

Impact Assessment, The Home Office

Title: Criminal Justice Bill: Pillar 3 - Strengthening public confidence in policing.

Date: November 2023

IA No: HO 0478

RPC Reference No: N/A

Stage: FINAL

Other departments or agencies: Ministry of Justice

Intervention: Domestic

Measure: Primary Legislation

Enquiries:

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RPC Opinion: RPC Opinion Status

Business Impact Target: Not a regulatory provision

Cost of Preferred (or more likely) Option (in 2024/2025 prices)

Net Present Social Value NPSV (£m)		Business Net Present Value BNPV (£m)		Net cost to business per year EANDCB (£m)	
-32.3			N/A		N/A

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

The Crime Survey for England and Wales shows overall crime, on a like for like basis, has decreased by 56 per cent since 2010. But with approximately 6.74 million crimes recorded by the police in England and Wales in 2022/23, the level of crime can still be reduced further. Overall confidence in local police has decreased from 74 per cent year ending March 2020 to 68 per cent year ending March 2023. More needs to be done to protect the public and communities from crime and strengthen public confidence in policing. Government intervention is required to legislate to protect the public from harm and support and strengthen the Criminal Justice System (CJS).

What is the strategic objective? What are the main policy objectives and intended effects?

These measures aim to strengthen public confidence in policing by ensuring that the police operate to the highest professional and ethical standards and pursue all reasonable lines of enquiry to bring offenders to justice.

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

Option 1: 'Do nothing'. No changes are made to law enforcement and criminal justice processes but the requirement for policy change is reviewed. This does not meet the government's objectives.

Option 2: Full implementation, in which all measures outlined in Table 1 (see page 3) are introduced. **This is the government's preferred option as it meets strategic and policy objectives.**

Main assumptions/sensitivities and economic/analytical risks

Discount rate (%)

3.5%

It is assumed only mobile phone and vehicle theft would be impacted by the new Powers of Entry. In reality, there are countless items that can be tracked. There is a risk of the benefits being understated. There is also a risk of sanctions for chief officers for failure to adhere to the guidance and variation between police forces in the implementation of the guidance.

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

In line with standard practice, the Bill will be subject to post-legislative review 3 to 5 years after Royal Assent.

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 SELECT SIGNATORY: _____ Chris Philp _____ Date: _____ 14/12/2023 _____

Summary: Analysis & Evidence

Policy Option 2

Description: Full implementation, in which all measures outlined in table 1 (see page 3) are introduced.

FULL ECONOMIC ASSESSMENT

Year(s):	Price Base	2024/25	PV Base	2024/25	Appraisal	10	Transition	1
Estimate of Net Present Social Value NPSV (£m)						Estimate of BNPV (£m)		
Low:	-7.4	High:	-82.5	Best:	-32.3	Best BNPV	N/A	

COSTS, £m	Transition Constant Price	Ongoing Present Value	Total Present Value	Average/year Constant Price	To Business Present Value
Low	1.9	15.3	17.2	1.8	N/A
High	21.3	93.2	114.6	11.0	N/A
Best Estimate	8.1	44.6	52.8	5.3	N/A

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

Total costs are between £17.2 million and £114.6 million, with a central estimate of £52.8 million. Transition costs mainly consist of prison construction costs, generating a central estimate of £8.0 million. The main ongoing costs are HMPPS and CJS costs, generating central estimates of £23.5 million and £15.1 million respectively. There are no monetised private sector costs.

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

Due to an absence of data, several costs were unable to be monetised. These include costs from an increased number of appeals to the Police Appeals Tribunal (PAT), familiarisation costs to the police around the Code of Practice, CJS costs arising from additional stolen items being found in searches, and additional CJS costs from the use of DVLA Data.

BENEFITS, £m	Transition Constant Price	Ongoing Present Value	Total Present Value	Average/year Constant Price	To Business Present Value
Low	N/A	9.8	9.8	1.2	N/A
High	N/A	32.0	32.0	3.8	N/A
Best Estimate	N/A	20.5	20.5	2.4	N/A

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

Total monetised benefits range from £9.8 million and £32.0 million, with a central estimate of £20.5 million over 10 years. These benefits stem exclusively from the Powers of Entry measure. Benefits accrue to the public from the recovery of stolen items, and to the police in the form of efficiency savings from the removal of the warrant process.

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

Main non-monetised benefits occur to the police through strengthened confidence in both policing and the wider policing workforce, by supporting chief officers to appeal. Time savings to the wider CJS from reduced warrant volumes, and a clarified legal position around existing data sharing may also lead to a more positive view of the police by the public.

BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:										
Cost, £m	N/A		Benefit, £m	N/A		Net, £m	N/A			
Score for Business Impact Target (qualifying provisions only) £m:							N/A			
Is this measure likely to impact on trade and investment?							(N)			
Are any of these organisations in scope?			Micro	(N)	Small	(N)	Medium	(N)	Large	(N)
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)						Traded:	N/A	Non-Traded:	N/A	

PEOPLE AND SPECIFIC IMPACTS ASSESSMENT (Option 1)

Are all relevant Specific Impacts included?	Y	Are there any impacts on particular groups?	Y
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Evidence Base (for summary sheets)

- The measures assessed in this impact assessment: (Pillar 3, IA HO 0478, “Strengthening public confidence in policing”) are listed below in Table 1.

Table 1: Measures included in Pillar 3: IA HO 0478 “Strengthening public confidence in policing”

Proposal	Measures included
Measure 1: New Appeal Routes to the Police Appeals Tribunal (PAT)	<ul style="list-style-type: none"> • Enable provisions to be made which will allow chief officers to appeal to the PAT in respect of disciplinary decisions relating to officers in their force. • Enable provisions to be made which will allow a local policing body to appeal to the PAT in respect of disciplinary decisions relating to the chief officer of its force.
Measure 2: Introduce Code of Practice relating to Ethical Policing	<ul style="list-style-type: none"> • To place a duty on the College of Policing to issue a Code of Practice for ethical policing, and for that Code of Practice to include a duty of candour. • Chief officers must have regard to the Code of Practice for ethical policing, and therefore have a duty to ensure candour within the forces they lead.
Measure 3: Powers of entry to search and seize stolen property	<ul style="list-style-type: none"> • Create a new power for police to enter premises without a warrant for the purpose of searching for and seizing specific stolen items, subject to an appropriate threshold.
Measure 4: DVLA Data	<ul style="list-style-type: none"> • The Bill will clarify the list of policing and other agencies which can have access to the DVLA’s driver licence records for policing and law enforcement purposes. Access to driving licence records will be subject to a code of practice to ensure that the information is appropriately used.

A. Strategic objective and overview

A.1 Strategic objective

- Measures within Pillar 3 of the Criminal Justice Bill are concentrated on improving public confidence in policing. Measure 1 does this by improving the clarity and process surrounding misconduct. Measure 2 ensures that there is a clear statement of the exemplary standards of behaviour expected of police officers and police staff. Measure 3 provides further powers to help the police catch criminals and improve confidence that police are dealing with crime in their communities. Measure 4 is the first step towards supporting police investigations by allowing them to access data automatically for a wider range of purposes. It also bolsters the transparency and governance regime around access to a specific data set.

A.2 Background

- Over recent years, public confidence in the police has declined. Data from the Crime Survey for England and Wales (CSEW) shows that for the year ending March 2023, overall confidence in local police was at 68 per cent (down from 74 per cent when last measured year ending March 2020). Whilst it is difficult to determine definitive reasons for the decline in confidence, high profile cases of police misconduct and criminality (such as Wayne Couzens and David Carrick), as well as reports on police culture and standards (including the Casey Review) are likely to have played a part. The measures being introduced in Pillar 3 will contribute to improving public confidence by strengthening

the system for removing those officers who are not fit to serve, ensuring an improved culture of transparency and accountability in policing and improving the police response to acquisitive crime.

A.3 Groups affected

Police officers and staff

4. **New Appeal Routes to the PAT:** Police officers may now be more likely to have the disciplinary decisions made at their misconduct hearings challenged, given that an appeal to the PAT is considered to be cheaper than an equivalent route via judicial review. This could make it more likely that a police officer could be dismissed, particularly when considered as part of the wider legislative reforms planned. This could however be considered a positive by the wider workforce, given that the measure seeks to improve standards in policing, by supporting challenge where, for example, the disciplinary outcome or sanction is considered to be unreasonable.
5. **Introduce Code of Practice relating to Ethical Policing:** The introduction of an organisational duty of candour, aimed at chief officers will be filtered down to all officers and staff (as part of chief officers' adherence to this duty).
6. **Powers of Entry to search and seize stolen property:** All police will have the power to enter premises without a warrant for the purpose of recovering stolen goods, subject to strict criterion including requiring authorisation from a senior officer and subject to an appropriate threshold of belief that a specific item is on the premises. The measure is intended to shorten response times so that stolen goods can be retrieved sooner, increasing the likelihood of a positive outcome, whilst also freeing up a considerable amount of police time applying for warrants.
7. **DVLA Data:** Clearer and simpler governance regime for access to this dataset including subsequent broadening of the purposes for which it can be used through secondary legislation. These measures will make the police more effective in their use of this data to investigate crime and safeguard the public.

Police and Crime Commissioners (PCCs)

8. **New Appeal Routes to the PAT:** PCCs as local policing bodies will be able to challenge disciplinary decisions made about their chief officers and thus strengthen their role in holding chief officers to account, as well as their overall role in the police disciplinary system.
9. **Introduce Code of Practice relating to Ethical Policing:** Chief officers will be held to account by Police and Crime Commissioners and His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) in how they adhere to the duties outlined in the Code of Practice, including ensuring candour and openness of their forces.
10. **Powers of Entry to search and seize stolen property:** The impact on PCCs will be limited, but PCCs are responsible for holding chief officers accountable for the running of the force, which includes their performance in tackling crime and may also include consideration of misuse or inaccurate use of the power.
11. **DVLA Data:** The measure will help forces perform better in reducing crime and safeguarding the public and will also add to community confidence by providing clear guidelines on how this dataset is used by police forces.

