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**DELEGATION OF POWERS TO  
DARLINGTON COMMUNITY SAFETY PARTNERSHIP**

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**Responsible Cabinet Member(s) - Councillor Eleanor Lister, Social Services Portfolio**

**Responsible Director(s) - Margaret Asquith, Director of Social Services**

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**Purpose of Report**

1. To seek delegation of existing and any adopted Local Authority enforcement powers to officers of Darlington Community Safety Partnership in order to address crime, substance misuse and anti-social behaviour. The powers given under accreditation would be mainly, although not exclusively, carried out by the Uniformed Warden service.

**Background**

2. The Police Reform Act 2000 (Section 40) enables Chief Constables to accredit individuals and organisations to exercise certain limited policing powers. The Anti-Social Behaviour Act 2003 extended the range of these powers (see a full list in **Table 1** below).
3. Certain of these powers are Local Authority enforcement responsibilities and the approval of Darlington Borough Council will be needed for a full scheme of delegation through the Accreditation process.

**Information and Analysis**

4. Darlington Community Safety Partnership provides a range of enforcement services on behalf of the Partnership's stakeholders, including Darlington Borough Council. This activity ranges from the control and monitoring of young offenders to the use of Fixed Penalty Notices in relation to littering, dog fouling, car parks and residential parking bays. The Police Reform Act and the Anti-Social Behaviour Act offer the opportunity to increase the range and scope of such enforcement particularly the use of Fixed Penalty Notices.

**Table 1**

<b>Powers Available to Accredited Person</b>	Request the name and address of the person(s) acting in an anti-social manner.  Request the name and address from person(s) involved in a Fixed Penalty offence or any offence causing injury, alarm, distress to another or loss or damage to another's property.
<b>Powers Available to Accredited Person</b>	Confiscate alcohol from a young person(s)

	Confiscate tobacco from a young person(s) Remove abandoned vehicles
<b>Fixed Penalty Notices</b>	Dog Fouling Littering Riding a bicycle on a footpath Throwing fireworks Behaviour likely to cause harassment, alarm or distress Consumption of alcohol in designated areas Graffiti Fly posting Truancing (parental fines) Making false reports of fire and sending false telecommunication messages
<b>Police Reform Act (Section 46) Offences</b>	It is an offence to:  a) Assault an accredited person b) Resist or wilfully obstruct an accredited person
<b>Other Powers</b>	Make traffic directions for abnormal vehicles Stop vehicles for testing Dispersal of groups causing anti-social behaviour

5. Darlington Community Safety Partnership has been participating in a national pilot scheme to establish protocols for accreditation. These protocols are attached at **Appendix 1**.
6. These protocols indicate that Fixed Penalty Notices can only be issued on behalf of, and with the approval of, the Police and the Local Authority and must comply with the enforcement protocols of these organisations. Administration, complaints and appeals will be dealt with on the basis of Police powers through Police systems and Local Authority powers through Local Authority systems.
7. In the case of the Local Authority enforcement systems, Darlington Community Safety Partnership administers a fines processing system on behalf of the Local Authority.
8. A central feature of accreditation is that Constabularies must have a 'dual key' in the tasking and co-ordination of persons exercising policing powers. Darlington Community Safety Partnership is strongly placed to meet these tasking and co-ordination requirements with its integrated Local Authority, Police, Probation, Primary Care Trust and Fire & Rescue Service management structure.
9. The principal vehicle, although not exclusive, for the delivery of accreditation functions will be the Uniformed Warden service.

10. The Local Authority powers which Darlington Community Safety Partnership seeks are the ability to issue Fixed Penalty Notices for:
- a) Dog fouling
  - b) Littering
  - c) Graffiti
  - d) Fly-posting
  - e) Parental fines for truants

These are in addition to the power to remove an abandoned vehicle.

11. In addition, Darlington Community Safety Partnership may wish to seek the ability to utilise further Local Authority powers in the pursuit of a reduction in anti-social behaviour. Such powers may include the ability to issue Fixed Penalty Notices for vehicles emissions.
12. Although Uniformed Wardens are employed on behalf of Darlington Community Safety Partnership their uniform currently only displays the logos of the Partnership and Darlington Borough Council. Upon accreditation the uniform must include the national Home Office approved accreditation scheme badge and a national identification and powers card.
13. The scheme indicates the minimum standards required of an accredited organisation. These include a supervisory structure with policing input, suitable job descriptions, vetting procedures, training plans and equipment.
14. Finally, the accredited organisation must demonstrate that it has the systems and support in place to use the new powers, Fixed Penalty Notices and subsequent prosecutions. Darlington Community Safety Partnership has been initially evaluated as meeting these standards.
15. The Thematic Partnership (Community Safety) has expressed its desire to accredit officers of Darlington Community Safety Partnership for the following reasons:
- a) To enhance the ability of Darlington Community Safety Partnership to tackle crime, anti-social behaviour and substance misuse;
  - b) To protect officers of Darlington Community Safety Partnership from assault or harassment;
  - c) To enhance the ability of Darlington Community Safety Partnership to support specific partner's priorities and initiatives. For example, the Local Authority 'Litter Initiative';
  - d) To increase officers' ability to contribute to Darlington Community Safety Partnership's overall outcome of increasing public reassurance and its specific objective in relation to reducing the overall level of crime and reducing specific crimes, i.e. household burglary and violence against the person and vehicle crime; and
  - e) To tackle anti-social behaviour in all its manifestations (**Table 2** overleaf illustrates the weekly performance management that Darlington Community Safety Partnership intends to undertake specifically in relation to anti-social behaviour).

**Table 2**  
**Suggested Wardens Performance Measures 2004-2005**

PERFORMANCE MEASURE	ACTION	WEEKLY TOTAL	RUNNING TOTAL FROM 01/04/03	FORECASTED TARGETS*	ANNUAL TARGET
Outcome Measure	Feeling of Safety				
Process Measure					
% of time on patrol: (	in the town centre				86.6%
	in communities				49.7%
	after dark				82.6%
	during the day				19.0%
	Anti Social Behaviour Complaints (calls including Youth Causing Annoyance, Complaint, Disturbance, Police Comms, Councillor Complaints, etc.)				
Performance Measure					
BVPI 126 (Burglary)	No. of Domestic Surveys				100
BVPI 127 (VAP)	Patrol time				90%
BVPI 128 (Vehicle Crime)	Hawk eye				750
	CS2/8				-
	Car Parks/Residents Bays				-
DE8	% of environmental complaints responded to within 24 hrs			80%	80%
	FPN Littering				208
	Anti Social Behaviour Activity (Formal Warnings, FPNs, Aggressive Begging, Noise, Nuisance, etc.)				

16. The Chief Constable can charge a fee for accreditation. Accreditation will be initially for 12 months and reviewed every two years thereafter. Darlington Community Safety Partnership has received a grant from the Office of the Deputy Prime Minister to cover accreditation costs.

**Legal Implications**

17. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

**Section 17 of the Crime and Disorder Act 1998**

18. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those

functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is considered that the contents of this report will enhance the Borough's ability to tackle crime, disorder, substance misuse and anti social behaviour.

### **Council Policy Framework**

19. The issues contained within this report require approval by Council.

### **Conclusion**

20. Accreditation powers to officers of our Community Safety Partnership will enable us to tackle all aspects of anti social behaviour and improve our responses to complaints from the public.

