EXPLANATORY MEMORANDUM TO

THE PREVENTION AND REDUCTION OF SERIOUS VIOLENCE (STRATEGIES ETC.) REGULATIONS 2022

2022 No. 1304

1. Introduction

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

2. Purpose of the instrument

2.1 This instrument:

(a) sets out requirements for the publication and dissemination of serious violence strategies under section 8 or 9 of the Police, Crime, Sentencing and Courts Act 2022 ("the 2022 Act") (Part 2);

(b) confers functions on local policing bodies to enable them to assist a specified authority in its functions to prevent and reduce serious violence under the 2022 Act (Part 3); and

(c) amends relevant secondary legislation to prescribe requirements for the formulation and implementation of strategies to prevent and reduce serious violence under the Crime and Disorder Act 1998 ("the 1998 Act") (Part 4).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is, for Parts 1 to 3, England and Wales. For Part 4, regulation 10 applies to England and regulation 11 applies to Wales.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 This instrument is the first exercise of the powers in Chapter 1 of Part 2 of the 2022 Act (functions relating to serious violence). Chapter 1 of Part 2 imposes a duty on specified authorities for a local government area to collaborate and plan to prevent and reduce serious violence in their local area (the Serious Violence Duty). The specified authorities (as listed in Schedule 1 of the 2022 Act) are chief officers of police, specified health authorities, local authorities, probation service providers,

youth offending teams and fire and rescue services. As part of that duty, a strategy to prevent and reduce serious violence must be prepared.

6.2 This instrument (under section 8(10) and 9(10) of the 2022 Act) makes further provision relating to the publication and dissemination of strategies to prevent and reduce serious violence (Part 2 of the Regulations). It also (under section 14(4) and (5) of the 2022 Act) confers functions on local policing bodies (namely, Police and Crime Commissioners, the Mayor's Office for Policing and Crime, and the Common Council of the City of London), to enable them to assist specified authorities in discharging their functions relating to the Serious Violence Duty (Part 3 of the Regulations).

6.3 This instrument also makes amendments to relevant secondary legislation to take into account the requirement inserted into the 1998 Act by section 20 of the 2022 Act for responsible authorities (being the police, local authorities, fire and rescue authorities, health authorities, and commonly referred to collectively as a Community Safety Partnership) to formulate and implement a strategy to prevent people from being involved in, and reduce instances of serious violence in their local government area (under section 6 of the 1998 Act).

6.4 The instrument (under section 6 of the 1998 Act) amends the following regulations (together "the 2007 Regulations"), which set out the way in which the responsible authorities are to identify and address priorities, engage with communities, sharing information and work with other CSPs, under section 6 of the 1998 Act, to include requirements relating to strategies to prevent and reduce serious violence (Part 4 of the Regulations):

- The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 (S.I. 2007/1830) (as amended) which apply to England; and
- The Crime and Disorder (Formulation and Implementation of Strategy) (Wales) Regulations 2007 (S.I. 2007/3076) (as amended) which apply to Wales.

7. Policy background

What is being done and why?

7.1 In April 2018, the Government published its Serious Violence Strategy to help further tackle knife crime, gun crime and homicide. The Strategy explained that the Government's approach was not solely focused on law enforcement but depended on partnerships across a number of sectors such as education, health, social services, housing, youth services and victim services. The Strategy is available at: https://www.gov.uk/government/publications/serious-violence-strategy.

7.2 In April 2019, the Home Office published a consultation paper seeking views on options to implement a multi-agency or "public health" approach to preventing and tackling serious violence. The Government response proposed a new duty on relevant agencies to collaborate, where possible through existing partnership structures, to prevent and reduce serious violence and to amend the 1998 Act, which sets out the strategies CSPs must formulate and implement, to explicitly include serious violence. The consultation paper and Government response is available at: https://www.gov.uk/government/consultations/serious-violence-new-legal-duty-to-support-multi-agency-action/outcome/government-response-accessible-version. Chapter 1 of Part 2 of the 2022 Act gives effect to these proposals. This will ensure

that local partners work together to prevent and reduce serious violence, whilst giving them freedom to decide how they can best carry out their functions. These Regulations will come into force on 31 January 2023, when the remaining relevant Serious Violence Duty provisions in Chapter 1 of Part 2 of the 2022 Act will also be commenced and local partners will have to deliver their serious violence strategies within a year.