Chief officers

12. **New Appeal Routes to the PAT:** This measure will support chief officers in improving standards and confidence in their respective forces, through allowing them to more easily challenge disciplinary decisions – including where they consider the decision to be unreasonable.
13. **Introduce a Code of Practice relating to Ethical Policing:** As a result of this measure chief officers must have regard to the Code of Practice for ethical policing, and therefore have a duty to ensure candour within the forces they lead.
14. **Powers of Entry to search and seize stolen property:** As for any police power, chief officers have a responsibility for ensuring it is used in accordance with the law. Chief officers will benefit from their

police force being better equipped to solve acquisitive crime cases more efficiently, with improved outcomes for retrieval of stolen goods and charging outcomes.

15. **DVLA Data:** Chief officers will be required to direct and control the use of this dataset within their organisation and ensure appropriate training and audit is introduced to support its use. This dataset will also support the wider commitment to pursue all reasonable lines of inquiry.

Members of the public

16. **New Appeal Routes to the PAT:** This measure may directly affect those members of the public who have made a serious complaint to the police which results in disciplinary proceedings, in allowing the chief officer a route to challenge the disciplinary outcome or sanction. However, as a measure designed to support standards in policing, it is expected to indirectly affect public confidence in policing more widely.
17. **Powers of Entry to search and seize stolen property:** Members of the public may have their stolen goods recovered more swiftly by police but there is a possibility that the new power may lead to individuals having their premises entered erroneously. Due to the safeguards put in place, the overall impact on the public is expected to be positive¹.
18. **DVLA Data.** Members of the Public will have increased transparency on which law enforcement agencies use the data and how it is used by those law enforcement agencies. The public will also benefit from better outcomes when it comes to bringing offenders to justice.

College of Policing

19. **Introduce Code of Practice relating to Ethical Policing:** This measure will require the College of Policing to produce guidance related to ethical policing. The College will also be required to consult with various bodies before publishing or revising the Code of Practice. The College will also be required to review the Code every five years.

A.4 Consultation

Policing sector

New Appeal Routes to the Police Appeals Tribunal

20. As part of the government's review into police officer dismissals, the sector was widely engaged on a possible appeal right for chief officers. Although not subject to any public consultation, the Terms of Reference² and review's final report³ were both published on gov.uk.

Introduce Code of Practice relating to Ethical Policing

21. The Home Office has consulted with policing partners and agreed the preferred option with the National Police Chiefs' Council (NPCC) and the College of Policing. As well as agreeing the legislative element with policing partners, the College of Policing, as part of the development of the proposed statutory guidance, has consulted with a wide range of stakeholders.
22. The 2015 consultation '*Improving police integrity: reforming the police complaints and disciplinary systems*' consulted on the introduction of a duty of candour for policing.⁴ This consultation led to the government introducing a duty of cooperation in 2020 which aims to ensure police officers cooperate fully with official proceedings.

Powers of Entry to search and seize stolen property

23. The Home Office has consulted with police across the country and agreed the shape of the proposal with the NPCC.

¹ As discussed in Section D.3, there is a reasonable threshold that has to be met in order for this measure to be used. This should reduce the risk of abuse of the measure.

² Police officer dismissals: terms of reference <https://www.gov.uk/government/publications/police-officer-dismissals-review-terms-of-reference/review-into-the-process-of-police-officer-dismissals-terms-of-reference>

³Police officer dismissals: Home Office review - GOV.UK: <https://www.gov.uk/government/publications/police-officer-dismissals-home-office-review>

⁴Improving Police Integrity: Reforing the Police Complaints and Disciplinary Systems (2015) Integrity: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/411970/improving_police_integrity_reforming_the_police_complaints_and_disciplinary_systems.pdf

DVLA Data

24. The Home Office has consulted with the Information Commissioner's Office. The Home Office has also consulted with police and law enforcement bodies in the UK, the Crown Dependencies and in Gibraltar and with DVLA and Department for Transport. Broadening the purposes for access to driver data using subsequent secondary legislation will be subject to a separate consultation.

B. Rationale for intervention

New appeal routes to the Police Appeals Tribunal

25. Following the government's review into the process of police officer dismissals⁵ concerns have been raised about the significant impact of the current system where officers have not been dismissed and the chief officer considers the decision to have been unreasonable. This measure brings helpful parity to the system, enabling a chief officer to uphold the interests of both their workforce and the wider public by challenging decisions which, for example, they consider to be unreasonable. The new route of appeal supports this through a more timely and cost-effective process than is currently available to chief officers, which is limited to initiating judicial review proceedings.
26. It is important that further parity is then brought to the system, to enable appropriate challenge where such disciplinary decisions are made in respect of chief officers themselves. To mirror the changes allowing chief officers to challenge decisions in respect of officers under their direction or control, local policing bodies (in most circumstances, the PCC), will be given a limited right of appeal to the PAT in respect of the chief officer only. This will replicate those provisions being introduced for chief officers and ensure there is appropriate accountability in place.

Introduce Code of Practice relating to Ethical Policing

27. Due to historical events of organisational defensiveness by police forces, there is a need to take action to change the culture of policing and instill openness and transparency. The bereaved Hillsborough families and survivors are justified in their frustration with the evasiveness and obfuscation they experienced from public officials. Of the senior officers providing witness at the first inquiry, Lord Justice Taylor in his 1990 report on the Hillsborough disaster commented that they "*were defensive and evasive witnesses...neither their handling of problems on the day nor their account of it in evidence demonstrated the 'qualities of leadership expected of their rank'*".⁶ This frustration was more recently compounded with the collapse of the trial of a number of individuals charged with perverting the course of justice in relation to statements made to the Taylor Inquiry. These are not the only examples of the institutional defensiveness and challenges in getting answers from the police.
28. A statutory duty of candour for policing has formed part of the recommendations/learning points of three inquiries as detailed below, these inquiries exposed police forces acting defensively and without honesty and transparency regarding their mistakes and wrongdoing:
 - a. The Points of Learning (in effect, recommendations) in Bishop James Jones' report (published in November 2017) on the experiences of the bereaved Hillsborough families in the 28 years following the disaster. This report referenced the then Private Member's Public Authority (Accountability) Bill, and also called specifically for a duty of candour for police officers. At

⁵ Police officer dismissals: Home Office review - <https://www.gov.uk/government/publications/police-officer-dismissals-home-office-review>

⁶ The Hillsborough Stadium Disaster, 15 April 1989, Inquiry by The Rt Hon Lord Justice Taylor: <https://web.archive.org/web/20120913180240/http://www.southyorks.police.uk/sites/default/files/Taylor%20Interim%20Report.pdf>

paragraph 12 of his report,⁷ the Bishop set out his belief “*that there is at present a gap in police accountability arrangements*” and proposed “*a duty of candour which addresses the unacceptable behaviour of police officers – serving or retired – who fail to co-operate fully with investigations into alleged criminal offences or misconduct*”.

- b. The report of the Daniel Morgan Independent Panel (DMIP), published in July 2021. The DMIP was established to investigate the circumstances surrounding the murder of Daniel Morgan in 1987, who was a private investigator. The DMIP considered, amongst other things, the police involvement in Daniel’s murder and the role played by police corruption in protecting those responsible for the murder from being brought to justice. The DMIP recommended, at paragraph 61 of the report,⁸ “*the creation of a statutory duty of candour, to be owed by all law enforcement agencies to those whom they serve, subject to protection of national security and relevant data protection legislation*”.
 - c. The Baroness Casey review into the standards of behaviour and culture of the Metropolitan Police Service, published in March 2023. This report illustrated the need to deal with organisational defensiveness and the clear evidence of police forces acting in their own self-interest. In her review, Baroness Casey expressly stated that policing “*does not make ethical standards as clear as it could*”.⁹
29. The Home Office accepts the findings of these reports and intends to take positive action in response to these recommendations by placing a statutory duty on the College of Policing to issue a code of practice on ethical policing, incorporating a duty of candour. Police officers already have a duty to co-operate directed at individual police officers which was introduced by Schedule 2 (Standards of Professional Behaviour) to the Police (Conduct) Regulations 2020 and is supported by statutory guidance.¹⁰ The Home Office has determined a gap exists at the organisational level as demonstrated by police forces in terms of their defensiveness. Therefore, an organisational duty of candour, aimed at chief officers with the intention that this will be filtered down to all officers and staff (as part of chief officers’ adherence to this duty) is preferable to imposing a duty on individual officers, as there is existing legislation in place that provides for this.

Powers of Entry to recover search and seize stolen property

30. Concerns are frequently raised by victims, the media and police themselves that victims of theft or robbery are able to track stolen devices or vehicles, using GPS trackers or apps such as ‘Find my iPhone’, but on reporting the crime and sharing this information police are not always able to take action.
31. Police currently have no general power to enter and search premises solely for the purpose of searching for and seizing stolen property without a warrant. They can apply to the courts for a warrant, however, feedback has shown that during this time the goods have often been moved on to another location where they can be sold or used to commit other crimes. The Law Commission’s 2020 review of search warrants found that the warrants process was inefficient, and delays caused by this increased opportunities for evidence to be lost which in turn reduces the likelihood of successful prosecution, leads to further offending to take place.¹¹

⁷ Bishop’s review of Hillsborough families’ experiences published: <https://www.gov.uk/government/news/bishops-review-of-hillsborough-families-experiences-published>

⁸Report of the Daniel Morgan Independent Panel, 15 June 2021: https://webarchive.nationalarchives.gov.uk/ukgwa/20220331105136mp_/https://www.danielmorganpanel.independent.gov.uk/wp-content/uploads/2021/06/CCS0220047602-001_Daniel_Morgan_Inquiry_Web_Accessible.pdf

⁹ An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service by Baroness Casey, March 2023: <https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf>

¹⁰The Police (Conduct) Regulations 2020, Schedule 2: <https://www.legislation.gov.uk/ukksi/2020/4/schedule/2/made#:~:text=Police%20officers%20are%20diligent%20in%20the%20exercise%20of,a%20police%20officer%20when%20identified%20as%20a%20witness>

¹¹ Search warrants report, Law Commission (2020): <https://www.lawcom.gov.uk/document/search-warrants-report/>

32. According to the Crime Survey for England and Wales there were 726,000 vehicle-related thefts¹² and 196,000 thefts of mobile phones¹³ in the year ending March 2023. Many of these thefts will involve items whose location can be ascertained with some certainty. The new power is intended to improve the police's ability to investigate crimes, increase arrest numbers and deter other criminals from committing similar crimes.
33. Furthermore, many stolen goods such as phones and vehicles are used to commit other crimes and this should have an additional economic effect by preventing some of these crimes from taking place.