### **Recommendations**

21. It is recommended that Members:

- a) Note the content of the report; and
- b) Support the request for delegated powers to officers of Darlington Community Safety Partnership including Uniformed Wardens, Youth Offending Officers, Early Interventions Team Workers and managers who may have cause to exercise accredited powers in collaboration with Durham Constabulary.

### **Reasons**

22. The recommendations are supported by the following reasons:

- a) Accreditation improves the level of joint working with Durham Constabulary to tackle crime and anti social behaviour; and
- b) Accredited powers will enhance the objectives and outcomes of Darlington Borough Council by enabling Community Safety Partnership staff to more fully address problems in communities and support specific Council initiatives such as littering.

**Margaret Asquith**  
**Director of Social Services**

### **Background Papers**

No Background papers were used in the preparation of this report.

Andy Errington : Extension 3273

**APPENDIX 1**

**COMMUNITY SAFETY ACCREDITATION  
SCHEMES**

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## **Definitions**

The following words used throughout this document shall have the following meanings:-

“*The Act*” shall mean the Police Reform Act 2002.

“*Chief Officer*” shall mean the Chief Constable for the Police area where the Community Safety Accreditation Scheme is in operation.

“*Scheme*” shall mean the Community Safety Accreditation Scheme under Sections 40 and 41 of the Police Reform Act 2002.

“*Nominated Officer*” shall mean the individual duly appointed by the Chief Officer to manage the Community Safety Accreditation Scheme.

“*Accredited Person*” shall mean the individual duly appointed by the Chief Officer to carry out the functions of community safety through the use of additional powers as part of the Community Safety Accreditation Scheme.

“*Fee*” shall mean such sum charged by the Community Safety Accreditation Scheme from time to time for the administration of the Scheme as is notified on an annual basis to the Police Authority.

“*Fit and proper person*” is the term contained in the Act for an accredited person’s employer but will include Chief Executives, Managing Directors and other identified responsible persons in the relevant organisations as agreed by the Nominated Officer.

“*Authorised Signatory*” shall mean the person authorised by the local authority, other public body or organisation seeking accreditation under the Scheme to sign documents on behalf of and to bind the said local authority, public body or organisation.



## **Community Safety Accreditation Schemes**

### **Introduction**

The Police Reform Act 2002 enables the Chief Officer of any Police Force to establish and maintain a scheme to be known as a Community Safety Accreditation Scheme. This has created an opportunity for organisations that provide community safety and security functions to apply for accreditation, which will enable employees to utilise limited powers to help them to become more effective in their role. Such powers should only be applied with regard to local community needs and in compliance with local priorities and policies.

The benefits of such a scheme include the standardisation of the training and vetting procedures for those who carry out security or community safety patrols, better communication between the police and external organisations, formalisation of relationships with the extended Police family and more effective non-police community safety patrols. This will lead to the prevention of crime and anti-social behaviour. The scheme will provide reassurance to members of the public by confirming that they reach the high standards set.

It is widely accepted that uniform presence on the streets and other public places has long ceased to be the sole preserve of police officers and public demand for uniformed foot patrols shows no sign of abating. As a consequence, the last decade has witnessed the expansion of privately funded security patrols in residential areas. More recently, a variety of warden schemes have evolved with local authorities, housing agencies and other partnerships that provide community safety patrols, utilising paid and trained staff. Such individuals and groups were not initially considered to be part of the police family.

Following the introduction of the Crime and Disorder Act 1998 great steps were made in bringing together partner organisations to work jointly to address community safety issues. Section 17 of the Crime and Disorder Act 1998 states that it shall be the duty of each authority to do all that it reasonably can to prevent crime and disorder in its area.

The development of these “mixed patrols” brings with it the need for assurance as to its probity, professionalism and the ability to deliver a high quality service to the public. This has offered the police service the opportunity to act as guide and close partner to other organisations and agencies, with the intention of harnessing the commitment of those already involved in crime reduction and reassurance, thus giving rise to the “extended police family”.

For the purposes of the Community Safety Accreditation Scheme, the Chief Constable will be focusing upon those organisations that provide patrol style community safety and security functions and the powers that can be conferred upon them. This scheme does not include applications for accreditation and use of powers relating to stopping vehicles for emissions testing or escorting abnormal loads.

Applications for Community Safety Accreditation are invited from all interested and relevant parties within the public, private and voluntary sectors in accordance with the guidelines contained within this document. Accreditation will be awarded in two parts, firstly for the employer and secondly for the employee.

Application for accreditation will be made to the Chief Constable for the area where the employee is to operate. Accreditation will not be valid outside the accrediting Police force boundary and powers can only be applied when the accredited person is on duty, wearing the approved uniform and in possession of the identity and powers card. Regional, national or multi-national organisations may apply to the Chief Officer of the Force where the Head Office is situated and list the areas where their accredited staff will seek to operate. The Nominated Officer must forward such applications to the Nominated Officers in other Scheme areas where accreditation is being sought.

The Nominated Officer will act on behalf of the Chief Constable for the application and accreditation process.

### **The Police Reform Act 2002**

The Act introduced a system whereby persons who are not police officers may exercise certain police and local authority powers. Under Section 40 of the Act it is stated that the Chief Officer of any police force may, if considered that it is appropriate to do so for the purposes set out in Section 40(3) of the Act, establish and maintain a scheme to be known as a “Community Safety Accreditation Scheme”.

The purposes set out in Section 40(3) are: -

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

Section 40 (8) of the Act states that the employer must be a fit and proper person to supervise their employees in carrying out their community safety functions for the purposes of the powers that have been granted.

Section 40 (9) of the Act states that for an employer to become accredited under the Scheme they must have established and maintained complaints procedures.

Section 41(1) of the Act refers to accreditation under the Scheme where the Chief Officer has entered into arrangements with any employer in respect of the carrying out of community safety functions by employees of that employer.

Section 41(2) enables the Chief Officer to grant accreditation to any employee of the employer where an application has been made in the manner required by the Chief Officer.

Section 41 (4) states that a Chief Officer shall not grant accreditation to a person unless he is satisfied: -

- that the person’s employer is a fit and proper person to supervise the carrying out of the functions for the purposes of which the accreditation is to be granted;
- that the person is a suitable person to exercise the powers that will be conferred on them by virtue of the accreditation;

- that the person is capable of effectively carrying out the functions for the purposes of which those powers are to be conferred on them; and
- that the person has received adequate training for the exercise of those powers.

In addition, Section 41(5) allows a Chief Officer to charge such a fee as considered appropriate for considering an application for or the renewal of an accreditation under this section and/or granting such an accreditation.

Where the Chief Officer has granted accreditation to an employee under Section 41, then Schedule 5 of the Act shall have effect. The powers detailed in Schedule 5 are set out in *Appendix A* and will be appropriate to the role performed by the employee.

Section 41(6) of the Act states that a person authorised or required to do anything by virtue of an accreditation under Section 41 –

- shall not be authorised or required by virtue of that accreditation to engage in any conduct otherwise than in course of their employment by the employer with whom the Chief Officer has entered into the arrangements referred to above; and shall be so authorised or required subject to such other restrictions and conditions (if any) as may be specified in his accreditation.

