

Impact Assessment, The Home Office

Title: Police, Crime, Sentencing and Courts Bill (Home Office and Department for Transport measures)

IA No: HO0383

Other departments or agencies: Department for Transport, Ministry of Justice, Ministry of Defence and Scottish Government

Date: 30 June 2021

Stage: Final

Intervention: Domestic

Measure: Primary Legislation

Enquiries:
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RPC Opinion: Not Applicable

Business Impact Target: Non-qualifying provision

Cost of Preferred (or more likely) Option (in 2020/21 prices)

Net Present Social Value NPSV (£m)	17.5	Business Net Present Value BNPV (£m)	-9.8	Net cost to business per year EANDCB (£m)	1.2
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What is the problem under consideration? Why is government intervention necessary?

Police recorded crime in England and Wales has increased by 20 per cent since June 2010 to June 2020, with violent, sexual and public order offences all rising in this period. While the Crime Survey England and Wales has indicated that trends in overall levels of crime have been broadly stable in recent years, this masks increases in some lower volume but more serious crimes and it is clear more needs to be done to protect the public and police from such harm. Government intervention is required to legislate to protect the public and police from harm and support and strengthen the Criminal Justice System's (CJS) response to crime.

What are the policy objectives and the intended effects?

The policy objectives for this Bill are to: **1)** protect the police and other emergency workers and enhance the wellbeing of police officers and staff; **2)** protect the public by giving the police the tools needed to tackle crime and disorder, and by addressing the root causes of serious violent crime using multi-agency approaches to prevention. The intended effects are to decrease crime and disorder, ensure offenders are brought to justice and reduce the emotional and economic costs to victims, their families and the public and private sectors.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1: Do nothing. Make no changes to existing legislation, and introduce no new legislation.

Option 2: Implement the measures in the Police, Crime, Sentencing and Courts Bill by enacting the primary legislation measures described in the Options section (D) in the Evidence Base.

Option 2 is the Government's preferred option.

Main assumptions/sensitivities and economic/analytical risks	Discount rate (%)	3.5
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The Net Present Social Value (NPSV) of the Bill is mainly driven by the costs and benefits of the Serious Violence (SV) duty measure and Unauthorised Encampments (UE) measure. The scale of the benefits of the SV duty measure carry some uncertainty being based on the outcomes of past interventions. Sensitivity analysis has been conducted to show the uncertainty around the central estimate. For the UE measure, the estimated number of unauthorised encampments subject to proposed measures and the number of households that may be eligible for housing and financial support are also uncertain. DWP and Home Office have worked to agree these assumptions.

Will the policy be reviewed? It will be reviewed. If applicable, set review date: November 2026

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:



Date:

1st July 2021

Summary: Analysis & Evidence

Policy Option 1

Description: Police, Crime, Sentencing and Courts Bill (Home Office & DfT measures)

FULL ECONOMIC ASSESSMENT

Year(s):	Price Base	2020/21	PV Base	2020/21	Appraisal	10	Transition	3
Estimate of Net Present Social Value NPSV (£m)						Estimate of BNPV (£m)		
Low:	37.0	High:	-52.6	Best:	17.5	Best BNPV	-9.8	

COSTS, £m	Transition Constant Price	Ongoing Present Value	Total Present Value	Average/year Constant Price	To Business Present Value
Low	33.5	255.4	286.7	33.8	3.0
High	21.7	521.8	542.1	64.8	16.7
Best Estimate	27.5	363.3	389.0	46.1	9.8

Description and scale of key monetised costs by 'main affected groups'

The main costs (10-year PV) from the HO and DfT related measures in this Bill are estimated to be in a range of £286.7 to £542.1 million with a central estimate of £389.0 million. The total cost per year is estimated to be £33.8 to £64.8 million with a central estimate of £46.1 million, apportioned as follows: Home Office £33.8 to £64.8 million and DfT £0.03 to £0.04 million.

Other key non-monetised costs by 'main affected groups'

The non-monetised costs associated with the measures in the Bill include: Police covenant, police driving standards test, non-violent protests, MAPPA, sex offender management, PACE Act 1984, data extraction, driver retraining course and human remains.

BENEFITS, £m	Transition Constant Price	Ongoing Present Value	Total Present Value	Average/year Constant Price	To Business Present Value
Low	0	323.6	323.6	39.4	0
High	0	489.6	489.6	60.0	0
Best Estimate	0	406.6	406.6	49.7	0

Description and scale of key monetised benefits by 'main affected groups'

The main benefits (10-year PV) from the HO and DfT related measures in this Bill are estimated to be in a range of £323.6 to £489.6 million with a central estimate of £406.6 million. The total annual average benefit over 10 years is £39.4 to £60.0 million, with a central estimate of £49.7 million, apportioned as follows: Home Office £37.7 to £57.7 million and DfT £1.7 to £2.3 million.

Other key non-monetised benefits by 'main affected groups'

There are several non-monetised benefits associated with the measures in the Bill. These include: Police covenant, police driving standards test, SOA amendment, SVROs, MAPPA, sex offender management, PACE Act 1984, data extraction and unauthorised encampments.

BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:									
Cost, £m	1.2	Benefit, £m	0.0	Net, £m	1.2				
Score for Business Impact Target (qualifying provisions only) £m:					N/A				
Is this measure likely to impact on trade and investment?					N				
Are any of these organisations in scope?		Micro	Y	Small	Y	Medium	Y	Large	Y
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)				Traded:	N/A	Non-Traded:	N/A		

PEOPLE AND SPECIFIC IMPACTS ASSESSMENT (Option 2)

Are all relevant Specific Impacts included?	Y	Are there any impacts on particular groups?	Y
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Evidence Base (for summary sheets)

A. Strategic Overview.

A.1 Background

1. In December 2019 the Government was elected with manifesto commitments to make our country safer by: *'(backing) our police by equipping officers with the powers and tools needed to keep themselves and all of us safe'; enshrining 'the Police Covenant into law'; '(passing) the Police Protection Bill'; '(tackling) unauthorised traveller camps'; '(requiring) schools, police, councils and health authorities to work together through Violence Reduction Units to prevent serious crime'; and introducing 'a new court order to target known knife carriers, making it easier for officers to stop and search those convicted of knife crime'*¹. The Police, Crime, Sentencing and Courts Bill gives effect to these manifesto commitments made to the public.
2. Background for individual measures covered in the Bill:

(a) Police Covenant

The Home Office announced in July 2019 the intention to create a Covenant to *'demonstrate the Government's respect and support for those working in policing'*². This announcement followed on from the Home Office's Front Line Review³, which identified concerns of police officers and staff and set out proposals for a set of measures designed to reduce workloads, ensure wellbeing, and provide police with more decision-making power. The Covenant was described at the time as a *'pledge to do more as a nation to help those who serve this country'* and noted that a consultation would follow on the scope and principle of the Covenant. The commitment to enshrine the Covenant in law was subsequently included in the Conservative Manifesto 2019.

(b) Special constables

Special constables play a vital role in their community as voluntary police officers. They have the same powers as full-time police officers and provide unique skills, experiences and expertise. Increasingly, special constables are fulfilling specialised roles within police forces and as a result may face similar risks on duty to those of full-time officers. However, special constables do not currently have access to the same support available to other constables. Currently, special constables can access free legal aid as funded by the Home Office - this legal aid covers disciplinary and misconduct proceedings. The previous Home Secretary announced the Government's intention to support the Police Federation offering membership to special constables in July 2019 at the annual Police Bravery Awards, following representations from the Federation.

(c) Police driving standards test

The demands on police drivers are changing and becoming more complex, with the rise in motorcycle-related crime and use of tactics employed by some subjects to attempt to evade arrest. Police drivers play a critical role in keeping the public safe, often driving in high-pressured situations to pursue suspects on the roads and respond urgently to incidents.

Current laws do not recognise the training that police response drivers undertake and the tactics they may have to employ to respond to emergencies and pursue criminals. Police drivers are instead held to the same standards as members of the public, with no account taken of a police driver's skill or training when deciding whether their driving was careless or dangerous.

¹ The Conservative and Unionist Party Manifesto 2019 *"Get Brexit Done Unleash Britain's Potential"*- https://assets-global.website-files.com/5da42e2cae7ebd3f8bde353c/5dda924905da587992a064ba_Conservative%202019%20Manifesto.pdf

² <https://www.gov.uk/government/news/home-secretary-announces-plans-for-a-police-covenant>

³ For the summary of findings, and Home Office response, see: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815791/FLR_Recommendations_report_sent_V2.pdf

(d) Serious Violence Duty

Since 2014, certain types of serious violence have increased markedly in England and Wales. Offences involving knives increased by 84 per cent between the year to June 2014 and the year to June 2020⁴. Homicides increased by around 38 per cent and gun crime rose by 28 per cent between year to June 2014 and year to June 2020.

Responding to this increase, the Government published the Serious Violence Strategy in April 2018. The Strategy made it clear that a successful approach depends not only on the work of law enforcement but also on harnessing the value of cross-sector partnerships including education, health, social services, housing, youth services and victim services in tackling serious violence.

To enshrine this approach, the Bill provides for a new serious violence duty. This would place a duty on specific organisations to plan and collaborate to prevent and tackle serious violence.