DVLA Data

34. Access to DVLA driver licence records by constables was originally permitted by the Criminal Justice and Court Services Act 2000. This enabled the DVLA to provide data to the then Police Information Technology Organisation (PITO) for inclusion on the Police National Computer (PNC). The use of the data provided to PITO and placed on the PNC was restricted, by the Motor Vehicles (Access to Driving Licence Records) Regulations 2001, to Road Traffic Act 1988 enforcement and a few related purposes. Subsequent changes to the primary legislation added the civil staff of some of the organisations to the definition of constable for the purpose of access to DVLA driver information. The access was further widened to Crown Dependencies and other law enforcement bodies through National Policing Improvement Agency powers.
35. Currently data provided automatically is mostly limited to Road Traffic Act 1988 purposes. The policy aim is to broaden the purposes for which automatically provided data can be used by law enforcement. Police and law enforcement agencies have detailed compelling examples where automatic access would have assisted in preventing harm and investigating crime. The legislation will also provide powers to make regulations and issue a code of practice to implement the more detailed governance arrangements in relation to training, audit oversight and inspection necessary to ensure the data is used appropriately. This will be in addition to formal and informal consultation with civil society and community groups at the national level.
36. The legislation also clarifies and simplifies the descriptions of who can have access to DVLA driving licence data for law enforcement and policing purposes. Each organisation with access will be named in the legislation, and the most senior person in charge of that organisation will be responsible for ensuring compliance. All staff of the organisation in appropriate roles will be eligible to use DVLA data for prescribed policing and law enforcement purposes subject to ongoing training and audit provisions being in place.

C. Policy objective

New appeal routes to the Police Appeals Tribunal

37. The objective of this policy is to ensure that there is an equal right of appeal for chief officers and local policing bodies to the PAT.
38. The measure proposed for chief officers to appeal will be limited to misconduct hearings and not accelerated hearings which the chief officer chairs – whereas the measure proposed for local policing bodies will extend to decisions at both misconduct hearings and accelerated hearings in respect of chief officers.
39. Home Office priorities include protecting communities, cutting crime and providing world-class public services. This work is undermined if those who are charged with protecting communities commit serious wrong-doing and are able to remain serving.

¹² Crime in England and Wales: Appendix tables - Office for National Statistics:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesappendixtables>

¹³ Property crime tables, England and Wales - Office for National Statistics:

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/focusonpropertycrimeappendixtables>

40. These measures are supported by a number of additional reforms announced by the government following the review into police officer dismissals. These measures will further strengthen the systems in place for handling police misconduct, performance and vetting and are designed to increase standards and public confidence by removing police officers who are not fit to serve their communities. These additional measures include a presumption of dismissal for proven gross misconduct and a clarified route to remove those officers who are unable to hold or maintain basic vetting.
41. Whilst these changes are themselves expected to raise the standards in policing, affording a right of appeal to the chief officer, and (in respect of chief officers) the local policing body, ensures there is a safeguard for circumstances where the decision not to dismiss an officer at a misconduct hearing could be considered unreasonable.

Introduce Code of Practice relating to Ethical Policing

42. In recent years, high-profile cases of police misconduct and criminality, as well as the findings of several reports related to police culture and standards, have damaged public confidence. Part of the rationale for the overall policy is to improve the public's trust and confidence in police openness and transparency.
43. The legislation will aim to prevent police forces acting defensively and without honesty and transparency regarding their mistakes and wrongdoing in official proceedings. The government wants to ensure that the experiences of the bereaved Hillsborough families and the family of Daniel Morgan are not repeated, and that police officers act candidly in official proceedings (such as inquiries) and do not obstruct the truth.
44. This measure will ensure chief officers must have regard to the Code of Practice for ethical policing, and therefore have a duty to ensure candour within the forces they lead. Chief officers will be required to give regard to the Code of Practice. The Code will outline what steps chief officers should take to ensure that all staff are supported in acting ethically in decision-making and demonstrating professional behaviour, including a duty to ensure openness and candour within their force.
45. If challenged in court regarding a force's failure to adhere to the Code of Practice, chief officers will need to justify any deviation. Separately, chief officers will be monitored by HMICFRS and PCCs in how they adhere to the duties outlined in the Code of Practice, including ensuring candour and openness of their forces.
46. The legislation will ensure the Home Secretary must approve the Code of Practice before it is issued (or revised). The College of Policing must review the Code of Practice at least every five years following the last revision/issue to assess whether it considers there to be a need to revise it.
47. The College of Policing must consult with various bodies before issuing or revising the Code of Practice. This includes (but is not limited to):
 - a. National Police Chiefs' Council;
 - b. Police Federation of England and Wales;
 - c. Police Superintendents' Association;
 - d. National Crime Agency;
 - e. Independent Office for Police Conduct;
 - f. HMICFRS;
 - g. Trade Unions;
 - h. PCCs
48. The Home Office believes that the most suitable way of imposing an organisational duty of candour on the police is to do so by way of a Code of Practice, and particularly a Code of Practice for ethical policing, rather than a standalone duty in legislation. The Code of Practice would serve to clarify expectations of police behaviour and allow HMICFRS and PCCs to monitor and hold chief officers to account. The Code of Practice would apply to the police forces maintained for the police areas of

England and Wales, as defined in section 1 of the Police Act 1996 (or as defined in any subsequent legislation).

49. Given the multi-layered structure of police governance, the Home Office considers that the most suitable way of ensuring that all officers and staff within a police force adhere to a duty of candour, is to issue statutory guidance to chief officers. The Home Office wants to impose a duty on the College of Policing to issue a Code of Practice for ethical policing and for that Code of Practice to include a duty of candour. The Code of Practice will outline actions that chief officers should take to ensure that all officers and staff are supported and directed to act ethically in decision-making and in demonstrating professional behaviour. The Code of Practice will also ensure that chief officers and their police forces approach public scrutiny (including public inquiries and inquests) with candour, in an open, honest and transparent way, making full disclosure of relevant documents, material and facts to assist the search for the truth.

Powers of Entry to search and seize stolen property

50. The policy objective is to create a new police power enabling entry, search and seizure for specific stolen items without a warrant, to reduce the time taken to retrieve stolen goods, and increase arrests and charges for related offences.
51. The new power will support the police to follow up all reasonable lines of inquiry by giving them an additional tool to do so and reduce investigation times for acquisitive crime. Where items can be tracked to specific locations they are often quickly moved on or sold, so this could allow swift seizure of stolen property and better gathering of evidence to support investigation and arrest. Acting quickly will also help to prevent stolen goods being moved out of the country or from being used to facilitate other crime, particularly in the case of vehicles and other machinery.
52. Indicators of success include an increase in charge rates for individuals who are involved in theft, robbery or handling stolen goods. This should then lead to a reduction in such offences being committed, and ultimately a reduction in the economic and social costs of such offences.

DVLA Data

53. Currently outside limited purposes connected to Road Traffic Enforcement and certain powers under the Child Support Act 1991, a manual request to access data must be made by police or law enforcement organisation to DVLA. This request requires a specific case to be made for access including a necessity and proportionality assessment. Such requests are resource intensive and are only normally responded to during office hours, with a more limited capacity for immediate responses at other times.
54. Policing and law enforcement have provided a compelling business justification for changing from manual to automated access. The incidents cited as a basis for this business case included searching for vulnerable missing persons, investigations into serious sexual offences, identification of prolific drug dealers and identifying the next of kin of individuals who have suffered harm or who have died.
55. The cases demonstrate that faster access to this data will bring significant operational benefits. However, the access for broader purposes would require bolstering of the existing governance regime to ensure the necessity and proportionality assessments are still made and recorded.
56. The current legislation is difficult to interpret following changes made since the powers were first introduced. The proposed changes will improve clarity and certainty over the access arrangements and provide the power to make regulations and a code of practice requiring appropriate training, audit, inspection, governance and consultation with communities .
57. Finally, the policy aim is to integrate these requirements into other operational codes of practice and ways of working.

D. Options considered and implementation

New appeal routes to the Police Appeals Tribunal

58. To meet the policy objective, two options were considered:

- **Option 1: ‘Do nothing’.**

There would continue to be the judicial review option where this was felt appropriate.

- **Option 2: Legislate for a specific right of appeal.**

This option will mean that chief officers and local policing bodies are empowered to appeal to the PAT which is established for this purpose. **This is the government’s preferred option** as it represents better use of public money and ensures parity between chief officers, local policing bodies and officers in terms of appeal routes.

Non-regulatory options

59. This is not possible as police officers are subject to a regulated system of discipline and so any changes to the process require primary legislation.

Introduce Code of Practice relating to Ethical Policing

60. To meet the policy objective, two options were considered:

- **Option 1: ‘Do nothing’.** Continue to rely on existing guidance drafted by the College of Policing and rely on the College to produce guidance in this area in future as there is no current obligation to do this. This guidance would not necessarily require approval by the government and may not provide the confidence necessary to the public, given recent high-profile cases relating to the police.
- **Option 2: The Home Office wants to impose a duty on the College of Policing to issue a Code of Practice for ethical policing and for that Code of Practice to include a duty of candour.** The Home Office has determined that an organisational duty of candour, aimed at chief officers with the intention that this will be filtered down to all officers and staff (as part of Chiefs’ adherence to this duty) is preferable to imposing a duty on individual officers, as there is existing legislation in place that provides for this. This includes a duty to co-operate directed at individual police officers which was introduced by Schedule 2 (Standards of Professional Behaviour) to the Police (Conduct) Regulations 2020 (see footnote 8) and is supported by statutory guidance. **This is the government’s preferred option as it meets the strategic and policy objectives.**

Powers of Entry to search and seize stolen property

61. To meet the policy objective, two options were considered:

- **Option 1: ‘Do nothing’.** This option would entail no further government intervention through legislation to create a new power. Costs and benefits for the other options assessed in this IA are measured relative to the ‘Do Nothing’ position (that is, the current position which represents the counterfactual in this analysis).