Save where an accreditation has been previously withdrawn or ceases to have effect in accordance with Section 41(8), then the accreditation shall remain in force for such a period as may be specified in the accreditation. However, it is recommended that the accreditation may be renewed at any time with effect from the time 3 months prior to the accreditation lapsing (Section 41(7)).

An accreditation ceases to have effect (a) if the accredited person ceases to be an employee of the person with whom the Chief Officer has entered into the arrangements; or (b) if those arrangements are terminated or expire (Section 41(8)).

Section 42(10) states that for the purposes of determining liability for the unlawful conduct of employees of a person with whom a Chief Officer has entered into any arrangements for the purposes of a community safety accreditation scheme, conduct by such an employee in reliance

or purported reliance on an accreditation under Section 41 shall be taken to be conduct in the course of his employment by that employer; and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly. Any reference to joint tortfeasors means the employee and employer and not the Community Safety Accreditation Scheme.

Section 46 of the Police Reform Act 2002 introduces new offences, which can be committed against Accredited Persons, which protects them against obstruction and resistance and helps them to become more effective, these are: -

- (1) Any person who assaults: -
  - (a) an accredited person in the execution of their duty, or
  - (b) a person assisting an accredited person in the execution of their duty, is guilty of an offence and shall be liable on, summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or both.
- (2) Any person who resists or wilfully obstructs: -
  - (a) an accredited person in the execution of their duty, or
  - (b) a person assisting an accredited person in the execution of their duty, is guilty of an offence and shall be liable on, summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale or both.
- (3) Any person who with intent to deceive: -
  - (a) impersonates an accredited person
  - (b) makes any statement or does any act calculated falsely to suggest that he is an accredited person,
  - (c) makes any statement or does any act calculated falsely to suggest that he has powers as an accredited person that exceed the powers that he actually has, is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or both.

## **Training**

For an employee to receive accredited status with additional powers a minimum level of training must be met prior to application. This includes core skills training for those who carry out community patrol functions which can be delivered at the employer's preference and powers training which must be delivered by trainers approved by the Scheme. The minimum level of training sets a benchmark for training standards for all those employed within the community safety and security industries and will increase the confidence of the public in accredited staff.

The Scheme requires that training in respect of the use of powers will only be provided by trainers approved by the Chief Officer. Trainers who can deliver the powers training can be obtained by contacting the Nominated Officer or visiting the Cleveland Police/Durham Constabulary website. At the conclusion of the powers training a certificate will be granted to the individual.

## **Authorised Signatory**

The Authorised Signatory is the person who will act on behalf of the employer in relation to all aspects of Community Safety Accreditation. The Authorised Signatory will complete all relevant forms and will be the contact point for the Nominated Officer. In addition to this, all forms and submissions received from the Authorised Signatory are legally binding. An organisation can have more than one Authorised Signatory so that any absences are catered for.

## **Fit and proper persons**

Before an application for accreditation can be granted an employer's authorised signatory and employees must demonstrate that they are of previous good character and have no relevant criminal convictions. An Enhanced Criminal Records Bureau check must be carried out either prior to or at the time of application to show that the applicant is a suitable person for accreditation. This is required to provide confidence to the public by showing that employers and employees are appropriate to carry out the role granted by the Scheme. In the case of private companies, the owner and any directors will also be subject to Enhanced Criminal Record Bureau checks. Spent convictions must also be disclosed. Those convictions that will result in a failed application are outlined in *Appendix C* but could also be subject to the Appeals procedure.

For an employer to be accredited, the authorised signatory on behalf of the organisation and their manager will be subject to checks prior to accreditation being granted.

### **Changes in staff and suspension of accreditation**

All changes in accredited staff must be notified in writing to the Nominated Officer not more than 7 days from the date of that change. The employers may themselves suspend an employee's accreditation at any time without prior reference to the Chief Officer. This should be considered when managing misconduct, although the employer must notify the Nominated Officer within the agreed period. Should an accredited person be convicted of a relevant criminal offence (*Appendix C*) during the period of his or her accreditation, it is recommended that suspension of accreditation is considered and will be reviewed by the Nominated Officer, who at all times should engage in dialogue with the individual's employer. Furthermore, an employer must notify the Nominated Officer of any circumstances that would reasonably challenge the individual's status as a "suitable person". Where any person's accreditation is modified or withdrawn, the Nominated Officer giving notice of modification or withdrawal, shall send a copy of the notice to the employer responsible for supervising that person in carrying out the functions for the purposes for which accreditation was granted.

### **Scheme Liaison**

Regular contact must take place between the employer and the Nominated Officer to ensure that the Scheme is operating effectively. This is discussed further in Monitoring and Evaluation.

### **Communication Systems**

The employer shall provide suitable equipment and resources to ensure adequate lines of communication are available between the employer, employee, the local police and the local authority. This will ensure support is available and provides for accredited persons to report appropriate incidents speedily. A joint operating protocol (*Appendix D*) will clarify joint roles and responsibilities.

### **Information Sharing:**

An information sharing protocol (*Appendix E*) will be signed between both the employer and the Chief Officer to clarify the information sharing arrangements, and provide a framework to facilitate and govern the sharing of information, intelligence and evidence. The dissemination of intelligence must be carefully managed and obligations under the Data Protection Act 1998 and subsequent associated legislation must be met. It will invariably be in the interests of all partners to work towards the same aims and this will only occur if free and open lines of communication are maintained. Links in to the tasking and co-ordination processes at a local level, as per the National Intelligence Model, will be agreed as appropriate in individual circumstances. Information will *not* be shared via e-mail but by other appropriate means.

### **Security**

All information provided by Cleveland Police/Durham Constabulary must be stored in a location which can only be accessed by accredited persons, and when not being used will be placed in a secure cabinet, within a locked room. A protocol (*Appendix F*) will be signed by the Chief Officer and employer clarifying the security arrangements required and to be enforced.

### **Monitoring and evaluation**



Evaluation is a key aspect of any scheme and partners may wish to conduct their own specific evaluations but quarterly-monitoring reports will be sent to the nominated officer giving basic details of the operation of the Scheme, incidents attended, publicity, initiatives carried out, etc.

To assist in assessing the impact of the scheme the report will include:

- Make up of accredited persons by gender, age and ethnicity
- Training costs per accredited person
- Use of powers
- Submission of intelligence reports
- Citizen's arrests
- Patrol Time
- Number of Anti Social Behaviour Orders (ASBOs) applications assisted
- Activity analysis including evidence of good practice and media coverage
- Details of complaints against accredited employers/employees and their resolution
- Details of letters of appreciation

Records of incidents, duty diaries, and any other record must be kept for a minimum of seven years.

The existence and performance of any Scheme must also be included in any formal or informal audit policy and end of year reports. This information must be sent no later than 14 days following the end of a quarter, otherwise accreditation may be withdrawn from the employer.

### **Insurance**

The Employer will be required to show certification stating they are in possession of employer's liability insurance of a sum not less than £5,000,000 and public liability insurance of a sum not less than £5,000,000.

### **Security Industry Association (SIA) Licence**

With the development of the Security Industry Association licensing scheme, national standards are being set that must be consistent with any that are established by the scheme. Any authority, organisation or company which is required to be licensed at any time in the future for any or all of its functions must have this licence for accreditation to be granted, continued or be renewed. The terms of any scheme may be amended subject to the decisions and standards set by the SIA.