7.3 **Part 2** of these Regulations provides for the publication and dissemination of a serious violence strategy, including revised strategies, prepared under section 8 or 9 of the 2022 Act. All strategies must be published as soon as reasonably practicable after they have been prepared. Specified authorities must publish their first section 8 strategy by the 31 January 2024, which is a year after the Duty commences; where specified authorities collaborate together, this first section 8 strategy could also be prepared under section 9 of the 2022 Act (meaning it may cover an area larger than a local government area, in accordance with section 8(9) of the 2022 Act). Each strategy must be placed on the website of a specified authority or a local policing body for the local government area to which it relates (or, where specified authorities collaborate across local government areas under section 9 of the Act, on a website for each local government area) and published in such other form as the specified authorities consider appropriate noting the need to bring it to the attention of different groups and persons in the area. This will ensure the strategy is available and accessible in the local areas to which it relates. The serious violence strategies must also be submitted to the Secretary of State for the Home Department and the Welsh Minister (for government areas all or part in Wales) within 7 days of publication (with the date of publication being "day 1"). This will enable monitoring of compliance of the Duty provisions and impacts on reductions in serious violence. Failure to deliver local serious violence strategies will be escalated through grant arrangements with local policing bodies and ultimately reported to Ministers. Where strategies relate to local government areas in Wales (in all or in part), the strategy must be published in both English and Welsh.

7.4 **Part 3** of these Regulations confers functions on local policing bodies for a police area (the police and crime commissioner, Mayor's Office for Policing and Crime and the Common Council of the City of London, as the case may be) to enable them to assist a specified authority in relation to the Serious Violence Duty under the 2022 Act. This includes making grants to specified authorities, convening and chairing meetings, requiring representatives of the specified authorities, relevant authorities (educational, prison or youth custody authorities) or such other persons as they consider appropriate to attend such meetings, and providing administrative and management support to the specified authority. This will enable monitoring of compliance of the Duty provisions and impacts on reductions in serious violence. Failure to deliver local serious violence strategies will be escalated through grant arrangements with local policing bodies and ultimately reported to Ministers. Where strategies relate to local government areas in Wales (in all or in part), the strategy must be published in both English and Welsh. This will enable local policing bodies to effectively support the specified authorities in their areas and recognises the key role they play in tackling serious violence in their local area.

7.5 **Part 4** makes amendments to the existing secondary legislation, made under the 1998 Act, which make provision for the formulation and implementation of strategies by Community Safety Partnerships (CSPs), placing a statutory duty on them to prepare a strategy setting out how they plan to reduce crime and disorder locally. Preventing

and reducing serious violence is an increasing priority for CSPs. The 2022 Act added two additional statutory purposes for CSP strategies: preventing people from becoming involved in serious violence and reducing instances of serious violence. This ensures that CSPs will have an explicit role in evidence based strategic action on serious violence, and these amendments made by this instrument ensure that the existing framework for formulation and implementation of CSP strategies apply equally to strategies relating to serious violence. The revised requirements for formulating and implementing strategies will apply from 31 January 2023. When preparing strategies after this date, CSPs will need to ensure they include reference to preventing people from becoming involved in, and reducing instances of serious violence in, the local area. As members of CSPs (responsible authorities) will be subject to both the requirements of the 2022 Act and the amendments to the 1998 Act, this will enable them to escalate local serious violence issues to a higher strategic level where necessary and appropriate.

What did any law do before the changes to be made by this instrument?