The option to do nothing would not achieve the desired outcome. The perceived lack of police response to acquisitive crime has been identified by HMICFRS and Dame Louise Casey as a driver of low trust and confidence in policing. Charge rates for these offences remain low – whilst this is the case for all offences, there are some factors driving low charge rates particularly specific to acquisitive crime. Even with the additional 20,000 officers recruited through the Police Uplift Programme, police are often hampered in their investigations by having to wait for warrants – by which time the goods may have been moved on and they are no longer able to retrieve it, nor charge a suspect due to a lack of evidence.

- **Option 2: Create a new power of entry for search and seizure**

The government intends to create a targeted power of entry of the police which would permit them to enter premises without a warrant for the purpose of searching for and seizing specific stolen goods/property which have been identified in victim reports to police and/or by police inquiries following up on those, using a “reasonable grounds” threshold. **This is the government’s preferred option as it meets the strategic and policy objectives.**

The government is not proposing to specify in legislation categories of stolen goods which are the subject of the new power or the specific nature of evidence which would give rise to reasonable grounds to believe the property is on the premises. However, it is envisaged the power will be available in the following types of scenarios:

- a. Stolen mobile phones: Where a mobile phone has been stolen and the information from “Find my iPhone” or equivalent indicates that it is in a property. If an officer is satisfied that the location tracker is sufficiently accurate, an officer could enter the property to recover the phone.
- b. Stolen vehicles: Many vehicles have GPS trackers which can be used to identify the location if stolen. Stolen vehicles are often left in a remote location for a few days to see if the police or an owner tracks the vehicle to that location – this is known as “soaking”.
- c. Stolen agricultural or construction equipment: Agricultural and construction equipment is often fitted with a GPS tracker which can be highly accurate (more so than “Find my iPhone”). The “soaking” technique described above is often used before moving on.
- d. Stolen bicycles: There are instances where victims who have had their bicycle stolen have subsequently seen it advertised for sale on the internet. If the address of the person selling the bicycle can be ascertained, and the victim can prove the bicycle belongs to them, the proposed new power could be used to gain entry to recover the stolen bicycle.
- e. Second-hand shops: There are instances where victims of theft have seen their belongings for sale in a second-hand shop. If the victim can prove the item belongs to them, it is anticipated to be very likely that the reasonable grounds for belief thresholds would be satisfied so that the proposed new power would then enable an officer to enter the premises and seize the item.

DVLA Data

62. To meet the policy objective, two options were considered:

- **Option 1: ‘Do nothing’.** Continue to rely on existing legislation and current definitions. This maintains compliance risk within current operational practices and does not provide the confidence needed over the use of data.
- **Option 2: ‘Full implementation’.** Legislate to clarify organisations which may access driver licence records and confer new powers, by regulations, to broaden the purposes for which the data can be accessed by the police and other law enforcement agencies. **This is the government’s preferred option as it meets the strategic and policy objectives.**

E. Appraisal

General assumptions and data for all measures

63. The general assumptions which apply to the appraisal of all measures in this impact assessment are as follows:

- The appraisal period for measuring the impacts of the proposed new legislation is 10 years.
- The appraisal period starts in 2024/25.

- A 3.5 per cent annual social discount rate is used¹⁴.
 - Annual costs and benefits are in 2024/24 prices.
 - Present Values are in 2024/25 prices.
 - All costs and benefits are relative to the 'Do nothing' Option 1.
64. There will be set-up familiarisation costs whereby police officers, legal professionals, lawyers, and solicitors (among other stakeholders) will need to become aware of the updated legislation. The specific values will be covered in each subsection.
- The Readingsoft¹⁵ calculator is used in calculating familiarisation costs.
 - Labour cost estimates are derived from the Annual Survey of Hours and Earnings (ASHE)¹⁶ except for the Duty of Candour measure, which uses salary costs from the Police Remuneration Review Body report 2023.
 - Familiarisation costs are estimated using the formula:

$$\text{reading time} \times \text{median wage} \times \text{number of readers} \times (1 + (\text{non-wage labour uplift}))$$
65. The appraisal for PAT, Code of Practice relating to ethical policing and DVLA Data has been limited. This is due to the benefits being centred around improving police culture and ensuring greater public confidence in policing. It has not been proportional to attempt to quantify and monetise these benefits. However, there are metrics that will track trust in confidence in policing so the combined impact of these measures can be monitored.
66. The costs of the PAT, Code of Practice relating to ethical policing and DVLA Data measures are minimal. The costs of the PAT presented below haven't been included in any NPSV calculations this is because the costs against Option 1 'Do nothing' are expected to be negative. The PAT costs will be significantly less than the cost of a Judicial Review but there is no available data to inform the magnitude of the cash savings.
67. All measures detailed in this IA are aimed at strengthening the public's confidence in policing. Measuring and monetising trust and confidence in policing has not been possible. No benefits have been quantified for new appeal routes to the PATs, introduction of a new code of practice for ethical policing measure or for reform to DVLA data access.
68. The model of policing by consent is a cornerstone to modern policing across England and Wales.¹⁷ For policing by consent to be effective, the police require the trust and confidence of the public; evidence has shown that higher levels of confidence in the police can facilitate compliance and cooperation with the police.¹⁸

New appeal routes to the Police Appeals Tribunal

General assumptions and data

69. The legislation is expected to comparatively increase the overall number of appeals to the PAT. This is expected to form a wider set of legislative reforms, including a presumption for dismissal for gross misconduct and a set of listed offences, conviction of which automatically amounts to gross

¹⁴ HM Treasury, The Green Book, November 2022, <https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-government/the-green-book-2020>

¹⁵ The speed at which officers are assumed to read the guidance is taken from: <http://www.readingsoft.com/>

¹⁶ Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14: <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>

¹⁷ Definition of policing by consent, GOV.UK, published 10 December 2012 <https://www.gov.uk/government/publications/policing-by-consent/definition-of-policing-by-consent>

¹⁸ Trust in the Police, UK Parliament, published 25 April <https://researchbriefings.files.parliament.uk/documents/POST-PN-0693/POST-PN-0693.pdf#:~:text=For%20policing%20by%20consent%20to%20be%20effective%2C%20the.response%20to%20tackling%20violence%20against%20women%20and%20girls.10>

misconduct. These wider reforms may have some limiting effect on the number of cases which chief officers may choose to use their new route of appeal.

70. The legislation aims to remove the need for judicial review applications by chief officers in relation to misconduct panel decisions on the outcome or sanction issued in respect of members of that force, by allowing a statutory route to the specialist tribunal. This excludes circumstances where the chief officer decides to challenge a decision of the PAT, which can only be challenged via judicial review. Overall by moving cases that would have otherwise gone to judicial review to the police appeal tribunal process will generate cost savings. However, these savings have not been monetised due to uncertainty around volumes and costs.
71. Whilst impacts have not been included in any NPSV calculations, Home Office will monitor the impact of this legislation through the annual collection and publication of data from police forces, as part of its police misconduct statistical bulletin.

COSTS

Set up costs

72. The PAT is an existing process and therefore there are no set up costs for this measure.

Ongoing costs

73. There are no monetised ongoing costs. For a discussion of potential costs and scenarios, see the below Value for Money section.

BENEFITS

Set up benefits

74. There are no monetised setup benefits

Ongoing benefits

75. There are no monetised ongoing benefits

Non-monetised benefits

76. By providing chief officers with a route to appeal, which is a less costly and burdensome process than judicial review, the measure aims to result in greater public confidence that unreasonable or unduly lenient decisions at misconduct hearings are able to be challenged. This should lead to greater trust and confidence that misconduct is acted on appropriately.
77. The benefits of this measure are aimed at improving trust and confidence in policing and as such have not been monetised.
78. By providing chief officers with a route to appeal, which is a less costly and burdensome process than judicial review, the measure aims to result in greater public confidence that unreasonable or unduly lenient decisions at misconduct hearings are able to be challenged.
79. This position provides parity to the system, which already affords the officer concerned a right of appeal, but not the chief officer, who is held to account on the standards and culture within their force. This is intended to reassure the public that, where an officer hasn't been dismissed – and the chief officer considers that this decision is unreasonable – it has the ability in law to challenge that decision in a way which is fair, timely and represents good value to the tax-payer. Standards in policing has been frequently called into question in recent years, following a number of high-profile cases and critical reviews. These measures, supported by wider reforms to the police discipline, performance and vetting systems, aim to raise the bar on standards.

NPSV, BNPV, EANDCB

Table 2: Option 2 summary costs, benefits, NPSV, BNPV and EANDCB (£m PV) 10 years, 2023.

Summary	Low	Central	High
Costs			
Total Set up Costs	N/A	N/A	N/A
Total Ongoing Costs	N/A	N/A	N/A
Total Costs	N/A	N/A	N/A
Benefits			
Total Set up Benefits	N/A	N/A	N/A
Total Ongoing Benefits	N/A	N/A	N/A
Total Benefits	N/A	N/A	N/A
NPSV			
BNPV	N/A	N/A	N/A
EANDCB	N/A	N/A	N/A

* Costs have been rounded and so may not add up
Source: Home office, 2023

Value for Money

80. The costs associated with this measure will be the cost of appeals going to the PAT. The cost of an appeal to the PAT varies depending on whether it goes to a full tribunal. Appeals can be ruled out early without going to a full panel tribunal, this happens where there is no likelihood of success. This is determined by the PAT Chair alone and, whilst the applicable fees may vary, they can typically range from £1,000 to £2,000 in these circumstances.
81. For a non-senior officer appealing a full tribunal requires a wider panel consisting of: a senior officer and a lay member. For senior officers appealing a full tribunal requires a wider panel consisting of; His Majesty's Chief Inspector of Constabulary or a nominated HM Inspector and the Permanent Secretary of the Home Office or nominated Director. Additional costs of a full tribunal include expenses and venue accommodation.
82. Costs of a tribunal, including fees, are met by the local policing bodies. The Home Office will pay the employer contribution for PAT Chair pensions. Existing tribunal costs including fees are met by local policing bodies. Data is unavailable on these costs.
83. It is assumed that the cost of panel members is the majority of the cost of a full tribunal. PAT Chairs earn £511.56 per day. With no other information it is assumed that the costs of other panel members is similar and most likely less. Therefore, the estimated maximum cost per day of a tribunal is £2,322.74 including (51.35%) employer pension contribution.
84. The number of cases likely to be brought to the PAT is unknown. It would be expected that cases that would otherwise have gone to judicial review would now go to PAT. Evidence to the Home Office review into police officer dismissals¹⁹ suggested that, since 2016, there have been a total of 18 cases (eight unsuccessful, four successful and six on-going). This suggests two to three cases per year. As PAT will be less costly and time consuming compared to judicial review it could be assumed that the volumes would increase. However other measures are currently being implemented that will make dismissal the presumptive outcome for proven gross misconduct. This measure will make appeals less likely.
85. If it is assumed that the minimum length of a tribunal is one day with three cases per year. This would result in a total yearly cost of £6,968.22. If it is assumed that the length of a tribunal is one week with three cases per year. The total yearly cost would be £34,841.

