

Appendix 1

TITLE: Reciprocal Duties and the Impact on Crime & Disorder

SUBJECT: Section 10 of the Police Reform and Social Responsibility Act 2011

REFERENCE TYPE: Legislation

AT A GLANCE

Reciprocal duties

Introduced under Section 10 of the Police Reform and Social Responsibility Act 2011, reciprocal duties set out in statute new reinforced partnership working arrangements.

These new duties relate to Community Safety Partners and Criminal Justice Partners and now the PCC (Police & Crime Commissioners).

This means that all responsible authorities, including agencies and partnerships now have a statutory obligation which means that they must:

- have regard to the relevant priorities of each responsible authority when exercising its functions
- this applies to all functions an agency carries out, not just when setting priorities
- act in co-operation with each other in exercising its functions, and as a responsible authority, exercise its functions under section 6 of the Crime and Disorder Act

WHAT YOU NEED TO KNOW

Partnership working to reduce and crime and disorder has been extremely successful and delivered positive results over many years.

The main driver, bringing agencies to work together over that period, was the Crime and Disorder Act of 1998.

Particularly relevant were Sections 115, which encouraged agencies to exchange data for the purposes of reducing crime and disorder and Section 17, which outlined an obligation for agencies to work together to achieve the same objective.

Section 17

Section 17 of the Crime & Disorder Act states:

“Without prejudice to any other obligations imposed upon it, it shall be the duty of each authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can to prevent crime and disorder in its area.”

There was however a weakness within Section 17, and that was that practitioners found that it had ‘no teeth’, in that agencies that failed to engage as fully as they should have done could not be compelled to do so.

Section 10 of the Police Reform and Social Responsibility Act 2011

Section 10 addresses this weakness by reinforcing Section 17

It places duties on statutory agencies and now the police and crime commissioners, to have regard to the reduction of crime and disorder and co-operation in carrying out their functions, to the relevant priorities each of the bodies in the police area that are members of community safety partnerships formed under the Crime and Disorder Act 1998.

This requires the members of community safety partnerships to co-operate with each other in the exercise of their respective functions, (except devolved functions in Wales).

PCC's

The Police and Crime Commissioners or the Mayor's Office for Policing and Crime (where applicable) are, in effect, required under section 10 to make arrangements so that their respective functions are exercised so as to provide an efficient and effective criminal justice system for the police area.

This includes cooperation to achieve those objectives from all the statutory agencies. Namely the police, probation services, local authorities, fire and rescue authorities, NHS Primary Care Trusts, and certain criminal justice bodies including the Crown Prosecution Service, Her Majesty's Court Service, the National Offender Management Service, or other providers in relation to Prisons or Probation, and Youth Offending Teams.

This will involve the agreement of protocol or memorandum of understanding to be put in place between the various bodies.

WHAT ARE THE IMPLICATIONS

Not all agencies have grasped the significance and potential impact of the new reciprocal duties or the part the PCC's will play at a local level.

The PCC's will:

- provide a strong and powerful voice for communities and represent views about how crime is prevented and its consequences are tackled
- have a statutory duty to set a police and crime plan for their force area and a budget that focuses on working in partnership to cut crime, as well as maintaining an efficient and effective police force
- be able to commission services from outside of the police force
- work with Chief Constables and Local Partners such as Probation, Health, Education and Local Voluntary Organisations to fulfil their commitments to not only fight crime and antisocial behaviour, but to prevent it, in order to deliver safer streets for their community
- be required to work with community safety and criminal justice partners - reciprocal duties in this area are deliberately broad and flexible, to allow working arrangements to develop in a way that is most meaningful locally, leaving room for innovation

PCCs will need to work with community safety partners, criminal justice agencies and the voluntary sector to help deliver what's important, locally. Where partnerships work well they can prevent duplication, reduce costs and tackle issues by using a joined-up approach.

To be effective partnerships need to be based on action.