

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

POLICING AND CRIME BILL

Fifth Sitting

Thursday 24 March 2016

(Morning)

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CLAUSES 18 to 21 agreed to, one with amendments.
SCHEDULE 5 agreed to, with amendments.
CLAUSES 22 and 23 agreed to, one with amendments.
SCHEDULE 6 agreed to, with amendments.
CLAUSES 24 to 28 agreed to, some with amendments.
SCHEDULES 7 and 8 agreed to.
CLAUSES 29 to 33 agreed to.
SCHEDULE 9 agreed to.
CLAUSE 34 agreed to.
SCHEDULE 10 agreed to.
CLAUSES 35 to 39 agreed to.
SCHEDULE 9 agreed to.
Programme order amended.
Adjourned till Tuesday 12 April at twenty-five past Nine o'clock.
Written evidence reported to the House.

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Monday 28 March 2016

STRICT ADHERENCE TO THIS ARRANGEMENT WILL GREATLY
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IN GENERAL COMMITTEES

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The Committee consisted of the following Members:

Chairs: MR GEORGE HOWARTH, †MR DAVID NUTTALL

- | | |
|--|--|
| † Berry, Jake (<i>Rossendale and Darwen</i>) (Con) | † Jones, Gerald (<i>Merthyr Tydfil and Rhymney</i>) (Lab) |
| † Berry, James (<i>Kingston and Surbiton</i>) (Con) | † Jones, Mr Kevan (<i>North Durham</i>) (Lab) |
| † Bradley, Karen (<i>Parliamentary Under-Secretary of State for the Home Department</i>) | † Milling, Amanda (<i>Cannock Chase</i>) (Con) |
| † Brown, Lyn (<i>West Ham</i>) (Lab) | † Penning, Mike (<i>Minister for Policing, Fire, Criminal Justice and Victims</i>) |
| † Caulfield, Maria (<i>Lewes</i>) (Con) | Saville Roberts, Liz (<i>Dwyfor Meirionnydd</i>) (PC) |
| † Cleverly, James (<i>Braintree</i>) (Con) | † Smith, Jeff (<i>Manchester, Withington</i>) (Lab) |
| † Davies, Mims (<i>Eastleigh</i>) (Con) | Whittaker, Craig (<i>Calder Valley</i>) (Con) |
| † Dromey, Jack (<i>Birmingham, Erdington</i>) (Lab) | |
| † Elphicke, Charlie (<i>Lord Commissioner of Her Majesty's Treasury</i>) | Ben Williams, Marek Kubala, <i>Committee Clerks</i> |
| † Harris, Carolyn (<i>Swansea East</i>) (Lab) | † attended the Committee |

Public Bill Committee

Thursday 24 March 2016

[MR DAVID NUTTALL *in the Chair*]

Policing and Crime Bill

11.30 am

Clauses 18 to 20 ordered to stand part of the Bill.

Clause 21

INVESTIGATIONS BY THE IPCC: WHISTLE-BLOWING

The Minister for Policing, Fire, Criminal Justice and Victims (Mike Penning): I beg to move amendment 131, in clause 21, page 26, line 23, at end insert—

‘29HA Duty to keep whistle-blowers informed

(1) Where the Commission carries out an investigation under section 29E(2), it must keep the whistle-blower properly informed about the progress of the investigation and its outcome.

(2) The Secretary of State may by regulations provide for exceptions to the duty under subsection (1).

(3) The power conferred by subsection (2) may be exercised only to the extent that the Secretary of State considers necessary for any of the permitted non-disclosure purposes.

(4) “The permitted non-disclosure purposes” are—

- (a) preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any actual or prospective criminal proceedings;
- (b) preventing the disclosure of information in any circumstances in which it has been determined in accordance with the regulations that its non-disclosure—
 - (i) is in the interests of national security,
 - (ii) is for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders,
 - (iii) is for the purposes of the investigation of an allegation of misconduct against the whistle-blower or the taking of disciplinary proceedings or other appropriate action in relation to such an allegation,
 - (iv) is for the purposes of an investigation under Part 2 that relates to the whistle-blower,
 - (v) is required on proportionality grounds, or
 - (vi) is otherwise necessary in the public interest.

(5) The non-disclosure of information is required on proportionality grounds if its disclosure would cause, directly or indirectly, an adverse effect which would be disproportionate to the benefits arising from its disclosure.’

This amendment inserts a new section in the new Part 2B of the Police Reform Act 2002, inserted by clause 21. The new section requires the IPCC to keep a whistle-blower informed about an investigation under section 29E(2) of his or her concern and the outcome, subject to exceptions specified in regulations. It also sets out the purposes for which the regulation-making power may be exercised.

The Chair: With this it will be convenient to discuss the following:

Government amendments 132 to 134.

Amendment 162, in clause 21, page 27, line 29, at end insert—

“(ba) representatives of relevant workforces,”

This amendment would add representatives of workforces concerned to those who must be consulted by the Secretary of State before making regulations relating to the disclosure of information to whistle-blowers or other persons specified.

Government amendment 137.

Mike Penning: I will not delay the Committee too long on this group of amendments, but I will bring joy to the shadow Police Minister in a second—something that I did not manage to do for the shadow Fire Minister on Tuesday. Clause 21 strengthens the protections for police whistleblowers by conferring powers on the Independent Police Complaints Commission to investigate concerns raised by whistleblowers without referral from a police force, to keep whistleblowers updated on the progress of the investigation’s outcomes, and to protect the identity of whistleblowers, as we would all wish.

I have looked closely at amendment 162, and there is an anomaly in it. Although I wish the shadow Minister not to press the amendment, I commit to coming back to the issue on Report, because there is a case for consulting the Police Advisory Board, on which the representative bodies—including the Police Federation, the Police Superintendents Association, police officer and staff associations and the Police Staff Council—are represented, to bring it in line with proposed new part 2B of the Police Reform Act 2002.

Mr Kevan Jones (North Durham) (Lab): Will the Minister outline what he has in mind by “specific exceptional circumstances” in the regulations? What will be exceptional?

Mike Penning: It would have to be absolutely exceptional, such as for national security. With that in mind, I thank the shadow Minister for tabling amendment 162, and I will basically do what he is asking for on Report. So that I can formulate it correctly, I ask him not to press amendment 162 but to accept the Government amendments.

Jack Dromey (Birmingham, Erdington) (Lab): The Minister has been helpful, so I will be brief. For clarity, we are not yet talking about amendment 155—we will get to that later.

I will not repeat what the Minister said, and I welcome his undertaking. I say for clarity that of course this is about the unions that represent 55% of the workforce, but it is also about the Police Superintendents Association and the Police Federation. In the more testing areas—such as forensics on the one hand and the interface with the criminal justice system on the other—it is about organisations such as the British Medical Association and the Law Society, for which there are sometimes tricky issues relating to client confidentiality. What he has said is welcome, but I stress that, however important it is that representatives of the workforce are included, there is a wider potential ambit for this clause.

Mike Penning: I thank the shadow Minister for that. Just to clarify, amendment 155 is in the next group. There are already specific amendments in the Bill to the legislation on the Police Advisory Board, but we will look carefully at the board’s membership, and if people need to be added to it, so be it.

Amendment 131 agreed to.

Mike Penning: On a point of order, Mr Nuttall. I am sorry if I missed it, but can we clarify whether Opposition amendment 162 has been withdrawn?

The Chair: The amendment has not been moved formally; we will come to it after these amendments.

Amendments made: 132, in clause 21, page 26, line 34, at end insert—

() The power conferred by subsection (1) may be exercised only to the extent that the Secretary of State considers necessary for any of the permitted disclosure purposes.

() “The permitted disclosure purposes” are—

- (a) the protection of the interests of national security;
- (b) the prevention or detection of crime or the apprehension of offenders;
- (c) the institution or conduct of criminal proceedings;
- (d) the investigation of allegations of misconduct against whistle-blowers and the taking of disciplinary proceedings or other appropriate action in relation to such allegations;
- (e) investigations under Part 2 that relate to whistle-blowers;
- (f) investigations under this Part;
- (g) any other purpose that is for the protection of the public interest.’