¹⁹ Police officer dismissals: Home Office review - GOV.UK: <https://www.gov.uk/government/publications/police-officer-dismissals-home-office-review>

86. In the absence of information on the length of tribunals and volumes expected, if a panel was to convene for every working day in a year the maximum total cost would be £604,000 per year. This is an exaggeration, and the actual costs are expected to be substantially lower. However, this demonstrates that the total costs of this measure are minimal.

Introduce Code of Practice relating to Ethical Policing

General assumptions and data

87. There are no related data or assumptions associated with this measure.

COSTS

Costs

88. There are no new, immediate costs associated to introducing this measure. There are costs associated with the measure, but these will be met from existing budgets. These set-up costs will be met prior to publication of the Code of Practice which is expected to take place within year one of the measure being introduced.

Set-up costs

89. The only direct cost of this measure is the production of the Code of Practice for ethical policing. The Code of Practice forms part of the broader revision to the 2014 Code of Ethics and these costs are to be met by the College of Policing. The total cost of these revisions to the 2014 Code of Ethics, of which the Code of Practice for ethical policing and duty of candour forms part, using estimates of staff time, is estimated to be £82,752. These estimates use data from the Office for National Statistics Earnings and hours worked ASHE table²⁰ (see Table 3 for a breakdown of this cost below).
90. This figure only covers costs to the College of Policing and does not include the time of the stakeholders who helped to develop the content for the Code of Ethics (and the Code of Practice). This cost would be relatively minor given there were 10 meetings with several senior stakeholders each of which lasted at least three hours. This also does not include the time spent by stakeholders in providing comments on various drafts of the Code of Practice for ethical policing. These cost estimates are not final given the development of the guidance is not yet complete.

Table 3 - Code of Ethics Resourcing 2023/2024 (£)

Role	Total Days Worked	Daily Rate	Role Cost
SRO	112	325	36,391
Project Manager	39	291	11,205
Senior Practice Developer	63	257	16,191
Practice Developer	40	188	7,459
Diversity, Equality and Inclusion	20	188	3,767
Comms	10	257	2,570
Legal	20	257	5,140
		Total Cost	82,724

Source: College of Policing

²⁰ Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>

91. The following costs are secondary/indirect. They result from the production of the Code of Practice for ethical policing and the duty of candour. These are the cost associated with familiarising and implementing the Code of Practice.
92. There will be familiarisation costs for chief officers to understand the Code of Practice for ethical policing. Estimates for the familiarisation costs are outlined in Table 4. The estimates range from £300 to £1,500 with a best estimate of £800 for familiarisation costs. Although the Code of Practice is directed at Chief Constables, officers will also need to familiarise themselves with the detail of the Code of Practice.

Table 4 – Familiarisation Costs for the Code of practice for chief officers (£)

Low estimate	High estimate	Best estimate
300	1,500	800

Source: <https://readingsoft.com/>

93. There will be further familiarisation costs arising from the implementation of the guidance. However, there is no standard implementation strategy across different police forces, so these costs will vary between individual police forces.
94. There will also be costs associated with the implementation of the Code of Ethics (which includes the Code of Practice), but these are hard to calculate as they will be shared across the College of Policing and individual police forces who will decide to implement the guidance in different ways. It is likely that the implementation of this will be combined with the implementation of wider force initiatives.

Ongoing costs

95. It is expected that HMICFRS will assess chief officers' adherence to the broader Code of Ethics and culture as part of their rolling cycle of funded police effectiveness, efficiency and legitimacy (PEEL) inspections, starting in 2025. The Home Secretary can use her powers to direct HMICFRS to undertake a specific thematic inspection, if necessary, to assess the adherence to the Code of Practice before the next cycle of PEEL type inspections. The costs of commissioning a thematic inspection, which would be based on requirements set by the Home Secretary, will vary based on the scope and terms of reference, but costs will likely be between £200,000 - £1 million and are usually met by the Home Office. This potential cost has been excluded from any headline cost metrics as it is unlikely to be necessary.
96. PCCs are responsible for holding their chief officers to account within this area as part of their normal responsibilities. In turn, PCCs are scrutinised by Police and Crime Panels. Within the Home Office grant to the Association of Police and Crime Commissioners (APCC) for 2023/24, there is a deliverable to support efforts to increase public trust and confidence including work ethical policing and requirements around candour. A project manager will be employed by the APCC using the grant funding, for a three-month period to provide PCCs with the required guidance to hold chief officers to account effectively. Using data from the Office for National Statistics Earnings and hours worked ASHE table²¹ a project manager for three months is estimated to cost £13,000. The APCC has estimated costs of up to £25,000, but this is dependent on the scope of the work, the design and production of any specific products (for example, guidance), and includes management overheads. It does not include the individual costs for local policing bodies to undertake specific holding to account in this area, but it is anticipated this would be accommodated within a PCC's existing responsibilities for holding their chief officer to account. Similarly, it is anticipated that Police and Crime Panels would undertake any necessary scrutiny within their existing panel meetings. This is currently budgeted to be a one-off cost, however if there is a need to continue this work beyond 2023/24 then further costs will be incurred.

²¹Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>

97. The legislation will mean that the Code of Practice is to be reviewed and if necessary, revised every five years. Home Office does not expect this to entail a full review of the Code, however if it is necessary, then the same set up costs of £82,724, may be repeated by the College of Policing.

Table 5 - Total costs (£)

Type of Cost	Detail	Organisation	Total
Set up Cost	Development of the guidance	College of Policing	82,274
Set up Cost	Familiarisation for chief officers	Individual forces	300-1,500
Ongoing Cost	Thematic Inspection directed by Home Office (not likely to be necessary)	Home Office	200,000-1,000,000
Ongoing Cost	Scrutiny guidance for PCCs	APCC	13,000-25,000

Source: APCC, College of Policing, and Home Office figures

BENEFITS

Set up benefits

98. There are no monetised setup benefits

Ongoing benefits

99. There are no monetised ongoing benefits

Non-monetised benefits

100. If police forces act more transparently and openly with the public, this will aim to increase public confidence across all protected characteristics. Data from the Office for National Statistics Crime Survey for England and Wales (CSEW) shows that confidence in policing has declined in recent years.²² For the year ending March 2023, overall confidence in local police was at 68 per cent (down from 74 per cent when last measured year ending March 2020). Women now have slightly less overall confidence in police than men (67% vs 68%) and overall confidence has also declined among all ethnic groups, with confidence among Black groups at 60 per cent (compared to 64 per cent in year ending March 2020).
101. Due to the benefits being related to cultural change, these benefits are not quantified or monetised. See paragraphs 102 to 107 for a summary of the main benefits.

Clear ethical standards for chief officers

102. The legislation will ensure that ethics is put at the very heart of policing. It will ensure that the College of Policing is directed to produce guidance for ethical policing. This is unique and will provide clear guidance for chief officers that they must have regard to and provide the standards that they will be judged against.
103. The requirement for the Code of Practice for ethical policing to also include a duty of candour will also ensure that forces act with openness and transparency, particularly during official proceedings. Given the high-profile cases which exposed police forces acting defensively and without honesty and transparency regarding their mistakes and wrongdoing, this will put an obligation on chief officers to ensure the necessary transparency in official proceedings. This is difficult to measure, and Home Office are unable to monetise the benefits of openness in official proceedings.

²²Crime Survey for England and Wales (CSEW) estimates of personal and household crime, anti-social behaviour, and public perceptions, by police force area, year ending March 2020 (Table 1)
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/adhocs/12032crimesurveyforenglandandwalescsewestimatesofpersonalandhouseholdcrimeantisocialbehaviourandpublicperceptionsbypoliceforceareayearendingmarch2020>

104. The legislation will ensure that the Code of Practice is widely consulted upon via a range of policing organisations (these are listed at paragraph 47). This will ensure a diverse range of views are considered in the formation or revision of this Code of Practice. The regularity of a review for the Code of Practice will also mean that this is regularly assessed and can adapt to any necessary changes in expectations for policing.
105. A Code of Practice which encourages candour, openness and transparency could lead to more members of the public, at least initially, having confidence to use the police complaints system to try and seek improved outcomes but a sustained increase will depend on police forces' compliance with the code. As indicated in the Independent Office for Police Conduct's Public Perceptions Tracker,²³ though not explicitly relating to police complaints, 'increased transparency' is cited as one of the important things that policing can do to improve public confidence. This duty and Code of Practice may be particularly advantageous for communities who have the least trust and confidence in the police – so might lead to an increase in the volume of complaints of discrimination and harassment against the police by people with protected characteristics under the Equalities Act 2010. Separately, the Code of Practice may also lead to an increase in members of the public reporting alleged criminality if they can feel more confidence in how the police will handle allegations.

Improved Culture

106. If chief officers implement the guidance and standards that have been set by the Code of Practice, it would likely lead to an improvement in police culture. The benefits of an organisation are clear if an organisation acts ethically and creates a culture of openness and transparency. The College of Policing using empirical evidence²⁴ suggests a positive policing culture can:
- a. enable or support effective supervision of police officers.
 - b. create a shared vision and engendering organisational commitment.
 - c. challenge existing resistance to change and the belief in the value of hierarchical traditional leadership.
 - d. encourage an environment where individuals are willing to share concerns (for example about wellbeing, welfare, disabilities) more openly and freely. This may then result in an increased reporting rate of misconduct due to confidence in whistleblowing.
 - e. this could, in turn, invite a broader set of individuals who wish to enter the policing profession and participate in public life.
107. Additionally, the specific requirements around candour and openness will also aim to reduce organisational defensiveness during official proceedings. This will enable for the full disclosure of relevant documents, material and facts to proceedings and assist the search for the truth. This will, in turn, enable a learning culture where policing organisations can learn from external scrutiny. This will also ensure that official proceedings (such as inquiries and inquests) are kept inquisitorial, as this is the optimal way to assist getting to the truth and working in the public interest.