(e) Serious Violence Reduction Orders

Although some trends are stabilising, knife crime is still too high. In the year ending June 2020, 262 people were stabbed to death and in 2019/20, 4,800 admissions for assault by a sharp object were recorded⁵, with some offences never reported. Too many of these people were injured or killed by someone who has offended before. The Government is determined to do everything possible to tackle violent crime and to make our streets safer. Serious Violence Reduction Orders will give the police additional stop and search powers to be used against those with knife and offensive weapons related crime convictions. Serious Violence Reduction Orders (SVROs) are intended to help prevent individuals from committing further crime, through the deterrent of an increased risk of detection, and supported by wider efforts in relation to reducing serious violence. The orders will target adult offenders and will be at the discretion of the court, this will ensure that the courts issue SVROs having taken into account the individual circumstances of the case. The Government will pilot SVROs in one or more police forces to ensure that it is possible to evaluate the impact before making a decision on whether to roll out nationally.

(f) Homicide reviews

A homicide review is an independent report produced following a homicide for agencies to consider the circumstances and events leading to the homicide in order to learn lessons and identify opportunities to prevent future homicides. Homicide reviews are already required for:

- A person aged under 18 years of age.
- A vulnerable adult.
- Homicides involving domestic violence.
- Homicides committed by someone in receipt of mental health care.

However, it is a notable gap that most homicides of adults (those 18 years of age or over) are not subject to a formal review and therefore there is no co-ordinated process for learning lessons and making recommendations for change and improvement. There were 725⁶ offences initially recorded as homicides in 2019/20. Using the Homicide Index, it was estimated that 526 of those cases that are still recorded as homicide would not meet the criteria for an existing review. Almost half of these homicides, 251 according to the Homicide Index, involved an offensive weapon and would not be subject to a homicide review under existing criteria. The existing landscape of homicide reviews is made up of different legislation, owned by several Government departments, and in some cases the reports have been criticised for taking significantly longer than the timeframe stated in the statutory guidance and are not leading to timely, effective improvements. The Government therefore proposes developing a new model to capture homicides involving offensive weapons that are not currently in the remit of existing reviews that will deliver swift recommendations that can help tackle serious violence locally and nationally. To ensure these

⁴ Police recorded crime publication: <https://www.gov.uk/government/statistics/police-recorded-crime-open-data-tables>

⁵ There were 4,757 finished consultant episodes in English hospitals in 2019/20 due to assault by a sharp object. <https://commonslibrary.parliament.uk/research-briefings/sn04304/>

⁶ <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/crimeinenglandandwalesappendixtables>

reviews are as effective as possible at tackling serious violence and homicide, the Government intends to design them with local partners and then pilot the concept before rolling out homicide reviews across England and Wales.

(g) Sex offender management

g.1 Enable positive obligations and electronic monitoring requirements to be imposed by Sexual Harm Prevention Orders and Sexual Risk Orders

Currently, Sexual Harm Prevention Orders (SHPOs) and Sexual Risk Orders (SROs) may only impose prohibitions on those made subject to them. These may include prohibiting the individual from visiting specified locations, imposing restrictions on internet use, or prohibiting contact with specified individuals. The proposed change would enable the courts to impose positive requirements as well as restrictions, for example a requirement for the individual made subject to the order to participate in a behaviour change programmes, alcohol or drug treatment, or to take a polygraph test as part of risk management. This would mirror the approach for other civil orders (such as the new Stalking Protection Orders or proposed Domestic Abuse Protection Orders (DAPOs)). The measure would help to reduce risk to the public by enabling more proactive work to manage those who pose a risk of sexual harm to the public.

The Bill will also amend the Sexual Offences Act 2003 to enable a court to attach an electronic monitoring requirement to a SHPO or SRO for the purposes of monitoring compliance with other conditions of the order. Electronic monitoring is intended as a tool to support and enable the management of risk of harm. It is a way to monitor and record information on an offender's compliance with an order's conditions, for instance curfews or exclusion zones monitored by an electronic tag (usually affixed to the offender's ankle). Electronic monitoring is currently used to monitor compliance with the conditions of various court orders and will be included as part of the proposed DAPOs.

g.2 Provide for the civil standard of proof to apply to the making of a Sexual Harm Prevention Order or Sexual Risk Order

The legislation which provides for SHPOs and SROs does not currently specify the standard of proof which the court must apply when considering making an order (although the Home Office Guidance for Part 2 of the Sexual Offences Act 2003, refers to the standard being a standard akin to the criminal standard of proof of 'beyond reasonable doubt'). This amendment will specify that the court should apply the lower civil standard of proof ('balance of probabilities') when determining whether the individual the application is made in respect of has done the act in question.

g.3 Provide for the enforcement of Scottish Sexual Harm Prevention Orders and Sexual Risk Orders in England, Wales and Northern Ireland

Currently, Scotland still uses three orders which have been repealed in England and Wales: Sexual Offences Prevention Orders (SOPOs), Foreign Travel Orders (FTOs) and Risk of Sexual Harm Orders (RoSHOs). Scotland introduced their new orders, SHPOs and SROs, in the Abusive Behaviour and Sexual Harm (Scotland) Act 2016. However due to an omission in legislation it has not been possible to introduce the new orders, which offer a number of safeguarding benefits compared to the repealed orders, because these would not be enforceable in other UK jurisdictions. If Scotland introduce their new orders without an amendment in legislation:

- Individuals subject to Scottish SHPOs and SROs could move to England, Wales or Northern Ireland and evade prohibitions imposed on them in Scotland;
- A breach of the Scottish SHPOs and SROs in England, Wales or Northern Ireland would not constitute a criminal offence; and
- Notification requirements resulting from the Scottish SHPOs and SROs, and the criminal offence of breaching the notification requirements, would apply only in Scotland. This means the individual would only be a 'registered sex offender' in Scotland.

g.4 Give police the power to impose notification requirements on sex offenders who commit offences abroad, removing the requirement to apply through the courts

Currently, where the police are aware of an individual who has been convicted or cautioned of a relevant offence on or after 1 September 1997 outside of the UK, and who would, had the offence been committed in the UK, been subject to the notification requirements, they may apply to the courts for a Notification Order which makes the individual subject to the notification requirements. This includes any British nationals who have been convicted or cautioned overseas and foreign nationals with a previous conviction or caution from overseas who now live in the UK. This amendment will remove the requirement for the police to apply for a Notification Order and enable them to make the individual subject to the notification requirements directly. It would be similar to legislation in Northern Ireland, however where Northern Irish legislation makes those convicted of sexual offences abroad automatically subject to the notification requirements, the legislation in England and Wales will require an offender to notify once informed by the police that they are required to do so. As is already the case, breach of the notification requirements will be a criminal offence.

g.5 Streamline the process for prescribing police stations and give Chief Constables flexibility to determine which police stations offenders must notify at

Registered sex offenders must notify personal details at specific police stations which are currently listed in regulations. This therefore requires an annual Statutory Instrument (SI) to be laid listing each prescribed police station, which poses difficulty for police forces when closures/refurbishments occur and quickly becomes outdated. Annually updating this SI is also a time consuming and resource-intensive process for both police forces and the Home Office and carries legal risk. The proposed measure would remove the requirement for the list of stations to be set out in legislation and instead enable Chief Constables to specify the police stations themselves, giving them greater flexibility, and enabling them to amend the list quickly in response to changes (e.g. station moves). Chief Constables would be required to publish the list of prescribed police stations on each police force website, this information will need to be updated. The current regulations are included in a statutory instrument, the Sexual Offences Act 2003 (Prescribed Police Stations) Regulations 2018.

g.6 Power to prepare a list of countries considered to be at high risk of child sexual abuse and exploitation by UK nationals and residents, and requirement for applicants and the courts to have regard to the list in respect of applications for Sexual Harm Prevention Orders and Sexual Risk Orders

This measure will enable the Secretary of State, or a person directed by them (for example, the National Crime Agency) to establish and maintain a list of countries where children are considered to be at high risk of sexual abuse and exploitation from UK nationals and residents travelling abroad. This follows a recommendation made by the Independent Inquiry into Child Sexual Abuse (IICSA) in its *Children Outside the UK* report published in January 2020⁷. The courts would then be required to have regard to this list when considering whether to include a prohibition on foreign travel in an SHPO or SRO.

It should be noted that all of the impacts outlined in this IA reflect the requirement to establish and maintain a list of high-risk countries, rather than exactly the method by which this is achieved.

g.7 Enable the British Transport Police and Ministry of Defence Police to apply for a Sexual Harm Prevention Order or Sexual Risk Order and take part in the related procedures such as applying for the variation and discharge of an order

This amendment will enable the British Transport Police (BTP) and Ministry of Defence (MoD) Police to directly apply to the court for an SHPO or SRO. At present they must apply via the relevant territorial police force, which can result in delays.

⁷ Independent Inquiry into Child Sexual Abuse (2020), *Children Outside the United Kingdom Phase 2 Investigation Report*: <https://www.iicsa.org.uk/publications/investigation/protection-children-outside-united-kingdom>

(h) Sexual Offences Act 2003 amendment

This measure will address a gap present in criminal law, ensuring that in arranging child sexual abuse cases, where the age of the victim (intended or actual) is under the age of 13, the additional vulnerability of the intended victims is properly factored in to sentencing outcomes.

