

<b>Title:</b> Bill Provisions Relating to the College of Policing <b>IA No:</b> H00087  <b>Lead department or agency:</b> Home Office  <b>Other departments or agencies:</b>	<b>Impact Assessment (IA)</b>		
	<b>Date:</b> 30/04/2013		
	<b>Stage:</b> Final		
	<b>Source of intervention:</b> Domestic		
	<b>Type of measure:</b> Primary legislation		
<b>Contact for enquiries:</b> Andy Johnson andrew.johnson9@homeoffice.gsi.gov.uk			

**Summary: Intervention and Options** **RPC Opinion:** RPC Opinion Status

Cost of Preferred (or more likely) Option				
Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, One-Out?	Measure qualifies as
£0	£0	£0	No	NA

**What is the problem under consideration? Why is government intervention necessary?**

For some time, crime has been falling and public confidence and satisfaction in policing have been rising. The police themselves have demonstrated an increasing sense of professionalism. However, the existing structures at the national level in policing were not sufficient to provide a lead on developing police professionalism. For real benefits to be felt, a central body was needed with the technical and financial responsibilities of matching training and development needs to resource without the distractions of operational responsibilities. This is why in December 2011, the Home Secretary announced her intention to abolish the National Policing Improvement Agency and establish a professional body for policing.

**What are the policy objectives and the intended effects?**

The intention is to provide the College with a range of statutory powers to enable it to implement its policies, to develop policing as a profession and strengthen policing practice in a way that its predecessor bodies were not equipped to do. The proposals to transfer power from the Home Secretary to the police (as embodied in the College) signal a shift in the balance of responsibility for the provision of police training and development away from Government.

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

Option 1 - make no changes (do nothing). The College remains without statutory powers and lacks the influence required to have significant impact on the development of policing as a profession and strengthening policing practice

Option 2 - enact the provisions in the Bill relating to the College of Policing. Transfer a range of statutory powers to enable the College to implement its policies.

Option 2 is the preferred option as it meets the policy objectives.

**Will the policy be reviewed?** It will not be reviewed. If applicable, set review date: Month/Year

Does implementation go beyond minimum EU requirements?			Yes		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	<b>Micro</b> No	<b>&lt; 20</b> No	<b>Small</b> No	<b>Medium</b> No	<b>Large</b> No
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)			<b>Traded:</b>		<b>Non-traded:</b>

*I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.*

Signed by the responsible Minister: John Green Date: 8/5/13

# Summary: Analysis & Evidence

# Policy Option 2

Description:

## FULL ECONOMIC ASSESSMENT

Price Base Year 2012	PV Base Year 2013	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: 0

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	0	0	0

**Description and scale of key monetised costs by 'main affected groups'**

None

**Other key non-monetised costs by 'main affected groups'**

Potential increased training costs from increased use of codes of practice.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate	0	0	0

**Description and scale of key monetised benefits by 'main affected groups'**

None

**Other key non-monetised benefits by 'main affected groups'**

Potential increased training benefits from increased use of codes of practice.

Key assumptions/sensitivities/risks

Discount rate (%)

3.5

Majority of clauses not expected to result in change in comparison to the baseline, therefore no additional costs or benefits.

However, the clause relating to guidance on civilian staff involves a risk of significant additional training costs though these would be offset to some extent, or outweighed, by the benefits of that training.

### BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:	In scope of OIOO?	Measure qualifies as
Costs: 0	No	NA
Benefits: 0		
Net: 0		

The clauses due to be implemented under this option do not have any business impact and are therefore not in scope in terms of one-in-two-out.

## F. Risks

### Clause q02 – Regulations to be prepared or approved by the College

Possibility of wage inflation if ranks adjusted and/or standard of qualification required for promotion is lowered. However, the Home Secretary will retain responsibility for determining police pay. In the event that she does believe the regulations submitted to her by the College are in the interests of the efficiency, effectiveness and integrity of policing, she will be able to decline to make that regulation.

### Clause q07 – Guidance by the College about recruitment etc of civilian staff

To assess the maximum potential impact of the risk of the College 'raising the bar' in terms of the training and qualifications required by civilian staff, a simple scenario analysis has been carried out. Based upon existing numbers of civilian staff (around 74,000 as of March 2012) and a simple estimate of average daily wage costs (£140 per staff member per day)<sup>1</sup>, the potential resource costs from training are estimated at around £10m per day of additional training. This would be an 'opportunity cost' rather than a 'cash' cost because it would involve the allocation of staff time to training rather than other activities. It is also likely to be a significant overestimate since additional training requirements are highly unlikely to affect *all* civilian staff. The cost of running the training is estimated to be negligible because the majority of courses are run on e-learning or are internally run by forces. Nevertheless, because of the large volume of staff who might be affected, the potential costs of this risk are large.

Negative risks would be offset to some extent, or outweighed, by the associated positive outcomes of additional training, particularly the promotion of the efficiency, effectiveness and integrity of policing. These outcomes are largely intangible and so we have not attempted to quantify them.

