a number of changes to simplify the arrangements, particularly the currently convoluted process for appointing independent members. In accordance with the proposals in the White Paper '*Building Communities, Beating Crime*'<sup>3</sup>, we will discontinue provision for a separate category of magistrate members on police authorities.

- 3) **New functions and powers for police authorities** – Clause 2 and Schedule 2 (paragraphs 9 to 15)

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<sup>3</sup> White paper available from <http://police.homeoffice.gov.uk/police-reform/white-paper.html/>

The Bill will confer upon police authorities a number of new functions and powers. Holding the chief officer to account for the exercise of his functions is already a given function of police authorities, but this is not stated in legislation. We will provide for this function to be made explicit. The Bill will enable the Secretary of State to confer other functions upon police authorities by order. This could include, for example, requiring a police authority to monitor the performance of its police force, secure arrangements for its force to cooperate with others or promote diversity. These are activities in which police authorities are already involved. The purpose of the amendments is to put the activity on a statutory footing.

#### **4) Appointment of Deputy Chief Constables – Clause 2 and Schedule 2 (paragraphs 16 and 17)**

The Police Act 1996 currently requires every police force to have one deputy chief constable (DCC), appointed by the police authority after consultation with the chief constable and subject to the approval of the Secretary of State. The DCC may perform any or all of the powers and duties of the chief constable during any absence, incapacity or suspension from duty of chief constable, during any vacancy in the office of the chief constable, or at any other time with the consent of the chief constable.

For some of the new strategic forces arising from the current reorganisation of police forces, geography and transport infrastructure may mean that chief constables require more than one DCC to enable them to establish regional commands each headed by a deputy. We will therefore enable police authorities to increase the number of DCCs for their force after consultation with the chief constable and with the consent of the Secretary of State. However, strategic forces with more than one DCC will be the exception rather than the rule and the Home Secretary will take advice from HM Chief Inspector before deciding whether to give his consent to the appointment of an additional deputy in any particular case.

#### **5) Abolition of the National Policing Plan – Clause 2 and Schedule 2 (paragraph 25)**

We will repeal the provisions of the Police Act 1996 which require the Secretary of State to publish an annual National Policing Plan (NPP). The NPP set out the Home Secretary's strategic priorities and performance indicators for the police service in England and Wales for the next three years. We intend in the future to issue, on a non-statutory basis, a National Community Safety Plan (NCSP). This will recognise that a multi-agency approach is required for the delivery of community safety and includes all the key players of Crime and Disorder Reduction Partnerships – the police, police authorities, local government, primary care trusts, children's trusts, fire services and other public sector bodies – in their work to prevent and reduce crime and anti-social behaviour. The first NCSP has now already been

published<sup>4</sup> and sets out the Government's community safety priorities for 2006-2009. Abolishing the statutory NPP will be resource neutral.

**6) Removal of the requirement for police authorities to agree their staffing levels with chief officers** – Clause 2 and Schedule 2 (paragraphs 18 and 19)

Under the provisions of section 15 of the Police Act 1996, a police authority currently has to seek the agreement of the chief constable to the level of their own staffing. We believe that this provision undermines the independence of authorities and inhibits their ability to properly hold chief officers to account. It is accordingly proposed to remove the requirement for police authority staffing levels to be agreed with the chief constable. This measure is deregulatory and will result in a reduction of bureaucracy.

**7) Power to enable special constables to use their constabulary powers throughout England and Wales** – Clause 2 and Schedule 2 (paragraphs 20 to 22)

At the moment specials have the powers and privileges of a constable only in the force area for which they are appointed and any other police area contiguous to that force. We will amend the Police Act 1996 to allow them to use their powers in forces throughout England and Wales.

Although the restriction does not cause major difficulties there are operational advantages to be gained in lifting it. These include specials being able to carry out prisoner escorts when prisoners are being collected from other forces, freeing up police officer time, or if a special was caused to make an off duty arrest in another force area. This improvement will increase the efficiency of forces and will be welcomed by them.