### **Approved Uniform**

The employer is to provide a suitable and identifiable uniform to the employee, which meets the need of the employee under current Health and Safety legislation. Uniforms that are worn by Accredited Persons where Organisations are applying for Accreditation must be approved by the Chief Officer within the force area. Those accredited under the scheme will display on their uniform the Home Office approved Accreditation badge. (*Appendix G*)

### **Charges for Community Safety Accreditation**

The following charges will be made to those applying for accreditation. The charges must be paid prior to accreditation.

#### **Initial Application (Accreditation to cover 12 month period)**

Public Service Employer	£300	
Employee		£40 (Or £100 if CRB check is required to be carried out by the nominated officer)
Private Sector Employer	£500	
Employee		£40 (Or £100 if CRB check is required to be carried out by the nominated officer)

#### **Renewal (Renewable every 2 years)**

Public Service Employer	£300
Employee	£40
Private Sector Employer	£500
Employee	£40

The charges for Accreditation will be reviewed on an annual basis.

## **Accreditation Process**

### **Accreditation of the employer**

An employer can obtain accreditation under the scheme if they demonstrate to the satisfaction of the Chief Constable that they are a fit and proper person to supervise employees in carrying out the functions for the levels of accreditation sought. Employers must gain accreditation before any employee within their organisation makes an application.

The following requirements are established in the Act.

- The employer is a fit and proper person to supervise the carrying out of the functions for the purpose of which accreditation is to be granted (Sec 40 (8)). The policies and procedures that need to be in place to evidence this are: -
  1. *A job description and person specification is available prior to any recruitment to posts.*
  2. *A recruitment policy to be in place, outlining the vetting procedure that is utilised for a potential employee which ensures that only suitable persons will be employed.*

3. *The employer will have an equal opportunity and a race relations policy in place.*
4. *A suitable training plan is in place for employees, ensuring that the training plan encompasses the requirements for Accreditation.*
5. *A proper supervisory structure is in place, which will address the need for daily direction and control of employees to include work allocation and direction, health and safety of the employee whilst on duty, monitoring of workloads and interaction with the police, including compliance with an Information Sharing Protocol. This information will be evidenced by a clear hierarchical structure and regular supervision of staff.*
6. *The employer shall provide suitable equipment and resources to ensure adequate lines of communication are in place between employees and the employer and also the employee and the police control room, should the need arise. This should be evidenced by any communications protocols that are in place.*
7. *Where the power to issue Fixed Penalty Notices has been granted, a system must be in place for the administration of the scheme and the enforcing of unpaid fines. Fixed Penalty notices for disorder will only be applied when accredited persons are working in close collaboration with the local police and in compliance with agreed local protocols.*

- Employers have established and maintain satisfactory arrangements for the handling of complaints (Sec 40 (9)). The policies and procedures that need to be in place to evidence this are: -

1. *The employer must establish and maintain a procedure for recording and dealing with complaints.*

<i>Criteria</i>	<i>Acceptable Evidence</i>
<i>You should have a Code of Conduct for employees, which is familiar to your staff.</i>	<i>Documents containing the Code. Documents containing the procedures and sanctions if it is breached by a member of staff. Give details of staff and management training on the Code and consequences of breaches.</i>
<i>You have a written, easy to use, complaints procedure that is</i>	<i>Documents containing the procedure. The stages of the process should be set out</i>

<i>available to the public. It should include a commitment to deal with complaints within a specific time limit whenever possible</i>	<i>clearly. Complainants should be able to register their complaint in a variety of ways including in person and in writing. Documents detailing any review procedure if a complainant is not satisfied with the initial process should be included.</i>
<i>You should give staff guidance and training in handling and recording complaints.</i>	<i>Include guidance documents provided for staff. Provide details of training in complaints resolution for staff or management.</i>
<i>You keep records of complaints and the action taken to deal with them.</i>	<i>Documents used for recording complaints and any guidance provided on their use. Details of complaints received in the last year should be provided. Access to inspect your complaints records may be required by prearranged appointment.</i>

*2. The Nominated Officer must be notified if an accredited person receives three or more complaints in a twelve month period or if formal action is required. The Nominated Officer will look at whether the employee is a fit and proper person to continue to carry out the role under accreditation. The complaints register must be maintained and available for examination by prearranged appointment with the Nominated Officer in relation to Accredited employers and employees.*

### **Cross Boundary Applications**

Whilst many schemes are likely to be local in nature there is a probability that some employers may be national or regional organisations who are seeking accreditation for their staff. The Chief Officer in whose area the employer has its registered address will act as decision-maker. If the registered address is overseas, then the force in which the UK Head Office is located will act accordingly. All such applications will list the areas in which accredited staff will seek to operate. Upon receipt of such application the Chief Officer will contact the other relevant Chief Officers of the Police Force areas named in the application and seek their views within 28 days of notification. The Chief Officer in the area where the application is made will review the representations from other forces and make the decision as to whether the employer should be accredited. This will be binding on the other forces; however it is at the discretion of other Forces to accredit employees operating within their area, therefore the Chief Officer of the area maintains control of local accreditations. Clearly the application process will take longer than

for single force applications. Regional or national organisations that have their head office within a force area that does not have accreditation schemes can apply for employer's accreditation in the areas where the employees are to operate.

Employees working for a national or regional organisation must apply to the Force in whose area they will work. As an example an organisation can be accredited by one Force and this will suffice nationally, but their employees must be accredited by whichever Force they will work in.

### **Accreditation of the Employer – Application Procedure**

In order for a successful application to be granted, the following procedure must be adhered to.

An Authorised Signatory, acting on behalf of the employer shall send to the Scheme the application, the Fee, the required policies, the purpose of intent of the organisation and an Enhanced CRB check or application for an enhanced CRB for themselves and 2 passport photographs.

Upon receipt of the application form and policies, the Nominated Officer will review the application. If required they will seek further documents from the employer to assist in the granting of accreditation. It may also be necessary for the employer's premises to be visited and if so the employer shall provide all reasonable assistance in accommodating such requests for access.

If any of the above documents are unavailable or are not currently used by the organisation, then the Nominated Officer may advise in the development of procedures and policies to help the application for accredited status.

The employer should take into consideration that the decision to grant accreditation to an employer is at the complete discretion of the Chief Constable. If the employer satisfies the criteria of being a fit and proper person for the supervision of employees in carrying out the functions for which accreditation is sought, then an Employer's Accreditation Certificate shall be issued.

**Period of Accreditation**

An employer who is successful in their application for accreditation shall be accredited for an initial period of 12 months, with subsequent renewals every 2 years. Employers who are granted accreditation can reapply, no sooner than 3 months before the expiry date of the current accreditation. It is the employer's responsibility to reapply for accreditation within the timescales specified. Failure to reapply prior to the expiry date will mean that any powers granted can not be utilised until further accreditation has been granted.

**Appeals Procedure**

In the event of a refusal to accredit or renew the accreditation of an employer or to withdraw an existing accreditation by the Scheme there will be a right of appeal in writing in the first instance to the Chief Superintendent within the Cleveland Police's Community Development or Durham Constabulary's Community Justice Department. Such appeal should be made within three months of the date of refusal. Should the Chief Superintendent deny the appeal a further right of appeal shall be available via the Chief Officer whose decision will be final except under Judicial Review procedures.

