

Antisocial Behaviour, Crime and Policing Bill

Fact sheet: The College of Policing (clauses 110 to 116)

Background

1. The police are facing a series of challenges including the need to reduce spending, tackling increasingly complex threats to national security, public safety and public order, and public confidence. In response, the Home Secretary, working with the police, has established a new body focused on developing the qualifications, training, practice and procedure for police officers and staff. This body, the College of Policing (“the College”) will form a core part of the police’s ability to meet those challenges.
2. The College has existed since October 2012 in the form of a private company limited by guarantee. Since confirming her intention to establish the College, the Home Secretary has been clear that the College will have a powerful mandate to set standards to safeguard the public and support the fight against crime by ensuring professionalism in policing. The work of the College will mirror that of other professional bodies in medicine, law and elsewhere by determining the qualifications, training, practice and procedure that the profession’s members – in this case all police officers and staff – should follow throughout their careers.
3. The College will have five core areas of responsibility:
 - i. setting standards of professional practice and development for police officers and police staff;
 - ii. accrediting training providers; setting the learning and development outcomes for police officers and police staff;
 - iii. identifying, developing and promulgating good policing practice based on the best available evidence;
 - iv. supporting police forces and other organisations to work together to protect the public and prevent crime; and
 - v. identifying, developing and promulgating ethics, values and standards of integrity for the police.

The College’s Powers and Duties

4. In keeping with the Government’s ambition to give the College a strong mandate, Part 11 of the Bill confers upon it a range of statutory powers that will enable it to implement its policies. The College will have the power to prepare regulations in respect of:
 - i. the ranks held by police officers and special constables;
 - ii. the qualifications required for appointment to and promotion within police forces and special constabulary;
 - iii. the period of probation for police officers and special constables;
 - iv. the maintenance of personal records of members of police forces and special constabulary;

- v. police training;
 - vi. the qualifications for deployment to perform particular tasks; and
 - vii. police practice and procedure.
5. These provisions mean that, like other professions, the police will determine the skills and abilities they need from their workforce and the best means of achieving them through qualifications or training. However, recognising the importance of the work carried out by the police and their status in society, the power to make specific regulations remains with the Home Secretary. If the College submits draft regulations on the matters listed above, the Bill provides that the Home Secretary will make those regulations unless she considers that:
- i. doing so would impair the efficiency or effectiveness of the police;
 - ii. it would be unlawful to do so; or
 - iii. it would for some other reason be wrong to do so.
6. The public should expect a high quality service from the police regardless of who is providing that service: a warranted officer, a member of police staff or someone employed by a private sector organisation. All will need the right training and skills to carry out their work. The powers the Bill confers on the College to prepare regulations apply only to police officers. To enable it to improve standards across the remainder of the police workforce, the Bill also creates a duty on Police and Crime Commissioners and Chief Constables to have due regard to the standards the College sets regarding training and qualifications for police staff and those working for third parties who have frequent contact with members of the public. Those working in outsourced police functions will also continue to have access to the products and services provided by the College.
7. The Police Act 1996 confers a power on the Home Secretary to issue codes of practice to chief officers and, where necessary, to make regulations regarding police practice or procedure. These codes of practice do not have the force of law; chief officers must "have regard to" them. The Government believes that the police are best placed to determine the practice and procedures they should follow in order to fight crime and protect the public. The Bill therefore provides the College with the ability to issue codes of practice, subject to the approval of the Home Secretary.
8. The Government is determined that the College should be an open and transparent organisation. As part of this commitment, the Bill defines the College as a public authority for the purposes of the Freedom of Information Act 2000.
9. In addition, the College will have due regard to the provisions set out in the Equality Act 2010 both in the treatment of its own staff and in the policies it sets. Accordingly, the Bill will define the College a public authority for the purposes of the public sector equality duty. The College will publish relevant information showing compliance with the equality duty at least annually, and set equality objectives at least every four years.

Powers of the Home Secretary over the College

10. The College is to be as independent from the Government as possible. However, the first duty of the Government is to protect the public. Reflecting the fundamental importance of policing to the Government's ability to fulfil this duty, the Home Secretary will retain a power of direction over the College. This power extends to directing the College to exercise any of its functions, including preparing regulations or issuing codes of practice.
11. 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 to promote the efficiency, effectiveness and integrity of policing.

Appointment of senior officers as members of staff of the College

12. The Government recognises that the leadership of the professional body is key. The current structure of the Board allows all parts of the police workforce to take responsibility for oversight of the College's activities. However, the Government recognises that a senior police officer should be in charge of the day-to-day operation of the College and act as head of profession. As head of profession, it is important that the individual continues to be a serving police officer, retaining all the powers and responsibilities of the office of constable. The Bill therefore 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. All other police officers who may work from the College will be seconded under existing legislation.

Leadership and Governance

13. The College is led by a Chair and a Chief Executive responsible for setting the strategic direction for the College and overseeing its day to day affairs. Professor Shirley Pearce and Chief Constable Alex Marshall have been appointed as the College's first Chair and Chief Executive respectively.
14. The College's Board consists of 15 members. The make up of the Board is as follows:
 - 1 chair, independent of the police (Professor Shirley Pearce);
 - 1 chief executive, a serving Chief Constable (Alex Marshall);
 - 3 Chief Constables (Sir Hugh Orde, Sir Peter Fahy, Sara Thornton);
 - 1 individual nominated by the Police Superintendents' Association of England and Wales (Irene Curtis, President);
 - 1 individual nominated by the Police Federation of England and Wales (Julia Lawrence);
 - 4 members nominated by Police and Crime Commissioners (Katy Bourne, Bob Jones, Anne Barnes, Millie Banerjee); and
 - 3 independents (Sir Denis O'Connor, Professor Larry Sherman, Louise Casey).

The remaining seat on the Board will be held by an individual nominated by police staff.

Home Office
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