Currently, the offence of arranging or facilitating the commission of a child sex offence in section 14 of the Sexual Offences Act does not apply to the child sex offences in sections 5 to 8 of that Act – that is, rape and other offences against children under the age of 13. In order for those who attempt to arrange or facilitate the commission of a child sexual offence to receive sentences befitting the nature of their crime, this measure would bring sections 5 to 8 of the 2003 Act explicitly into the ambit of section 14 (which currently only references sections 9 to 13); thereby ensuring those that target children under the age of 13 are sentenced considering the additional vulnerability of the intended victims.

(i) Amendments to the Crime (Overseas Production Orders) Act 2019

Individuals and networks increasingly use global communication platforms to facilitate their criminal activities and exploit vulnerable people. This makes the data generated by those applications a vital source of evidence for the investigation and prosecution of criminal offences, including terrorism and child sexual exploitation. Currently the majority of this data is held or controlled by service providers in the United States.

The Crime (Overseas Production Orders) Act 2019 (“COPO Act”) gives law enforcement agencies and prosecuting authorities the power to access and obtain, for evidential purposes, stored electronic data, via a court approved Overseas Production Order (“OPO”), from service providers based overseas to support UK criminal investigations and prosecutions. A relevant international cooperation agreement must be in place between the UK and the country in which the service provider from whom data is sought is located. The first of these agreements will be the UK US Bilateral Data Access Agreement which is expected to come into force in 2021.

The COPO Act provides for a more streamlined and effective means of obtaining electronic data than is currently provided through the Mutual Legal Assistance (MLA) process. Receiving the evidence via an MLA request can take from six months to two years. It requires significant Government-to-Government liaison and is a significant administrative burden. The COPO process is expected to take in the order of 60 days and perhaps less. In addition, unlike when the material is sought via MLA when it can take a protracted period and the evidence obtained may not be timely enough to support prosecution action in some cases, obtaining the material via an OPO is expected to increase the number of cases that can be supported by stored content and related data evidence.

Implementing a national process for OPOs has highlighted some practical issues that require resolution through amendments being made to the Act. Without these amendments, the Act will not be effective in achieving its desired outcome which is to streamline the gathering of stored electronic data to be used for UK criminal investigations and prosecutions.

The proposed amendments to the Act will, in particular:

- Permit the obtaining of communications data (information on who sent an email, when and to whom it was sent) in addition to data stored electronically only where it is associated or linked with the stored electronic content sought. This will provide the necessary evidential value to the material sought.
- Confer on the Home Secretary and the Lord Advocate (for Scotland) the flexibility to delegate tasks related to the serving of an OPO to an appropriate body (for example the National Technical Assistance Centre who are best placed to provide the secure means to transmit the OPOs to service providers abroad).

(j) Non-violent protests

In light of a growing trend in the use of non-violent but seriously disruptive protest tactics, the Commissioner of the Metropolitan Police Service (MPS) has requested the Home Office explore

amending current public order legislation which the Commissioner referred to as cumbersome. Changes to existing legislation, which was designed to counter behaviours at protests which are violent or distressing to the public, would enable the police to effectively manage emerging protest tactics.

The Home Office has been working with stakeholders including the National Police Chiefs' Council (NPCC) and the MPS to understand what new powers would allow the police to manage protests safely whilst still preserving the public's right to protest. Following this engagement, the Bill includes several measures to strengthen police powers to tackle disruptive protests. These will enable the police to better balance the rights of protesters and the rights of the public. The amended legislation will give the police a wider range of options to prevent disruption at protests, close loopholes that protesters can use to avoid facing justice and ensure those who break the law receive penalties that reflect the levels of harm they have caused. How the police use these powers will continue to be an operational matter for them and they do not need to use the full range of powers available in relation to any incident.

(k) Pre-charge bail

An individual who has been arrested by the police but who has not yet been charged can be released on pre-charge bail or released without bail while the investigation continues. Pre-charge bail means the individual under investigation is released from police custody, with or without conditions, while officers continue their investigation.

Individuals on pre-charge bail are required to return to the police station at a specified date and time, known as 'answering bail', to either be informed of a final decision on their case or to be given an update on the progress of the investigation.

Conditions may be imposed upon the individual if they are deemed necessary to: prevent someone from failing to surrender to custody, prevent further offending, prevent someone from interfering with witnesses, or otherwise obstructing the course of justice. Conditions may also be imposed for the individuals' own protection or, if aged under 18 years, for their own welfare and interests.

The Government legislated through the Policing and Crime Act 2017 to address concerns that individuals were being kept on pre-charge bail for long periods, sometimes with strict conditions. The reforms introduced:

- A presumption against pre-charge bail unless necessary and proportionate.
- Clear statutory timescales and processes for the initial imposition and extension of bail, including the introduction of judicial oversight for the extension of pre-charge bail beyond three months.

Since the reforms came into force, the Government has been working closely with partners across the criminal justice system to track implementation and monitor impacts. The use of pre-charge bail has fallen significantly, mirrored by an increasing number of individuals released without bail, commonly known as 'released under investigation' (RUI). This change has raised concerns that bail is not always being used where appropriate, including to prevent individuals from committing an offence whilst on bail or interfering with witnesses. Other concerns focus on the potential for longer investigations in cases where bail is not used and adverse impacts on the courts.

(l) Taking of fingerprints, samples and photographs under the Police and Criminal Evidence (PACE) Act 1984

The purpose of the measure is to allow the police to stipulate a specific date and time to require people to attend the relevant police station to facilitate the taking of fingerprints and DNA samples. It will also allow a person to be required to attend a police station at a specified time and date to have a photograph taken where this has not been done previously, paralleling the powers relating to DNA samples and fingerprints (fingerprints, DNA and photographs are collectively referred to as 'biometrics'). It is desirable that biometrics be taken where there is a legal power to do so, because biometrics held from known individuals can be matched with biometrics gathered from crime scenes, thus allowing offenders to be identified.

(m) Human remains

The case of Moors Murder victim Keith Bennett has highlighted that the police do not have power to use search warrants or other investigative powers to search for or obtain evidence relating to the location of human remains where it is not possible to bring about a prosecution for a criminal offence. Following the death of Ian Brady in May 2017, Greater Manchester Police (GMP) made an application for a search warrant to examine two locked briefcases he had owned and committed to storage before his death. The application was refused as the magistrate found that the law (section 8 of PACE) did not allow warrants to be issued where suspects were beyond prosecution.

(n) Data extraction from digital devices

The Information Commissioner's Office (ICO) released a report into Mobile Data Extraction in England and Wales in June 2020. This report identified that the legal landscape around police powers is complex and that there are a number of legislative options in use by police forces related to the extraction of data. The report recommended that the lawful basis for mobile phone extraction be clarified and it is the intention of this proposed power to provide that clear statutory basis to extract data from devices for the purposes of safeguarding or the prevention, detection and prosecution of offences.

(o) Multi-Agency Public Protection Arrangements

Following the terrorist attack at Fishmongers' Hall in November 2019, the Government asked Jonathan Hall QC to conduct an independent review of Multi-Agency Public Protection Arrangements (MAPPA) when it comes to the management of terrorist offenders and other offenders of terrorism concern. The review was published on the 2 September 2020 and contains a number of recommendations on how the management of terrorists can be improved. The Government's response to Jonathan Hall's report, published on 17 December 2020, accepted these recommendations.

(p) Police retraining course – National Driver Offender Retraining Scheme

The provision of retraining courses comes under National Driver Offender Retraining Scheme (NDORS), a police operated scheme which was established in 2010. NDORS gives police the discretion to offer an educational course to a driver who has committed a driving offence and charge them for the cost. Such courses are offered on a voluntary basis as an alternative to prosecution or the offer of a fixed penalty and therefore a driver who successfully completes a course avoids any liability to conviction; financial penalty or having endorsable points on their driving licence.

The police charge the public fees for their attendance at driver retraining schemes. In the interests of greater transparency, the Bill puts the charging regime on a statutory footing.

(q) Vehicle recovery

Police in England and Wales currently use the Road Traffic Regulation Act 1984 powers for the removal, storage and, if necessary, disposal of vehicles. This applies to vehicles that are illegally, dangerously or obstructively parked, broken down or abandoned, including those abandoned after theft in order to maintain the flow of traffic on the highway, ensure public safety or to "clear the Queen's Highway". The Bill clarifies the power of the police to charge a registered vehicle owner for the recovery of a vehicle.

(r) Driving licence surrender

The law requires an individual to surrender their driving licence ahead of a court hearing and before they can accept a fixed penalty notice (FPN) or conditional offer for a road traffic offence. This requirement no longer serves any practical purpose, as the driving licence itself does not have to be endorsed so the court or fixed penalty office simply sends the photocard licence back to the motorist unchanged. This measure therefore repeals the obligation on drivers to surrender their licence in such circumstances.

(s) Scottish Fixed Penalty Notices

The Scottish Government wishes the law in Scotland to be changed to allow the police to issue on-the-spot Fixed Penalty Notices (FPNs) to suspected offenders of road traffic offences committed in Scotland. This will lead to a more proportionate system with cost and time savings for justice partners.

(t) Unauthorised encampments

The development of proposals to strengthen police powers in relation to unauthorised encampments followed on from long-standing concerns about the detrimental impacts unauthorised encampments can have on local communities and businesses.