**Employer's Application Form (Public and Private Sector)**

**Police Reform Act 2002 – Community Safety Accreditation Scheme**

**Print All Sections in Black Ink and Block Capitals (only complete information that is relevant or obtainable in relation to your organisation)**

**Organisation:**.....

.

**Address:**.....

.....

.....  
.....  
...

**Post**

**Code:**.....

**Phone:**.....

.

**Fax:**.....

...

**E-Mail:**.....

**Registered Office Address (if different from above address):**

.....  
.....  
.....  
.....  
.....

**Vat Reg No:**.....

**Company Registration Number:**.....

**Does the Organisation hold any professional awards or accreditation in another area? (For example Investors in People, Beacon Status, etc)**

.....  
.....



.....  
.....  
.....  
.....  
.....  
.....  
.....

**Name (Director or above):**.....

**Position**

**Held:**.....

**Phone:**

.....

**Mobile:**.....

**Fax:**.....

...

**E-**

**mail:**.....

Our Organisation, meeting the requirements to employ such individuals that fit the criteria as laid down in The Police Reform Act 2002 pursuant of Section 40, wish to declare our intention to apply for Community Safety Accredited Status.

We agree to meet the standards as laid down by the Chief Constable and will only request accreditation for persons deemed suitable to fulfil the role.

We have read the Cleveland Police/Durham Constabulary Community Safety Accreditation Scheme. We agree to comply with every requirement of these documents.

We acknowledge that failure to comply will result in the organisation no longer being accepted by the Community Safety Accreditation Scheme and notification will be given to other police forces as appropriate.

**Signed** (Director **or**  
**above**):.....  
**Date**:.....

The below person is sanctioned by the organisation to act as the Authorised Signatory.

**Name**:.....  
**Position**:.....  
**Phone**:.....  
.  
**Signed**:.....  
.  
**Date**:.....

**I hereby confirm that the Chief Constable will not be liable for any actions carried out by an accredited person or organisation. All actions carried out are the responsibility of the accredited organisation and any liability will remain solely with that organisation.**

**Signed (Director)**: .....  
**Date**: .....  
**Signed (Authorised Signatory)**: .....  
**Date**: .....

The completed application together with supporting documents shall be sent to the Cleveland/Durham Community Safety Accreditation Scheme at: -

Safe In Tees Valley, 3<sup>rd</sup> Floor, Christine House, Sorbonne Close, Thornaby, Stockton-on-Tees. TS17 6DA.

Data Protection Act 1998 Personal data supplied on this form may be held on, and/or verified by reference to information already held.

**Accreditation of the Employee**

Before an employee of an accredited organisation is permitted to carry out any of the powers for which accreditation has been granted, the employee must ensure that the employer has been accredited. It should be noted that accreditation can only be granted to an employee in the following instances: -

1. That the person's employer is accredited by the Scheme.
2. That the person is suitable to exercise the powers that will be conferred on him/her by virtue of the accreditation.
3. That such person is capable of effectively carrying out the functions for the purposes of which those powers are to be conferred on him/her.
4. That such person has received adequate training for the exercise of those powers.

**Accreditation of the Employee – Application Procedure**

Prior to an application for accreditation of any person, the employer shall send to the Scheme a completed application form along with the Fee, 2 passport size photographs, a certificate stating that powers training has been carried out and a training verification form. Included within the application form should be a copy of the person's Enhanced Criminal Records Bureau disclosure or an application form for an enhanced CRB.

Upon successful application the employer will be issued with the employee's Certificate of Accreditation, an identity card which is to be used for the purposes of applying additional powers that have been granted and 2 accreditation badges to be attached to the employee's uniform. Additional badges can be purchased at £1 each.

Where the Chief Officer has granted accreditation to an employee under section 41, then the powers listed in the accreditation shall have effect. Powers granted through the scheme should

only be applied with regard to local community needs and in compliance with local priorities and policies.

### **Period of Accreditation**

An employee who is successful in their application for accreditation shall be accredited for an initial period of 12 months, and following renewal for 2 years. Accredited employers can reapply on their behalf of their employees for a renewed accreditation, no more than 3 months before the expiry date of the current accreditation. It is the employer's responsibility to reapply for accreditation within the timescales specified. Failure to reapply prior to the expiry date will mean that any powers granted can not be utilised until further accreditation has been granted.

### **Appeals Procedure**

In the event of a refusal to accredit or renew the accreditation of an employer or to withdraw an existing accreditation by the Scheme there will be a right of appeal in writing in the first instance to the Chief Superintendent within Cleveland Police's Community Development or Durham Constabulary's Community Justice Department. Such appeal should be made within three months of the date of refusal. Should the Chief Superintendent deny the appeal, then within one month of that decision of the Chief Superintendent, a further right of appeal shall be available via the Chief Officer whose decision will be final except under Judicial Review procedures.

### **Transferral of Staff**

Where an employee wishes to move from one accredited employer to a different accredited employer, they can apply to the Scheme for their accreditation to be transferred. An administrative charge will be applied for the transfer. Where additional powers are required, appropriate training must have been delivered in compliance with the Scheme.

**Employee Application**

**Police Reform Act 2002 – Community Safety Accreditation Scheme**

**Applicants Details:**

**Name:** .....

**Maiden Name (if applicable):** .....

**Date and place of Birth:** .....

**Home Address:**

.....  
.....  
.....

**Post Code:** .....

**Previous Address (if current address has not been lived in for 5 years)**

.....  
.....  
.....

**Home Telephone Number:** .....

.....

**Mobile:** .....

.....

**E-mail:** .....

.....

**Organisational Position:** .....

**Name of Employer:** .....

.....

**Employer's Address:**

.....  
.....  
.....  
.....  
.....

**Postcode:** .....

.....

**Work Telephone Number:** .....

**Mobile:** .....

**E-mail:** .....

**Signature of applicant:**.....

**I believe that ..... is suitable for consideration for accreditation and could exercise the powers conferred on them by virtue of the accreditation, is capable of effectively carrying out the functions for which those powers are to be conferred on them, has received adequate training for the exercise of those powers and has no disciplinary issues which would impact upon their suitability for accreditation.**

**Signed (Authorised Signatory):**.....

**Date:**.....

The completed application together with supporting documents shall be sent to the Cleveland/Durham Community Safety Accreditation Scheme at: -

Safe In Tees Valley, 3<sup>rd</sup> Floor, Christine House, Sorbonne Close, Thornaby, Stockton-on-Tees. TS17 6DA.

Data Protection Act 1998 Personal data supplied on this form may be held on, and/or verified by reference to information already held.