The new section 29I of the Police Reform Act 2002, inserted by clause 21, allows the Secretary of State to make regulations authorising the IPCC to disclose the identity of a whistle-blower and the nature of his or her concern (without the whistle-blower’s consent). The amendment provides that the regulation-making power is exercisable only for the permitted disclosure purposes set out in the amendment.

Amendment 133, in clause 21, page 26, line 43, leave out “whistle-blowers or to other”.

This amendment is consequential on Amendment 131.

Amendment 134, in clause 21, page 26, line 47, at end insert—

() The power conferred by subsection (1) may be exercised only to the extent that the Secretary of State considers necessary for any of the permitted disclosure purposes.

() In this section, “the permitted disclosure purposes” has the same meaning as in section 29I.’

The new section 29J of the Police Reform Act 2002, inserted by clause 21, allows the Secretary of State to make regulations authorising the IPCC to disclose information relating to an investigation under section 29E(2) of a whistle-blowers’ concern or its outcome. The amendment provides that the regulation-making power is exercisable only for the permitted disclosure purposes (which are those set out in amendment 132).

Amendment 135, in clause 21, page 27, line 15, at end insert—

“() section 21A (restriction on disclosure of sensitive information);

() section 21B (provision of sensitive information to the Commission);” —(Mike Penning.)

This amendment is consequential on NC2.

Jack Dromey: We will not press amendment 162.

Clause 21, as amended, ordered to stand part of the Bill.

Schedule 5

SCHEDULE TO BE INSERTED AS SCHEDULE 3A TO THE
POLICE REFORM ACT 2002

Amendments made: 136, in schedule 5, page 178, line 34, leave out “19ZD” and insert “19ZC”.

This amendment is consequential on NC2.

Amendment 137, in schedule 5, page 179, line 37, at end insert—

“(4) The power conferred by sub-paragraph (3) may be exercised only to the extent that the Secretary of State considers necessary for any of the permitted non-disclosure purposes.

(5) The Secretary of State may also by regulations make provision for circumstances in which (despite sub-paragraph (2)(b)) a copy of the report may be sent to the appropriate authority without the consent of the whistle-blower.

(6) The power conferred by sub-paragraph (5) may be exercised only to the extent that the Secretary of State considers necessary for any of the permitted disclosure purposes.

(7) Where the Commission would contravene section 21A by sending a copy of a report in its entirety to the whistle-blower or to the appropriate authority, the Commission may comply with its duty under sub-paragraph (2)(a) or (as the case may be) may exercise its power under sub-paragraph (2)(b) (or under regulations under sub-paragraph (5)) by sending instead a copy of the report after having removed or obscured the information which it is prohibited from disclosing by section 21A.

(8) In this paragraph—

(a) “the permitted non-disclosure purposes” has the same meaning as in section 29HA;

(b) “the permitted disclosure purposes” has the same meaning as in section 29I.’ —(Mike Penning.)

Paragraph 5 of the new Schedule 3A to the Police Reform Act 2002, inserted by Schedule 5, deals with reports following the conclusion of an investigation under section 29E. Currently, it requires the IPCC to send a copy of the report to the whistle-blower except in circumstances specified in regulations. The amendment provides that the regulation-making power is exercisable only for particular purposes (the same as those set out in amendment 131). It also gives the Secretary of State power to make regulations allowing the IPCC to send a copy of the report to the appropriate authority without the consent of the whistle-blower but, again, the regulation making power may only be exercised for particular purposes (the same as those set out in amendment 132). The amendment further allows the IPCC to send a redacted report where it would otherwise contravene section 21A (inserted by NC2).

Schedule 5, as amended, agreed to.

Clause 22

DISCIPLINARY PROCEEDINGS: FORMER MEMBERS OF
POLICE FORCES AND FORMER SPECIAL CONSTABLES

The Parliamentary Under-Secretary of State for the Home Department (Karen Bradley): I beg to move amendment 138, in clause 22, page 28, line 35, leave out from “paragraph (a)” to “, or” on line 38.

This amendment is consequential on amendment 139.

The Chair: With this it will be convenient to discuss the following:

Amendment 155, in clause 22, page 28, line 41, leave out from “(a)” to end of subsection.

This amendment would remove the time limit on disciplinary proceedings against former members of police forces and former special constables.

Government amendments 139 to 145.

Government new schedule 1—*Disciplinary proceedings: former members of MoD Police, British Transport Police and Civil Nuclear Constabulary.*

Government amendments 154 and 153.

Karen Bradley: The Government amendments in this group are technical amendments to ensure that the provisions of the clause work as intended.

Jack Dromey: I often say that I have seen at first hand just how far the police have come over the past 30 years. To be frank, I did not get off to the best of starts with the police service, but then I saw excellent elements in it learning painful lessons about what had gone wrong historically, including from the Scarman tribunal and from Macpherson. The police have come a long way from often having poor relationships with communities throughout the country to being one of the most popular institutions in British society. Indeed, all polling evidence shows that the police are between three and four times more popular than we are as Members of Parliament.

Even if the police have come a long way, we are still learning painful lessons from the past. The shadow Home Secretary, my right hon. Friend the Member for Leigh (Andy Burnham), recently convened a powerful seminar on historic injustices, together with Baroness Doreen Lawrence. I will never forget, in particular, the contributions by the Hillsborough families.

Hillsborough was a disaster, a human crush that caused the deaths of 96 people, and injured 766 others, at a football match between Liverpool and Nottingham Forest at Hillsborough stadium, Sheffield, on 15 April 1989. The 1990 official inquiry into the disaster, the Taylor report, concluded that the main reason for it was the failure of police control. What the families said—it was incredibly moving—on the occasion in question was that they wanted justice and closure, but also accountability from those who presided over some disastrous errors, which led to people being killed on that scale.

As we said earlier in the debate, on Tuesday, we are strongly in favour of a different, more balanced approach towards disciplinary and investigatory arrangements for the police service. For example, I have talked about moving away from a blame culture to a learning culture—a culture that does not take every mistake and every wrong through an investigation and disciplinary process. Having said that, where the police get things badly wrong, of course it is right to act to put them right, because the public interest comes first and the victims deserve nothing less.

The amendment would remove the time limit on the initiating of disciplinary proceedings after an officer leaves the force. We strongly welcome the fact that the Bill provides, for the first time, for disciplinary proceedings to be initiated against former officers in circumstances where misconduct does not come to light until after their time in office. Where the proceedings result in a finding that the officer would have been dismissed had he or she still been serving, that officer will be barred from policing and added to the police barred list.

The Government have stated thus far that matters relating to a former officer's misconduct must come to the attention of a chief officer within 12 months of an officer leaving the force. Our concern is that the 12-month period could be unduly restrictive. We know from recent experience, such as the Hillsborough inquest, that it may take many more years for campaigners and families to uncover wrongdoing. It is our view that wrongdoing needs to be put right, whenever it occurred, and that the officers concerned should be held to account.

We had constructive discussions earlier this morning, and I hope that the Government will now reflect further on the proposal, not only because of cases such as Hillsborough but to prevent perverse outcomes that

might happen when one former officer has been out of the force for 13 months and another has been out for 11. Injustices often take some years to come to public light and scrutiny. There should be accountability in those circumstances.

We have had constructive discussions with the Minister, and I hope that she will consider the clause again and return with fresh proposals. In those circumstances, we would not press the amendment to a vote today.

Karen Bradley: I did not say earlier what a pleasure it is to serve under your chairmanship, Mr Nuttall, but it truly is.

I understand much of what the shadow Minister said, but there are a few points that are important to make. First, the time limit we want to apply is for matters relating to misconduct in employment, not criminal matters. It will of course always be possible to investigate criminal matters, but the clause is intended to deal with a problem that we know has existed, when police officers have retired from forces and not been held accountable for mistakes and misconduct. By way of comparison with other forms of employment, I am a chartered accountant and I used to work for large accounting firms. If something came to light today on a piece of advice that I gave 10 or 15 years ago, there is very little that my former employers could do, because I have left. We have to put this in context. We want to make sure that mistakes that have been made are shown to be investigated properly, for public transparency and confidence in the police.

11.45 am

There is a risk that removing the time limit completely might breach article 8 of the European convention on human rights, and there is a risk of successful legal challenge. We need to be mindful of that. The shadow Minister has talked privately about the possibility of a time limit for a complaint to be made of perhaps 12 months after the date at which the misconduct came to light. I am happy to look at that and get legal advice on whether something like that can be done, but we do need some form of time limit. In that context, I hope that the shadow Minister will withdraw the amendment.

