

**EXPLANATORY MEMORANDUM TO
THE CRIME AND DISORDER (PRESCRIBED INFORMATION)
(AMENDMENT) REGULATIONS 2010**

2010 No. 656

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 (Prescribed Information) (Amendment) Regulations 2010 ('the instrument') makes amendments to the Crime and Disorder (Prescribed Information) Regulations 2007 ('the 2007 Regulations') to update the information which certain public authorities are required to share with one another. In particular they take into account changes to the National Incident Category List (NICL), the Notifiable Offences List (NOL) and Fire Statistics UK, which are referenced in the 2007 Regulations. The instrument also removes the reference to racial incidents in the area as defined in accordance with Best Value Performance Indicators (BVPI), as local authorities are no longer required to report against these indicators.

2.2 The instrument also introduces a reference to specific depersonalised information that providers of probation services in an area must share with other relevant authorities. Such providers can become 'responsible authorities' from April 2010 (in accordance with section 108 of the Policing and Crime Act 2009 ('the 2009 Act')).

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

3.1 None.

4. **Legislative Context**

4.1 The 2007 Regulations, made under section 17A(2) of the Crime and Disorder Act 1998 ('the 1998 Act'), set out the depersonalised information which relevant authorities (such as the police, local authorities, primary care trusts/local health boards, fire services and providers of probation services) are under a duty to share with one another. They require the information to be disclosed in electronic form on a quarterly basis. Some of the information prescribed in the 2007 Regulations is defined by reference to the NICL, the NOL, Fire Statistics UK and the BVPI. The NICL and the NOL have now been amended, Fire Statistics UK has been superseded by the Incident Recording System, and local authorities are no longer required to collect information on racial incidents against the BVPIs. Information on racial incidents captured by the police in accordance with the hate qualifiers contained in the NICL, is already covered by paragraph 1 of the Schedule to the 2007 Regulations.

4.2 Furthermore, in accordance with section 108 of the Policing and Crime Act, which makes it possible for providers of probation services to become responsible authorities on 1 April 2010, information held by probation services must now be added to the list of information that is to be disclosed in this way. The 2007 Regulations need to be updated accordingly.

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

- *What is being done and why*

7.1 The 1998 Act introduced a new requirement for the police, local authorities and other key agencies to work together in Community Safety Partnerships (CSPs) in England and Wales (previously referred to as Crime and Disorder Reduction Partnerships in England and Community Safety Partnerships in Wales). The landscape in which these partnerships deliver has changed over time so a formal review of the provisions of the 1998 Act was carried out in 2004-5.

7.2 Following this review, the Home Office undertook a programme of reform to adjust the statutory requirements placed on CSPs to both relieve unnecessary burdens and to introduce some underpinning minimum standards. In particular, the Police and Justice Act 2006 inserted a new section 17A into the 1998 Act, requiring partners in CSPs to share such depersonalised information as may be prescribed in regulations made by the Secretary of State.

7.3 The 2007 Regulations prescribe the information to be shared and provide for this to take place on a quarterly basis. These minimum requirements ensure that all partnerships have at least the minimum information necessary to identify priorities, map trends and patterns in crime and disorder and manage their performance.

7.4 Section 108 of the Policing and Crime Act 2009, 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' of CSPs in that area. The sharing of information held by probation services on the profile of offending, the assessment of offenders' criminogenic needs and the future risk of harm and re-offending will help partnerships carry out their shared duty to reduce re-offending. Amendments are required to the 2007 Regulations so this information can be shared accordingly.

7.5 The revised definitions of the references contained in the Schedule to the 2007 Regulations, and the addition of information to be shared by providers of probation services, will apply for the quarter starting on 1 April 2010. This is not retrospective. Section 17A (1) of the 1998 Act makes clear that the duty is to disclose information held by the relevant authority, not to obtain additional information, and the information for the quarter commencing on 1 April 2010 will have to be shared by 30 September 2010.

- ***Consolidation***

7.6 This is the second time the 2007 Regulations have been amended. The Department has no current plans to consolidate the legislation.

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. A public consultation on the 2007 regulations was carried out at the time and those Regulations were drafted with stakeholder input, following considerable support from stakeholders for duty to share information. The changes to the 1998 Act introduced by the 2009 Act were consulted on publicly through the Policing Green Paper published in July 2008, and received support from key stakeholders.

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 jointly 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. The Home Office will also publish separately comprehensive guidance on information sharing for CSPs in 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. As the duty to disclose information only applied to information already held by a relevant authority, the 2007 Regulations do not require the collection of additional information. Where further changes in practice were needed, it was anticipated that these would be achievable within existing resources. It is not anticipated that the changes to the Regulations will have any resource implications, but the Home Office will work with the Ministry of Justice and National Offender Management Service to monitor this through discussions with stakeholders over the next 12 months.

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 the CSP 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 The Home Office will work with MOJ and NOMS to monitor the situation for probation service providers as new responsible authorities, and will work with other relevant Government departments and stakeholders to consider what more can be done to enable improved sharing of information amongst local partners.

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.