

Policing and Crime Bill

Her Majesty's Inspectorate of Constabulary

Background

1. Her Majesty's Inspectorate of Constabulary ("HMIC") is responsible for inspecting and reporting on the efficiency and effectiveness of police forces in England and Wales. The purpose of the Inspectorate is to ensure that high standards are achieved, good practice is spread, performance is improved and the public are engaged, informed and assured.
2. As the way in which policing is delivered evolves, it is important that HMIC's powers and remit ensure it remains able to report on forces' efficiency and effectiveness, including where policing is delivered by multiple bodies. The Inspectorate should also have the flexibility to respond to emerging concerns without unnecessary delays.
3. HMIC's independent reports and judgments on policing ensure that information is available to the public so that they can hold their local force to account through their Police and Crime Commissioner (PCC). The public should know not only whether concerns have been raised by HMIC about their local force but also what is being done to address them.

Amendments to the Police Act 1996

Inspection of civilian staff and contractors (including access to information and premises)

4. Section 54(2) of the Police Act 1996 ("the 1996 Act") requires HMIC to inspect, and report on the efficiency and effectiveness of, every police force maintained for a police area. Chief officers of police are required to provide inspectors of constabulary with access to information and premises, as appear to the inspector to be required for the purposes of an inspection.
5. The 1996 Act does not give HMIC the power to inspect, or report on the efficiency or effectiveness of, individuals or organisations who are involved in supporting the police force or delivering policing functions, but who are not part of the police force itself. Neither does the Act require these individuals or organisations to provide inspectors of constabulary with access to information and premises.
6. Given that many forces now work in partnership with the private sector, various local agencies and PCC staff to deliver policing in their force area, this has the potential to prevent HMIC from comprehensively inspecting and reporting on forces' efficiency and effectiveness.

7. The Bill amends section 54(2) to broaden the definition of what is considered a police force to include PCC staff who are employed to assist the force and private sector companies who are engaged to assist the force in relation to the discharge of the chief officer's functions (for example, a company providing custody facilities). It will be open to HMIC to require information from these individuals and organisations outside of the police force for the purposes of an inspection. These changes will also enable HMIC to gain access to PCC and private sector premises, where they are delivering policing functions, and information on those premises for the purposes of an inspection.
8. These changes will ensure that HMIC is able to take account of the local context and inspect and report on all aspects of a police force's efficiency and effectiveness.

Providing access to information and premises

9. Section 6A(a) and 6B(a) of Schedule 4a of the 1996 Act requires the chief officer of a police force to provide to an inspector such information and documents, and access to force premises, as the inspector requires for the purposes of an inspection.
10. The 1996 Act does not require chief officers to provide access to information, documents or premises to staff who are supporting inspectors in the execution of their duties.
11. The Bill amends sections 6A and 6B to extend the definition of 'inspector' to clarify that it includes a person authorised by an inspector of constabulary to act on their behalf.
12. This is, in practice, how inspections have operated for many years and will ensure that HMIC is able to effectively carry out the investigative fieldwork necessary for thorough inspections.

Right of appeal

13. New paragraph 6D of Schedule 4A of the 1996 Act provides that a person, on whom a notice is served to provide access to information, documents or premises and who is not directly involved in delivering policing functions, may appeal against that notice on the ground that the notice is not in accordance with the law. If an appeal is brought, the notice has no effect until the appeal is withdrawn or determined.
14. This will allow non-policing bodies to appeal against HMIC access notices where they consider the requests to be unlawful, whilst ensuring that HMIC can continue to carry out effective unannounced inspections of policing bodies.

Providing sensitive information

15. New paragraph 6F requires a person who provides an inspector with intelligence service information to make the inspector aware that the information is intelligence service or protected information relating to a relevant warrant, or to provide the inspector with enough information to identify the authority responsible for the information.
16. This will ensure that inspectors are made aware of the sensitive nature of information with which they are provided.

Inspection and community support and police support volunteers

17. New paragraph 32 clarifies that those designated as community support volunteers or police support volunteers may be the subject of inspection.
18. This makes clear that volunteers could be served with a notice requiring information or access to premises and that they would have no right of appeal, in the same way as any other member of a police force. This aligns with other provisions within the Bill which seek to ensure that policing volunteers who are designated with powers are in the same position as other members of a police force.

Initiation of inspections outside the agreed framework

19. Paragraph 2 of schedule 4A to the 1996 Act requires the chief inspector of constabulary to prepare an inspection programme that sets out the inspections he proposes to carry out. The inspection programme must be approved by the Home Secretary and laid before Parliament; while the 1996 Act requires that this be done 'from time to time' it is, in practice, prepared annually.
20. Additionally, the 1996 Act allows the Secretary of State to at any time require, and local policing bodies to at any time request, the inspectors of constabulary to carry out an inspection of a police force, or a particular part of the force in question, or of particular matters or activities of that force.
21. There is currently no ability for the chief inspector of constabulary to initiate inspections outside of the inspection programme or without a requirement from the Secretary of State or a request from a local policing body. This hinders the Inspectorate's ability to respond promptly to emerging risks and concerns.
22. The Bill amends the 1996 Act to enable HMIC to initiate an inspection of a police force or a particular part of the force in question, or of particular matters or activities of that force. It is intended that this power will be restricted to the chief inspector of constabulary, who must consult the relevant local policing body/bodies and take account of their views before carrying out such an inspection.

23. These amendments will strengthen HMIC's independence, as well as its ability to respond promptly to emerging risks and concerns in policing without unnecessary bureaucratic delays.

Appointment of Assistant Inspectors of Constabulary (AICs)

24. Section 56 of the 1996 Act requires the Home Secretary to appoint assistant inspectors of constabulary (AICs). To reinforce the independence of the inspectorate, the Bill transfers responsibility for the appointment of AICs and the determination of their salaries (subject to the approval of HM Treasury) from the Home Secretary to Her Majesty's Chief Inspector of Constabulary.

Requirements relating to PCCs' duty to respond to HMIC reports

25. Section 55(5) of the 1996 Act requires local policing bodies¹ to prepare comments on published HMIC reports, publish these comments as they see fit, and send a copy of these comments to the Secretary of State.
26. Section 55(5) of the 1996 Act does not impose a time limit or any other specific requirements on local policing bodies in relation to the content of that response. Consequently, some responses have been significantly delayed or are not readily accessible to HMIC.
27. The Bill will require local policing bodies to publish a response within 56 days which addresses each recommendation made.
28. This brings the requirements relating to HMIC reports into line with those relating to IPCC recommendations and Coroners' *'Action to prevent other deaths notices'*. It will ensure that local policing bodies respond promptly and in full to HMIC's recommendations, and that HMIC is sent a copy of the response.

Home Office
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¹ Police and Crime Commissioners, the Mayor's Office for Policing and Crime, and the Common Council of the City of London