²³IOPC Public perceptions tracker summary report - 2022/23: <https://www.policeconduct.gov.uk/publications/public-perceptions-tracker-summary-report-202223>

²⁴ Evidence Case, Culture and Capacity: <https://www.college.police.uk/guidance/effective-supervision/culture-and-capacity>

NPSV, BNPV, EANDCB

Table 6: Option 2 summary costs, benefits, NPSV, BNPV and EANDCB (£m PV) 10 years, 2023.

Summary	Low	Central	High
Costs			
Total Set up Costs	0.1	0.1	0.1
Total Ongoing Costs	N/A	N/A	N/A
Total Costs	0.1	0.1	0.1
Benefits			
Total Set up Benefits	N/A	N/A	N/A
Total Ongoing Benefits	N/A	N/A	N/A
Total Benefits	N/A	N/A	N/A
NPSV	-0.1	-0.1	-0.1
BNPV	N/A	N/A	N/A
EANDCB	N/A	N/A	N/A

* Costs have been rounded and so may not add up
Source: Home office, 2023

New Power of Entry for Search and Seizure

General assumptions and data

108. It is assumed that all stolen goods which will be seized will be mobile phones or vehicles, this is in line with the objectives and rationale of the policy. It is assumed that there will be additional charges as a result of the new power of entry. These additional volumes are set out in Tables 5 and 6.
109. The legislation is expected to take effect from 2024/25. As this is the first year of implementation, it is expected that case volumes through the CJS will be 25 per cent of the steady state. A consistent volume of cases is forecasted from 2025/26 onwards (the steady state). This is reflected in forecasts of annual costs and benefits. Unit CJS costs have been provided by the Ministry of Justice.

Table 7 – Volumes (mobile phone thefts)

Assumption (steady state, annual)	Value	Source / methodology
Number of thefts reported to police	Low: 123,480 Best: 161,317 High: 199,153	The low estimate is based on the estimated number of mobile phone owners experiencing theft ²⁵ multiplied by the proportion of victims that report mobile phone theft to police ²⁶ . The high estimate is based on the number of annual mobile phone thefts reported to the Metropolitan Police in year ending March 2023 ²⁷ , extrapolated nationally based on theft from the person and robbery police recorded crimes ²⁸ . The best estimate takes the mid-point of these two estimates.
Proportion of offences where search warrant may be used	29%	Based on the percentage of offences where no suspect is identified (76%, using equal weighting of outcomes for: theft from the person, other personal theft, and robbery offences ²⁹) and the proportion of mobile phone owners with tracking capability ³⁰ .
Charge rate	Low: 0.71% Best: 1.42% High: 2.13%	Equal weighting of outcomes for: theft from the person, other personal theft, and robbery offences. ³¹ Low and high range based on subtracting or adding 50% to the average charge rate.
Additional charges	Low: 252 Best: 657 High: 1,217	Applying the proportion of offences where a search warrant could be used (due to suspect not being identified, but address being found through tracking) and average charge rates to the number of mobile phone thefts reported to the police.

Source: Home Office estimates

²⁵ Property crime tables, England and Wales - Office for National Statistics (Year ending March 2023, Table 13): <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/focusonpropertycrimeappendixables>

²⁶ Internal Home Office data

²⁷ Internal data provided by Metropolitan Police

²⁸ Crime in England and Wales: police force area data tables - Office for National Statistics (Year ending March 2023, Table P1): <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/policeforceareadatatables>

²⁹ Ministry of Justice, Criminal Justice System statistics quarterly: June 2022, December 2022, <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>

³⁰ Internal Home Office data

³¹ Ministry of Justice, Criminal Justice System statistics quarterly: June 2022, December 2022, <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>

Table 8 – Volumes (vehicle thefts)

Assumption (steady state, annual)	Value	Source / methodology
Number of thefts reported to police	135,361	Number of theft of motor vehicle offences reported in year ending March 2023. ³²
Proportion of offences where search warrant may be used	11%	Based on the percentage of theft of motor vehicle offences where no suspect is identified (75% ³³) and the proportion of vehicle owners with tracking capability (15% ³⁴).
Charge rate	Low: 1.29% Best: 2.58% High: 3.88%	Charging outcomes for theft of motor vehicle. ³⁵ Low and high range based on subtracting or adding 50% of charge rate.
Additional charges	Low: 192 Best: 385 High: 577	Applying the proportion of offences where search warrant could be used (due to suspect not being identified, but address being found through tracking) and average charge rates to the number of vehicle thefts reported to the police.

Source: Home Office estimates

110. The assumptions for CJS outcomes are set out in Tables 9 and 10. It is assumed that all charges will be made under possession of stolen goods due to likely difficulties in proving that those at the address perpetrated the original theft offence. The conviction rate for this offence is assumed to be 79 per cent, in line with the annual average for the five years ending June 2022.³⁶
111. Sentencing outcomes are based on the current five-year average of possession of stolen goods for mobile phones, and possession of a stolen motor vehicle.³⁷ Sentencing outcomes for handling stolen mobile phones are expected to be less severe, given the lower value of the item (average £52438). An assumption has therefore been made that the rate of more severe sentencing outcomes (community, suspended, and custodial sentences) will be 50 per cent lower than that of possession of stolen vehicles. A low / high range has been provided for more severe sentencing outcomes, 25 per cent above or below the best estimate.
112. Average custodial sentence lengths (ACSL) are based on the last five years of outcomes by offence data for possession of stolen goods. The low, best and high assumptions for possession of stolen mobile phones is based on the ACSL for those who received custodial sentences of up to 6 months, 9 months, and 12 months respectively. For possession of stolen vehicles, assumptions are based on the ACSL for those who received custodial sentences of up to 16 months, 18 months, and 36 months. These assumptions are based on charging guidelines for handling of stolen goods and the possible categories stolen phone and vehicle possession offences could fall under.

³² Crime in England and Wales: Appendix tables - Office for National Statistics (Year ending March 2023, Table 4a) <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesappendixtables>

³³ Ministry of Justice, Criminal Justice System statistics quarterly: June 2022, December 2022, <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>

³⁴ Nature of crime: vehicle-related theft - Office for National Statistics (Year ending March 2020, Table 11b): <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/natureofcrimevehiclerelatedtheft>

³⁵ Ministry of Justice, Criminal Justice System statistics quarterly: June 2022, December 2022, <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>

³⁶ Ministry of Justice, Criminal Justice System statistics quarterly: June 2022, Outcomes by offence data tool: June 2022, <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>

³⁷ Ministry of Justice, Criminal Justice System statistics quarterly: June 2022, Outcomes by offence data tool: June 2022, <https://www.gov.uk/government/statistics/criminal-justice-system-statistics-quarterly-june-2022>

³⁸ Based on weighted average of 'value of property stolen' for theft from the person and robbery offences. Weighting is based on distribution of mobile phone thefts across the two crime types (internal Home Office data). Property values taken from Home Office Economic and Social Costs of Crime, second edition (2018): https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/732110/the-economic-and-social-costs-of-crime-horr99.pdf

113. The number of additional prison places required is calculated based on the formula below, with the ACSL halved to reflect that offenders serve, on average, half of their custodial sentence.

$$\text{Average Custodial Sentence Length} \times 0.5 \times \text{Total number of custodial sentences}$$

114. It is assumed that 13 per cent of possession of stolen mobile phone cases and 26 per cent of possession of stolen motor vehicle cases will be heard in the Crown Court. The estimate for possession of stolen motor vehicles is based on the average proportion of handling of stolen goods cases heard in the Crown Court in the last five years. The estimate for possession of stolen mobile phone cases is based on the average proportion of theft from the person and other theft cases heard in the Crown Court in the last five years.

Table 9 – Criminal Justice System outcomes (possession of stolen mobile phone)

	Sentencing outcome	Low	Best	High
Sentencing outcomes	Community	11%	14%	18%
	Suspended	5%	7%	9%
	Immediate custody	11%	15%	19%
	Other (discharge, fine, compensation or otherwise dealt with)	73%	64%	55%
Average custodial sentence length (months)		3.0	3.7	3.5
Number of additional prison places required (steady state)		3	12	33

Source: Home Office estimates

Table 10 – Criminal Justice System outcomes (possession of stolen motor vehicle)

	Sentencing outcome	Low	Best	High
Sentencing outcomes	Community	21%	29%	36%
	Suspended	10%	14%	17%
	Immediate custody	22%	30%	37%
	Other (discharge, fine, compensation or otherwise dealt with)	46%	28%	10%
Average custodial sentence length (months)		3.0	5.4	7.3
Number of additional prison places required (steady state)		4	20	51

Source: Home Office estimates

COSTS

Set up costs

Private sector

115. Set up costs to the private sector are expected to be minimal.

Public sector

Familiarisation costs to police

116. This proposed police power is essentially the same as a search warrant, but the search can be authorised by those ranked inspector or above, rather than a magistrate. Familiarisation costs to the police are expected to be negligible as those authorising the searches will already be familiar with the existing process as part of their current role (for example, what constitutes reasonable grounds under the search warrant process).

Prison place set up costs

117. To account for the current low prison capacity, a set up cost of £250,000 is estimated to account for the building of a new prison place. These costs only apply in year one of the appraisal period as a prison place can be reused in future years, and the capacity will not be required until year two (when prison places required will reach steady state). Based on the prison place estimates, the total number

of additional prison places required is between 7 and 85, with a best estimate of 32.³⁹ **The set-up costs of additional prison places needed is between £1.77 million and £21.19 million, with a best estimate of £8.04 million.**

Ongoing costs

Private sector

118. Ongoing costs to the private sector are expected to be minimal.

Public sector

Magistrates' Court costs

119. There is estimated to be between 360 and 1,480 additional Magistrates' Court cases per year in the steady state, with a central estimate of 853. It is estimated that the cost of additional Magistrates' Court cases will be **between £1.62 million and £6.68 million**, with a central estimate of **£3.85 million** (PV) over 10 years.