**Training Verification Form**

**I confirm that ....., who has applied to become accredited under section 41 of the Police Reform Act 2002 has completed the minimum training as outlined within the Scheme and the additional powers training as indicated below. Powers will only be granted when appropriate training has been delivered: -**

<b>Powers</b>	<b>Trained</b>	<b>Training Provider</b>	<b>Dates</b>
Issue of Fixed Penalty Notices for Dog Fouling, littering and riding a bicycle on a footpath			
Power to request a name and address for Fixed Penalty Offences and Offences that cause injury alarm and distress to another person or damage or loss of another's property			
Power to request the name and address of a person acting in an antisocial manner			
Power to confiscate alcohol from Young Persons under 18.			
Power to confiscate cigarettes and tobacco products from young people under 16.			
Power to require the removal of an abandoned vehicle			
Power to request a person to stop drinking in a designated public place and confiscate and dispose of alcohol being consumed within a designated public place.			
Issue FPN for throwing fireworks in a thoroughfare			
Issue FPN for buying or attempting to buy alcohol for consumption in a bar in licensed premises by a person under 18			
Issue FPN for consumption of alcohol in designated public place.			
Issue FPN for behaviour likely to cause harassment, alarm or			

distress.			
Issue FPN's for graffiti and fly-posting.			
Issue FPN to parents whose children are involved in truancy.			
Issue FPN for knowingly give a false alarm to a fire brigade			
Issue FPN for using public telecommunications system for sending messages known to be false in order to cause annoyance			
The power to stop cyclists if they are suspected of having committed the offence of riding on a footpath.			

**Signed (Applicant):** .....

**Date:** .....

**Signed (Authorised Signatory):** .....

**Date:** .....

*Appendix A*

**Powers scheduled under the Police Reform Act 2002**

- Issue of Fixed Penalty Notices for Dog Fouling, littering and riding a bicycle on a footpath
- Power to request a name and address for Fixed Penalty Offences and Offences that cause injury alarm and distress to another person or damage or loss of another's property
- Power to request the name and address of a person acting in an antisocial manner
- Power to confiscate alcohol from Young Persons
- Power to request a person to stop drinking in a designated public place and confiscate and dispose of alcohol being consumed within a designated public place.
- Power to confiscate cigarettes and tobacco products from young people
- Power to require the removal of an abandoned vehicle

**Powers scheduled under the Anti Social Behaviour Act 2003**

The ability to issue FPN's for the following offences: -

- Graffiti and fly-posting.
- Issue Fixed Penalty Notice's to parents whose children are involved in truancy.

Section 87 of the Anti Social Behaviour Act 2003 gives the ability to issue Fixed Penalty Notices for the following offences under the **Criminal Justice and Police Act 2001**: -

- Throwing fireworks in a thoroughfare



- Buying or attempting to buy alcohol for consumption in a bar in licensed premises by a person under 18
- Consumption of alcohol in designated public place.
- Knowingly give a false alarm to a fire brigade.
- Using public telecommunications system for sending messages known to be false in order to cause annoyance.
- Behaviour likely to cause harassment, alarm or distress.

Also the power to stop cyclists if they are suspected of having committed the offence of riding on a footpath.

Full legislative information regarding the above powers can be found at [www.hmso.gov.uk](http://www.hmso.gov.uk).

*Appendix B*

## **Minimum Training Standards**

The following outlines the minimum training standards for those carrying out a community patrol function.

Roles and Responsibilities
Code of Conduct
<b>Communication Skills</b>
Conflict Management
Assertiveness
Customer Care
Use of Radios/Phones
<b>Reports</b>
Pocket Note Books
Incident Recording
Statement Writing
<b>Health and Safety</b>
Personal Safety
Risk Assessments
First Aid
Fire Safety/Awareness
<b>Diversity</b>
Equal Opportunities
Diversity Awareness
Anti-discriminatory Practice
Race Relations
Disability Relations

The standards outlined below are those powers that require additional training. Training need only be provided in those powers that are being sought and not all (unless all powers have been requested).

<b>Enforcement Powers</b>
Fixed Penalty Notices for dog fouling, littering, riding a bicycle on a footpath, behaviour likely to cause harassment, alarm and distress, throwing fireworks in a thoroughfare, buying or attempting to buy alcohol for consumption in a bar in licensed premises by a person under 18, consumption of alcohol in designated public place, graffiti, fly posting, to parents whose children are truanting, knowingly give a false alarm to a fire brigade and using public telecommunications system for sending messages known to be false in order to cause annoyance.
Request Name and Address for F.P.N and offences that cause injury, alarm and distress to another person or damage or loss of another's property.
Request Name and Address of a person acting in an anti-social manner.
Confiscate Alcohol from Young Persons.
Confiscate Cigarettes and Tobacco products from young people.
Require the removal of abandoned vehicles
Data Protection, security, evidence gathering and case file preparation.

*Appendix C*

## **Criminal Convictions**

Applications will not be accepted from those who have been convicted or cautioned for a serious arrestable offence including:

- Murder
- Manslaughter
- Death by reckless driving
- Rape
- Kidnapping
- Firearms offences
- Gross indecency
- Hostage taking
- Hijacking or torture

In general, applications will also be rejected if an applicant has:

- committed any offence (as an adult or juvenile) which resulted in a prison sentence, including custodial, suspended or deferred sentence and sentences served at a young offenders' institution or community home
- received a formal caution (including reprimands and final warnings) for a recordable offence within the last five years
- been convicted as a juvenile within the last five years for any recordable offence
- any other recordable offence within the last five years other than those listed above. (A recordable offence is any offence held on the Police National Computer. This includes offences punishable by imprisonment and others specified in the National Police Records (Recordable Offences) Regulations 2000)

You must include spent convictions under the Rehabilitation of Offenders Act 1974 (by virtue of the provisions of the Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975) or any involvement with civil, military or transport police.

Applicants are likely to be rejected if they have been involved in any of the following:

- Offences involving serious violence or injury (including Grievous Bodily Harm (GBH) and Actual Bodily Harm (ABH))
- Offences involving unsolicited violence towards others
- Unlawful possession of weapons, firearms or going equipped to steal
- Acts of indecency and abuse or neglect of children
- Public Order offences – involvement in riot, violent disorder, affray, causing intentional harassment, alarm or distress
- Racially motivated or homophobic offences
- Burglary and offences which involve elements or acts of dishonesty, corruption, substantial financial gain or serious loss to anyone including theft, fraud and deception
- Serious involvement in drugs including possession of a Class A drug (heroin, morphine) or more than one Class B drug (amphetamines) and/or supplying drugs of any kind
- Reckless or Dangerous Driving; or one offence of drink driving, drunk in charge, or drugs driving, within the last ten years

### *Appendix C*

This is a guide only. If you have doubts about whether you qualify, please contact your Nominated Officer for further advice.

An applicant's age at the time of an offence and the aggravating circumstances surrounding the offence will all have a bearing in the following cases:

- Drunk and Disorderly – no more than one offence and only after two years have elapsed following a caution or three years have elapsed following a bindover/conviction.

- Minor drugs offences or substance abuse – no more than one offence and only after two years have elapsed following a caution or three from conviction
- Common Assault – no more than one offence as a juvenile or young adult and only after two years have elapsed from end of bindover/conviction.

*Appendix D*

**Cleveland Police/Durham Constabulary Community Safety Accreditation Scheme**

**Joint Operating Protocol**

**BETWEEN**

.....

**and**

**Cleveland Police/Durham Constabulary**

**PURPOSE**

This arrangement has been drawn up as a result of the accreditation of the relevant Community Safety Scheme.

The partners are the Scheme applicant and Cleveland Police/Durham Constabulary.

The purpose of this document is to formalise the interagency working relationship and joint operating strategy between the partners. The document and its contents should be reviewed as a formal written memorandum between all agencies involved.

Nothing in the document should be seen as legally binding by any of the partners binding them to a specific course of action. It is an agreement, based upon good practice and mutual advantage, which may be subject to alteration. No changes should be made to the document without prior agreement /consultation of both partners.