Jack Dromey: That is a helpful response. The Minister is absolutely right to draw the distinction between criminal proceedings, for which action can and should be taken, and actions that might constitute gross misconduct, for example.

Karen Bradley: I meant to make another point in my response, which is that the provision can of course be amended by regulation. Should it prove that 12 months is not the right time limit, the Government could change it in any event.

Jack Dromey: We are at one on the principle of accountability; somebody should not escape accountability as a consequence of having left the police service. Therefore a 12-month limit is not appropriate. At this stage, I would not like to arrive at a firm view on whether a time limit should be imposed, but there is flexibility on the Government's part, which we welcome.

We are happy to have discussions with the Government between now and Report, and we hope to be able to resolve the matter then.

Amendment 138 agreed to.

Amendments made: 139, in clause 22, page 28, line 45, at end insert—

“(3B) Regulations made by virtue of subsection (3A) must provide that disciplinary proceedings which are not the first disciplinary proceedings to be taken against the person in respect of the alleged misconduct, inefficiency or ineffectiveness may be taken only if they are commenced within the period specified in the regulations, which must begin with the date when the person ceased to be a member of a police force.”

This amendment provides for the imposition of time limits on when disciplinary proceedings can be taken against a person who has ceased to be a member of a police force if they are not the first disciplinary proceedings to be taken in respect of the particular alleged misconduct, inefficiency or ineffectiveness.

Amendment 140, in clause 22, page 29, line 16, leave out from “paragraph (a)” to “, or” on line 19.

This amendment is consequential on amendment 141.

Amendment 141, in clause 22, page 29, line 26, at end insert—

“(2C) Regulations made by virtue of subsection (2B) must provide that disciplinary proceedings which are not the first disciplinary proceedings to be taken against the person in respect of the alleged misconduct, inefficiency or ineffectiveness may be taken only if they are commenced within the period specified in the regulations, which must begin with the date when the person ceased to be a special constable.”

This amendment is the same as amendment 139 save that it relates to special constables rather than members of police forces.

Amendment 142, in clause 22, page 30, line 25, leave out “this section” and insert “subsections (2) and (3)”.

This amendment and amendment 143 are consequential on amendment 145, which inserts subsection (8) into clause 22. They allow for the possibility that subsection (8) will be commenced at a different time from the rest of the clause.

Amendment 143, in clause 22, page 30, line 30, leave out “this section” and insert “subsections (2) and (3)”.

See the explanatory statement for amendment 142.

Amendment 144, in clause 22, page 30, line 30, at end insert—

“, but only if the alleged misconduct, inefficiency or ineffectiveness is such that, if proved, there could be a finding in relation to the person in disciplinary proceedings that the person would have been dismissed if the person had still been a member of a police force or a special constable.”

This amendment limits the extent to which regulations made in pursuance of section 50(3A) or 51(2B) of the Police Act 1996 (provisions inserted by clause 22 of the Bill) can make provision in relation to former members of police forces and former special constables who leave the police after the coming into force of clause 22 but where the alleged misconduct, inefficiency or ineffectiveness occurred before that date.

Amendment 145, in clause 22, page 30, line 30, at end insert—

“(8) Schedule (Disciplinary proceedings: former members of MoD Police, British Transport Police and Civil Nuclear Constabulary) makes amendments of the Ministry of Defence Police Act 1987, the Railways and Transport Safety Act 2003 and the Energy Act 2004 which produce an equivalent effect to the amendments made by this section.”—(*Karen Bradley.*)

This amendment introduces the new Schedule NS1.

Clause 22, as amended, ordered to stand part of the Bill.

Clause 23 ordered to stand part of the Bill.

Schedule 6

PART TO BE INSERTED AS PART 4A OF THE
POLICE ACT 1996

Amendment proposed: 199, in schedule 6, page 180, leave out lines 22 to 29 and insert—

“(c) the person ceases to be a civilian police employee by virtue of being dismissed and the reason, or one of the reasons, for the dismissal relates to conduct, efficiency or effectiveness;

(d) the person is a former civilian police employee and there is a finding in relation to the person in disciplinary proceedings that the person would have been dismissed if the person had still been such an employee.”—(*Karen Bradley.*)

This amendment and amendments 200, 201, 202, 203, 204, 205, 206, 207 and 208 make provision for the inclusion in the police barred list and police advisory list of civilian employees of the City of London police force, in addition to members of the civilian staff of a police force for a police area listed in Schedule 1 to the Police Act 1996 and of the metropolitan police force.

The Chair: With this it will be convenient to discuss the following:

Amendment 197, in schedule 6, page 180, line 29, at end insert—

“(e) the person is a former police volunteer of the police force and there is a finding in relation to the person in disciplinary proceedings that the person would have been dismissed if the person had still been such a police volunteer;

(f) the person was employed by a company or individual which had entered into a contract with a local policing body or chief officer to provide services to a chief officer and there is a finding in relation to the person in disciplinary proceedings that the person would have been dismissed if the person had still been such an employee.”

This amendment would provide for police volunteers and privately contracted staff to be placed on the barred list.

Government amendments 200 to 203.

Amendment 198, in schedule 6, page 185, line 35, at end insert—

“(c) the person was employed by a company or individual which had entered into a contract with a local policing body or chief constable to provide services to a chief officer and the person ceases to be so employed by resigning or retiring after a relevant allegation about the person comes to the attention of their employer and the relevant authority.”

This amendment would provide for privately contracted staff to be placed on the advisory list.

Government amendments 204 to 209.

Amendment 161, in clause 25, page 32, line 35, at end insert—

“(f) community support volunteers and policing support volunteers.”

This amendment would require guidance concerning disciplinary proceedings issued by the Secretary of State to apply to police volunteers.

Government amendments 210 to 213.

Jack Dromey: My apologies, Mr Nuttall; I, too, should have said that it is a pleasure to serve under your chairmanship.

Amendment 197 would provide the ability to place police volunteers and privately contracted staff on the barred list. Under the Bill, where police officers and special constables have been dismissed following disciplinary

[Jack Dromey]

proceedings, their details will be added to the barred list held by the College of Policing. Chief officers will be barred from appointing anyone on the list as an officer, member of police staff, special constable or police volunteer. That is welcome, subject to the reservations that I am about to raise.

The Bill does not provide for volunteers dismissed for misconduct to be added to the barred list. Such volunteers are therefore not barred from taking up positions with other forces. We understand that police volunteers can be added only to the advisory list, although the legislation could make that clearer. That does not bar them from being appointed, but the advisory list is made available for vetting purposes.

The advisory list is intended to be used in the interim to record information about individuals who are under investigation or subject to proceedings. If the person is dismissed or would have been dismissed, they are effectively transferred to the barred list; however, if the matter is not proven or does not amount to gross misconduct, they are simply removed from the list. Do volunteers wrongly accused of misconduct have an opportunity to be investigated and removed from the advisory list? It is equally troubling that those who have committed gross misconduct cannot be placed on the barred list to ensure that they cannot serve with any force again.

Amendment 197 addresses the issue that the Bill does not provide for private sector staff to be added to the barred list. We find that extremely concerning, given that private sector staff can hold certain policing powers as detention and custody officers. Perhaps the Minister will therefore explain what mechanisms are in place to ensure that privately contracted staff who abuse their policing powers cannot serve again.

In 2012, Deborah Glass, the deputy chair of the Independent Police Complaints Commission, told *The Observer*:

“We believe it is vital for public confidence that all those who perform police-like functions and powers are subject to independent oversight.”

We wholeheartedly agree. In that spirit, the purpose of amendment 197 is to ensure that anyone with warranted powers can properly be held to account and, in instances of gross misconduct, can be prevented from being appointed to a police force.

Amendment 198 is closely linked to amendment 197 and would provide for privately contracted staff to be placed on the advisory list. It is therefore a tidying-up amendment, in line with the thrust of amendment 197, to provide for private sector staff to be added to the advisory list.

