

ESSEX POLICE

Consultation Paper: Community Safety Accreditation Scheme

1. INTRODUCTION

The Police Reform Act 2002 (PRA 2002) empowers the Chief Constable to introduce a 'community safety accreditation scheme'. Whilst there is no statutory requirement for such an 'accreditation scheme' in every police force area, community safety accreditation is part of central government's wider police reform programme. The Government seeks to bring the 'extended police family' together under one local scheme – police, special constabulary, police community support officers, neighbourhood or borough wardens and private security companies to address anti-social behaviour.

In its simplest sense, community safety accreditation is a "stamp of approval" which enables an organisation and its employees to exercise some powers, which have hitherto largely been only available to police officers and police staff employed by police forces. Importantly, accreditation also involves chief police officers in setting appropriate standards for accredited organisations, ensuring that they are maintained, and in setting appropriate limits on the exercise of additional powers.

The Chief Constable of Essex is currently considering whether or not to introduce a community safety accreditation scheme (CSAS) to the Essex Police area, and if so, what form such a scheme should take.

Employers of 'accredited community safety staff' would benefit from greater public confidence that they and their employees had reached acceptable standards of appearance, suitability for post (including vetting and competence), training, management and accountability for their actions. The Police Service would also benefit through increased 'information gathering' opportunities – more pairs of eyes working in partnership - that should reduce crime and disorder throughout the community, whilst increasing feelings of public well-being.

It is considered that the majority of applications will be via Local Authorities or Housing Associations but are likely to include private security firms, NHS Trusts, vehicle inspection authorities, charitable organisations and some companies in the leisure industry (e.g. football stewards). Any employer involved in community safety may apply for accreditation.

The PRA states that a CSAS can only be established if the Chief Officer considers it appropriate for the purposes of:

- (a) contributing to community safety and security: AND
- (b) in co-operation with the police force for the area, combating crime and disorder, public nuisance and other forms of anti-social behaviour.

Before establishing a CSAS – a Chief Officer must consult with the Police Authority and every Local Authority in the police area.

The PRA states that 'A Chief Officer shall not grant accreditation to a person unless Satisfied:

- (a) That the person's employer is fit and proper to supervise.
- (b) That the person him/herself is a suitable person,
- (c) That the person is capable of effectively exercising powers
- (d) That the person has received adequate training.

Chief Officers may charge such fees as considered appropriate for:

- (a) considering an application for or renewal of accreditation
- (b) granting such accreditation.

Accredited Persons (AP's) will receive an 'Accreditation Card' and a 'Home Office' approved 'Community Safety Scheme Accredited' badge for display on uniform.



(Badge shown 'actual' size)

2. CONSULTATION

Essex Police have a close working relationship with fourteen Crime and Disorder Reduction Partnerships in Essex, together with three Drug and Alcohol Action Teams, three Youth Offending Teams, fifteen Local Strategic Partnerships, and a range of other partnership fora.

Apart from existing partnership arrangements, the PRA (2002), requires that consultation must be undertaken not only with the respective Police Authority, but also with every Local Authority within a police force area, before a community safety accreditation scheme is established (Section 40(4), PR Act 2002). Although some guidance has already been published by the Home Office and by the

Association of Chief Police Officers, it is understandably limited in its scope leaving many issues at the discretion of Chief Officers. It is clear that a number of options could exist for an accreditation scheme within a police force area.

The purpose of this paper is to seek the views of partner agencies, with the aim of achieving a consensus approach to a possible community safety accreditation scheme in Essex.

Though the actual detail of the nature and scope of community safety accreditation schemes still remains, to some extent, uncertain, there is a statutory requirement (Section 40(7) PR Act 2002) for each police force's annual Policing Plan (a joint responsibility of the Police Authority and the Chief Constable) to contain details, from April 2004 onwards, of community safety accreditation schemes which operate in that police force area, or, if there is not one, an explanation as to why not.

It is requested that any responses in relation to this initial consultation exercise be returned to Essex Police Project Manager direct, by 1 March 2004.