Crown court costs

120. There is estimated to be between 84 and 314 additional Crown Court cases per year in the steady state, with a central estimate of 189. It is estimated that the cost of additional Crown Court cases will be **between £0.98 million and £3.67 million**, with a central estimate of **£2.21 million** (PV) over 10 years.

Legal aid costs

121. It is assumed that 100 per cent of Crown Court cases and 55 per cent of Magistrates' Court cases will be eligible for legal aid, and that 60 per cent of cases will be eligible for police station legal aid. Legal aid costs associated with additional cases are estimated to be **between £6.67 million and £25.35 million**, with a central estimate of **£15.12 million** over the appraisal period (2024/25 prices, present value).

Prison place costs

122. There is estimated to be between 7 and 85 additional prison places required per year in the steady state for this proposal, with a central estimate of 32. The CJS will incur additional costs associated with these prison places. It is estimated that the cost of additional prison places will be **between £3.46 million and £41.42 million**, with a central estimate of **£15.70 million** (PV) over 10 years.

Probation costs

123. There is estimated to be between 80 and 496 additional probationary sentences per year in the steady state, with a central estimate of 239, as a result of this proposal. The CJS will incur additional costs associated with these probationary sentences. It is estimated that the cost of additional probationary sentences will be **between £2.60 million and £16.13 million**, with a central estimate of **£7.76 million** (PV) over 10 years.

BENEFITS

Setup benefits

124. There are no monetised setup benefits.

Ongoing benefits

Recovery of stolen property

125. For every stolen item recovered, there will be benefits associated with returning the stolen item to its owner, equivalent to the value of the stolen item. The assumed value of a stolen vehicle is £5,253 (2024/25 prices), taken from the unit value of property under the 'theft of vehicle' crime type from the Home Office economic and social costs of crime report.⁴⁰ The assumed value of a stolen mobile

³⁹ Figures may not equal sum of Tables 7 and 8 due to rounding errors.

⁴⁰ The economic and social costs of crime – Second edition:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954485/the-economic-and-social-costs-of-crime-horr99.pdf

phone is £524 (2024/25 prices), based on the weighted average of the unit value of property stolen under the 'robbery' crime type and the unit value of property stolen under the 'theft from the person' crime type. The weighting is based on the proportion of mobile phone theft these crime types account for.⁴¹

- 126. Home Office analysts have assumed that one charge under Option 2 leads to one item of property recovered and returned to it's owner. This is considered a conservative estimate, as there are likely to be cases where an item is recovered with no suspect or charge attached, and other cases where one suspect is charge for multiple stole items which are recovered.
- 127. It is estimated that the benefits of additional stolen items of property recovered and returned will be **between £8.98 million and £28.84 million**, with a central estimate of **£18.59 million** (PV) over 10 years.

Police efficiency savings

- 128. There are expected to be efficiency savings to the police from the removal of the search warrant process. These savings have been calculated based on the estimated number of charges in Option 1 'Do nothing' where the device could be tracked to an address (applying charge rate and proportion of mobile phones / vehicles with tracking capabilities to the total number of offences reported to the police). It is assumed that a search warrant would have been applied for in all of these cases. This is estimated to be between 588 and 2,374 warrants, with a central estimate of 1,379 warrants. It is likely that this underestimates the total number of search warrants applied for in Option 1, 'Do nothing', as there will likely have been search warrants applied for in the do nothing, which did not lead to a charge, and would no longer be necessary in the do something.
- 129. Based on discussions with police forces and the assumptions set out in Table 11, Home Office analysts have estimated the average unit cost to police of applying for a search warrant (£172). It is likely that this underestimates the average cost to the public sector as it does not include savings to other aspects of the CJS (such as courts) due to lack of available evidence.
- 130. It is estimated that the benefits of increased efficiency will be **between £0.79 million and £3.21 million**, with a central estimate of **£1.86 million** (PV) over 10 years.

Table 11 – Search warrant cost assumptions

Assumption	Value
Number of inspector hours required for search warrant process	0.5
Number of constable hours required for search warrant process	6
Inspector median hourly pay	£29.48
Constable median hourly pay	£21.02
Police officer non-wage labour uplift	22%
Unit cost to police of applying for a search warrant	£172

Source: Home Office estimates and Annual Survey of Hours and Earnings (uplifted to 2024/25 prices)⁴²

Non monetised benefits

Improved victim satisfaction/ positive view of police

- 131. There may be improved victim satisfaction among high volume crimes, as a result of the increased capability for police to follow all lines of enquiry, and increased likelihood of obtaining a positive charging outcome.

Opportunity for pro-active policing

⁴¹ Internal Home Office data

⁴² Earnings and hours worked, occupation by four-digit SOC: ASHE Table 14

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>

132. This power affords increased opportunities for intelligence gathering and disruption, which could lead to earlier intervention with prolific offenders, and generally a more proactive approach to policing.

Further seizures

133. Warrantless entries will likely lead to an increase in the number of properties searched, which increases the likelihood of discovering and seizing additional stolen goods or prohibited items such as weapons. This could lead to further recovery of stolen goods and prevention of crime.

Criminal Justice System efficiency savings

134. Search warrants are usually issued by a court following an application by a police officer or other investigator. Reducing the number of search warrants will create time savings for the CJS. These have not been monetised due to lack of available evidence on unit costs of search warrant applications to courts.

Value for money

135. Table 12 presents the monetised costs and benefits identified over the 10 year appraisal period, including the NPSV. The NPSV indicates a net cost, however, the monetised benefits are likely to be underestimated as the assumption on number of stolen goods recovered and returned is conservative, and the time/efficiency savings to Magistrates’ Courts have not been monetised/quantified. The figures in Table 12 also do not include non-monetised benefits such as increased victim satisfaction and opportunities for proactive policing, which should be considered when assessing the value for money of the legislation. As there is no impact to business, both the **Business Net Present Value (BNPV) and the net cost to business (EANDCB)⁴³ are zero.**

Table 12: Estimate of NPSV, £ million (PV) over 10 years

	Low	Central	High
TOTAL BENEFITS (PV)	9.8	20.5	32.0
TOTAL COSTS (PV)	17.2	52.8	114.6
TOTAL NPSV**	-7.4	-32.3	-82.5

Source: Home Office own estimates, 2023, Numbers may not add up due to rounding

DVLA Data

General assumptions and data

136. This legislation is not expected to increase the overall number of times that DVLA data is accessed. The technical changes are already underway as part of an existing programme.

COSTS

Setup costs

137. There are no monetised setup costs

Ongoing costs

138. There are no monetised ongoing costs

Non-monetised costs

139. There will be additional costs to implement a drop-down menu within the system used by law enforcement to access the DVLA data. There will also be additional costs to design the appropriate Regulations and Code of Practice. Comparable exercises have cost around £50,000 including detailed formal consultations. The application used by police and law enforcement agencies to access DVLA data will be updated to capture the reason for the access.

⁴³ This is defined as the Equivalent Annual Net Direct Cost to Business and is the metric used by the Regulatory Policy Committee (RPC). It is referred to as the ‘net cost to business per year’ in this Impact Assessment.

140. The impact of this legislation will be monitored through the annual collection of data from police forces and law enforcement bodies.

BENEFITS

Setup benefits

141. There are no monetised setup benefits

Ongoing benefits

142. There are no monetised ongoing benefits

Non-monetised benefits

143. This is a necessary first step towards supporting police investigations by allowing them to access data automatically for a wider range of purposes. It also bolsters the transparency and governance regime around access to that data set.. These benefits have not been quantified or monetised.

144. Future secondary legislation will define additional purposes for which police and law enforcement personnel can access and use the Driver Data. While the benefits that accrue from this will be difficult to quantify until the regulations have been finalised, the business justifications provided by law enforcement organisations have indicated that automated and therefore faster access to the Driver Data would benefit their operations in at least the following areas:

- a) Protecting life, for example seeking to identify high risk missing persons.
- b) Safeguarding of individuals, for example where having an image of a person can help the police identify that person and keep them from harm.
- c) Protecting property,
- d) Vehicle enabled crime, for example where having images available will help the risk assessment of pre-planned vehicle stops and identify people found in a stopped vehicle.
- e) Prevention, investigation, detection of criminal offences,
- f) Prosecution of criminal offences and the execution of criminal penalties, for example using images to identify individuals suspected of committing criminal offences,
- g) Safeguarding against and the prevention of threats to public security and preserving order,
- h) Common law duties including those around death notifications, for example notifying families of the death of a loved one before the family hears about through other sources such as social media and,
- i) Vetting or discipline investigations of existing or potential police or law enforcement officers or staff.

145. The regulations that are intended to be made under the new legislation will provide further details on bolstering the governance regime.

NPSV, BNPV, EANDCB

Table 13: Option 2 summary costs, benefits, NPSV, BNPV and EANDCB (£m PV) 10 years, 2023.

Summary	Low	Central	High
Costs			
Total Set up Costs	N/A	N/A	N/A
Total Ongoing Costs	N/A	N/A	N/A
Total Costs	N/A	N/A	N/A
Benefits			
Total Set up Benefits	N/A	N/A	N/A
Total Ongoing Benefits	N/A	N/A	N/A
Total Benefits	N/A	N/A	N/A
NPSV			
BNPV	N/A	N/A	N/A
EANDCB	N/A	N/A	N/A

* Costs have been rounded and so may not add up
Source: Home office, 2023

F. Proportionality

146. There is no additional funding for the PAT or to introduce the Code of Practice relating to Ethical Policing measures included in this IA. The costs will be met through current budgets. The costs associated with the measures are also very small. The benefits of these measure are aimed at strengthening the public's confidence in policing. There are multiple factors which impact on trust and confidence in policing. Isolating the impact of these measures is not possible. There are also significant challenges in valuing public confidence in policing. Therefore, it is has not be proportional to quantify and monetise these benefits. The DVLA Data costs and benefits are not monetised because the direct costs are small and the scale of the benefits will be unknown until after the Regulations and Code of Practice are finalised.

G. Risks

New appeal routes to the Police Appeals Tribunal

147. The main risk is extensive additional use of the appeals system, which could undermine confidence in the disciplinary system. However, this measure is complemented by the measure introducing a presumption of dismissal for proven gross misconduct. Therefore, this risk is likely to be mitigated.