Karen Bradley: The creation of a statutory police barred list and police advisory list will bring greater accountability to the police disciplinary system and ensure that those who are employed by the police but dismissed as a result of serious wrongdoing are prevented from joining another force—something that I think we all agree on. The Bill will also ensure that officers and staff who leave by resigning or retiring before disciplinary proceedings have concluded are not able to evade sanction. The Bill will achieve greater accountability and strengthen public protection in a manner that we consider to be proportionate and workable.

As the shadow Minister has explained, amendments 197 and 198 seek to include police volunteers and those in a contractual relationship with police forces in the provisions for the police barred list and police advisory list. I have concerns about the approach that he suggests in relation to both categories.

I will start with volunteers. We recognise the importance of ensuring that volunteers carry out their functions appropriately and with adequate safeguards to ensure that they are held to account when they fall short of the standards expected. To achieve that, we have introduced measures to ensure that volunteers can be disciplined if wrongdoing occurs. The Bill contains measures to ensure that volunteers are captured in the provisions for the police advisory list. That will ensure that where a volunteer's designated status is withdrawn as a result of serious misconduct, it will be recorded on the advisory list. That is a proportionate approach that reflects the fact that we are dealing with individuals who are not paid employees and who do not hold full contracts of employment. Amendment 197 would take those protections beyond what we regard as reasonable and proportionate for a volunteering role in policing.

Turning to police contractors, the amendments fail to address the complexities associated with the role and status of contractors who are not directly employed by police forces. Those contracted individuals cannot be treated like police staff or officers for the purposes of disciplinary proceedings. As a result of that legal and practical distinction, the responsibilities for employment matters rest ultimately with the companies that employ the contractors, and are governed by employment law.

The provisions of the police barred list, with all its effects and consequences, cannot simply be added to the end of other organisations' disciplinary processes and procedures, because the full safeguards and protections that have been developed and built into the police staff and police officer disciplinary systems that sit within the police service would be lacking. For example, there would be no guarantee of a fair process for a hearing to consider the sanction or a subsequent appeal, in line with the policies and regulated procedures followed for police officers and police staff.

To bolt amendments 197 and 198 on to the Bill would risk undermining the principles of consistency, fairness and transparency that are at the core of what we are trying to achieve on accountability.

Jack Dromey: If specials can be barred, why not volunteers and private contractors?

Karen Bradley: It is because of the contractual relationship. A volunteer is unpaid and is doing the job of their own free will. There is not the same relationship. A contractor's employer is the company, not the police. There are issues about the contractual relationship between the employer and the police, but those are not about the individual.

Jack Dromey: I remain unconvinced. First, the fact that private contractors have their own employment and disciplinary arrangements does not mean that the police service, or the policing Minister, cannot discharge the obligations of the Government to the contractor. In a hypothetical but possible circumstance in which there

was wrongdoing by a special, a volunteer and a contractor alongside one another, the special could end up barred, whereas the volunteer and the contractor would escape being barred. That is an anomaly that I do not understand.

Karen Bradley: Another anomaly is that the special is warranted, while the volunteer and the contractor are not; they do not have the ability to arrest in the same way. We are looking at how to ensure that there is trust and accountability for police and warranted officers. The volunteers are not warranted and neither are the contractors. To try to undo this, and to try to bolt on an additional disciplinary process for an individual who is employed by a third-party company, which has its own disciplinary processes—

Jack Dromey: I am grateful to the Minister; she is being very generous with her time. Can she understand why specials would feel hard done by because they are held to certain standards, while volunteers and private contractors are not?

Karen Bradley: I do not think this is a case of anyone being held to different standards. We are talking about warranted officers as opposed to those who are not warranted. There is a difference in what they can do; there is a difference in their position; there is a difference in the duties that they carry out. While I fully appreciate and understand what the hon. Gentleman seeks to achieve—full accountability and public trust in these arrangements—I think that trying to bolt on an additional disciplinary process for volunteers or individuals employed by a third party, who have no warranted powers, simply confuses the matter. I am afraid that I therefore cannot accept amendments 197 and 198.

Turning to amendment 161, I agree with the hon. Member for Birmingham Erdington that as police forces modernise, including by taking advantage of the greater flexibility to confer policing powers on volunteers, adequate safeguards and arrangements are needed to hold designated volunteers to account when wrongdoing occurs. That issue was raised in the public consultation, which is why we have included appropriate provisions in the Bill, including in respect of guidance. Clause 30 will, for the first time, mean that if a member of the public makes a complaint against a designated volunteer, or if an internal allegation comes to the attention of the force, action can be taken to respond to that matter.

12 noon

On the guidance, I assure the hon. Gentleman that clauses 25 and 30, taken together, achieve the purpose of amendment 161. The guidance will take two forms. First, under section 87(1) of the Police Act 1996, as amended, the Home Secretary may issue guidance to chief officers and others on the discharge of their disciplinary functions, including in respect of designated volunteers. Such guidance will set out the process that should be followed in circumstances where there has been a serious breach of the standards expected of policing volunteers or where the powers designated to a volunteer have been misused. Separately, proposed new section 87A of the 1996 Act, which is inserted by clause 25(7), enables the Home Secretary to issue guidance, including to designated volunteers, on matters of conduct, efficiency and effectiveness.

Although the Opposition amendments are well meant, I am afraid that the Government do not support the approach suggested by the shadow Minister on the basis that to do so for policing volunteers would be disproportionate and impractical. The proposals for contractors would require wholesale changes to both the contracting model and the police disciplinary system. I am similarly confident that the provisions in the Bill on guidance fully cater for the introduction of community support volunteers and policing support volunteers. For those reasons, I ask the shadow Minister not to press his amendments.

Jack Dromey: We have aired the concerns on amendment 197. An anomaly is left in the Bill, and it is rough justice, but we have aired the issue. On amendment 161, I make one point, and one point alone. The Minister has spoken about the capacity for guidance to be issued, and she indicates that such guidance will be issued. In those circumstances, we are content not to press our amendments.

Amendment 199 agreed to.

Amendments made: 200, in schedule 6, page 181, leave out lines 11 to 15 and insert—

- “(e) in relation to a person falling within subsection (1)(c), the chief officer of police under whose direction and control the person was immediately before being dismissed;
- (f) in relation to a person falling within subsection (1)(d), the chief officer of police under whose direction and control the person was immediately before ceasing to be a civilian police employee.”

See the explanatory statement for amendment 199.

Amendment 201, in schedule 6, page 181, line 20, leave out “member of the civilian staff of a police force” and insert “civilian police employee”.

See the explanatory statement for amendment 199.

Amendment 202, in schedule 6, page 181, leave out lines 24 to 28 and insert—

“(5) For the purposes of this section, a person is a civilian police employee if the person is—

- (a) a member of the civilian staff of a police force, including the metropolitan police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011), or
- (b) a person employed by the Common Council of the City of London in its capacity as police authority who is under the direction and control of the Commissioner of Police for the City of London.”

See the explanatory statement for amendment 199.

Amendment 203, in schedule 6, page 181, line 30, leave out “member of the civilian staff of a police force” and insert “civilian police employee”.

See the explanatory statement for amendment 199.

Amendment 204, in schedule 6, page 186, leave out lines 14 to 16 and insert—

- “(d) in relation to a person who was a civilian police employee immediately before resigning or retiring, the chief officer of police under whose direction and control the person was at that time.”

See the explanatory statement for amendment 199.

Amendment 205, in schedule 6, page 186, line 21, leave out “member of the civilian staff of a police force” and insert “civilian police employee”.

See the explanatory statement for amendment 199.

Amendment 206, in schedule 6, page 188, line 35, leave out “member of the civilian staff of a police force” and insert “civilian police employee”.

See the explanatory statement for amendment 199.

Amendment 207, in schedule 6, page 188, line 40, at end insert—

“‘civilian police employee’ has the same meaning as in section 88A;”.

See the explanatory statement for amendment 199.

Amendment 208, in schedule 6, page 188, leave out lines 43 and 44.—(Karen Bradley.)

See the explanatory statement for amendment 199.

Schedule 6, as amended, agreed to.

Clause 24

APPEALS TO POLICE APPEALS TRIBUNALS

Amendment made: 146, in clause 24, page 32, line 17, leave out subsection (7) and insert—

“() In section 4A of the Ministry of Defence Police Act 1987 (appeals against dismissal etc), in subsection (1)(b), for the words from ‘by any provision’ to the end of the paragraph substitute ‘—

(i) by rules under section 85(1A) of the Police Act 1996 or by any provision of Schedule 6 to that Act, or

(ii) by any provision of Schedule 3 to the Police and Fire Reform (Scotland) Act 2012.”.—(Karen Bradley.)