**8) Amendment to the Secretary of State's intervention powers when a police force is failing** – Clause 2 and Schedule 2 (paragraphs 26 to 28)

The Police Reform Act 2002 introduced new powers to allow the Secretary of State to take action where the whole or part of a police force is underperforming. The introduction of these powers was swiftly followed by the new non-statutory engagement work which the Police Standards Unit – a Home Office unit – has undertaken with eight underperforming forces. These engagements have led to learning about how the process operates and how it might be improved. As a result we intend to amend the existing statutory powers to ensure that they are framed more appropriately.

We intend to broaden the trigger for intervention to enable the Secretary of State to draw upon the opinion of the relevant Inspectorate (as he is already able to do) and other sources of information. We will confer on police

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<sup>4</sup> Plan available at <http://www.crimereduction.co.uk/communitysafety01.htm>

authorities the ability to request the Home Secretary to intervene in respect of their force, or part of it. We will also broaden the scope of the provisions so that the Secretary of State is able to intervene where a police authority is underperforming. As is currently the case, an intervention in a force or police authority could either involve calling for an action plan to be produced or the use powers of direction requiring the force or police authority to take specific action or address certain outcomes.

The powers will remain ones of last resort; the intention is merely to ensure they are fit for purpose to serve effectively as drivers of performance improvement for all forces rather than to enable more frequent interventions (of which there have been none since the powers were introduced in the Police Reform Act 2002). The new sources of information could include the findings of a public inquiry, or the national performance assessments of police forces which are already produced by the Department. There will therefore be no additional work for forces involved in the collection and consideration of this information. The new power for police authorities to request an intervention will not place an obligation on the Secretary of State to invoke the powers, although he or she would be required to give the reasons for declining. As it is expected that the powers will continue to be used only as a last resort, there will be no appreciable increase in bureaucracy.

#### **9) Delegation of police authority functions – Clause 3**

Part 6 of the Local Government Act 1972 enables police authorities to provide for their functions to be discharged by a committee, a sub-committee or an officer of the authority. However, a police authority may not arrange for their functions to be discharged by a committee or authority in respect of only part of their area.

As with the measure to enable the appointment of additional DCCs (measure 4 above), for some of the new strategic forces geography and transport infrastructure means that it will make sense for the strategic police authority to establish area committees and delegate some of their functions to those committees.

We will confer additional flexibility on police authorities to delegate their functions, in particular, by providing for a power to delegate to an area committee or to an individual member of the authority. Police authorities will be barred from delegating their precepting function in this manner. We will also enable such area committees to include people other than members of the police authority on them.

#### **10) Exemption for police authorities from requirements to conduct best value reviews and prepare best value plans – Clause 4**

The Best Value regime was established under the Local Government Act 1999. Best Value arrangements exist to secure continuous improvement in the performance of functions by public service organisations. The regime involves conducting reviews to consider new approaches to delivery. With the

onset of the Policing Performance Assessment Framework and HMIC baseline assessment, both of which are delivering significant benefits in driving up police performance, reviewing policing functions through the best value reviews is not seen as the most effective vehicle. We therefore propose to disapply the requirement for police authorities to have to conduct Best Value Reviews and prepare Best Value Performance Plans. This measure is deregulatory and will result in a reduction of bureaucracy.

#### **11) Power for Community Support Officers to take part in 'truancy sweeps' – Clause 6**

Under the Crime and Disorder Act 1998 police officers can, in areas designated by the local authority, remove a child or young person back to school or a designated place if they believe the child is of compulsory school age and is absent without lawful authority. Community Support Officers (CSOs) do not currently have powers to take part in such sweeps, although their local knowledge of the young people in their areas makes them ideally placed to do so. The truancy sweep power provision in the Bill would extend this power to CSOs, adding it to the list of powers in Schedule 4 of the Police Reform Act which are available to be designated on CSOs, at the discretion of the Chief Officer.

Currently the frequency of truancy sweeps varies considerably across the country, some areas carrying out sweeps every fortnight, some areas not carrying out any at all (except for the bi-annual National truancy sweeps). Some forces have cited resource issues as contributing to the lack of these sweeps, therefore allowing CSOs to be designated with this power would increase the effectiveness of these operations and could potentially free up police officer time. In order for a 'sweep' to go ahead there must be agreement between the local authority and the police force. This measure will not place any additional burdens on either local authorities or frontline police as it simply makes an existing power, currently available to police officers, available to CSOs. There will be no requirement for Chief Officers to designate this power on their CSOs, or any additional obligations to take part in truancy sweeps as a result of this but it will be an option for them, should they feel this to be operationally beneficial.