**AIMS AND OBJECTIVES**

The overall aims of the document are to create a mutual understanding of the day-to-day operational issues that relate to the parties.

To create clearly defined methods of communication.

Describe areas of co-operation and, where appropriate, support.

In order to achieve these aims all parties will pursue the following objectives:

The area in which the scheme will be operating will supply a map showing the local neighbourhood policing boundaries. The contact name and telephone number of the nominated liaison officer will be included.

A line of communication will be agreed for the scheme to report incidents to the respective police areas and other information that they deem appropriate.

*Appendix D*

The scheme will identify an individual to act as liaison within the protocol, to deal with correspondence and any day-to-day strategic issues. A senior manager within the organisation of the scheme will sign the protocol with the nominated officer from Cleveland Police/Durham Constabulary.

A separate protocol will be required for each scheme operating within Cleveland/Durham and will be signed by the relevant parties.

### **COMMUNICATION**

The scheme will be supplied with relevant contact and telephone numbers of the officer(s) in charge of the relevant area(s) and a nominated Liaison Officer.

In matters appertaining to every day operational issues the scheme will have a nominated contact / liaison officer within the area.

This line of communication will assist and enable them to contact the appropriate department for operational matters that are not subject to immediate response but need a lower level of police response.

The Liaison Officer and Intelligence units for the appropriate policing district will develop suitable lines of communication and methods to exchange information. These methods must be documented and will be via specified individuals within each of the organisations.

### **CONSULTATION**

It is important that the signatories liaise with each other in relation to any issue, which may have implications for impacting on any of the organisational issues for any of the parties involved.

The scheme and the police should agree to convene from time to time at the request of any party subject to this document, to discuss any areas of operational difficulty with a view to swiftly resolving problems.

### **INFORMATION SHARING**

All parties recognise the advantage of sharing relevant information. This is to be perpetuated and developed within the spirit of the Crime and Disorder Act 1998.

Without timely, accurate information, joint protocols / partnerships will not reach their full potential. Moreover, information sharing in its widest sense will be required to ensure improved performance and working relationships between the parties involved. This will enhance “good practice.” Information Sharing is covered in the following policy.

### *Appendix D*

Intelligence from the scheme should be transmitted into police systems via the Liaison Officer and Intelligence units of the relevant Area as specified at the time of accreditation.

However received, police officers will ensure that all information is processed diligently and expeditiously and that in all relevant cases, each organisation will ensure that all parties are appraised and briefed as appropriate regarding the relevant outcomes. The object is to encourage positive working relationships.

Where police become aware of sensitive, specific criminal intelligence there is no expectation that this will be shared with the scheme.

Should the police become aware of any specific information that would lead to concern over personal safety; the Police will ensure that all relevant parties are advised accordingly.

The key outcomes of information sharing will be: contributing to community safety and security, combating crime and disorder, public nuisance and other forms of anti-social behaviour within the Cleveland/Durham area.

Cleveland Police/Durham Constabulary undertake to offer support, guidance and give advice to the scheme and are committed to building excellent working relationships with all involved in the Scheme.

Signed (Authorised Signatory) .....

Print Name .....

Date .....

Signed (Divisional Commander).....

Print Name .....

Division.....

Date .....

Where appropriate:-

Signed (on behalf of CDRP).....

Print Name.....

CDRP Area.....

Date .....

**PROTOCOL FOR THE EXCHANGE OF INFORMATION BETWEEN ACCREDITED ORGANISATIONS IN ORDER TO PREVENT OR DETECT CRIME AND DISORDER, PUBLIC NUISANCE AND OTHER FORMS OF ANTI-SOCIAL BEHAVIOUR.**

**INFORMATION SHARING PROTOCOL BETWEEN CLEVELAND POLICE/DURHAM CONSTABULARY AND ACCREDITED ORGANISATIONS**

**1. Parties/Signatories**

**Chief Constable, Cleveland Police/Durham Constabulary**

**Chief Executive (Insert relevant organisation)**

It will be the responsibility of these signatories to ensure that:

- Realistic expectations prevail from the outset
- Ethical standards are maintained
- A mechanism exists by which the flow of information can be controlled
- The integrity of the data should be maintained at all times
- Appropriate training is given
- Adequate arrangements exist to ensure adherence to the Protocol

**2. Purpose**

The purpose of this protocol is to facilitate the exchange of information in order to comply with the statutory duty on Chief Police Officers to implement crime reduction strategies. In pursuance of Section 41(1) of the Police Reform Act 2002, and Central Governments Accreditation initiative, the chief officer invites participation and partnership with Accredited Organisations to work together to develop and implement a strategy and tactics for crime reduction.

**2.1 Sub Purpose**

To maintain formal lines of communication for information sharing between Cleveland Police/Durham Constabulary and Accredited Organisations. To ensure the discharge of their respective duties in relation to current legislation for which they will have joint responsibility.

For the purpose of this Agreement it is agreed that the disclosure of the following information to Accredited Organisations is approved in order to prevent future occurrences of anti-social behaviour. The purpose of sharing information is to help Accredited Persons tackle anti-social behaviour within the communities where problems have been identified.



*Appendix E*

- Relevant arrestable offences committed within an area of anti-social behaviour.
- Convictions, Charges and Cautions relating to offences, the commission of which amounts to acts causing or likely to cause anti-social behaviour in areas.
- Non convictional data relating to possible perpetrators of anti-social behaviour.
- Photographs relating to persons known to be or suspected of being involved in anti-social behaviour incidents in areas where problems have been identified.

Only previous convictions not spent, as defined by the Rehabilitation of Offenders Act 1974 will be supplied, unless it is in the public interest to share information in order to prevent crimes of a serious nature..

Relevant information held by the police shall be disclosed to Accredited Organisations when disclosure of the information is for the purpose of the prevention and detection of crime and anti-social behaviour and apprehension and prosecution of offenders.

It is agreed that crime prevention includes the use of powers conferred by Schedule 5 of the Police Reform Act 2002, Sections 23, 43 and 87 of the Anti-Social Behaviour Act 2003 and Section 1 of the Criminal Justice and Police Act 2001 on persons engaging in anti-social behaviour. It also includes evidence gathering for, and enforcement of, Anti-Social behaviour Orders.

In relation to juvenile offenders, information relating to criminal convictions will not be supplied as juvenile cases are held in Closed Court; however a statement can be obtained from the officer in the case with an outline of the circumstances of the arrest and charge.

**N.B** Information in relation to Charges can only be shared once the person has appeared in Open Court to answer the Charge. There will be cases where the Police will charge an individual and the case is later discontinued by the Crown Prosecution Service, or a defendant is found not guilty. In these circumstances the Police will be responsible in keeping the agency fully apprised and that the use of the information will therefore be restricted.

## **1. Proposals**

All parties will operate in accordance with the provisions of the Data Protection act 1998 and the Human Rights Act 1998.

All relevant information to support criminal and/or civil proceedings, which are known, will be recorded and exchanged. It is understood that certain information, which is to be used for a criminal prosecution, will not be available to be used in civil action until after the conclusion of legal proceedings in the criminal case.

*Appendix E*

Central to a proactive partnership is a clear understanding of the types of information that are relevant to both parties and awareness on the part of the officers involved.

