



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 1

#### POLICE REFORM

#### CHAPTER 7

##### OTHER PROVISIONS RELATING TO POLICING AND CRIME AND DISORDER

##### *Her Majesty's inspectors of constabulary*

### 83 Functions of HMIC

- (1) Section 54 of the Police Act 1996 (appointment and functions of inspectors of constabulary) is amended as follows.
- (2) In subsection (2) omit “to the Secretary of State”.
- (3) Omit subsection (2A).
- (4) After subsection (2B) insert—
  - “(2BA) The local policing body for a police area may at any time request the inspectors of constabulary to carry out an inspection under this section of a police force maintained for that police area; and a request under this subsection may include a request for the inspection to be confined to a particular part of the force in question, to particular matters or to particular activities of that force.
  - (2BB) Where a local policing body requests the inspectors to carry out an inspection under subsection (2BA), the body must pay to the inspectors such reasonable costs incurred or to be incurred in connection with the inspection as the inspectors may require.”

- (5) Omit subsection (2C).
- (6) In subsection (4)—
  - (a) for “in such form as the Secretary of State may direct” substitute “on the carrying out of inspections under this section”, and
  - (b) for “Secretary of State” (in the third place) substitute “chief inspector”.
- (7) After subsection (4) insert—
  - “(4A) A report under subsection (4) must include the chief inspector’s assessment of the efficiency and effectiveness of policing in England and Wales for the year in respect of which the report is prepared.”.

#### **84 HMIC reports: publication**

- (1) Section 55 of the Police Act 1996 (publication of reports) is amended as follows.
- (2) For subsection (1) substitute—
  - “(1) The inspectors of constabulary must arrange for any report prepared under section 54 to be published in such manner as appears to the inspectors to be appropriate.”.
- (3) For subsection (2) substitute—
  - “(2) But the inspectors of constabulary must exclude from publication under subsection (1) anything that the inspectors consider—
    - (a) would be against the interests of national security, or
    - (b) might jeopardise the safety of any person.
  - (2A) The inspectors must disclose to the Secretary of State anything excluded from publication by virtue of subsection (2).”.
- (4) For subsection (3) substitute—
  - “(3) The inspectors of constabulary must send a copy of the published report to—
    - (a) the Secretary of State,
    - (b) the local policing body maintaining the police force to which the report relates,
    - (c) the chief officer of police of that police force, and
    - (d) any police and crime panel established under section 28 of the Police Reform and Social Responsibility Act 2011 for the police area of that police force.”.
- (5) In subsection (4)—
  - (a) for “police authority” substitute “local policing body”, and
  - (b) for “authority” substitute “body”.
- (6) In subsection (5)—
  - (a) for “police authority” substitute “local policing body”, and
  - (b) in paragraph (c) and in the words following that paragraph, for “authority” substitute “body”.
- (7) In subsection (6) for “police authority” substitute “local policing body”.

(8) Omit subsection (8).

## **85 Inspection programmes and frameworks**

(1) Paragraph 2 of Schedule 4A to the Police Act 1996 (further provision about HMIC) is amended as follows.

(2) In sub-paragraph (1) omit “, or at such times as the Secretary of State may specify by order”.

(3) In sub-paragraph (2) for “each of those persons or bodies” substitute “the Secretary of State”.

(4) After sub-paragraph (2) insert—

“(2A) The chief inspector of constabulary must—

- (a) lay before Parliament a copy of each inspection programme or inspection framework prepared under this paragraph,
- (b) arrange for each such programme or framework to be published in such manner as the chief inspector thinks appropriate, and
- (c) send a copy of each such programme or framework to each of the persons or bodies listed in sub-paragraph (2)(a) to (j).

(2B) But the chief inspector of constabulary must obtain the approval of the Secretary of State to the inspection programme or framework in question before acting under sub-paragraph (2A).”.

(5) In sub-paragraph (3)—

- (a) before “to send” insert “under sub-paragraph (2A)(c)”, and
- (b) for “that sub-paragraph” substitute “sub-paragraph (2)”.

(6) Omit sub-paragraph (4).

(7) Before sub-paragraph (5) insert—

“(4A) The Secretary of State may by order specify matters to which the chief inspector of constabulary must have regard in preparing an inspection programme or an inspection framework.

(4B) Those matters may (in particular) include the need to secure, so far as possible, the following objectives—

- (a) that any requirements placed on police forces as a result of inspections carried out under section 54 are not unduly burdensome; and
- (b) that inspections under that section can be carried out promptly in response to matters that raise issues of national importance in relation to the police.

(4C) For the purposes of sub-paragraph (4B)(b), the Secretary of State may issue guidance as to the matters that raise issues of national importance in relation to the police; and the chief inspector of constabulary must have regard to any such guidance in preparing an inspection programme or an inspection framework.”.

**86 Powers in connection with HMIC inspections**

- (1) In Schedule 4A to the Police Act 1996 (further provision about HMIC), after paragraph 6 insert—

*“Powers of inspectors regarding information etc*

- 6A (1) The chief officer of police of a police force must—
- (a) provide to an inspector such information and documents specified or described in a notification given by the inspector to that chief officer, and
  - (b) produce or deliver up to the inspector all such evidence and other things so specified or described,
- as appear to the inspector to be required for the purposes of an inspection under section 54.
- (2) A notification under sub-paragraph (1) requiring any information or documents to be provided may authorise or require that they be provided electronically.
- (3) Anything that a chief officer is obliged to provide, produce or deliver up by virtue of a requirement imposed under sub-paragraph (1) must be provided, produced or delivered up in such form and manner, and within such period, as may be specified—
- (a) in the notification imposing the requirement, or
  - (b) in any subsequent notification given by the inspector to the chief officer.
- (4) Nothing in this paragraph requires a chief officer—
- (a) to comply with an obligation imposed under sub-paragraph (1) before the earliest time at which it is practicable to do so, or
  - (b) to comply at all with any such obligation if it never becomes practicable to do so.
- (5) In this paragraph—
- “document” means anything in which information of any description is recorded, and
- “inspector” means—
- (a) an inspector of constabulary, or
  - (b) a person appointed under section 56 as an assistant inspector of constabulary or staff officer to the inspectors of constabulary.

*Powers of inspectors regarding access to police premises*

- 6B (1) Sub-paragraph (2) applies if—
- (a) an inspector requires the chief officer of police of a police force to allow the inspector to have access to any premises occupied for the purposes of that force and to documents and other things on those premises, and
  - (b) the requirement is imposed for the purposes of an inspection under section 54.

- (2) The chief officer must secure that the required access is allowed to the inspector.
- (3) Where there are reasonable grounds for not allowing the inspector to have the required access at the time at which the inspector seeks to have it, the obligation under sub-paragraph (2) has effect as an obligation to secure that the required access is allowed to the inspector at the earliest practicable time specified by the inspector after there cease to be any such grounds.
- (4) In this paragraph “document” and “inspector” have the same meanings as in paragraph 6A.”.

## **87 HMIC and freedom of information**

In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general), at the appropriate place insert—

“The chief inspector of constabulary appointed under section 54(1) of the Police Act 1996.”.