In 2018, a joint Government consultation was held on the effectiveness of enforcement against unauthorised developments and encampments. This consultation was led by MHCLG (Ministry of Housing, Communities and Local Government) in partnership with the Home Office and the Ministry of Justice (MoJ). In response, there were clear calls for the Government to act. The Government was elected with a manifesto commitment to bring forward a new offence that tackles unauthorised encampments and measures were announced in the Queen's Speech in 2019.

(u) Payment and E-Money Institutions

The Financial Services Act 2021 amended provisions in the Proceeds of Crime Act 2002 about the freezing and forfeiture of money so that, in England and Wales and Scotland, they apply to money held in accounts maintained with electronic money institutions (e-money institutions) and payment institutions. Previously, they only applied to money held in accounts maintained with banks and building societies. A legislative consent motion was sought from the Northern Ireland Assembly to make similar provision in Northern Ireland, but was unable to be secured owing to insufficient time.

Account freezing and forfeiture powers are not currently available in Northern Ireland. These powers, and all currently uncommenced powers provided for in the Criminal Finances Act, are due to be commenced in Northern Ireland on 28 June 2021.

A.2 Groups Affected

- Bodies designated to undertake the task of serving the Overseas Production Order.
- British Transport Police.
- Businesses, communities, and individuals affected by unauthorised encampments.
- Children in the UK and overseas.
- Clinical Commissioning Groups.
- Community and social organisations.
- Counter-Terrorism Policing.
- Countries on a high-risk list.
- Courts.
- Criminal justice organisations.
- Criminal Justice System.
- Crown Prosecution Service.
- Department for Work and Pensions.
- Devolved Administrations.
- Educational institutions.
- Electronic money institutions.
- Family, friends and colleagues of perpetrators.
- Family, friends and colleagues of victims.
- Family of police officers.
- Financial Conduct Authority.
- Fire authorities / Chief Fire Officer.
- Foreign, Commonwealth and Development Office (FCDO).

- General public.
- Health and social care bodies.
- Her Majesty's Courts and Tribunals Service (and equivalent court systems in Scotland and Northern Ireland).
- Her Majesty's Revenue and Customs.
- Home Office.
- Independent Office for Police Conduct.
- Individual motorists.
- Judiciary.
- Law enforcement agencies across the UK.
- Local authorities.
- Ministry of Defence Police.
- Ministry of Justice.
- National Crime Agency.
- National Probation Service.
- Offenders.
- Payment institutions.
- Pedestrians.
- Perpetrators.
- Police constables.
- Police forces in England and Wales.
- Police Service of Northern Ireland.
- Police staff.
- Police service in Scotland.
- Police volunteers.
- Prisons.
- Probation Service.
- Prosecution authorities across the UK.
- Protestors.
- Registered sex offenders in England and Wales.
- Registered sex offenders in Scotland.
- Retired Police.
- Road users.
- Sentencing Council.
- Serious Fraud Office.
- Special constables.
- Suspects.
- Terrorist and terrorist-risk offenders.
- Those subject to SROs and RoSHOs.
- Travellers including the Gypsy Roma Traveller community.
- Victims.
- Witnesses.

A.3 Consultation

3. A number of the individual measures within the Bill have been subject to consultation, these are listed below.

(a) Police Covenant

Key stakeholders in Policing that were consulted are as follows:

- Police Federation of England and Wales.
- Police Superintendents' Association.

- National Police Chiefs' Council.
- College of Policing.
- Association of Police and Crime Commissioners.
- National Association of Retired Officers.
- Chief Police Officer's Staff Association.
- Unison.
- Association of Special Constabulary Officers.
- Disabled Police Association.

Responses were also received from individual Police Officers, Forces and Police and Crime Commissioners, along with individuals retired from Policing roles and family members of those working within the police.

Over 90 per cent of respondents either agreed or strongly agreed with the idea of a Police Covenant for England and Wales. There was also support for bringing non-Home Office Forces within the scope of the Covenant. Additionally, there was a clear indication from respondents that the Covenant should cover all those working within policing in both paid and voluntary capacities.

The consultation further dealt with matters relating to governance and key areas on which the Covenant might focus, which can be implemented without legislation. The framework will involve a number of non-legislative measures, but the proposal in the consultation that: 'Her Majesty's Government should legislate in the forthcoming Police Protection and Powers Bill (now the Police, Crime, Sentencing and Courts Bill) for the Home Secretary to report annually to Parliament on progress on the Covenant' received overwhelming support.

(c) Police driving standards test

The following Government departments were consulted:

- Crown Prosecution Service (CPS).
- Ministry of Justice.
- Department for Transport (DfT).
- Department for Business, Energy and Industrial Strategy (BEIS).
- Devolved administrations.

National Police Chiefs' Council, the Police Federation and the Independent Office for Police conduct were consulted. On the 22nd May 2018, the Policing Minister published a public consultation on the initial findings of the review on legislation, guidance and practice surrounding police driving in England, Wales and Scotland.

The Home Office published its response to the Police Pursuits Consultation on 2nd May 2019, which committed to introducing a new legal test to assess the standard of driving of a police officer so that their driving will be compared to a competent and careful police driver with the same level of training performing the same role, rather than a member of the public as it is at present.

(d) Serious Violence Duty

For details on the consultation, please see the separately published IA⁸ for this measure.

(e) Serious Violence Reduction Orders

The Home Office has worked closely with the MoJ in the development and design of these proposals.

⁸ Introducing Public Health Measures Impact Assessment 2020.

A public consultation was launched on 14 September 2020 and closed on 8 November. Responses to the consultation could be made online or through a dedicated e-mail address. In addition, the consultation document was sent directly to over 100 organisations and engagement sessions were scheduled with key stakeholders as part of the consultation process.

A total of 549 responses to the consultation were received. The majority of responses (484, 88%) were from members of the public with 65 (12%) of responses being from key agencies and stakeholders. Most responses were supportive of the legislation (420, 77%) and many did not provide answers to the open questions about how the police should use SVROs in practice, how the orders might impact on communities and the likely impact on individuals with protected characteristics. The majority of responses from members of the public were supportive. Many expert and practitioner respondents, in particular, criminal justice practitioners and police forces, raised concerns about the policy, calling for robust monitoring and evaluation if the legislation were to be introduced. Further details of the consultation can be found in the Government response, which was published in January 2021.

(f) Homicide reviews

This policy has been developed in consultation with Government departments that currently have responsibility for existing homicide reviews or would have an interest in these new reviews; including Department for Education, Department for Health and Social Care, MHCLG, MoJ, Cabinet Office, and Wales Office. The Home Office have also consulted the Welsh Government given that these reviews will be undertaken in England and Wales.

The Home Office have also consulted with organisations and agencies that are likely to be involved in the delivery of these new reviews including the Local Government Association, Metropolitan Police Service, Greater Manchester Police, Public Health England, NHS England and Her Majesty's Prison and Probation Service. This consultation is ongoing and will be key to the development of the proposed pilot.

(g) Sex offender management

Internal conversations have been held with MoJ; courts and tribunal offices; DfT; Foreign, Commonwealth and Development Office; the Welsh Government; Northern Ireland Office; the Northern Ireland Department of Justice; the Scottish Government Justice department; and MoD.

Further conversations have been held with the police in England and Wales.

(h) Sexual Offences Act 2003 amendment

Internal public sector consultation was carried out with the National Crime Agency (NCA) and the National Police Chiefs' Council (NPCC) through workshops to identify the key costs, benefits and stakeholders affected by this legislation.

(i) Amendments to the Crime (Overseas Production Orders) Act 2019

As part of the development of the design model to implement the COPO Act 2019, the Devolved Administrations (in Northern Ireland and Scotland), HM Revenue and Customs (HMRC), MoJ, HM Crown and Tribunal Service (HMCTS), the Serious Fraud Office, Financial Conduct Authority, Crown Prosecution Service and Law Enforcement agencies were involved in the identification of the proposed amendments to the COPO Act. These are provisions to allow associated or linked communications data to the stored content data sought to be obtained via an OPO and to delegate the tasks relating to the serving of orders (see more detail in section D).

(j) Non-violent protests

No public consultation by the Government has been held for these proposals but the Law Commission held a public consultation which informed their report which recommended that the public nuisance offence be codified in statute. This is one of the five measures being taken forward to strengthen police powers to manage disruptive protests. A further measure arises out of a

recommendation made by the Joint Committee on Human Rights in their October 2019 report “Democracy, freedom of expression and freedom of association: Threats to MPs”.

(k) Pre-charge bail

For details on the consultation, please see the separately published IA⁹ for this measure.

(n) Data extraction from digital devices

The proposed power has been developed in consultation with Home Office law enforcement agencies, including Border Force and Immigration Enforcement, police forces, the College of Policing, the National Police Chiefs’ Council and the Information Commissioner’s Office.

There has also been engagement with interested parties from civil society organisations and privacy groups using a ‘open space’ forum facilitated by the public consultation charity, Involve.

(r) Driving licence surrender

The Driver and Vehicle Licensing Agency (DVLA) has consulted with key representatives from the police, Her Majesty’s Courts and Tribunals Service, Scottish Courts and Tribunals Service and the Crown Office and Procurator Fiscal’s Service (COPFS) who are supportive of the changes. Their views have been taken fully into consideration in drafting the legislative amendments.

