EXPLANATORY MEMORANDUM TO

THE CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) (AMENDMENT) REGULATIONS 2010

2010 No. 647

AND

THE CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) (WALES) (AMENDMENT) REGULATIONS 2010

2010 No. 648

1. 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The Crime and Disorder (Formulation and Implementation of Strategy) (Amendment) Regulations 2010 ('the first instrument') makes amendments to the Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 ('the 2007 Regulations') to take into account the requirement for Community Safety Partnerships ('CSPs') to formulate and implement a strategy to reduce re-offending being introduced in the Policing and Crime Act 2009 ('the 2009 Act'). The first instrument also makes amendments to the 2007 Regulations to reflect the fact that it will be possible for providers of probation services in a particular area to be 'responsible authorities' on CSPs rather than just 'co-operating bodies'. The Crime and Disorder (Formulation and Implementation of Strategy) (Wales) (Amendment) Regulations 2010 ('the second instrument') makes equivalent amendments for Wales.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Crime and Disorder Act 1998 ('the 1998 Act') established partnerships between the police, local authorities, fire and rescue authorities, Primary Care Trusts and police authorities. The purpose of these partnerships was to ensure that all these agencies work together to tackle local crime and disorder.

4.2 The 1998 Act places a duty on these 'responsible authorities' to formulate and implement a strategy to reduce crime and disorder and combat substance misuse. Section 6 of the 1998 Act provides the Secretary of State (or in relation to Wales the Secretary of State and Welsh Ministers) with the

power to make Regulations specifying how CSPs should prepare these strategies. The current 2007 Regulations (and equivalent Regulations for Wales) explain how CSPs should identify and address crime and disorder priorities, engage with communities, share information and work with other CSPs where they are part of the same county structure in England.

4.3 Section 108 of the 2009 Act which will be commenced on 1st April 2010 extends the duties and membership of CSPs to strengthen partnerships' ability to tackle re-offending. It will make it possible for providers of probation services in a particular area to be 'responsible authorities' in that area. Previously, they were simply under a duty to cooperate with the responsible authorities. The 2009 Act also places CSPs under a duty to prepare a strategy to reduce re-offending. The 2007 Regulations and equivalent Regulations for Wales need updating to reflect these changes.

5. Territorial Extent and Application

5.1 The first instrument applies to England only. The second instrument applies to Wales only.

6. European Convention on Human Rights

6.1 As both instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 Reducing re-offending is an increasing priority for CSPs and other partnerships, which are the focal point for bringing together and coordinating the actions of housing, health services, local authorities, the police and other key players to help resettle and rehabilitate offenders. In order to encourage and formalise this work, the Policing Green Paper, 'From the Neighbourhood to the National: Policing Our Communities Together', proposed that probation trusts be added by statute to the list of responsible authorities, and that the duties of CSPs should be expanded to include formulating and implementing a strategy to reduce re-offending.

7.2 In recognition of the critical role of the probation services in local partnership delivery and the ability of CSPs to bring together key local players in reducing re-offending, the Policing and Crime Act 2009 therefore extends strengthens the duties of CSPs to include formulating and implementing a strategy to reduce re-offending. It also makes it possible for probation service providers to be responsible authorities. The majority of CSPs have already adopted a more holistic approach to tackling crime that embraces reducing re-offending and probation is already a 'co-operating body' on CSPs. However, the changes introduced by the 2009 Act will consolidate and strengthen this work.

7.3 The revised requirements for formulating and implementing strategies will apply for the quarter starting on the 1 April 2010. When preparing their strategies after this date, CSPs will need to ensure they include reference to reducing re-offending.

- ***Consolidation***

7.5 This is the first time the 2007 Regulations have been amended and the Department therefore considers that consolidation is not necessary at this time.

8. Consultation outcome

8.1 Amendments to these Regulations are required following the changes to the Crime and Disorder Act 1998 introduced by section 108 of the Policing and Crime Act 2009. There was a public consultation on the changes made by the 2009 Act through the Policing Green Paper 'From the Neighbourhood to the National: Policing Our Communities Together' published in July 2008. These proposals received support from key stakeholders, including Chief Probation Officers, the Local Government Association and many practitioners.

9. Guidance

9.1 Guidance for CSPs, relating to the changes being made by these Regulations and section 108 of the 2009 Act, has been prepared by the Ministry of Justice, National Offender Management Service and Home Office, and will be published on the Home Office crime reduction website in early March 2010.

10. Impact

10.1 A separate Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is minimal.

10.3 A Regulatory Impact Assessment (RIA) was prepared before the 2007 Regulations came into force. It was anticipated that, because these Regulations define the minimum standards of CSPs, compliance with them should be a straightforward process for the majority of CSPs and would not result in any significant increase in burdens.

10.4 An impact assessment on the relevant provisions of the 2009 Act, which form the basis of the changes to the 2007 Regulations, was carried out in October 2008. It was anticipated that as CSPs already undertake some work to reduce re-offending and probation service providers are already involved in CSPs as co-operating bodies, any costs resulting from these changes could be absorbed within existing budgets and would be likely to be offset by the anticipated benefits from joint working and improved commissioning.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Government Offices for the Regions and the Home Office support CSP performance through regular meetings to discuss and review performance issues, informed by regular contact with CSPs. This role includes supporting CSPs to implement the 2007 Regulations. The Home Office currently provides a range of support to help CSPs improve their capacity and capability and this will support the implementation of these minimum standards. The Secretary of State also has a power under section 7 of the Crime and Disorder Act 1998 to require CSPs to provide a report on such matters connected with the exercise of their functions as the Secretary of State may require.

13. Contact

Katie Ratcliffe at the Home Office, telephone: 0207 035 3171 or e-mail: Katie.ratcliffe@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.