This amendment replaces the amendment of section 4A of the Ministry of Defence Police Act 1987 with one that ensures that the provision made concerning the constitution of appeal tribunals will continue to be equivalent to that made in relation to corresponding tribunals under the Police Act 1996 or the Police and Fire Reform (Scotland) Act 2012.

Clause 24, as amended, ordered to stand part of the Bill.

Clause 25

GUIDANCE CONCERNING DISCIPLINARY PROCEEDINGS AND CONDUCT ETC

Amendments made: 209, in clause 25, page 32, leave out lines 32 to 34 and insert—

“(d) civilian police employees, and”.

This amendment and amendments 210, 211, 212 and 213 make provision for the giving of guidance to, and about, civilian employees of the City of London police force, in addition to members of the civilian staff of a police force or a police area listed in Schedule 1 to the Police Act 1996 and of the metropolitan police force.

Amendment 210, in clause 25, page 33, leave out lines 6 to 9 and insert—

“(iii) civilian police employees;”.

See the explanatory statement for amendment 209.

Amendment 211, in clause 25, page 33, line 14, after “section” insert “—

‘civilian police employee’ means—

(a) a member of the civilian staff of a police force, including the metropolitan police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011), or

(b) a person employed by the Common Council of the City of London in its capacity as police authority who is under the direction and control of the Commissioner of Police for the City of London;”.

See the explanatory statement for amendment 209.

Amendment 212, in clause 25, page 33, leave out lines 33 to 35 and insert—

“(c) civilian police employees.”.

See the explanatory statement for amendment 209.

Amendment 213, in clause 25, page 33, line 44, after “section” insert “‘civilian police employees’ and”.—(Karen Bradley.)

See the explanatory statement for amendment 209.

Clause 25, as amended, ordered to stand part of the Bill.

Clause 26

POWERS OF INSPECTORS TO OBTAIN INFORMATION, ACCESS TO POLICE PREMISES ETC

Amendment made: 147, in clause 26, page 38, line 20, at end insert—

“Provision of sensitive information to inspectors

6F (1) A person who provides information that is intelligence service information or intercept information to an inspector (whether under a provision of this Schedule or otherwise) must—

(a) make the inspector aware that the information is intelligence service information or (as the case may be) intercept information, and

(b) provide the inspector with such additional information as will enable the inspector to identify the relevant authority in relation to the information.

(2) In this paragraph, ‘inspector’, ‘intelligence service information’, ‘intercept information’ and ‘relevant authority’ have the same meaning as in paragraph 6E.”.—(Karen Bradley.)

This amendment supplements new paragraph 6E of Schedule 4A to the Police Act 1996 as inserted by clause 26 of the Bill. Paragraph 6E imposes restrictions on the disclosure of certain sensitive information by Her Majesty’s Inspectors of Constabulary. The new paragraph 6F inserted by this amendment is intended to assist inspectors in complying with paragraph 6E.

Clause 26, as amended, ordered to stand part of the Bill.

Clause 27 ordered to stand part of the Bill.

Clause 28

POWERS OF POLICE CIVILIAN STAFF AND POLICE VOLUNTEERS

Jack Dromey: I beg to move amendment 190, in clause 28, page 40, line 14, at end insert—

“(1A) A relevant employee, in their capacity as a member of police civilian staff, must not be a member of a private sector company.”

This amendment would ensure that employees of the staff of private sector companies who are police contractors cannot be designated with additional powers under the proposals in the Bill.

The Chair: With this it will be convenient to discuss the following:

Amendment 191, in clause 28, page 40, line 18, leave out subsection (3) to subsection (11) and insert—

“(3) An individual designated as a community support volunteer or a policing support volunteer may not be given any powers exercisable by—

(a) a police constable, or

(b) a police community support officer.”

This amendment would allow chief constables to use volunteers in their forces for appropriate tasks, but removes the ability for chief constables to give them powers of a Constable or Police and Community Support Officer.

Amendment 192, in clause 28, page 40, line 18, after subsection (2) insert—

“The chief officer of any police force may not bring under their direction and control the following volunteers—

- (a) a community support volunteer,
 - (b) a policing support volunteer
- where such volunteers would either—

- (a) replace a police officer or member of staff, or
- (b) fill a vacant police officer or member of staff role.”

This amendment would prevent volunteers being placed in roles which would normally be paid jobs.

Amendment 193, in clause 28, page 40, line 18, after subsection (2) insert—

“The chief officer of any police force may not place a volunteer in an operational role in the following areas—

- (a) child sexual exploitation,
- (b) serious crime,
- (c) counter-terrorism,
- (d) custody and detention.”

This amendment would prevent volunteers being placed into some of the most sensitive and demanding police staff roles.

Amendment 194, in clause 28, page 40, line 18, after subsection (2) insert—

“The chief officer of any police force may not place a volunteer in any role which may require the use of force or restraint.”

This amendment would prevent volunteers being placed in roles which may require the use of force or restraint and which should only be performed by officers and members of police staff.

Amendment 195, in clause 28, page 41, line 18, leave out from (6) to end of subsection

This amendment removes the provision for volunteer PCSOs to be issued with CS spray and PAVA spray.

Amendment 196, in clause 29, page 42, line 11, leave out “may” and insert “must”

This amendment would make it mandatory for the College of Policing to issue guidance to chief officers of police on training of volunteers.

New clause 15—*Scrutiny of volunteer use—*

‘Police and crime plans produced under Chapter 3 of Part 1 of the Police Reform and Social Responsibility Act (2011), must include an annual assessment of the use of volunteers, including the following—

- (a) number of volunteers used,
- (b) roles of volunteers
- (c) protected characteristics.’

This new clause would make it mandatory for Police and Crime Commissioners to produce an annual assessment of the use of volunteers in police forces to allow for proper scrutiny of volunteer use.

Jack Dromey: I want to start by making a wider point. Our approach is not to say “public good, private bad”—far from it—but to draw the distinction between what should properly be done by police officers and what can be done by the private sector in one capacity or another, in support of the police service.

I will take as an example the West Midlands police service, which covers the area where I am proud to be a Member of Parliament. Four years ago, the Home Office ran a pilot, together with Surrey and the West Midlands police service, in which the radical transfer of a number of police functions to the private sector was proposed. It was strongly objected to, and was eventually dropped by Government and, indeed, the West Midlands

police service which, however, then entered into an intelligent arrangement with Accenture on the 2020 modelling of the police service. That is an example of saying, “Let’s look at how we meet demand in 2020.” Accenture, with its excellent professional expertise, has been invaluable in working with the West Midlands police. That has been widely welcomed in the west midlands.

The Bill enables chief officers to designate a wider range of police powers for police staff. The amendment would prevent those provisions from allowing additional policing powers to go to employees of private sector companies, such as the G4Ss of this world. We will not support any further moves to allow private companies to carry out police activities that require warranted powers. The amendment is a probing one, designed to ensure that employees of private sector companies cannot be designated as community support officers or policing support officers. We want to get on record the Government’s assurance that the additional powers of a constable cannot be designated to be carried out by private sector staff.

The former Police Minister, the right hon. Member for Arundel and South Downs (Nick Herbert), said in 2012:

“No front-line police officers will be contracted out to the private sector.”

He went on to say:

“The Government are clear that the private sector can help the police service achieve cost savings and better services for the public.”

I agree. That is what Accenture did in the west midlands. The right hon. Gentleman continued:

“Every pound saved means more money for front-line services. Only police officers have the power of arrest and they will continue to patrol the streets, respond to 999 calls and lead investigations. There is no intention to allow private companies to carry out police activities which require warranted powers”.—[*Official Report*, 27 March 2012; Vol. 542, c. 1129W.]

That was clear and succinct, and we hope that the Government stand by what he said in 2012.

I do not think it is necessary to catalogue the failings of the private sector. G4S and the Olympics is the classic example, but only today on a separate but related matter comes news that four in 10 planned deportations are being cancelled as a consequence of the failure of the private sector. I stress again that it is not that the private sector should never have a role, but that it should never be allowed to discharge the functions of a police officer. Only warranted police officers should be able so to do. Will the Police Minister stand by the assurances that his predecessor gave?