This measure follows on from the changes made under abolition of the paper counterpart licence which was originally consulted on back in 2004. As a result, legislation was introduced in the Road Safety Act 2006 to allow the counterpart to be abolished. However, before the counterpart could be abolished, an alternative enquiry channel was developed for those who needed access to driver information. Once those channels were developed, the Government began a period of consultation with key stakeholders. DVLA engaged extensively with representatives from the bus and coach, and freight and fleet industries, trade associations and the car hire industry. The need to address licence surrender in the fixed penalty and court processes was identified by the police and the court service during stakeholder engagement on abolition of the counterpart. However, the Government was unable to make the licence surrender changes identified at the same time as abolishing the counterpart because this change required primary legislation.

(s) Scottish Fixed Penalty Notices

A detailed public consultation was undertaken in 2018¹⁰.

(t) Unauthorised encampments

In February 2019, the previous Home Secretary announced the Government would further consult on measures to specifically strengthen existing police powers and that Home Office officials would undertake a review into how the act of trespass could be criminalised when a person sets up an unauthorised encampment and whether other measures might be preferable. A public consultation was launched in November 2019 and closed in March 2020¹¹.

Traveller representative groups, NPCC and MHCLG/local authorities, MoJ, Department for Work and Pensions (DWP) and the Welsh Government were consulted.

(u) Payment and E-Money Institutions

No public consultation by the Government has been held for these proposals. The Department of Justice, Northern Ireland, was consulted regarding this measure. They were strongly supportive.

⁹ Reform of the Pre-Charge Bail System, 2021.

¹⁰ <https://www.gov.uk/government/consultations/scotland-fixed-penalty-notices-for-road-traffic-offences/outcome/prosecuting-road-traffic-offences-in-scotland-fixed-penalty-notice-reform-government-response-to-consultation>

¹¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/844954/Unauthorised_Encampments_-_consultation_paper.pdf

B. Rationale for intervention.

4. The conventional economic approach to Government intervention is based on efficiency or equity arguments. The Government may consider intervening if there are strong enough failures in the way markets operate (for example, monopolies overcharging consumers) or there are strong enough failures in existing Government interventions (for example, waste generated by misdirected rules). The proposed new interventions should avoid creating a further set of disproportionate costs and distortions. The Government may also intervene for equity (fairness) and re-distributional reasons (for example, to reallocate goods and services to vulnerable groups in society).
5. Individual rationale for intervention for the various measures covered in the Bill:

(a) Police Covenant

The police do a unique and remarkable job in the face of enormous challenges and pressure. The Government has proposed plans for a Police Covenant, enshrined in law, to recognise this and provide the protection and support they deserve.

In 2019, the Home Office's Front Line Review highlighted concerns of police officers and staff and the need to do more to help them. The Review identified a wide range of issues, including:

- Frontline officers, staff and volunteers feeling undervalued by the wider policing system.
- A disconnect between the front line and senior/national decision makers.
- Scepticism about wellbeing measures, and a desire to see meaningful action with a lasting impact.

This highlighted the need for urgent action to ensure the police were fully supported and valued.

A package of immediate measures was brought forward in response, but the Government has continued to look for ways to do more to improve police welfare and address these concerns. The introduction of a Police Covenant is the next step in providing comprehensive, meaningful and lasting support to those who work, or have worked in policing.

(b) Special constables

The legal aid special constables can currently access does not provide end-to-end support and advice, for example in the immediate aftermath of an incident, which full-time police officers receive. Recently, the National Police Chiefs' Council approved, in principle, to special constables being able to train in and operationally use, if deemed suitable, Conducted Energy Devices (Taser). This approval is conditional on special constables being entitled to the representation of the Police Federation.

The Police Federation have expressed, for some time, an interest in representing special constables and the Government intention to enable Police Federation membership for special constables stands. Police Federation membership provides broad benefits and support to officers however the legislation governing the Police Federation of England and Wales does not currently allow for special constable membership.

(c) Police driving standards test

The proposed new test will strike the right balance between giving trained officers the confidence they need to fight crime effectively while holding to account those who drive in an inappropriate manner. This will give police officers greater confidence that they will be appropriately protected by the law if they drive in accordance with their training with a view to protecting the public. The new measure will help to address a lack of public confidence that officers are not empowered to pursue high risk suspects. The IOPC refer relatively few cases involving police driving to the CPS (see section E) but these cases have a detrimental impact on the individuals involved, police morale and public confidence in the police. The measure will address a potential lowering of the morale and wellbeing of police officers. This will in turn pre-empt problems with recruitment and retention.

There is a clear need and public expectation that the law should give officers the necessary protection if they drive in accordance with their training with a view to protecting the public. However, the law as it stands provides insufficient protection to the police when carrying out their functions. As a result, the offences of careless and dangerous driving apply to police drivers in exactly the same way as any other driver despite obtaining higher level of training and skill.

(d) Serious Violence Duty

For details on the rationale, please see the separately published IA for this measure.

(e) Serious Violence Reduction Orders

Knife crime has increased markedly since 2014. It increased by 84 per cent between the year ending June 2014 and June 2020. Although the latest figures show a one per cent decrease in knife offences in the year ending June 2020, this can be wholly attributed to decreases in the Covid-19 lockdown period. Some types of knife offences continue to rise, with “threats to kill” offences involving a knife or sharp instrument increasing by 22 per cent in the year ending June 2020¹².

This intervention is trying to contribute to solving this rise in knife crime and prevent the hugely detrimental effects it has on victims, their families and wider society. The responsibility for resolving this issue falls to the Government, as many of the costs associated with knife crime are intangible (negative externalities), and many of the benefits of reducing it are positive externalities. There are no market solutions which could solve the problem.

SVROs will provide the police with an additional power to stop and search those who have been convicted of offences involving knives or offensive weapons. A court will be able to grant an order if it considers it necessary to protect the public, or particular members of the public, from the risk of harm involving a knife or offensive weapon, or to prevent the offender from committing an offence involving a knife or offensive weapon.

The number of knife and offensive weapon possession offenders cautioned or convicted increased by 8 per cent between the year ending March 2017 and the year ending March 2020¹³, and is one driver of increasing knife crime. By making it more difficult for these individuals to carry knives and offensive weapons, the policy aims to reduce the number of knife and offensive weapon offences.

The current tools the police have available, including Gang Injunctions and Criminal Behaviour Orders are not deemed as sufficient to deliver the objectives of SVROs, hence the need for an extra power. SVROs will be specifically targeted at adults considered to be a risk to the public, or particular members of the public, or at risk of committing an offence involving a knife and offensive weapons, and so provide a unique order and police power. SVROs are intended to help prevent individuals from committing further crime, through the deterrent of an increased risk of detection, and supported by wider efforts in relation to reducing serious violence.

The impact and effectiveness of SVROs will be assessed by a pilot. This pilot will be used to improve the evidence base regarding the impact of such orders and inform a decision on rolling out the policy nationally.

(f) Homicide reviews

There are two problems this intervention is trying to solve. Firstly, an increase in homicide, which has hugely detrimental effects to the victims, their families and wider society. Homicide rose by about a third between 2014/15 and 2018/19 and, given that each homicide is estimated to cost society about £3.6 million in 2020/21 prices, the annual cost of homicide is now more than £2.5 billion. Secondly, there is currently a lack of knowledge about homicide prevention, partly because

¹² Sourced from Crime in England and Wales publication: year ending June 2020. Lockdown period caused by Covid-19 defined as April to June 2020. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingjune2020#knife-or-sharp-instrument-offences>

¹³ Source from Knife and offensive weapon sentencing quarterly, January to March 2020, table 7. <https://www.gov.uk/government/statistics/knife-and-offensive-weapon-sentencing-statistics-year-ending-march-2020>

homicide reviews are only carried out on a minority of homicides and their effectiveness is unproven.

There is therefore both a market failure and Government objective being addressed. Most of the costs of homicide are intangible – they are the emotional costs to the victims and their families – and hence there is no commercial solution that will correctly allocate homicide prevention resources. The bulk of the costs are a negative externality (they fall wider than just the homicide itself). It is also a central Government incentive to keep the population safe and reduce homicide, which is now the fourth leading cause of death for 20–34-year-old men behind suicide, drug overdoses and car accidents.