All agencies will make full use of all legal powers available to them i.e. use of powers indicated above where appropriate and any other that the organisation has access to.

Where appropriate, Police Officers will appear as witnesses when legal action is being pursued through the Courts.

The parties will employ a problem solving approach to the issues agreed and will pursue effective responses via mutual co-operation.

#### **4. Detailed Proposals**

It is acknowledged that there will be circumstances where it will be relevant and appropriate to disclose information that will assist in the prevention and detection of crime and the apprehension and prosecution of offenders.

Named officers from the respective agencies will be designated for the specific task of the effective exchange of information and will be required to comply with current Data Protection legislation.

It will be the responsibility of the Police Liaison Officer and the Designated Officer from Accredited Organisations to disclose only relevant and appropriate information and they will be accountable for that disclosure.

Requests for information must be made using the form agreed for this purpose. All sections of the form must be completed and must show an authorised signatory prior to being directed to a Designated Officer.

Details of statements made by any third parties can only be shared subject to the third parties consent. It will be the responsibility of the agency that obtained the statement to acquire the necessary consent.

#### **5. Depersonalised Data**

If the purpose can be achieved using depersonalised information then this is the recommended method.

#### **6. Personal Data – Power to Disclose**

If failure to share personal information means the objective of the arrangement could not be achieved then each party should consider whether they have the power to disclose. This may be by;

*Appendix E*

- Consent
- Where there is an over-riding public interest or justification for disclosure.
- Use of the non-disclosure exemptions contained within the Data Protection Act 1998
- Use of Section 115 of the Crime and Disorder Act 1998

## **7. Extent of Personal Data Disclosed**

Disclosure of personal data must be relevant and only the minimum amount required for the purpose and can only be used for the purpose in which it is supplied.

The identity of the originator must be recorded against the relevant data. No secondary use or other use may be made unless the consent of the disclosing party to that secondary use is sought and granted. Disclosure must be compatible with the second data protection principle:

‘Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes’.

## **8. Review and Weeding of Data**

Criteria for the review and weeding of data must be agreed by the partners in accordance with existing policies and codes of practice relevant to that data. Retention will be for the minimum period required to achieve the objectives of the project after which the data will be returned to the originator or securely disposed of.

Furthermore, the data user will review personal data at least 12 months from the date it was last updated and removed if no longer required or relevant.

## **9. Data Quality**

Information discovered to be inaccurate or inadequate for the purpose will be notified to the data owner who will be responsible for correcting the data and notifying all other recipients of the data who must ensure that the correction is made.

Any disclosure of personal data must have regard to both common and statute law e.g. defamation, the common law duty of confidence and data protection principles as well as any relevant codes of practice and Human Rights.

## **10. Security**

Partner (signatories) to this protocol must designate an individual within their organisation to assume responsibility for data protection, security and confidentiality and compliance with legislation. The designated person will ensure that Data Protection registrations or notifications are in place to cover the holding and use of personal data.

*Appendix E*

It is expected that partners of this protocol will have in place baseline security measures compliant with B.S.7799/I.S.O/I.E.C 17799:2000.

All organisations (signatories) should ensure that they have these appropriate security arrangements in place. Only nominated representatives can access, request information, and make disclosure decisions. Data should be stored securely to prevent unauthorised access and disclosure.

Any changes in nominated officers will be notified in writing as soon as practicable after such a change has occurred.

## **11. Documentation**

Disclosures and requests for disclosures must be in writing and retained. Decisions on disclosures reached at meetings must be minuted.

## **12. Liaison**

In addition to the standard practices associated to information sharing, regular meetings will take place between representatives of Cleveland Police and Accredited Organisations.

## **13. Complaints and Breaches**

Each party should agree a procedure to be followed in the event of a complaint being received by any party on the use or disclosure of personal data.

## **14. Amendments to the Protocol**

Any partner may make suggestions for amendments to the protocol at any time.

To enable partners to exchange views prior to changes being made it is suggested that such changes be discussed at the appropriate forum.

## **15. Subject Access**

When an agency receives a subject access application and personal data is identified as belonging to another agency, it will be the responsibility of the receiving agency to

contact the data owner to determine whether the latter wishes to claim an exemption under the provisions of the Data Protection Act 1998.

Where a data controller cannot comply with the request without disclosing information relating to another individual who can be identified from that information, he is not obliged to comply with the request unless: -

*Appendix E*

- a) The other individual has consented to the disclosure of the information to the person making the request, or,
- b) It is reasonable in all circumstances to comply with the request without the consent of the other individual.

In determining whether it is reasonable, regard should be had to: -

- Any duty of confidentiality owed to the other individual.
- Any steps taken by the data controller with a view to seeking the consent of the other individual.
- Whether the other individual is capable of giving consent, and
- Any express refusal of consent by the other individual.

**16. Freedom of Information**

Requests under the Freedom of Information Act 2000 that may involve access to policy documents and the decision-making process should be dealt with as above.

Agencies are reminded that these arrangements should be publicly available.

Signed..... Date.....  
**Chief Constable, Cleveland Police/Durham Constabulary**

Signed..... Date.....  
**Chief Executive, (Insert Organisation)**

*Appendix F*

**CLEVELAND POLICE/DURHAM CONSTABULARY COMMUNITY SAFETY  
ACCREDITATION SCHEME**

**ACCEPTANCE OF INDIVIDUAL RESPONSIBILITY TO MAINTAIN SECURITY OF  
CLEVELAND POLICE/DURHAM CONSTABULARY INFORMATION**

Information is a vital component in the provision of an effective policing service. Cleveland Police/Durham Constabulary keeps and processes a large amount of information that is often sensitive in nature and is required to protect life and property, prevent and detect crime and assist in the apprehension and prosecution of offenders.

Whilst working with the Police you will gather, use and disclose information for all sorts of reasons whilst undertaking your duties. You must be aware of the implications for both yourself and the organisation if you misuse that information. You will be advised how you should utilise Police information so that it is provided to the right people for the right purpose at the right time on a 'need to know' basis.

The following declaration must be signed to signify that you accept your responsibility to abide by Police requirements relating to security of information at all times.

**DECLARATION**

**Information Security**

1. I understand that I am personally responsible for the protection and security of all information that I handle, use and disclose during the course of my work with Cleveland Police/Durham Constabulary. I understand my personal responsibilities, including the fact that I may be held personally liable for non-compliance.

**Official Secrets Acts 1911 to 1989**

1. I have been informed that information, documents or other articles protected against disclosure by the provisions of the Official Secrets Act 1989 relating to security or intelligence, defence or international relations, may come into my possession as a result of my work for the Constabulary on terms requiring it to be held in confidence.

2. I understand that, knowing such information, documents or other articles are so protected against disclosure, I may be prosecuted for an offence under the Official Secrets Acts 1911 to 1989 should I disclose without lawful authority any or any part of such information, documents or other articles.

3. I understand the above declaration continues to apply when my work for the Police has ended.

SIGNED: .....

10<sup>th</sup> February 2004

FORENAME (S): ..... SURNAME .....  
(BLOCK LETTERS):

EMPLOYER/ ORGANISATION:  
.....

DATE: .....

*Appendix G*

This badge is only entitled to be worn by those employees accredited under the Scheme.  
It must be displayed on the chest region of the outer garment of the uniform worn.