EXPLANATORY MEMORANDUM TO

THE POLICING PLAN (AMENDMENT) REGULATIONS 2010

2010 No. 422

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 Policing Plan (Amendment) Regulations 2010 amend the Policing Plan Regulations 2008 ("the 2008 Regulations") by requiring that a policing plan issued by a police authority must include a Value for Money Statement ("VMS"), and setting out the information that the VMS must contain .

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

3.1. None.

4. Legislative Context

4.1. The Police and Justice Act 2006 amended the Police Act 1996 by inserting a new section 6ZB requiring police authorities to issue an annual policing plan and setting out some of the matters that the plan must address. The 2008 Regulations, made under that section, specify matters that must be considered by a police authority before issuing a policing plan, and additional information that must be contained in the plan.

4.2. Regulation 4(d) of the 2008 Regulations requires the police authority to set out in its policing plan any planned increases in the efficiency and productivity of the police force, and how such increases will be achieved. These Regulations will substitute for this a requirement to set out planned improvements in efficiency and productivity in more detail in a VMS.

5. Territorial Extent and Application

5.1. This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1. As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1. The purpose of section 6ZB of the Police Act 1996 and the 2008 Regulations is to ensure that policing plans comprehensively address the policing issues that

arise in a police authority's area. These amendments will ensure that policing plans continue to fulfil this purpose by specifying more detailed reporting requirements for efficiency and productivity.

7.2. Improved value for money to deliver an improved level of service to the public is central to policing in the coming years. Police authorities will challenge their forces on the value for money they deliver. The VMS will be part of that challenge to forces. It will require them to set out in greater, more meaningful detail their plans for delivery of efficiency and productivity improvements. The specific list of reporting requirements set out in the Regulations reflects the themes which are identified in the 2009 Policing White Paper ("Protecting the Public: Supporting the Police to Succeed") as likely to contribute significantly to improving Value for Money.

7.3. The VMS will serve a dual purpose. It will communicate a clear message to taxpayers about how forces and authorities plan to deliver the greatest value for their investment in policing, and it will contribute to Her Majesty's Inspectorate of Constabulary's assessment of force and authority ambition on value for money.

7.4. It is necessary to make provision for this in legislation to ensure that all police authorities' policing plans include this information. This reflects the importance of forces and authorities maximising value for money.

8. Consultation Outcome

8.1. In accordance with the Police Act 1996, consultation has taken place with the Association of Chief Police Officers, the Association of Police Authorities, Her Majesty's Inspectorate of Constabulary, The Local Government Association, the Welsh Local Government Association, the Independent Police Complaints Commission, the Greater London Authority, the Metropolitan Police Authority, the British Association of Women in Policing, the Black and Asian Police Association and the Gay Police Association.

8.2. The formal consultation lasted for five weeks. The Regulations were generally welcomed in principle, but the Home Secretary was asked to consider some suggested redrafting. Responses that have been incorporated into the Regulations laid include: use of simpler and more consistent terminology; addition of reference to improvements through collaborative working; addition of a requirement for police authorities to identify the timescales within which planned improvements were to take effect; and amendment of the wording of the provision relating to support services to avoid micromanagement.

8.3. The Home Secretary was asked to consider whether introducing the VMS is proportionate. It was suggested that the Regulations give rise to a very significant requirement to create and maintain an excessive bureaucracy in order to comply. The Government believes that the VMS reflects the importance of the implementation of efficiency and productivity improvements. Authorities already set out a headline figure in their policing plan, which must already be underpinned by more detailed plans in many areas of work. An indication of

how headline savings will be delivered to improve force value for money will make the report more accessible to the public.

8.4. It is noted that there will be a relatively short period between these regulations commencing and the final date that Police Authorities must issue a plan. This was raised as a concern in the consultation. However, the Home Office published its commitment to introduce these regulations in the Policing White Paper, "Protecting the Public: Supporting the Police to Succeed", published on 3 December 2009. The timescale for implementation was set out at this time. A draft copy of the regulations was circulated for consultation in December 2009, and a draft copy of guidance is being drawn up with input from the Home Office, the Association of Police Authorities, the Association of Chief Police Officers and Her Majesty's Inspectorate of Constabulary. It is therefore considered that Police Authorities have been aware of what requirements will be placed on them in March 2010, and will be able to comply with the regulations when they commence.

8.5. The Home Office does not intend to consolidate this amendment to the Policing Plan Regulations 2008 (SI 321/2008) to form a consolidated set of regulations. This is the first amendment made to those Regulations.

9. Guidance

9.1. Guidance will be published by the Association of Police Authorities on the preparation of the Value for Money Statement when the Regulations come into effect.

10. Impact

10.1. A full Impact Assessment has not been carried out as it was concluded this instrument has no impact on business, charities or voluntary bodies, and the impact on public bodies would be less than £50,000 per annum.

10.2. This policy was screened for impact on equality on 25 January 2010. There were no responses to the consultation on the draft Policing Plan (Amendment) Regulations 2010 raising potential equality and diversity implications. It is considered that they introduce a change to the reporting requirements for police authorities and forces, but create no new obligations that might have an equality impact. As a result of this screening, it has been decided that a full equality impact assessment is not required.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 We will continue to work closely with the APA and individual police authorities as these regulations are implemented, including in the writing of guidance.

13. **Contact**

13.1. Kit McDonald at the Home Office (Tel: 020 7035 1870 or e-mail: Christopher.mcdonald16@homeoffice.gsi.gov.uk) can answer any queries regarding this instrument.

EQUALITY IMPACT SCREENING REPORT

Background:

These regulations update requirements for producing policing plans so that the general public can readily see how their Police Force and Authority are making the most of the money invested in them.

Screening analysis:

A wide range of organisations representing a number of groups were invited to respond to the consultation on the draft Policing Plan (Amendment) Regulations 2010. These included The Black and Asian Police Association, The British Association of Women in Policing, British Sikh Police Association, The Christian Police Association, The Evangelical Alliance, The Gay Police Association, The National Disabled Police Association and The Stephen Lawrence Charitable Trust.

Comments were requested as to whether the draft regulations presented any potential implications for equality and diversity in police authorities or in police authority work.

No organisation responded that they thought the regulations would have implications for equality and diversity.

The regulations amend the specific requirements to be published on efficiency and productivity in the policing plan. They require more detailed reporting in the form of a Value for Money Statement. There is no change to the work of the force as a result of the new reporting requirements that will have an impact on equality.