(g) Sex offender management

g.1 Enable positive obligations and electronic monitoring requirements to be attached to Sexual Harm Prevention Orders and Sexual Risk Orders

The Government made changes via the Anti-social Behaviour, Crime and Policing Act 2014 to make it easier to restrict the activities of anyone who poses a risk of sexual harm to children and adults. The proposed change would allow the courts to compel sex offenders and those who pose a risk of sexual harm to engage in certain action, for example, undertaking behaviour change programmes, alcohol or drug treatment, or submission to polygraph testing as part of risk management. The measure would help to reduce risk to the public by enabling more proactive work with those who pose a sexual risk. This may apply to the small group of offenders who do not engage in rehabilitative behaviour and are anti-social or show no desire to desist. They would be an ideal group for positive obligations and supporting obligations such as programmes, community engagement, or investigative obligations such as polygraph or GPS.

g.2 Provide for the civil standard of proof to apply to the making of a Sexual Harm Prevention Order or Sexual Risk Order

The Independent Inquiry into Child Sexual Abuse (IICSA) addressed the issue of standards of proof in the report 'Children Outside the UK'¹⁴ in January 2020 and concluded that adopting the civil standard would be unlikely to lead to a substantial increase in the number of orders imposed. However, previous engagement with police has surfaced support for this option as it will allow for more evidence to be provided when applying for a SHPO and SRO to support their claim that the offender poses a risk to the public. The National Crime Agency (NCA) and National Police Chiefs' Council (NPCC) have illustrated where this change would have benefits in ensuring the level of evidence required to support their applications for a civil order can be applied. This amendment will also mirror a number of other civil orders including DAPOs where the legislation provides for the court to apply the civil standard of proof when deciding whether to make an order.

g.3 Provide for the enforcement of Scottish Sexual Harm Prevention Orders and Sexual Risk Orders in England, Wales and Northern Ireland

Scotland still uses the orders repealed in England and Wales, SOPOs and ROSHOs, which were replaced by the more effective SHPOs and SROs. Primary legislation is required to enable SHPOs and SROs to be fully reciprocal in other UK jurisdictions. Allowing Scotland to use the more effective orders within their jurisdiction and avoiding any issues with offenders coming to the UK to breach their conditions.

g.4 Give police the power to impose notification requirements on sex offenders who commit offences abroad, removing the requirement to apply through the courts

The process for notification orders as it currently stands can be complicated and lengthy as it requires the police to obtain for the court certification of convictions from the authorities in the offender's country of origin. The benefit of the approach put in place by this provision is

¹⁴ <https://www.iicsa.org.uk/publications/investigation/protection-children-outside-united-kingdom>

that it removes the time and cost associated with applying for a Notification Order. Police would be able to manage offenders once notified, rather than after an order has been made.

g.5 Streamline the process for prescribing police stations and give Chief Constables flexibility to determine which police stations offenders must notify at

Currently the list of prescribed police stations is updated on an annual basis via an SI to reflect that some police stations have closed or repurposed, and others need to be added as newly prescribed stations. The ability to update the list of prescribed police stations allows the numbers of sex offenders notifying at a police station to be managed, ensures reasonable geographic spread and avoids sex offenders attending premises which are no longer a police station in order to notify. These regulations are currently included in a statutory instrument, the Sexual Offences Act 2003 (Prescribed Police Stations) Regulations 2018. The new provision would allow for Chief Constables to determine which police stations offenders must notify at, removing the need for the Home Office to lay an annual Statutory Instrument. This would allow Chief Constables to update any ongoing changes with the police estate (that is, closure/opening of police stations) more regularly without waiting for the annual update.

g.6 Power to prepare a list of countries considered to be at high risk of child sexual abuse and exploitation by UK nationals and residents, and requirement for applicants and the courts to have regard to the list in respect of applications for Sexual Harm Prevention Orders and Sexual Risk Orders

The key problem to be addressed is that UK nationals and residents are travelling abroad to commit child sex offences and current provisions to prevent this – foreign travel restrictions via civil orders – are not being fully utilised.

There are currently provisions in place to prevent UK nationals and residents travelling abroad to cause harm. Foreign travel restrictions can be applied for in court as part of a SHPO or SRO. However, the number of orders restricting the foreign travel of sex offenders made under the Sexual Offences Act 2003 appears very low every year. Of the 5,551 SHPOs imposed in England and Wales in 2017/18 (during which period there were 58,637 registered sex offenders), foreign travel restrictions were imposed in just 11 cases. The annual MAPPA report for 2019/20 reported the number of foreign travel prohibitions imposed was 7. Based on the available data, only around 0.2 per cent of registered sex offenders typically have their travel restricted under a civil order¹⁵.

Given the significant disparity between the high number of registered sex offenders and the low number of foreign travel restrictions implemented, the 'Children Outside the UK' report published in January 2020 by IICSA concluded that it is a reasonable inference that there are more registered sex offenders whose travel could properly be restricted. The intention of this legislation is to make it easier to apply for and implement foreign travel restrictions to improve the effectiveness of these current provisions and protect children abroad from harm from UK offenders.

To obtain a civil order with a foreign travel restriction, the police must provide evidence to a court that the individual poses a risk of sexual harm to children overseas. The aim of this legislation is to introduce a list of countries where children are at high risk of child sexual abuse (CSA) from UK nationals and residents, such that a country being on this list would help establish that a risk exists in that country. The police would still have to provide evidence relating to the risk posed by the offender.

g.7 Enable the British Transport Police and Ministry of Defence Police to apply for a Sexual Harm Prevention Order and Sexual Risk Order and take part in the related procedures such as applying for the variation and discharge of an order

Currently, there is no provision for BTP or MoD Police to apply for SHPOs and SROs. Instead, applications must be made via the relevant territorial police force, usually where the person subject of the application resides. A consequence of this is that if BTP or MoD Police wish to

¹⁵ Independent Inquiry into Child Sexual Abuse (2020), *Children Outside the United Kingdom Phase 2 Investigation Report*: <https://www.iicsa.org.uk/publications/investigation/protection-children-outside-united-kingdom>

make an SHPO or SRO application, outside of an existing criminal prosecution, they have to wait for a court appearance by the subject and hence may have to wait until they commit another offence. This amendment will save time and resources for BTP and MoD Police as they will no longer have to go through the local police force area to apply for an SHPO or SRO.

(h) Sexual Offences Act 2003 amendment

There is presently a gap in criminal law. Currently, sentences for offenders arranging or facilitating the commission of a child sex offence targeting children under the age of 13 do not consider the additional vulnerability of the intended victims.

The Sexual Offences Act (SOA) 2003 contains a number of specific child sex offences. Under the provisions of the Criminal Attempts Act 1981, attempting to commit any of these offences is also an offence in itself. The SOA 2003 goes further and provides, at section 14, that it is also an offence to undertake acts preparatory to one of the offences in sections 9 to 13 (sexual activity with a child etc.). However, the section 14 offence of arranging or facilitating the commission of a child sex offence currently does not apply to the child sex offences in sections 5 to 8 of the 2003 Act (rape and other offences against children under the age of 13).

Under current legislation, sentencing for preparatory child sexual abuse offences relating to victims under the age of 13 is treated the same as for victims over the age of 13. As such, sentence severity does not reflect the higher harm caused by the targeting of victims under the age of 13. This is inconsistent with sentencing powers for other CSA offence types.

In addition, as part of this measure, the maximum penalty for a section 14 offence would be aligned with that for the substantive offence being arranged or facilitated. This will address the current anomaly whereby a conviction under section 14 could, in some instances, attract a higher penalty than the substantive offence.

More generally, CSA is a large-scale crime with pernicious harms that requires action. In the 2019 Crime Survey for England and Wales (CSEW), 7.5 per cent of adults aged 18-74 reported experiencing any sexual abuse during childhood¹⁶. The CSA Centre estimate that 5 per cent of boys and 15 per cent of girls will experience some form of CSA in their lifetime¹⁷. As such, CSA affects a large number of people, and intervention is necessary to reduce CSA and the harms it causes.

Government intervention is necessary to address this gap in criminal law and ensure that those that arrange or facilitate child sex offences targeting children under the age of 13 are sentenced considering the additional vulnerability of the intended victims. This will help to meet Government objectives, specifically contributing towards meeting the following manifesto commitments:

- Introducing tougher sentences for the worst offenders.
- Legislating to make the UK the safest place in the world to be online.

In addition, this legislation will also support the global response to online CSA, as well as the Home Secretary's resolve to tackle CSA.

Government intervention is the best option to address this problem and achieve these outcomes. This is because amending section 14 of the SOA 2003 is the most simple and targeted approach which is least likely to have unintended consequences.

(i) Amendments to the Crime (Overseas Production Orders) Act 2019

Some practical issues have been highlighted that require rectification in order to implement the provisions of the COPO Act. If the Act is not amended in this way essential data could not be obtained using an OPO and operationalising this element of the relevant International Agreement would be difficult. The provisions in the COPO Act are designed to provide for a more streamlined

¹⁶ Source: Crime Survey for England and Wales (CSEW), year ending March, 2019:
<https://www.ons.gov.uk/releases/crimeinenglandandwalesyearendingmarch2019>

¹⁷ Source: *Measuring the scale and nature of CSA* (Centre of Expertise on Child Sexual Abuse, 2019)

and effective operational process to receive crucial information and evidence from service providers overseas in a more timely and efficient manner to support domestic investigations and prosecutions. There is also significant reputational risk with the UK's international partners of failing to implement these provisions.

The proposed amendments will ensure that the UK gets the benefit of direct access to vital data from service providers located in the US (where the majority of this data is currently held or controlled) as provided for by the UK US Bilateral Data Access Agreement. This improvement to the UK's international judicial cooperation with the US will effectively and efficiently disrupt and tackle serious crime (including terrorism and child sexual exploitation) and protect the public.

(j) Non-violent protests

In light of a growing trend in the use of non-violent but seriously disruptive protest tactics, the National Police Chiefs' Council and the Metropolitan Police Service (MPS) believe legislation needs to be amended to give them the powers they need to be able to deal with the types of protests that are seen today. This was reinforced through a recent thematic inspection on the policing of protests, carried out by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services.

