

Have you got what it takes?

Providing a national policing response

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Important facts

From November 2012 both police and crime commissioners (PCCs) and chief constables must 'have regard to' (have to take account of) the strategic policing requirement (SPR) when carrying out their responsibilities, including in their planning and deciding how to use resources.

The SPR will be a statement of the collective abilities that police forces across England and Wales will be expected to have in place to protect the public from serious harm and maintain national security. PCCs and chief constables will have to contribute towards that national effort.

PCCs will hold their chief constables to account for policing in their area. The SPR will support PCCs to properly prioritise the national policing issues that all forces must respond to, as well as the local crime and policing issues that the community raise

Chief constables must 'have regard to' the SPR when carrying out their duties. PCCs will also have to do the same when setting their local crime and policing plans, and they will have to hold chief constables to account for having regard to the SPR when carrying out their functions.

On 21 November the Home Secretary published a 'shadow' SPR which covers the threats of terrorism, organised crime, public order and major civil emergency.

Background

The Police Reform and Social Responsibility Act (PRSR Act) 2011 introduced a requirement for the Home Secretary to publish a strategic policing requirement which sets out her view, as Home Secretary, of the national threats that the police must deal with and the appropriate national policing abilities needed to deal with those threats.

The SPR will only focus on those areas where there is a need to make sure that sufficient skills and resources are in place to respond to serious and cross-boundary criminal activity and to support the work of national agencies such as, in future, the National Crime Agency. The shadow SPR, which was issued in November 2011, covers the threats of terrorism, organised crime, public order and major civil emergency.

Before issuing the SPR, the Home Secretary must take advice from representatives of both chief constables and PCCs. She may also consult others with an interest. In preparing the Shadow SPR, the Home Secretary gathered advice from the Association of Chief Police Officers (ACPO), the Association of Police Authorities (APA) and the Association of Police Authority Chief Executives (APACE) and also consulted Her Majesty's Inspectorate

of Constabulary (HMIC), the Serious Organised Crime Agency (SOCA) and the Security Service.

The Home Secretary issued a shadow SPR in November 2011. The shadow SPR does not, at this stage, have any legal effect, but policing partners have been strongly encouraged to take account of it when carrying out their responsibilities and to use this as an opportunity to test and learn from it before the statutory SPR is issued in the summer.

What will be in the strategic policing requirement?

The strategic policing requirement will focus only on those policing functions that come together at a national level. Examples include protecting the public from terrorism, organised crime, public disorder and civil unrest, and planning for and responding to civil emergencies. These may, at times, bring resources from many forces together to tackle threats or criminal activity that either cross police boundaries or are of such a scale they could not be managed by a single police force acting alone. The SPR would make sure that key local force resources can work effectively, and without significant obstacle, with those of other forces and other partners.

How will a PCC be held to account for 'having regard' to the strategic policing requirement?

The public would hold the PCC to account, and HMIC will help with this by shining a light on police force performance. Police and crime panels will scrutinise the decisions taken by PCCs, including making reports and recommendations about their police and crime plan.

If a PCC does not carry out their duty to 'have regard to' the SPR in preparing their plan, this may have the effect that the police force fails to perform its national or international responsibilities to a satisfactory level. In those circumstances the Home Secretary can tell the PCC to take action.

References to the strategic policing requirement in the Police Reform and Social Responsibility (PRSR) Act 2011

The Home Secretary's duty to issue a strategic policing requirement is set out in section 37A of the Police Act 1996, as substituted by section 77 of the Police Reform and Social Responsibility Act. Section 37A also says that a chief constable must, in carrying out the functions of chief constable, have regard to the strategic policing requirement.

The following sections of the PRSR Act 2011 are also relevant.

- **Section 1 (8)(b) A PCC must make the chief constable accountable for having regard to the strategic policing requirement.**
- **Section 3 (8)(b) The Mayor's Office for Policing and Crime must hold the commissioner to account for the same.**
- **Section 5(5) PCCs will have to have regard to the SPR when setting out their police and crime plans.**
- **Section 6(5) The Mayor's Office for Policing and Crime will have to have regard to the SPR when setting out their police and crime plans.**
- **Section 94 amends section 96A of the Police Act 1996 to say that the Home Secretary may enter into an agreement or issue a direction in terms of the force's national or international functions to any PCC.**

What is the role of the PCC in putting the strategic policing requirement into practice?

The Home Secretary will issue the SPR after taking advice from representatives of both chief officers and PCCs. Chief constables will be under a strong duty to keep to the SPR unless there is a particular reason why they should not (and in which case they might be expected to have to explain why they chose not to). PCCs will have to take account of the SPR when setting their local crime and policing plans, and they will have to hold chief constables to account for keeping to the SPR when carrying out their functions.

What does 'have regard to' mean in practice?

This is a strong and appropriate duty. It places a significant emphasis on the PCC or chief constable having to keep to the SPR unless there is a particular reason why they should not (and in which case they might be expected to have to explain why they chose not to). The same form of words is used for codes and guidance issued in a range of areas as well as policing, including local government, housing, education, child welfare and health.