## G. Enforcement

The options set out in this impact assessment are compliant with the principles of the Hampton Code and conducted in a fair, open and proportionate manner.

## H. Summary and Recommendations

The table below outlines the costs and benefits of the proposed changes.

<b>Option</b>	<b>Costs</b>	<b>Benefits</b>
<b>2</b>	£0 (PV over 10 years)	£0 (PV over 10 years)
	Potential increase in training costs from increased use of codes of practice.	Potential increase in training benefits from increased use of codes of practice.

Option 2 is the Government's preferred option because it best meets the objectives of this policy. As most of the clauses within Option 2 are not expected to result in changes in comparison to the baseline, there are no associated additional costs or benefits.

<sup>1</sup> Based upon CIPFA 2011-12 actuals for expenditure on Police Staff in England and Wales, numbers of Police Staff FTE in England and Wales, and an assumed 260 days worked per year (52x5).

## **K. Implementation**

The College has been incorporated as a Company Limited by Guarantee with the Home Secretary as the sole member (owner). The interim College became operational on 1<sup>st</sup> December when staff and budgets transferred.

Because of this, there is no requirement for an additional transition period and subject to the passage of the Antisocial Behaviour, Crime and Policing Bill, the changes it proposes will take effect immediately on receipt of Royal Assent. There will be no additional resources required in order for the changes to take effect.

## **J. Monitoring and Evaluation**

The effectiveness of the new regime will predominately be monitored via the College's performance reporting mechanisms. The Government does not wish to oblige the College to behave in a certain way in terms its strategic direction and accordingly, the Bill sets no such requirements aside from the duty to consult on certain decisions.

To ensure that the public and other interested parties have a wide range of information about what the College is doing, how it is performing and its internal procedures, it will produce and publish an annual plan setting out its programme of work for the coming year and an annual report setting out its performance against its objectives.

## **K. Feedback**

The College will have a strongly embedded culture of transparency and partnership working. Continuous feedback will be received through established communication channels with College, representatives of policing staff associations, locally elected Police and Crime Commissioners and other key partners.

# Annex A

## Description of Clauses

### Clause q02 – Regulations to be prepared or approved by the College

The various impacts of this clause reflect a transfer of power from an existing body (i.e. the Home Office) to the College of Policing. The College will have the power to prepare regulations in respect of:

- the ranks held by members of police forces and the special constabulary;
- the qualifications required for appointment to and promotion within police forces and special constabulary;
- the period of probation for members of police forces and special constabulary;
- the maintenance of personal records of members of police forces and special constabulary;
- police training; and
- the qualifications for deployment to perform particular tasks;

The power to make specific regulations remains with the Home Secretary. If the College submits draft regulations on the matters listed above, the Home Secretary will make those regulations unless she considers that:

- doing so would impair the efficiency or effectiveness of the police;
- it would be unlawful to do so; or
- it would for some other reason be wrong to do so.

### Clause q03 – Codes of Practice Issued by the College

This clause largely involves a transfer of the power to make codes of practice under s39A of the Police Act 1996 from the Home Secretary to the College. However, it also involves an expansion of the circumstances in which a code of practice may be issued.

These codes of practice are not the law (unlike other Codes made under specific legislation, such as PACE codes). Once brought into force, a code of practice is binding on chief officers in that they must "have regard to" the code.

At present, the Home Secretary may only issue a code of practice if she considers it necessary to do so for the purpose of promoting the efficiency and effectiveness of police forces. This clause broadens this to include circumstances where a code is designed to facilitate joint or co-ordinated activity by two or more police forces, or where the College otherwise considers that it would be in the national interest to do so.

### Clause q04 – Appointment of senior officers and members of staff of the College

This clause permits senior officers appointed as members of staff of the College to retain the office of Constable. It is expected that this provision will apply to only two positions within the College: the Chief Executive and an Assistant Chief Constable who will support the Chief Executive.

The person appointed will continue to hold the same rank as directly before their appointment, or should the College decide, at a higher rank.

### Clause q07 – Guidance by the College about recruitment etc of civilian staff

This clause enables the College to issue guidance on the training and qualification standards required of civilian staff. It is binding on PCCs and chief officers of police and deals with civilian staff in two categories:

- civilian staff directly employed by PCCs or chief officers; and
- civilian staff employed by third party contractors providing services to PCCs or chief officers and who in the course of that employment are expected to frequently engage with the public.

It creates a duty on PCCs and chief constables to have due regard to the standards the college sets regarding training and qualifications for staff in the categories above.

**Clause q08 - Power to give directions to the College**

This clause enables the Home Secretary to give a direction to the College of Policing requiring it to carry out particular duties. However, The Home Secretary's power to direct the College will only be exercised in such a manner and to such extent as it appears best to her promote the efficiency and effectiveness of policing.

**Clause q09 – The College and the IPCC**

This clause allows the IPCC the ability to investigate allegations of misconduct against members of the College's staff where the action under investigation occurred within England and Wales

**Clause q11 - Disclosure of information to the College**

This clause allows a person to disclose information to the College where the disclosure is made for the purposes of the Colleges functions.