There will be an additional training cost associated with introducing this power for CSOs. CSOs must be trained in all the powers which they are given and we estimate that half a days training would be required for this new power at a cost of £65.50 per CSO (see RIA on Standard powers for explanation of how this figure is arrived at). This would give a potential cost of £412,650 to train all existing 6,300 CSOs. However, as stated above Chief Officers will be under no obligation to designate this power. Should they choose to do so, we believe that these minimal training costs will be outweighed by the benefits including the increased effectiveness of the truancy sweeps. There would also be savings in police officer time as a result of the forces ability to use CSOs to take part in these sweeps.

Last year there were 1200 sweeps over all LEAs in the main bi-annual sweeps. So the minimum number of sweeps known to be carried out is 1200. There are 150 LEAs, of which 10 did not participate at all. Data on 7 LEAs from a 2003 study carried out on behalf of DfES by NFER suggests an average of 11 additional sweeps per year, with a standard deviation of 13. So estimated actual no sweeps is  $1200+(16*140) = 2740$  and an estimated maximum is  $1200+(11+1.96*13)*140 = 6300$  (all to nearest 10 sweeps). However please note this was a very small and non-random sample, being chosen to cover a range of practices and local characteristics. Using a 37-hour week, a half-day of officer time is equal to 3.6 hours. So the time saving per CSO used is 3.6 hours per sweep assuming half-day sweeps.

The same study suggests that sweeps are carried out by paired teams of one Education Welfare Officer and one officer, with officers also used to staff designated premises for return and to return children to these premises. The one LEA that quoted staffing levels used three teams plus one officer to staff premises and one to return children – a total of 5 officers. Although designation of this power to CSOs will be a matter for Chief Officer and the deployment of CSOs in teams is an operational matter we feel it is fair to estimate that at most one or two of these would be likely to be replaced by CSOs.

We have no information on the likely take-up of the use of CSOs in this area, so illustrative figures are provided for a range of take-up rates.

To nearest 50 officer hours per year:

	If 25% of sweeps use CSOs	If 50% of sweeps use CSOs	If 75% of sweeps use CSOs
For 1200 sweeps	Time saving if 1 officer replaced = 1050 officer-hours per year  Time saving if 2 officers replaced = 2150 officer-hours per year	Time saving if 1 officer replaced = 2150 officer-hours per year  Time saving if 2 officers replaced = 4300 officer-hours per year	Time saving if 1 officer replaced = 3250 officer-hours per year  Time saving if 2 officers replaced = 6500 officer-hours per year
For 2740 sweeps	Time saving if 1 officer replaced = 2450 officer-hours per year  Time saving if 2 officers replaced = 4950 officer-hours per year	Time saving if 1 officer replaced = 4950 officer-hours per year  Time saving if 2 officers replaced = 9850 officer-hours per year	Time saving if 1 officer replaced = 7400  Time saving if 2 officers replaced = 14800 officer-hours per year
For 6300 sweeps	Time saving if 1 officer replaced = 5650 officer-	Time saving if 1 officer replaced = 11350 officer-	Time saving if 1 officer replaced = 17000

	hours per year Time saving if 2 officers replaced = 11350 officer-hours per year	hours per year Time saving if 2 officers replaced = 22700 officer-hours per year	Time saving if 2 officers replaced = 34000 officer-hours per year
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Although there are a number of variables of which we cannot be sure, such as whether Chief Officers will choose to designate this power and also on whether this will present a real saving in police officer time or whether there will be additional sweeps as a result of CSOS having this new power, it can nevertheless be said that the benefits in terms of potential savings in police officer time and benefits to the young people involved outweigh any training costs.