Introduce Code of Practice relating to Ethical Policing

148. Chief officers must give regard to the Code of Practice, however there can be no full assurance that chief officers and the officers and staff they lead will follow the guidance. This will also be difficult to monitor as judgements of openness and transparency can be hard to assess. It is expected that HMICFRS and PCCs will hold chief officers to account in this area
149. The implementation of the Code of Practice and therefore the duty of candour will vary across the police forces that the guidance is relevant to. This will mean that there may be a different understanding of how to follow the guidance for officers. This may mean that there will be variations

of adherence to the guidance and the duty. This will be repeated for local policing bodies (PCCs) as scrutiny functions will differ across force areas.

New Power of Entry for Search and Seizure

150. Summary data and evidence risks: There is a risk that the volume of offences impacted by the proposal is understated, as the analysis assumes that only mobile phone and vehicle theft will be impacted/ tracked. In reality, there are countless items of property that can be tracked, and circumstances where a stolen good can be identified in a property without a tracking device. There are similar evidence risks around the volume of mobile phone theft, as police recorded crime data and data from the Crime Survey for England and Wales provide different figures. There is also uncertainty around volumes and the proportion of such cases that will be additionally charged. Low, medium, and high assumptions-based scenarios have been used in the appraisal to mitigate these risks.
151. There is a risk that the benefits captured in the analysis are underestimated. It is assumed that one charge is equivalent to one stolen item recovered and returned. In reality, there may be circumstances where an item is recovered with no suspect attached, or one suspect/charge has multiple items of stolen property.
152. Powers of entry and search without the use of search warrants are by nature highly intrusive and are currently available to police only in a limited number of circumstances. Whilst police recognise the operational value of this proposed new power, they have also raised several concerns around their ability to use the power accurately and the accompanying risk to public confidence, and the risk to police officers themselves if mistakes are made. To reduce the risk of police entering the wrong address additional corroboration of the location would be required in multi story dwellings or homes of multiple occupancy. Without this corroboration there would be a risk of police forcing entry to homes of individuals who have committed no offence which would decrease confidence in policing and potentially cause property damage for which the police force would be financially liable.
153. Should stolen items be seized, they may not be returned to victims quickly if there is to be any chance of a suspect being charged and prosecuted. Police may need to retain stolen items as evidence to support a prosecution, for example to ensure forensic examination can take place. Depending on the timeframe, this would likely delay the point at which benefits are accrued and increase victim frustration. .

DVLA Data

154. The measures in this legislation have been introduced to clarify the existing legislation. They therefore reduce risk. The future regulations made under these proposed measures aims to introduce additional purposes for access and use of the DVLA driver data by the police and law enforcement bodies. There is a small risk that the data will be inappropriately used. There is a greater risk that the perception of misuse or of overreach will damage confidence in the wider use. The access regime is being designed to mitigate against this risk. There will be strong independent audit and inspection requirements and ongoing consultation with communities built into the operating methodology.

H. Direct costs and benefits to business calculations

155. There are no direct costs and benefits to business from these measures.

I. Wider impacts

156. These measures are concentrated on police operational systems and have no wider impacts.

J. Trade Impact

157. There is no direct impact on trade from these measures.

K. Monitoring and evaluation plan

New appeal routes to the Police Appeals Tribunal

158. Statistics on police misconduct are now published annually by the Home Office and will capture the number of appeals brought to the PAT by chief officers under the new legislation. Data collated by The Association of Policing and Crime Chief Executives (APACE) has been provided on the number of judicial review applications brought by chief officers against misconduct panel decisions.
159. The expectation would be that this measure leads to a reduction in appeals going to judicial review, and an increase in those taken via the new route to a PAT. However, given the introduction of a separate measure to make dismissal the presumption in cases of proven misconduct, it is expected overall volumes to be low. The impact of this measure will therefore be monitored initially via the Home Office and APACE datasets. If further evaluation work is deemed necessary once monitoring data is available in future, plans will be developed accordingly.

Introduce Code of Practice relating to Ethical Policing

160. The implementation of the Code of Practice for ethical policing will be primarily led by policing itself. This will include:
- a. **Internal and external communications for police forces.** This will include the development of materials (such as videos) to promote case studies representing the important principles of the Code of Ethics.
 - b. **Events including various partners to launch the Code of Ethics.** This will include those bodies who will be holding chief officers to account (see paragraph 96).
 - c. **Development of knowledge and learning material.** This will ensure that all new entry routes incorporate the new Code of Ethics (including the Code of Practice for ethical policing and duty of candour).
 - d. **Awareness for those who assess misconduct,** including training for Professional Standards Departments.
161. HMICFRS and PCCs will hold chief officers to account. This is not a statutory , so while there will be guidance, PCCs and HMICFRS can decide how to scrutinise chief officers. HMICFRS will undertake inspections as part of their regular schedule to assess the implementation of the broader Code of Ethics. PCCs as part of their normal scrutiny functions and the APCC as part of their grant funding have a deliverable related to this area of work.
162. The regularity of a review for the Code of Practice every five years will also mean that this is regularly assessed and can adapt to any necessary changes to reinforce parts of the guidance. This will also mean that the Home Secretary will receive assurance that the Code of Practice is being updated appropriately and that the Department (and those on the consultee list) will have regular oversight of the content.

Powers of Entry

163. The expectation would be that there would be fewer search warrants applied for as a result of this power, and a greater number of stolen items retrieved. The number of searches undertaken using the new power, or the change (reduction) in the number of search warrants applied for, could be identified to help monitor the effectiveness of the legislation.

DVLA Data:

164. A committee structure is being established to steer the development of the regulations and Code of Practice. This will include the responsibilities to be undertaken by police and law enforcement bodies in relation to consultation with communities and the audit requirements over the use of driver Information for police and law enforcement purposes.

L. Annexes

112. There are no annexes to this impact assessment

Impact Assessment Checklist

Mandatory specific impact test - Statutory Equalities Duties	Complete
<p>Statutory Equalities Duties</p> <p>The public sector equality duty requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations in the course of developing policies and delivering services. [Equality Duty Toolkit]</p> <p>The SRO has agreed these summary findings.</p>	Yes

Economic Impact Tests

Does your policy option/proposal consider...?	Yes/No (page)
<p>Business Impact Target The Small Business, Enterprise and Employment Act 2015 (s. 21-23) creates a requirement to assess the economic impacts of qualifying regulatory provisions on the activities of business and civil society organisations. [Better Regulation Framework Manual]</p>	Yes
<p>Review clauses The Small Business, Enterprise and Employment Act 2015 (s. 28) creates a duty to include a review clause in secondary legislation containing regulations that impact business or civil society organisations.</p>	N/A
<p>Small and Micro-business Assessment (SaMBA) The SaMBA is a Better Regulation requirement intended to ensure that all new regulatory proposals are designed and implemented so as to mitigate disproportionate burdens. The SaMBA must be applied to all domestic measures that regulate business and civil society organisations, unless they qualify for the fast track. [Better Regulation Framework Manual] or [Check with the Home Office Better Regulation Unit]</p>	Yes
<p>Clarity of legislation Introducing new legislation provides an opportunity to improve the clarity of existing legislation. Legislation with multiple amendments should be consolidated, and redundant legislation removed, where it is proportionate to do so.</p>	N/A
<p>Primary Authority Any new Government legislation which is to be enforced by local authorities will need to demonstrate consideration for the inclusion of Primary Authority, and give a rationale for any exclusion, in order to obtain Cabinet Committee clearance. [Primary Authority: A Guide for Officials]</p>	N/A
<p>New Burdens Doctrine The new burdens doctrine is part of a suite of measures to ensure Council Tax payers do not face excessive increases. It requires all Whitehall departments to justify why new duties, powers, targets and other bureaucratic burdens should be placed on local authorities, as well as how much these policies and initiatives will cost and where the money will come from to pay for them. [New burdens doctrine: guidance for government departments]</p>	N/A
<p>Competition The Competition guidance provides an overview of when and how policymakers can consider the competition implications of their proposals, including understanding whether a detailed competition assessment is necessary. [Government In Markets Guidance]</p>	N/A

Social Impact Tests

<p>New Criminal Offence Proposals Proposed new criminal offences will need to be agreed with the Ministry of Justice (MOJ) at an early stage. The Justice Impact Test (see below) should be completed for all such proposals and agreement reached with MOJ before writing to Home Affairs Committee (HAC) for clearance. Please allow 3-4 weeks for your proposals to be considered.</p>	Yes
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<p>Justice Impact Test</p> <p>The justice impact test is a mandatory specific impact test, as part of the impact assessment process that considers the impact of government policy and legislative proposals on the justice system. [Justice Impact Test Guidance]</p>	Yes
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<p>Privacy Impacts</p> <p>A Privacy Impact Assessment supports an assessment of the privacy risks to individuals in the collection, use and disclosure of information. [Privacy Impact Assessment Guidance] or [Contact the Corporate Security Information Assurance Team Helpline on 020 7035 4969]</p>	N/A
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<p>Family Test</p> <p>The objective of the test is to introduce a family perspective to the policy making process. It will ensure that policy makers recognise and make explicit the potential impacts on family relationships in the process of developing and agreeing new policy. [Family Test Guidance]</p>	N/A
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<p>Powers of Entry</p> <p>A Home Office-led gateway has been set up to consider proposals for new powers of entry, to prevent the creation of needless powers, reduce unnecessary intrusion into people’s homes and to minimise disruption to businesses. [Powers of Entry Guidance]</p>	Yes
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<p>Health Impact Assessment of Government Policy</p> <p>The Health Impact Assessment is a means of developing better, evidenced-based policy by careful consideration of the impact on the health of the population. [Health Impact Assessment Guidance]</p>	N/A
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Environmental Impact Tests

<p>Environmental Impacts</p> <p>The purpose of the environmental impact guidance is to provide guidance and supporting material to enable departments to understand and quantify, where possible in monetary terms, the wider environmental consequences of their proposals. [Environmental Impact Assessment Guidance]</p>	N/A
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<p>Sustainable Development Impacts</p> <p>Guidance for policy officials to enable government departments to identify key sustainable development impacts of their policy options. <i>This test includes the Environmental Impact test cited above.</i> [Sustainable Development Impact Test]</p>	N/A
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<p>Rural Proofing</p> <p>Guidance for policy officials to ensure that the needs of rural people, communities and businesses are properly considered. [Rural Proofing Guidance]</p>	N/A
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