I will move on to amendment 191. Winston Roddick, the impressive police and crime commissioner for North Wales, has served his community well and is standing down—we wish him all the best for the future—but he waxed lyrical in front of the Committee about the role of volunteers, and I do the same. As we said on that occasion, in the immortal words of Robert Peel, “the police are the people and the people are the police”.

There is a long and honourable tradition of volunteering. The specials go back more than 150 years, but I have seen the tradition at first hand in my constituency. In Castle Vale, for example, there is the tasking force, the tackling of antisocial behaviour and the excellent

relationship between local people, local volunteers and the police service, which are all making Castle Vale a safe place to live. In Witton Lodge, the admirable Linda Hines, like her counterpart in Castle Vale, Lynda Clinton, is the backbone of volunteering with the police and the police community watch. She sits on the police and crime panel. I remember doing a presentation recently to Maureen Meehan. She has been responsible for 29 years for the taskforce in the Stockland Green area, the community watch and the neighbourhood watch. They have been highly successful in working with the police and tackling a range of crimes and antisocial behaviour.

I stress in the strongest possible terms that the police could do not do their job without a voluntary army, but a voluntary army should not do the job of the police. The amendment would allow chief constables to use volunteers in their forces for appropriate tasks, but remove chief constables' ability to give them the powers of a constable or a police and community support officer. The Bill enables chief officers to designate a wider range of police powers to police volunteers. The amendment leaves the option open for chief constables to use volunteers in their forces as they must, but would remove the option of giving them powers and jobs that should be those of warranted officers.

Forgive me for saying it one more time, but there is common ground across the Committee in support of that long and honourable tradition of volunteering, which goes back 150 years and more. That volunteering includes the special constables and the excellent work done by neighbourhood watches and police and crime panels. That is all true, but the public demand that police functions be discharged by police officers. We are extremely concerned that this measure may be an attempt by the Home Secretary to provide policing on the cheap. Instead of completely removing the clause, our view is that volunteer roles should be formalised in legislation to allow for proper scrutiny of volunteer use and accountability of volunteers. However, we fundamentally oppose giving policing powers to volunteers to fill the gaps left by the drastic reduction in officer and staff numbers over the past five years. If the Government do not agree, we intend to press the amendment to a vote.

12.15 pm

Amendment 192 would prevent volunteers from being placed in roles that are normally paid jobs. We fully recognise the important role of police specials, neighbourhood watch teams and other volunteers working hard to support their police forces. I offered examples from my experience in my constituency of Erdington.

However, we completely oppose any attempt by the Government to plug the gaping holes in the police workforce with volunteers. The amendment tests the Government's motivations for the changes. More than 40,000 policing jobs were lost between 2010 and 2015 as a result of Government cuts to the police service: approximately a 30% cut in police community support officers, 20% fewer police staff jobs and 13% fewer police officers. It is not right that those people should be replaced by volunteers, particularly in roles that are clearly operational in nature. I constantly draw that distinction between the legitimate role of volunteers and where it is simply not appropriate for them to be used.

According to an authoritative recent report published by Unison in 2014:

"A number of forces have pushed the concept of volunteering into roles that look remarkably like established police staff posts."

Forces are struggling under the sheer scale of the budget reductions to maintain front-line posts, to keep back offices running behind the scenes, and to carry out crucial preventive roles. I understand why chief constables, in good faith, are trying to find ways of delivering for the public, including the use of volunteers.

There is a current agreement between the Home Office, the National Police Chiefs Council, the College of Policing and the police staff unions that police support volunteers should bring additionality to the police workforce, but the agreement goes on to say that they should under no circumstances replace or substitute for paid police staff.

If plugging gaps in our hollowed-out police workforce is not the Government's aim in these ill-thought-out proposals, I cannot see why they would not support our amendment. In the event that they do not support it, we will press it to a vote.

Amendment 193 relates to sensitive and demanding areas of crime. We have tabled it more to probe at this stage in respect of volunteers in the most sensitive and demanding of police staff roles, particularly areas such as child sexual exploitation, serious crime, counter-terrorism, custody and detention.

Strained police forces are struggling to tackle the great challenges of the 21st century. Rates of the most serious and violent crimes are soaring, and so too are the threats of terrorist attacks and cases of child sexual exploitation. The chilling report from the admirable Chief Constable Simon Bailey reveals the sheer scale of demand from the great national will that we rise to the challenge of tackling child sexual exploitation and abuse, both historical and current. He makes the point that that is already costing the police service £1 billion a year, and that is likely to rise to £3 billion a year in the next stages.

Much of the demand on the police now is associated with vulnerable groups—people with multiple and complex needs—and occurs outside working hours, when the police too often become the service of last resort. I remember doing a seminar last year with the admirable Sara Thornton, the ex-chief constable of Thames Valley and now the chair of the National Police Chiefs Council, who talked about the two great modern challenges for the police service being vulnerability and information.

We are concerned not only about the prospect of volunteers being used to plug gaps in these serious, high-demand crime areas, but issues of confidentiality. By definition, as Sara said, when talking about tackling vulnerability and data sharing, it is crucial that that should happen, but it is also crucial to preserve the confidentiality of those data. We therefore urge the Government conclusively to rule out the use of volunteers in some of the most sensitive areas, as listed in the amendment.

Many of the most serious incidents handled by police involve people with multiple and complex needs, as I have described, and incidents frequently occur outside normal working hours, when the police too often become the service of last resort. Policing is an emergency service and often police and staff have to be on stand-by

to turn out for work at very short notice. In other words, if someone rings for help they have to be there to give that help.

It is just not credible, therefore, to expect unpaid volunteers to submit to those restrictions, thereby making them of limited value when delivering support for operational policing, in particular at short notice, or in emergencies.

Amendment 194 covers the use of force by volunteers. Our police service rightly has the power to use appropriate, proportionate force in appropriate circumstances. The amendment would prevent volunteers from being placed in roles that may require the use of force or restraint, and which should be used only by officers and members of police staff.

Our police service has and needs the power to use force where necessary when carrying out its duty to protect the public. However, under the UK's tradition of policing by consent, the public also expect that there will be accountability, proper training and high professional standards on the part of those using force in appropriate circumstances. It is our very strong view, therefore, that those expectations can be met only by warranted police officers and, where appropriate, members of staff. We hope that the Government think again on this. If they decline, we will press the matter to a vote.

Amendment 195 would remove the provision for volunteer police community support officers to be issued with CS and PAVA spray. We have particular concerns with the proposal for volunteers to be issued with CS and PAVA spray. Those should be available, without hesitation, and used in appropriate circumstances, but the question is: who uses them? It is our very strong view that the use of CS gas and PAVA spray should be undertaken only by full-time officers, who are regularly trained on their usage and, importantly, in the law surrounding their use.

We are also concerned by the suggestion that there may be circumstances where volunteers will be placed in risky situations. As I have argued throughout, volunteers have a very important role to play in supporting policing, but not to place themselves in potentially dangerous situations.

This proposal was not in Government consultations and does not appear to have a firm basis in evidence. We are clear that the Government need to have a proper conversation with the police and public about what they see as acceptable use of force by volunteers, in a context where there are already serious issues around the use of force by warranted officers. Just a few weeks ago, the IPCC published a report into police use of force and it raised some troubling issues. Half of the 18 people on whom restraint equipment was used subsequently died, as did half of the 10 people who experienced force in a hospital setting. It was reported that 20% of all use of force incidents involve someone known or suspected to have a mental disorder.

Our police service has, and needs, the power to use force where necessary when carrying out its duty to protect the public, sometimes in very difficult circumstances. It is clear that the public understand and indeed expect and rely on that. However, under the UK's tradition of

policing by consent, they also expect that those who use force will be properly trained and qualified, and that they will be accountable for the use of force, particularly if it leads to death or serious injury.

I very much welcome the review that Chief Constable David Shaw is leading to implement and pilot an effective system for collecting data on all police use of force. However, that prompts the question—before we even understand how fully warranted officers use force, including arising out of that review—of how the Government can guarantee that the use of such force by their brand new police volunteers is right in itself, and whether it will be accompanied by appropriate training, scrutiny and accountability.