(k) Pre-charge bail

For details on the rationale, please see the separately published IA for this measure.

(l) Taking of fingerprints, samples and photographs under the Police and Criminal Evidence (PACE) Act 1984

There are two routes by which the police obtain fingerprints and DNA samples from arrested people: first, they can be taken straight away from people arrested for recordable offences and detained in a police station; second, Schedule 2A to PACE provides a power to require people who have been arrested, charged or convicted, but not yet had fingerprints or samples taken, to attend a police station for that purpose. The person can be required to attend a police station at a particular time but not on a particular day, only any day within a seven-day period.

In recent years, there has been a drop in the number of people whose biometrics are taken by the first route, partially as a result of a reduction in the number of custody suites. This has resulted in police forces wishing to make greater use of the second route. They have found that the 'seven-day window' makes the power difficult to use, as they cannot deploy an officer or staff member to take the biometrics at a specific time. In practice, this results in opportunities to take biometrics being missed. This means that matches to crimes the person may have committed in the past or may commit in the future are not made. The Biometrics Commissioner, whose role is to oversee police use of biometrics, has pointed to the need for improvement in his reports published in June 2019 and July 2020.

Moreover, there is no power to require a person to attend a police station to have a photograph taken where this has not been done previously, analogous to the Schedule 2A power relating to samples and fingerprints. Recent developments in facial imaging software mean that the facial image of a suspect (for example an unknown person captured on CCTV committing a crime) can be matched with a database of the faces of those taken into custody. The operational value of facial images has therefore increased, so it is desirable to provide a power to require individuals to attend a police station to capture a photograph of them where this has not been done previously.

(m) Human remains

Following the death of Ian Brady in May 2017, Greater Manchester Police made an application for a search warrant to examine two locked briefcases he had had committed to storage before his death. The application was refused as the magistrate found that section 8 of PACE did not allow warrants to be issued where suspects were beyond prosecution. The Government is satisfied that there is no other legal route to uncovering information that may assist in the location of human remains where individuals who may have relevant information or material are unwilling to provide it and no other suspect can be identified.

(n) Data extraction from digital devices

The ICO published a report into police practice around the extraction and analysis of data from mobile phones and other electronic communication devices of complainants, witnesses and persons of interest during the course of a criminal investigation. The report recommended that the legislative framework should be strengthened to ensure clarity for victims, witnesses and others, to address inconsistencies between forces where currently a number of different approaches to acquiring this data are used.

(o) Multi-Agency Public Protection Arrangements

The primary rationale for intervention is to increase public protection and improve the ability of operational partners to manage the risk posed by offenders of terrorism concern. Mr Hall's report was conducted in response to attacks committed by terrorist offenders while on licence. The report identifies gaps in police powers which require legislation to address them. The provisions relating to the strengthening of police powers form part of the Government's legislative response to the recommendations in Mr Hall's report. Filling these gaps will strengthen police powers and ensure terrorist and terrorist-risk offenders are complying with their licence conditions and are not a threat to public safety.

National security is a key Government priority and these measures will provide important additional tools used in support of that.

(p) Police retraining course - National Driver Offender Retraining Scheme

The National Driver Offender Retraining Scheme (NDORS) offers training courses as an alternative to prosecution for driving offences for those admitting to low-level driving offences. This measure puts on a statutory footing the police's ability to charge for such retraining courses. The measure requires primary legislation so action falls to the Government.

(q) Vehicle recovery

The measure looks to clarify the existing statutory framework under which the police charge for the removal of abandoned vehicles or those causing an obstruction. The measure requires amendments to primary legislation so action falls to the Government to do this.

(r) Driving Licence surrender

The rationale for the intervention is to correct outdated legislation to reduce public sector costs and to remove an unnecessary burden on motorists.

Before the paper counterpart to the driving licence was abolished the counterpart would be physically endorsed with details of offences and penalty points. Since the abolition of the paper counterpart no physical documents are endorsed when a person receives penalty points – but instead penalty points are recorded on the electronic driver record held by the DVLA.

The Road Safety Act 2006 provisions which were commenced to abolish the counterpart did not remove the requirement to surrender licences as part of the court and fixed penalty processes. The surrender of licences which was vital when physical documents had to be endorsed with details of traffic offences no longer serves any practical purpose and creates unnecessary administrative burdens for courts, fixed penalty offices, police and motorists.

This intervention would remove the requirement to surrender a driving licence as part of the fixed penalty notice and conditional offer processes for road traffic offences. This would mean that licences will no longer have to be handed over or posted in before a person can validly accept a fixed penalty notice or conditional offer.

Currently, where a person does not have their licence with them when they are stopped the police officer cannot issue a fixed penalty notice. However, they can give them an interim notice under section 54(5) of the RTOA 1988 which requires the person to attend a police station to surrender their licence and exchange the interim notice for an FPN. This measure would amend the fixed penalty notice procedure to remove the need for interim notices and allow police constables to

issue a fixed penalty notice without checking and retaining the physical driving licence where they are reasonably satisfied of the person's identity.

(s) Scottish Fixed Penalty Notices

As outlined, this measure will allow the police in Scotland to issue FPNs to road traffic offenders. This would bring the powers for Police in Scotland in accord with their counterparts in England and Wales who have since 1989 been allowed to issue FPNs to road traffic offenders.

While the police in Scotland can currently issue conditional offers of FPNs at the roadside, the consequence of non-payment is that they then place significant pressure on the Courts to resolve at a disproportionate cost on the justice system.

(t) Unauthorised encampments

The police already have powers to direct trespassers on unauthorised encampments to leave the land and they can arrest those who refuse to leave, or return within three months, and seize their vehicles under the Criminal Justice and Public Order Act 1994 (CJPOA). The aim of the proposal is to give strengthened enforcement powers to the police to more efficiently and effectively tackle unauthorised encampments which will reduce the harm and the costs involved in cleaning up sites where people intentionally trespass with intent to reside in the circumstances described.

(u) Payment and E-Money Institutions

Account freezing orders, and subsequent forfeitures, can be used to quickly deny access to funds that are suspected of being the proceeds of crime, or used to fund criminality, where it may not be feasible or practicable to undertake a criminal investigation into the holder of the funds, or to use other mechanisms in the Proceeds of Crime Act 2002. As financial services evolve, it is critical that law enforcement's powers keep pace, so that the proceeds of crime remain recoverable.

C. Policy objective

6. The policy objectives for this Bill are to: 1) protect the police and other emergency workers, and enhance the wellbeing of police officers and staff; 2) protect the public by giving the police the tools they need to tackle crime and disorder, and by addressing the root causes of serious violent crime using multi-agency approaches to prevention. The intended effects are to decrease crime and disorder, ensure offenders are brought to justice and reduce the emotional and economic costs to victims, their families and the public and private sectors.
7. To address these objectives, the following legislative measures are proposed through the Bill:

(a) Police Covenant

The Covenant aims to ensure that police do not suffer any detriment as a result of working in policing, and to recognise the particular challenges the job presents – their inability to take industrial action, the potentially traumatic and unpredictable nature of the work, as well as the constant exposure to danger, for example. While the particular difficulties facing the police are not necessarily as starkly obvious as they are in respect of the military (that is, they aren't necessarily separated from family or made to move around regularly), there is a desire to acknowledge the real challenges faced and ensure that this doesn't result in practical disadvantage.

The Covenant will be underpinned by a Board, which will gather together relevant bodies in policing to make recommendations to the Home Secretary at the beginning of the reporting year as to the priority areas on which it would expect action to be taken. The board is expected to comprise policing representatives and other stakeholders included in the consultation process, with support from Home Office representatives. The priorities will broadly fall within the three areas identified through the consultation: health and wellbeing, physical protection, and support for families.

Once approved, the Board will flag those areas of priority and assign actions or commitments to appropriate groups and bodies. The Board structure is intended to set and communicate

expectations and a process through which those bodies will report back with action taken in the areas specified, including nil returns. The overarching narrative will be aimed at ensuring that, where disadvantage or potential disadvantage is identified, 'levelling up' occurs where appropriate, and aims to ensure that relevant bodies are proactively addressing or considering the need to ensure no detriment is suffered by police staff by virtue of their chosen vocation.

A key aspect of the proposed policy is a duty on the Secretary of State to report annually on the progress made against the Covenant. It is envisaged that the returns made to the Board will form the basis of the report. The reporting element is considered significant from a policy perspective to introduce some public accountability and to set an expectation rather than imposing specific duties and enforcing against bodies who do not take particular actions. The aim at this stage is to embed the objectives of the Covenant into the consciousness of relevant bodies to ensure that the need to ensure no detriment is constantly on the radar and being actively considered.

(b) Special constables

The policy intention is to ensure special constables have access to the same support and representation as regular constables through membership of the Police Federation of England and Wales.

(c) Police driving standards test

Introduction of a new test to assess the standard of driving of a police officer, so that their skills and training can be considered should there be any subsequent investigations into their actions. Should an officer be involved in a collision, this new test will allow the courts to judge their standard of driving against a competent and careful peer with the same level of training, performing the same role, rather than with a member of the public as at present. Intervention will help to ensure that the law empowers officers and allows them to carry out their duties effectively.

(d) Serious Violence Duty

For details on the policy objective, please see the separately published IA for this measure.