3. BACKGROUND INFORMATION

The provision of large amounts of background information, especially as appendices, can tend to confuse rather than help. Nevertheless, there are documents, which are available via the Internet, which may be of assistance to you. If this particular consultation paper is received in electronic format, (and you have automatic internet access), the following hyperlinks should direct you straight to useful background information.

- A copy of the Police Reform Act 2002 can be found at:

<http://www.hms0.gov.uk/acts/acts2002/20020030.htm>

- A briefing paper on community safety accreditation schemes, which mainly takes the form of "frequently asked questions", can be found on the Home Office's Police Reform website at:

<http://www.policereform.gov.uk/docs/communitysafety.pdf>

- Later in this consultation paper reference is made to the impact of the Private Security Industry Act 2001. A copy of this Act can be found at:

<http://www.legislation.hms0.gov.uk/acts/acts2001/20010012.htm>

- The Security Industry Authority, formed largely to implement requirements of the Private Security Industry Act 2001, has a useful website at:

<http://www.the-sia.org.uk>

Amongst other things, the Security Industry Authority website contains a "plain English" explanation of various provisions of the Private Security Industry Act,

including Section 13 (which deals with local authorities and their potential involvement in door supervisor registration).

4. IMPACT OF THE SECURITY INDUSTRY ACT 2001

Whereas community safety accreditation under the Police Reform Act 2002 tends to deal with community safety organisations rather than individual operatives, the Private Security Industry Act 2001 is designed towards compulsory individual licensing of certain operatives, with voluntary registration of the organisations that might employ them.

Implementation of the Private Security Industry Act 2001, will take place over the next three years:– licensing of door supervisors & wheel clampers in 2004; security guards & keyholders in 2005, and private investigators and security consultants in 2006. Decisions over the processes that will attach to the registration of employing organisations by the Security Industry Authority are still evolving.

It is clear that, had employer registration already been considered by the Security Industry Authority, there would have been something approaching an objective national standard for private security industry companies. This could probably have been translated across to community safety accreditation with little difficulty. Without this, there is something of a decision making void. It would create an obvious difficulty, for instance, if a company was given community safety accreditation under the PRA 2002 and then found that their potential registration with the Security Industry Authority was refused, or vice versa.

This will be even more relevant given the requirements of the new Licensing Act 2003. This requires relevant Local Authorities to develop their own Licensing Policy under Part 1 of that Act, and this will inevitably have to include consideration of approaches towards, for example, door supervisors, who are subject to Security Industry Authority registration.

To what extent do consultees think that a community safety accreditation scheme in Essex should be linked to the same objective performance requirements (e.g. training, competencies) that are likely to be required by the Security Industry Authority?

To what extent do consultees think that, where a particular part of the private security industry are required to seek Security Industry Authority registration, then that SIA registration should be a pre-requisite of any community safety accreditation for their employees in Essex?

5. COMMUNITY SAFETY ACCREDITATION: NON-NEGOTIABLE ISSUES

There are certain aspects of community safety accreditation, which are non-negotiable because they are subject to statute.

It should be emphasised at this stage that this consultation paper does not in any way seek to address other aspects of the “extended police family”. Especially, it is not concerned with railway safety accreditation schemes (Section 43, PR Act

2002), which, though they might operate in Essex, would in essence be sponsored by British Transport Police.

Amongst the “givens” are the following:

(a) Before a scheme is constructed

- A Chief Constable need only establish a community safety accreditation scheme if they consider it appropriate to do so, and the scheme is designed to deal with issues defined in Section 40(3) PR Act -
 - a) *contributing to community safety and security: AND*
 - b) *in co-operation with the police force for the area, combating crime and disorder public nuisance and other forms of anti-social behaviour.*
- The scheme need only confer on accredited organisations that range of powers determined by the Chief Constable (Section 40(2) PR Act 2002).
- A community safety accreditation scheme cannot be established without prior consultation with the Police Authority, and every Local Authority in the police area (Section 40(4) PR Act 2002).
- Each Annual Policing Plan must contain details of existing or changed community safety accreditation schemes, or if there is none, why not, and what plans there are for the future (Section 40(7) PR Act 2002).
- There must be specific provision within a community safety accreditation scheme to ensure that accredited employers are properly managing their employees, even if those employees are working outside the police area in which they are accredited (Section 40(8) PR Act 2002).
- It is the Chief Constable's responsibility to ensure that not only are employers properly managing their employees within the context of accreditation, but also that there is a proper system for recording and dealing with complaints (Section 40(9) PR Act 2002).