**12) Powers to attach conditions to street bail and bail granted at a police station before charge – Clause 8 and Schedule 4**

We will amend the Police and Criminal Evidence Act 1984 to permit the police to attach conditions to bail granted elsewhere than at a police station. The Criminal Justice Act 2003 enabled the police to grant bail at any time before the person arrives at the police station as a measure designed to reduce travelling time in remote areas, to enable better planning of investigations and to make more effective use of the custody suite and to deal more effectively with public order and multiple arrest situations.

These arrangements will be made more effective by enabling the police to attach the same conditions to street bail that they can with bail at a police station. These conditions prevent further offending and interference with witnesses and the investigative process. They enable the police to release more suspects from custody thereby freeing up police resources and reducing the time suspects spend in custody. Applying these conditions to street bail will enable police officers to consider the use of street bail for a wider range of offences, thereby reducing the number of people brought to police stations and raising the ability of officers to remain on front-line duties.

We will also enable such conditions to be applied to bail granted at a police station before the individual is charged. This will ensure that suspects spend the least amount of time necessary in police cells.

**13) Power to detain an individual pending a decision about charging – Clause 9**

We will extend section 37 of the Police and Criminal Evidence Act (PACE) 1984 to enable custody officers, when they decide that there is sufficient evidence to charge an arrested person and refers the case to the Crown Prosecution Service for a charging decision, to keep the individual in police detention whilst the decision is made and implemented. The period will be subject to the usual maximum periods of detention. This will enable custody officers to minimise the disruption to the suspect of release and return on bail

at a later date and the associated bureaucracy that goes with it where a charging decision may be reached by the prosecutor in a relatively short time.

**14) Powers of arrest for those that fail to comply with the conditions of a conditional caution – Clause 16**

Conditional cautions are set up under the Criminal Justice Act 2003 and provide an option to the police in addition to the simple caution, enabling them to apply suitable rehabilitative and reparative measures to offenders without the involvement of the usual court processes. There is currently no power of arrest under the conditional cautions scheme. We will introduce this power to provide the disposal with the required deterrent effect and to provide a robust means of enforcement. This new power will add to the effectiveness of the scheme which is deregulatory in nature insofar as it deflects offenders away from the courts. Since the enactment of conditional cautions in the 2003 Act, the scheme has been tested in a limited number of areas. We are currently conducting a formal evaluation of these trials prior to national roll-out. A full Regulatory Impact Assessment will be conducted in respect of the entire conditional cautions scheme prior to this roll-out.

**15) Amendments to the Computer Misuse Act 1990 – Clauses 39 to 42**

These amendments will allow the UK to move towards ratifying the 2001 Council of Europe Cybercrime Convention and will implement the provisions of the EU Framework Decision on Attacks against Information Systems. We will increase the maximum term of imprisonment for an offence of the unauthorised access to computer material from 6 months to 2 years and for unauthorised modification of computer material to 10 years. We will also clarify that all means of interference with a computer system are criminalised. In particular we will ensure that adequate provision is made to criminalise all forms of Denial of Service attacks (where the perpetrators attempt to deny legitimate users from accessing a service, for example by 'flooding' a network and thereby preventing legitimate network traffic).

The regulatory impact of these provisions will be low due to the number of prosecutions for these offences. In 2003 there were 8 convictions for unauthorised access to computer material, and 1 conviction for unauthorised modification of computer material.

**16) Forfeiture of data storage devices that have held indecent photographs of children – Clauses 43 and 44 and Schedules 12 and 13**

A small gap in the law was identified during the debates on the Sexual Offences Act 2003 provisions relating to indecent photographs of children. These provisions will remove this gap and will ensure that indecent images of children and the computers/equipment that hold them will not be returned once they have been seized by the police. There will be a small saving in police and court time as a result of this change.

**17) Amendments to the Extradition Act 2003 – Clause 46 and Schedule 14**

The Extradition Act 2003 is a complex piece of legislation which gives effect to the EU Framework Decision on the European Arrest Warrant, and to the UK's numerous other multi-lateral and bi-lateral extradition arrangements. It is to be expected that in legislation of this scale and complexity the need for some revision would come to light after a period in force. The amendments that we will make are generally of a minor or technical nature, and largely are in order either to ensure the UK is not in breach of international obligations, or for clarification or simplification. The changes will increase the efficiency of court time and therefore have a positive impact.