The Government simply have not made the case that allowing the use of CS and PAVA spray is in the public interest or in the interests of the police. As our brilliant police and crime commissioner for Northumbria, Vera Baird, said,

“Volunteers have a very important role to play in supporting policing, but not to place themselves in potentially dangerous situations.”

She continued:

“Many volunteers want to support the work of police officers—not to do their jobs for them. The use of CS gas and PAVA spray is something that should only be undertaken by full time officers, who are regularly trained on their usage and, importantly, in the law surrounding their use.”

She concluded:

“Rather than extending the role of volunteers, the Government needs to start funding police forces properly, to allow Chief Constables and Police & Crime Commissioners to recruit more police officers, who can go on the beat and serve local communities.”

Vera is not the only one to speak in those terms. Winston Roddick, chair of the Association of Police and Crime Commissioners to whom I referred earlier, said in evidence:

“Many members of the public feel that they want to contribute and have something worthwhile to contribute, and the police should not stand in the way of them volunteering to do so. I have empirical experience of meeting the people of north Wales on an almost daily basis with regard to their interests in policing, and many of them have expertise that they can share with the police.”—[*Official Report, Policing and Crime Public Bill Committee*, 15 March 2016; c. 50, Q66.]

I completely agree that the point was well made, that the people are the police, and the police are the people, and that the role of the citizen is key.

However, when I asked Winston Roddick about the use of CS and PAVA, he said:

“I have serious reservations about it.”—[*Official Report, Policing and Crime Public Bill Committee*, 15 March 2016; c. 51, Q67.]

Mike Penning: It would be appropriate for the shadow Minister to indicate that Winston Roddick said that in a personal capacity, not as chair of the Association of Police and Crime Commissioners. He said that quite specifically when giving evidence.

Jack Dromey: I would not for one moment downgrade his role or the significance of what he said. He is a police and crime commissioner who is highly respected throughout the police service. That is why he has been elected as chair of the Association of Police and Crime Commissioners.

Mike Penning: I was not in any way deriding the fact that he has been elected. He specifically said in evidence to the Committee that he was speaking in a private capacity, giving his personal views, and not as the chair. That is what he said.

Jack Dromey: The power of what he said speaks for itself. He is highly respected throughout the police service. I know that view is shared by other PCCs, Conservative and Labour. Winston Roddick went on to say, and it could not have been clearer:

“I think that the proposal raises points of principle about arming members of the public to do something by the use of arms, which goes further than the common law principle of acting in reasonable self-defence. You have to be very careful before you extend the right of one person to attack another by the use of any means.”—[*Official Report, Policing and Crime Public Bill Committee*, 15 March 2016; c. 51, Q67.]

12.30 pm

That is powerful and clear, and he is right. Does the Policing Minister agree with Winston Roddick’s assessment? If the Government push forward with the measures, we will push the amendment to a vote.

Amendment 196 would make it mandatory for the College of Policing to issue guidance to chief officers of police on the training of volunteers. The Government are allowing police volunteers to hold a wider range of police powers, including the use of CS and PAVA spray. In the light of that, it is our view, as described earlier, that the Government and relevant institutions have a responsibility to ensure that forces have clear guidance on training and professional standards for volunteers. The purpose of this amendment is therefore to put a mandatory duty on the College of Policing to issue guidance to chief officers on the training of volunteers. The Government have rightly made the point that special constables have guidance. We think that that should be appropriately extended to anyone who plays a voluntary role in support of the police service.

Finally, new clause 15 would make it mandatory for police and crime commissioners to produce an annual assessment of the use of volunteers in police forces, to allow for proper scrutiny of volunteer use. There is an enormous variety among police support volunteer roles across different forces around the country. An existing problem is that there is little clarity regarding the current use of volunteers in police forces. The Government hold almost no data centrally on the extent to which volunteers are used, and there is little standardised guidance, training or regulation for chief constables. In the light of the radical proposals in the Bill to extend the police powers available to volunteers, we invite the Government to set out how they will allow for proper scrutiny of whether volunteer use is in line with the public interest.

In conclusion, I return to two fundamental principles. First, we warmly welcome the role of volunteers in policing. We see it in our own constituencies. As I said earlier, the police could not do their job without an army of volunteers, but equally, as I stressed, that voluntary army should not be asked to do the job of the police. It is simply about the appropriate relationship and what the public expect from us.

Secondly, there is absolutely an intelligent relationship between the public and private sector. The example I gave involved Accenture and the West Midlands police

service and remodelling to meet demand by 2020. There is an intelligent relationship, but again, the private sector cannot take over the work that only police officers should do. I very much hope that the Government will listen to what we think is a powerful case. It is not just from us as the Opposition; the concerns about these matters have been widely expressed.

Mike Penning: I will try to cover as many of the shadow Minister’s concerns as I can, but I feel that we will probably have a few Divisions in the next half-hour or so. I will touch quickly on some of the less controversial points—controversial to the shadow Minister, although not necessarily to Her Majesty’s Government.

Amendment 190 seeks to prevent employees of private sector companies who are police contractors from being designated additional powers in the Bill. The Bill says specifically that it cannot do that.

Incidentally, the powers for private contractors were brought in in section 39 of the Police Reform Act 2002—I do not think we were in Government in 2002—and parts 3 and 4 of schedule 4 to that Act relate to prisoner custody and escort functions, which are carried out today by private contractors in many forces. I have seen them in operation and in many cases they are exceptionally professional. There is no extension of powers whatever in the Bill, so amendment 190 is not necessary.

I think amendment 191 is about whether the powers given volunteers would go beyond a constable’s existing powers and extend them. The designated powers of a warranted officer are set by Parliament. If they were to change—they are not changing in the Bill—we would have to come back to Parliament, and there are no plans to do so. I agree with my predecessor, my right hon. Friend the Member for Arundel and South Downs, that we are 100% behind the warranted powers of a police officer and that includes specials, who I believe are volunteers.

Just to correct the shadow Minister who made what I am sure was a slip of the tongue, specials have been around for 180 years, not 150, and they have done exceptionally fantastic work.

Amendment 192 would make it very difficult for chief constables and police and crime commissioners, but particularly chief constables, to allow volunteers to do the work that we will ask them to do. Volunteers have been around for 180 years in the police force and the Government believe it is important to address some of the concerns—the shadow Minister alluded to this—in the core of the Bill. The core powers will remain, but we will need to use the skills of members of the public who want to help us but—this arises in my constituency—do not want to be a special in a uniform. They want to bring their other skills to policing, with appropriate training and scrutiny, which are vital.

This is not about taking police officers off the street and replacing them with volunteers or of saying, “You’re not good enough at your job, so we are bringing someone else in.” We are saying that we need to use all the skills we have in this great country of ours to help us with policing, particularly in respect of new technology. I am sure that there were concerns when specials were introduced 180 years ago. Perhaps they were similar to the concerns

of the Opposition today. I think that they are unfounded. Having powers that help us to catch criminals and make people safer in their homes and workplaces is surely what this is all about.

Amendment 195 is interesting. Lincolnshire has already lined up and trained soon-to-be volunteer PCSOs and is just waiting for the legislation to be on the statute book. PCSOs have told me that the Herberts out there who may cause problems or attack PCSOs, particularly if they are under the influence of something, often know that PCSOs have no way of protecting themselves. They have asked me face to face, “Why won’t you let us have a pepper spray or a CS spray so we can protect ourselves?”.

Jack Dromey: PCSOs?

Mike Penning: Yes, and now we will have volunteer PCSOs. The powers already exist for chief constables to give those weapons to PCSOs, but if we are going to have volunteer PCSOs, why would we not allow them to have the same protection? Why would we not let someone, after training, protect themselves and other members of the public in the exceptional circumstances when CS and PAVA are used? It is astonishing that we would not want to give the public and our volunteers as much protection as possible.

We may divide on this. I want to protect the public and our volunteers as much as possible, and to have the correct training that tells people what they are able to use in the circumstances.

Jack Dromey: I cannot say that this was a scientific study, but over the past three weeks, I have asked five PCSOs for their views on this matter. One said, to quote the immortal words of John McEnroe, “You cannot be serious.” I know that the Minister tours the country all the time talking to police officers and PCSOs, but has he had PCSOs and police officers on the ground saying to him, “We want volunteers and for them to be armed in this way”? I find it hard to believe he has.