Interestingly, whilst there are other provisions in Part 4 of the PRA 2002 for the Secretary of State to make regulations about dealing with complaints, (largely for those people who are employed by police forces), there is no such provision as far as accredited community safety organisations are concerned. Common sense dictates that there should be some accepted and robust system of dealing with complaints, especially given the range of powers that employees of accredited community safety organisations could use in practice. Any complaint's system would be administered by the 'accredited' employer, not Essex Police. The views of consultee's on the nature of their own or any complaints system, as part of community safety accreditation would be welcomed.

(b) Operation of accreditation schemes

- Chief Constables can give blanket accreditation to a particular accredited employer, or can limit the “accreditation powers” to particular employees or parts of that employer’s organisation (Section 41(2) PR Act 2002).
- **All or any** of the powers set out in Schedule 5 of the Act can be granted to an accredited organisation (see hyperlink above to Police Reform Act 2002)
 - Issuing Fixed Penalty Notices (FPN) for dog fouling, littering and riding a bicycle on a footpath;
 - Power to request name and address for Fixed Penalty Offences;
 - Power to request name & address of person acting in antisocial manner;
 - Power to confiscate alcohol from young persons;
 - Power to confiscate cigarettes / tobacco from young people
 - Power to regulate traffic for purposes of escorting abnormal loads;
 - Power to require removal of abandoned vehicles;
 - Power to stop a vehicle for emissions testing.

Note: Accredited Persons will not have the power to ‘detain’ persons who provide a false name and address.

Additional Fixed Penalty Notice ‘powers’ (contained in Criminal Justice and Police Act 2001) will be available to Accredited Persons under the Anti-Social Behaviour Act 2003, when the relevant parts are implemented in 2004.

- Throwing fireworks in a thoroughfare;
- Knowingly give a false alarm to Fire Brigade;
- Trespassing on railway;
- Throwing stones at trains
- Buying or attempting to buy alcohol for consumption in a bar by a person under 18;
- Wasting police time or giving false report;
- Using public telecommunications system for sending message known to be false in order to cause annoyance;
- Consumption of alcohol in designated public place;
- Behaviour likely to cause harassment, alarm or distress.

The Anti-Social Behaviour Act 2003 also contains additional Fixed Penalty powers for Accredited Persons regarding –

- Extending ‘litter’ to include graffiti and fly-posting;
- Power to issue FPN’s to parents for truancy;
- Power to ‘stop’ pedal cyclists if suspected of riding on footpaths

It is feasible that some organisations may want 'Accreditation' without any of the powers – the badge being seen a 'standard' mark i.e. that staff are properly trained and police checked etc. (The private security industry, perceive this as a very 'marketable' attribute).

What powers, if any, would your organisation find of value or wish their staff to be 'accredited' with? If not why not?

Consultee's general views on powers included or omitted would be welcome.

If accreditation is granted, a number of conditions can still apply. For instance, a "person's employer" must be a "fit and proper person" to supervise the carrying out of functions"; the person themselves must be "a suitable person to exercise the powers", and that person must be capable of carrying out the functions effectively, and must have "received adequate training" (Section 41(4) PR Act 2002).

This particular sub-section raises a number of issues regarding the level of 'vetting', qualifications, skill levels, competencies, status of organisation and business record. Accredited organisations and their accredited employees will need to have established and maintain sound personal and professional business standards to achieve and retain accreditation. Your views?

To what extent should a training requirement and indeed a developmental training scheme, be a prerequisite to community safety accreditation? These issues and the nature of any training given will probably have to be dependent on the range of powers and duties likely to be exercised through accredited community safety organisations. The views of consultees would be appreciated.