7.6 The is the first instrument being made relating to the Serious Violence Duty provisions under Chapter 1 of Part 2 of the 2022 Act.

7.7 The 2007 Regulations made provision as to the formulation and implementation of strategies by responsible authorities (Community Safety Partnerships) for the reduction of crime and disorder, re-offending and (in England) substance misuse. These regulations extend those provisions to also apply to strategies to prevent and reduce serious violence.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 This is the first instrument made under the powers in Chapter 1 of Part 2 of the 2022 Act. As such a consolidation is not relevant to those provisions.

9.2 As the amendments to the 2007 Regulations (made under the 1998 Act) are relatively limited, the Department does not consider that consolidation would be appropriate.

10. Consultation outcome

10.1 A broad policy intent for the Regulations were included in a formal public consultation on statutory guidance for the Serious Violence Duty between 6 June and 19 July 2022. 99 responses to the consultation were received and the Government response will be published prior to commencement of the Regulations. Alongside the consultation, we have engaged directly with a number of key stakeholders impacted by these Regulations, notably, the Local Government Association (alongside representatives from Community Safety Partnerships), the Association of Police and Crime Commissioners and National Police Chiefs Council. Welsh Government officials have been directly involved in developing the policy intent and Welsh Ministers have been formally consulted on the Regulations and are content.

10.2 General feedback from stakeholders through the consultation urged us to make the Regulations simple and non- bureaucratic ensuring there was no duplication, e.g, not requiring specified authorities to produce hard copies of a strategy and requesting that

strategies covering Welsh local government areas are also submitted to Welsh Ministers. These were the general principles we abided to when drafting the Regulations. Local policing bodies wanted us to further facilitate their role as lead convenor of the Duty. Therefore, in addition to enabling them to provide grant funding, convene and chair meetings, and invite persons to attend such meetings, we also conferred administrative and management support functions on them (this reflects the role that many are taking on already in relation to serious violence in their police area). We also accepted a recommendation from Welsh Government that there should be a mechanism for Welsh Ministers to be directly of publication of local strategies being published in their local government areas.

11. Guidance

11.1 Statutory guidance will support implementation of the Duty. This has been published in draft and subject to public consultation and is available at https://www.gov.uk/government/consultations/serious-violence-duty. A final version will be published prior to the Duty provisions coming into force and will be in place prior to implementation. The guidance includes information on these Regulations. Section 19 (guidance) of the 2022 Act requires specified authorities, prescribed persons and bodies, and relevant authorities to have regard to any such guidance in exercising their functions under Chapter 1 of Part 2 of the 2022 Act.

12. Impact

12.1 There is no significant impact on business, charities or voluntary bodies. They may be asked to contribute to the development of a local strategy, but the costs are expected to be negligible.

12.2 The impact will be limited to specified or relevant authorities under the 2022 Act, on whom new duties have been imposed with costs estimated in the published impact assessment and new burdens Government funding provided to meet these.

12.3 A full Impact Assessment has not been prepared for this instrument because one was published for the Serious Violence Duty provisions, contained in Chapter 1 of Part 2 of the 2022 Act, in their entirety. This shows that the total estimated costs of the Serious Violence Duty each year is between £15-£23 million. A copy of this impact assessment is available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/967790/Serious_Violence_Duty_IA.pdf.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 A process evaluation to understand how the Serious Violence Duty is being implemented in practice and the challenges has been commissioned. Informal reviews of the effect and impact of the provisions, through a National Oversight Group (which includes national representatives for specified and relevant authorities), will be undertaken following interim and final reports.

14.2 The instrument does not include a statutory review clause.

15. Contact

15.1 Sara Featherstone at the Home Office Telephone: sara.featherstone@homeoffice.gov.uk can be contacted with any queries regarding the instrument.

15.2 Laura Baynton, Deputy Director for Serious Violence Unit, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.

15.3 Minister Chris Philp at the Home Office can confirm that this Explanatory Memorandum meets the required standard.