Mike Penning: In which case, the shadow Minister does not believe me, and I will take that in good faith. If, when I stand up as a Minister and say something, people do not believe me, so be it. I am slightly disappointed, however, that he thinks I would say such a thing if it had not actually happened.

The principle is whether we enable—“armed” is such an emotive word, is it not? This is about giving people the protection that they might need after suitable training. It is already on the statute book for PCSOs, but we would not then give it to volunteer PCSOs—how could we in this Committee and in this House do that?

I fully understand exactly where the shadow Minister is coming from on the issue relating to the College. However, Her Majesty’s Government, who drafted the clause, have not instructed the College on anything. We have asked it, as an independent body, to issue guidance. The Bill would insert new section 53F into the Police Act 1996, which will for the first time enable the College to issue guidance on the experience and qualifications that are necessary for a person who is being designated with certain powers.

Not every chief constable in the country is going to take up these powers. For instance, powers of detention for PCSOs are on the statute book now and some chiefs

decide they do not want their PCSOs to use them. Some have gone way beyond that, as we have heard. The hon. Member for North Durham is not in his place, but in North Durham, we have seen PCSOs go way beyond that in areas that we would probably not have expected—and very successfully. I am not going to instruct the College, but it will have heard what is said today and it will issue guidance, of course.

I do not think new clause 15 is required. The data will be collected through the annual data requirement process, under the responsibilities of the PCC. There is no point asking us to collect more and more data. They will be collected and they will be evaluated. It is, of course, absolutely crucial that we know what is going on and how many volunteers are being used. As the Minister introducing this legislation, I will be absolutely fascinated to make sure that enough volunteers come forward, and I will ask questions in areas if they are not coming forward. We know that we have a substantial amount of volunteers ready and waiting for this legislation. In Lincolnshire, for example, we have volunteer PCSOs trained and ready to go. They are just waiting for the Bill to receive Royal Assent.

I understand where the shadow Police Minister and the Opposition are coming from, but particularly on allowing us to protect our volunteers with the correct training and on other points that were made, I think we will beg to differ. We may have to divide the Committee, which is sad, because we agree on 99.9% of the Bill, but on this particular point, we probably will not. I hope I might have convinced the shadow Police Minister, but probably not.

Jack Dromey: The Minister is right. Actually, some of the things he has said are helpful. First, I note what he said about the College guidance. Secondly, it is welcome that a repeat of the assurances that were given by the then Police Minister, the right hon. Member for Arundel and South Downs, is now on the record. Thirdly, I note the point that was rightly made about the normal process of data collection in respect of what new clause 15 proposes.

I have to disappoint the Minister by saying that we will divide the Committee on these issues. Given the time, may I make two simple points? First, the Minister referred, quite understandably, to the 2002 Act, but a lot of water has flowed under the bridge since 2002. The problem now is that the police service has lost 18,000 police officers, including 1,300 in the last six months alone, as well as 5,000 PCSOs and thousands of members of staff at a time of mounting demand, on the one hand—I spoke earlier about child sexual exploitation and abuse, and the sheer scale and cost of it—and diminishing resources, on the other. I do not say this as a criticism, but chief constables at the sharp end are finding it increasingly difficult, and our concern is that we might end up with gaps being plugged by volunteers as more and more police officers and PCSOs go.

12.45 pm

The second point is in relation to CS and PAVA spray. The Minister said that it is emotive to talk about the police being armed. Well, it is. Actually, in inappropriate circumstances, the use of CS and PAVA spray can have very serious consequences. We spoke on Tuesday about Joe and Josephine Soap in the Dog and Duck in Erdington.

Were we to go out and ask the first 100 people out there, “What is your view on volunteer PCSOs being able to use CS gas and PAVA spray?” I think they would say, as a PCSO said to me in Birmingham, “You cannot be serious.”

Mike Penning: But if we were to tell 100 people in the Dog and Duck, “By the way, a full-time, paid PCSO can have it, but a volunteer PCSO can’t. An operational, full-time police officer has it, and so does a volunteer special,” they will scratch their head and say, “Why aren’t you protecting the volunteer PCSO?”

Jack Dromey: I think they would say that volunteers should never be put into a front-line policing role where such a risk might be encountered. That is simply not appropriate. Ultimately, there are also issues about the accountability of volunteers because, by definition, there is a clear line of accountability for warranted officers or PCSOs, but there is not in quite the same way for volunteers.

I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Amendment proposed: 191, in clause 28, page 40, line 18, leave out subsection (3) to subsection (11) and insert—

“(3) An individual designated as a community support volunteer or a policing support volunteer may not be given any powers exercisable by—

(a) a police constable, or

(b) a police community support officer.”—(*Jack Dromey.*)

This amendment would allow chief constables to use volunteers in their forces for appropriate tasks, but removes the ability for chief constables to give them powers of a Constable or Police and Community Support Officer.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 9.

Division No. 4]

AYES

Brown, Lyn	Jones, Gerald
Dromey, Jack	
Harris, Carolyn	Smith, Jeff

NOES

Berry, Jake	Davies, Mims
Berry, James	Elphicke, Charlie
Bradley, Karen	Milling, Amanda
Caulfield, Maria	Penning, rh Mike
Cleverly, James	

Question accordingly negated.

Amendment proposed: 192, in clause 28, page 40, line 18, after subsection (2) insert—

“The chief officer of any police force may not bring under their direction and control the following volunteers—

(a) a community support volunteer,

(b) a policing support volunteer

where such volunteers would either—

(a) replace a police officer or member of staff, or

(b) fill a vacant police officer or member of staff role.”—(*Jack Dromey.*)

This amendment would prevent volunteers being placed in roles which would normally be paid jobs.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 9.

Division No. 5]

AYES

Brown, Lyn	Jones, Gerald
Dromey, Jack	
Harris, Carolyn	Smith, Jeff

NOES

Berry, Jake	Davies, Mims
Berry, James	Elphicke, Charlie
Bradley, Karen	Milling, Amanda
Caulfield, Maria	Penning, rh Mike
Cleverly, James	

Question accordingly negated.

Amendment proposed: 194, in clause 28, page 40, line 18, after subsection (2) insert—

“The chief officer of any police force may not place a volunteer in any role which may require the use of force or restraint.”—(*Jack Dromey.*)

This amendment would prevent volunteers being placed in roles which may require the use of force or restraint and which should only be performed by officers and members of police staff.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 9.

Division No. 6]

AYES

Brown, Lyn	Jones, Gerald
Dromey, Jack	
Harris, Carolyn	Smith, Jeff

NOES

Berry, Jake	Davies, Mims
Berry, James	Elphicke, Charlie
Bradley, Karen	Milling, Amanda
Caulfield, Maria	Penning, rh Mike
Cleverly, James	

Question accordingly negated.

Amendment proposed: 195, in clause 28, page 41, line 18, leave out from (6) to end of subsection.—(*Jack Dromey.*)

This amendment removes the provision for volunteer PCSOs to be issued with CS spray and PAVA spray.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 9.

Division No. 7]

AYES

Brown, Lyn	Jones, Gerald
Dromey, Jack	
Harris, Carolyn	Smith, Jeff

NOES

Berry, Jake	Davies, Mims
Berry, James	Elphicke, Charlie
Bradley, Karen	Milling, Amanda
Caulfield, Maria	Penning, rh Mike
Cleverly, James	

Question accordingly negated.

Clause 28 ordered to stand part of the Bill.

Schedules 7 and 8 agreed to.

Clauses 29 to 33 ordered to stand part of the Bill.

Schedule 9 agreed to.

Clause 34 ordered to stand part of the Bill.

Schedule 10 agreed to.

Clauses 35 to 39 ordered to stand part of the Bill.

Schedule 11 agreed to.

Ordered,

That the Order of the Committee of 15 March be amended as follows: in paragraph (1)(c), leave out the words “and 2.00 pm”.—
(*Charlie Elphicke.*)

Ordered, That further consideration be now adjourned.
—(*Charlie Elphicke.*)

12.58 pm

Adjourned till Tuesday 12 April at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

PCB 06 Royal College of Psychiatrists

PCB 07 UNISON

PCB 08 NHS Providers

PCB 09 Home Office further submission

PCB 10 West Midlands Fire Service