

Policing and Crime Bill

Reforming the Powers of Police Staff and Volunteers

Background

1. The Road Traffic and Roads Improvement Act 1960 for the first time enabled police powers to be conferred on persons other than warranted police officers, by creating the role of traffic warden and awarding them powers over static traffic. The Police Reform Act 2002 (“the 2002 Act”) took this concept and developed it much more widely, with the creation of the roles of Police Community Support Officer (PCSO), Investigating Officer, Detention Officer, and Escort Officer.
2. At present, each 2002 Act role has a range of different powers:
 - PCSO: 18 standard powers, 44 discretionary powers
 - Investigating Officers: 12 discretionary powers
 - Detention Officers: 12 discretionary powers
 - Escort Officers: 2 discretionary powers
3. Standard powers of PCSOs are those which are automatically given by the act of designating someone as a PCSO; discretionary powers in all four roles are those which a chief officer may designate staff to use, as long as the chief considers the person to be suitable, capable and appropriately trained.
4. Currently, volunteers – which have been part of the policing landscape since 1831 – can be given the full power of a police officer – as a special constable – or no powers at all, so police volunteers in other capacities are unable to exercise any policing powers.

Case for change

5. The Government was elected on a manifesto commitment to “finish the job of police reform”. Part of this commitment is to enable chief officers to make better use of police staff and volunteers, which would free up police officers to focus on their key tasks. This will help the Government to implement Recommendation 7 of the College of Policing’s Leadership Review¹, namely to increase flexibility in assigning powers and legal authorities to staff and the recommendations made in the Winsor Report of 2012² to create a more skilled and effective police workforce.

¹ http://www.college.police.uk/What-we-do/Development/Promotion/the-leadership-review/Documents/Leadership_Review_Final_June-2015.pdf - page 34.

² <http://webarchive.nationalarchives.gov.uk/20130312170833/http://review.police.uk/publications/part-2-report/>

Consultation

6. In October 2015, the Home Office consulted on various reforms of the powers and roles of police staff and volunteers³, including:
 - giving greater flexibility to chief police officers in the way they designate powers to their operational staff;
 - enabling volunteers to be designated with powers in the same way as paid staff;
 - setting out in a single piece of legislation a list of 'core' powers that would be available only to police officers; and
 - abolishing the office of traffic warden, which is now almost obsolete.

7. Some 150 responses to the consultation were received from a wide range of representative bodies and individuals, including from members of police forces, existing police staff and volunteers and from the wider public. The majority of the responses were supportive of all our proposed reforms⁴:
 - the vast majority of responses (86%) agreed with the principal proposal to give chief officers a greater level of control over the designation of powers on their staff;
 - 67% of responses agreed that chief officers should be able to designate powers on volunteers;
 - the proposal to create a list of powers exercisable only by police officers was extremely well received, with 92.5% of respondents welcoming this.

Solutions

8. The Bill amends the 2002 Act to:
 - give greater control to chief officers over the powers of their designated staff (such as traffic control or detention and escort powers);
 - preserve the current role of Police Community Support Officer;
 - amalgamate the existing roles of Investigating Officer, Detention Officer and Escort Officer into a single role of Policing Support Officer;
 - create a single list of the 'core' powers that would remain exclusive to police officers, including the powers of arrest, stop and search and intimate search while in detention, terrorism powers, powers under the Official Secrets Acts and the Regulation of Investigatory Powers Act 2000, powers exercisable by a constable of a particular rank, and the power to perform the functions of a custody officer;

³ <https://www.gov.uk/government/consultations/reforming-the-powers-of-police-staff-and-volunteers>

⁴ The response to the consultation, published on 20 January 2016, is available at:
<https://www.gov.uk/government/consultations/reforming-the-powers-of-police-staff-and-volunteers>

- create an order-making power for the Secretary of State to add to the list of police powers which cannot be delegated to staff or volunteers; and
 - enable chief officers also to be able to designate volunteers with powers, under the same suitability conditions as police staff, creating the roles of Police Community Support Volunteer and Policing Support Volunteer.
9. The Bill also abolishes the office of traffic warden, which has largely been rendered obsolete by the transfer to local authorities of the enforcement of parking restrictions by the Traffic Management Act 2004.

**Home Office
July 2016**

Case Study: Volunteer Police Community Support Officers, Lincolnshire Police

Lincolnshire Police identified a gap in volunteer policing to provide visible uniformed presence that meets the demand from volunteers for roles without the full powers of a Special Constable.

In response, the force has pioneered the role of Volunteer Police Community Support Officer (VPCSO). The role includes community engagement, working with the local policing team on minor incidents including anti-social behaviour (ASB), providing reassurance to victims and gathering information and intelligence.

VPCSOs receive the same training as PCSOs and are mentored by PCSOs. Lincolnshire VPCSOs have the same uniform as their PCSOs, with the addition of a small 'V' on their arm badge. However, until these changes are made, VPCSOs have no powers.

The financial benefit of VPCSOs is estimated at £4 return for every £1 invested, including upfront costs. Significantly, Lincolnshire has a volunteer charter in conjunction with the Police Federation and UNISON agreeing that volunteers will not be used to replace employed staff or undercut their pay and conditions of service.

So far five other forces have expressed an interest in the Lincolnshire initiative, demonstrating a desire to pilot the concept more widely.

The success of this pilot has resulted in Lincolnshire VPCSOs poised to go on independent patrol in the very near future, thus highlighting a need for police volunteers to have relevant powers designated to them by the chief officer.