

POLICE REFORM ACT 2002

EXPLANATORY NOTES

BACKGROUND

Part 1: Powers of the Secretary of State

14. The Government wishes to improve performance in the police service, bringing all forces up to the level of the best. In legislative terms, this involves:
- A National Policing Plan that will set out the Government's priorities for policing and how they are to be delivered, and the indicators by which performance will be measured.
 - A three tiered approach to good practice – regulations, codes of practice and guidance – to ensure that good operational and management policies for policing are applied throughout the service. Regulations are binding in law on chief officers and must be applied. The Secretary of State already has powers under the Police Act 1996 (the 1996 Act) to make regulations in various circumstances. This Act extends the scope of those regulation-making powers. Codes of practice are the means of ensuring that all chief officers reflect good practice into the particular approach of their force in the interests of efficiency and effectiveness. They differ from regulations in that although all chief officers must have regard to them, they allow for variation in the light of local circumstances. The 1996 Act already contains provision for codes of practice to which police authorities must have regard; this Act introduces a parallel provision for chief officers. The third tier, guidance, is not usually issued under any statutory authority and so for the generality of police operational and management policies, is not addressed in this Act. However, the Act does contain a number of provisions to issue guidance in specific areas, for example the matters to be contained in three-year strategy plans. Guidance is already issued by the Home Office, ACPO, HM Inspectorate of Constabulary (HMIC) and others: the decisions of chief officers should be informed by the guidance, but they are not bound by it.
 - Further measures that will allow the Secretary of State to intervene in a force where HMIC is satisfied the force is not efficient or effective. Section 40 of the 1996 Act already allows the Secretary of State to direct a police authority to take specific remedial action following an adverse report by HMIC; the Act widens the ways in which the Secretary of State can take such action. In particular, the Act introduces a new power enabling the Secretary of State to direct a police authority to produce, in conjunction with the relevant chief officer, an action plan to address the poor performance highlighted by HMIC. The Act also allows the Secretary of State to require that HMIC inspects a force or part of a force.