Chief Constables can charge fees "as considered appropriate" for considering applications for accreditation, renewal of accreditation, or granting accreditation.

The issue of fees is particularly problematic. There has been no guidance nationally on the level of fees, albeit that there is a very clear intent on the part of the Home Office that accreditation schemes should, in essence, be self-financing and not for financial profit. Equally, there is no mention in the PRA 2002 itself of the costs of inspection and audit that will undoubtedly be necessary if Chief Constables are to meet their statutory duty of ensuring that once accredited, organisations and their employees maintain standards. The views of consultees on potential fee levels would be appreciated.

6. IDENTIFYING OBJECTIVE STANDARDS FOR ACCREDITATION

Though some of the requirements for community safety accreditation are already predetermined by statute, and have been identified in preceding paragraphs, the issue of nationally determined and objective standards still remains problematical. What follows in this part of the consultation paper is a series of suggested standards. Some of these have been drawn from documents already prepared by

Association of Chief Police Officers and other police forces, whilst others have been suggested locally.

It must be stressed that these suggested standards do not necessarily represent the views of either the Chief Constable of Essex or the Essex Police Authority at present, but are simply suggested to obtain views of consultees.

(a) Application processes

It is not our intention here to determine the minutiae of application forms and the like, but instead we seek to suggest some broad principles.

Those, especially in Local Authorities, currently involved with the new registration and licensing principles of the Licensing Act 2003 may be familiar with the proposed new process through which applicants apply for a Premises Licence (Part 3, Licensing Act 2003). At the core of this procedure is an Operating Schedule (which is defined in Section 17(4), Licensing Act 2003).

In broad terms the Operating Schedule requires the applicant to identify what they propose to do, how the premises are going to be run, and what steps the potential licensee proposes to take in order to comply with statutory licensing objectives. These statutory licensing objectives include such things as prevention of crime and disorder, public safety aspects, preventing public nuisance, and protecting children from harm. In essence, the Operating Schedule importantly includes a form of risk assessment for the premises concerned.

The broad principles of the Operating Schedule approach to applications for Premises Licences under the Licensing Act 2003 seems to offer a good framework for applications for community safety accreditation. What do consultees think of this type of approach?

Whilst the Chief Constable has to retain statutory responsibility for the determination of community safety accreditation, the involvement of partners will be important. It is possible that organisations seeking community safety accreditation, and their proposed activities, will be of considerable interest, for example, to Crime and Disorder Reduction Partnerships. However, it would also be impractical to consult with each and every partnership over every potential application. Apart from anything else, “consultation overload” is a very real factor in these times, and could, even if unintended, create so much additional bureaucracy that the accreditation system would stand a very real danger of being stifled. There will also be a clear requirement that applications for accreditation are considered expeditiously. But a case could probably be made for routine consultation with some partnerships.

To what extent do consultees think that further consultation over individual applications for community safety accreditation should be considered? If consultees would prefer to be consulted over individual applications, are they certain that they could complete their consideration of any application in just a few days?

(b) Employer/employee standards

The Security Industry Authority is currently working with the Security Industry Training Organisation to develop standards for employees who work within organisations who may, at some time in the future, be registered with the Authority.

Whilst there seems to be considerable potential for transferring any standards identified through this work to the accredited community safety organisation arena, there is, as far as we are aware, no end date yet published for this work.

Nevertheless, it is suggested that a number of standards could be applied within the context of community safety accreditation. These are as follows:

- Each individual for whom accreditation is sought should hold a clearance certificate, to British Standard 7858, from Criminal Records Bureau, and should obtain this prior to the application being made.
- Whilst any application from someone who has a police caution or a minor or expired conviction would be judged on its merits, no individual would be accredited if they had convictions for most offences involving violence, dishonesty, or the unlawful supply of drugs, either current or expired under the Rehabilitation of Offenders Act 1974.
- Where an individual involved with an accredited community safety organisation is convicted of a criminal offence during the period of their accreditation, their accreditation will be immediately suspended and reviewed by the Chief Constable's nominated officer, and the employer of that individual.
- Employers in accredited community safety organisations should agree that, in cases of serious misconduct, especially those involving abuse of powers, accredited employees should be suspended forthwith and the matter brought to the attention of the Chief Constable as soon as practicable and in any case within 28 days.
- Employers within accredited community safety organisations should notify changes of accredited staff to the Chief Constable as soon as practicable and within 28 days.
- Any accredited community safety organisation must have, as a matter of company/organisational policy, a transparent system for the receipt, recording, and handling of complaints. Where an individual has been subject to more than three complaints the matter should be brought to the attention of the Chief Constable's nominated officer for consideration of suspension of the accreditation of either that individual or of the organisation concerned.
- Where an employer who is responsible for an accredited community safety organisation fails to meet the standards required in that accreditation the Chief Constable can withdraw that accreditation forthwith.
- Any accredited organisation will be expected to demonstrate that they operate effective policies in respect of equality of opportunity in recruitment, training

and career progression, as well as policies to confront discrimination on the grounds of gender, race and sexual orientation.

- In addition to displaying the 'approved' Home Office CSAS badge on their uniform, 'accredited persons' will require a photo Identification Card with a standard wording e.g. 'Accredited Person' under Section 41 - Police Reform Act 2002) and an 'accreditation' card listing their 'accredited powers under the PRA for production on demand by a member of the public. This mirrors the requirement for Police Community Support Officers.

Consultees are invited to express a view on these suggestions.
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(c) Accreditation and Statutory Organisation Employers

It is suggested that certain statutory organisations need not be subject to the full range of requirements that might, for example, apply to private sector organisations. This, in a very real sense, recognises existing legal constraints, which already operate as far as statutory bodies like Local Authorities, and Fire Authorities are concerned. This would include, for example, the constraints of Local Government Acts 1999 and 2000, Crime and Disorder Act 1998, and the Race Relations (Amendment) Act 2001. It also recognises that statutory bodies are already likely to have equality of opportunity and anti-discriminatory policies in place.

The suggested difference in approach does not involve diminution of standards, but instead seeks to avoid duplication and unnecessary bureaucracy.

To what extent do consultees think that this amended approach, effectively shortening the process for statutory authorities, would be either necessary or desirable in the circumstances?

(d) Training Standards

Apart from the additional powers which may be exercised by accredited community safety organisations, and the individuals employed by them, there is a broad intent within central government policy that such organisations and their employees will provide public reassurance and reduce the fear of crime. It follows, therefore, that members of the public will have fairly wide expectations, which will undoubtedly exceed the fairly narrow remit of additional powers.

There would seem, therefore, to be little point in going through the process of accrediting organisations, who will in practice operate in a fairly visible way, if the training that they provide to their employees does not move in some way to meet these probable public expectations.

Many of these issues have, of course, already been addressed within the context of existing neighbourhood warden and community warden schemes in Essex.

Nevertheless, in order to meet not only potential public expectations, but also existing employer liability within the context of health and safety legislation and the like, the following list of core skills is suggested (in no particular order of importance):

- Cultural diversity, ethical standards, and community awareness
- Inter-personal skills and resolving conflict
- Basic first aid
- Self defence (empty hand skills)
- The basics of solving local problems and reducing crime and disorder
- Initial crime scene management
- Information gathering
- Evidence gathering and witness skills
- Citizen's powers of arrest
- Fixed penalty notice completion (where appropriate)
- Radio procedures and associated communication skills (where appropriate)
- Fire safety awareness

Consultees are asked for their views on this suggested range of skills.

7. CONCLUSION

Views are welcomed on any aspect of community safety accreditation schemes, and especially on those specific issues highlighted in this consultation paper, by **1st March 2004**.

Responses should be returned direct to:

Inspector Glenn Mayes,
CSAS Project Manager,
C/o Executive Support,
Essex Police HQ,
PO Box 2, Springfield, Chelmsford, Essex CM2 6DA

or glenn.mayes@essex.pnn.police.uk

Thank you for your support in this initiative.

Liam Briggins
Assistant Chief Constable (Crime)
Essex Police

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