(e) Serious Violence Reduction Orders

The policy intends to reduce rates of serious violence and homicide. It will give the police additional stop and search powers to be used against those with convictions involving knives or offensive weapons. It is intended that the power for the police to stop and search individuals subject to an SVRO will act as a deterrent to prevent harm to the public and further offences involving knives or offensive weapons. The additional powers will enable the police to conduct targeted operations to look for, and if found, seize knives or offensive weapons from known high-risk individuals, taking dangerous and illegal weapons off the streets. SVROs are intended to help prevent individuals from committing further crime, through the deterrent of an increased risk of detection, and supported by wider efforts in relation to reducing serious violence.

Ultimate success can be measured in a reduction to hospital admissions for "sharp object assault" for under 25s and a reduction in police recorded homicides. However, identifying the specific contribution to these objectives that SVROs will make will be difficult due to the number of factors involved in these complex social issues.

More directly, the success of SVROs can be measured by a reduction in recidivism and total crime committed by those subject to an SVRO compared to a matched control group which does not have SVROs. Whether an individual is caught in possession of a knife or other offensive weapon whilst searched under powers conferred by the SVRO will be one possible measure of the policy's success as a deterrent and means of reducing recidivism. It is difficult to measure the exact deterrent effect of these orders, but if searches of those with SVROs result in no weapons being found more frequently compared to a control group without SVROs, this would indicate that the policy has been successful in terms of reducing possession offences.

As noted by stakeholders during the public consultation, there is a risk of a 'displacement effect' whereby those subject to an SVRO pass their weapons to an associate in order to avoid detection

via the police. In **the Government's preferred Option 2** (described in section D) a targeted pilot will take place to attempt to evaluate whether this disbenefit is observed.

A potential measure of success is the number of weapons seized from those subject to an SVRO as a result of searches under powers conferred by virtue of the SVRO. Although this could be classed as a success in some regards, as dangerous items are being located and seized and there is a justifiable need for the power, high numbers of weapons seizures would suggest that the measure has not been successful as a deterrent to weapons carrying or reduced possession recidivism in the short term.

Monitoring individuals beyond the immediate duration of the SVRO would be required in order to determine whether the measures contribute to a reduction in recidivism in the longer-term. Depending on the success of the pilot, this assessment may be carried out.

(f) Homicide reviews

The Home Office's plans to reduce serious violence and homicide are built on using data to pinpoint where things are going wrong (either the neighbourhoods or the points on the life course of the victim) and intervening quickly. Introducing statutory homicide reviews would be a way of ensuring local safeguarding partners:

- improve the quality and sharing of learning to better understand national and local causes, patterns, victims and perpetrators of violence.
- improve the response to serious violence on a national and local scale and save lives.

Ultimately success will be indicated by a long-lasting reduction in the homicide rate in England and Wales.

(g) Sex offender management

g.1 Enable positive obligations and electronic monitoring requirements to be attached to Sexual Harm Prevention Orders and Sexual Risk Orders

Allow the courts to compel sex offenders and those who pose a risk of sexual harm to engage in certain action, for example undertaking behaviour change programmes, alcohol or drug treatment, or submission to polygraph testing as part of risk management. Indicator of success will be a reduction in reoffending and the risk of sexual harm to the public being reduced.

Allow courts to compel sex offenders and those who pose of sexual harm to wear an electronic monitoring tag to monitor their compliances with a condition of their SHPO and SRO.

g.2 Provide for the civil standard of proof to apply to the making of a Sexual Harm Prevention Order or Sexual Risk Order

Allow the police to use a civil standard of proof when applying for a SHPO or SRO. It also allows for the courts to use the civil standard of proof when considering a SHPO or SRO application.

g.3 Provide for the enforcement of Scottish Sexual Harm Prevention Orders and Sexual Risk Orders in England, Wales and Northern Ireland

Make Scottish SHPOs and SROs fully reciprocal with other UK jurisdictions. Offenders will not have the power to evade their prohibitions included in their SHPOs or SROs. A breach of the Scottish orders in England, Wales or Northern Ireland will constitute a criminal offence.

g.4 Give police the power to impose notification requirements on sex offenders who commit offences abroad, removing the requirement to apply through the courts

Remove the current requirement for the police to apply to a court to obtain a Notification Order, adopting a similar approach in Northern Ireland which will make those convicted of sexual offences abroad subject to the notification requirements once informed by the police that they are required to notify. Provisions for an appeal against the making of an automatic Notification Order would be as currently set out in section 101 of the 2003 Act.

g.5 Streamline the process for prescribing police stations and give Chief Constables flexibility to determine which police stations offenders must notify at

Allow for Chief Constables to determine which police stations offenders must notify at, removing the need for an annual Statutory Instrument. This would allow Chief Constables to update any ongoing changes with the police estate (that is, closure/opening of police stations).

g.6 Power to prepare a list of countries considered to be at high risk of child sexual abuse and exploitation by UK nationals and residents, and requirement for applicants and the courts to have regard to the list in respect of applications for Sexual Harm Prevention Orders and Sexual Risk Orders

The policy objective is to implement the recommendation of IICSA to assist the police, NCA and the courts in considering the necessity and appropriateness of applying for, or making, civil orders with foreign travel restrictions. An increase in the number of civil orders with foreign travel restrictions (where appropriate and necessary) would ensure more children overseas are safeguarded.

The Logic Model in Annex D details the intended outcomes of the legislation and the causal process by which these will be achieved.

The major intended outcome of this legislation will be to reduce the number of incidences of sexual abuse of children abroad by UK nationals and residents. It is expected that a list of a high-risk countries may be useful for the police and courts when determining whether to apply for, or grant, a civil order with a foreign travel restriction.

g.7 Enable the British Transport Police and Ministry of Defence Police to apply for a Sexual Harm Prevention Order and Sexual Risk Order and take part in the related procedures such as applying for the variation and discharge of an order

The provision is intended to give BTP and MoD Police the power to apply for SHPOs or SROs. This will be beneficial in cases where sexual offences are committed on transports links or on the defence estate.

(h) Sexual Offences Act 2003 amendment

The policy objective is to address the current gap in criminal law and ensure that those that arrange or facilitate child sex offences targeting children under the age of 13 are sentenced considering the additional vulnerability of the intended victims. This will help to meet Government objectives, specifically contributing towards meeting the following manifesto commitments:

- Introducing tougher sentences for the worst offenders.
- Legislating to make the UK the safest place in the world to be online.

In addition, this legislation will also support the global response to online CSA agreed at the Ministerial Digital Industry Roundtable 2019, as well as the Home Secretary's resolve to tackle CSA.

The major intended outcome of this legislation will be to reduce the number of incidences of sexual abuse of children. Ensuring that offenders receive more appropriate sentences which consider the additional vulnerability of intended victims under the age of 13 will lead to longer sentences for offenders. This will protect vulnerable children from sexual abuse perpetrated by these offenders as offenders will remain in custody for longer and will be managed for longer on licence post-release.

Other secondary intended outcomes are to improve the UK's reputation as a global leader in combatting CSA, increase confidence in the Criminal Justice System and help to inform more appropriate sentencing guidelines.

(i) Amendments to the Crime (Overseas Production Orders) Act 2019

The amendments provide for some practical requirements to enable the COPO Act to work effectively. This will ensure law enforcement officers and prosecutors can obtain vital information and evidence directly from overseas service providers, via an OPO to support UK criminal investigations and prosecutions more efficiently and effectively than is currently possible. This includes a more streamlined process to obtain the required vital information and flexibility for the Home Secretary (England, Wales and Northern Ireland) and Lord Advocate (Scotland) to appropriately delegate tasks relating to serving of an OPO. More specifically:

- Making an amendment to allow for associated or linked communications data (information on who sent an electronic communication, when and to whom) to be sought with the stored content data (communication content, pictures) under the COPO Act will enable a streamlined request process for law enforcement officers and prosecutors to obtain required evidence. This will maintain the intention of the COPO Act not to undermine the existing regime under the Investigatory Powers Act (IPA) 2016 for 'pure' communications data requests. Until this change is made a work-around to apply for data under the two legislative frameworks (COPO Act and IPA) will be required when the OPO mechanism is implemented next year.
- Enabling the delegation of tasks related to the serving of an OPO on service providers to appropriate bodies (for example with existing secure data transmission expertise) will provide for necessary flexibility, efficiency or expert and operational compliance requirements, as relevant, for current and future international arrangements.
- During the Parliamentary consideration of the COPO Bill, a provision was inserted which requires that a judge must be satisfied before approving an OPO that the electronic data requested by a law enforcement officer or prosecutor is likely to be relevant evidence. However, a reference to this relevant evidence test was missed in a related provision requiring the judge not to specify or describe any electronic data that wholly or in part does not fulfil all required tests. By inserting the required reference this will ensure the necessary legal certainty for judges.

A positive result will be law enforcement officers and prosecutors receiving this crucial information and evidence through an operationally effective process under the COPO Act. Also, by providing greater legal certainty to underpin the operational process it is expected that the risk of legal challenge will be reduced which would otherwise impact on the success of the new provisions in the COPO Act and manage the risk of reputational damage with relevant international partners.

(j) Non-violent protests

These changes in legislation will enable the police to better balance the rights of protesters and the rights of the public by giving them a wider range of legislative solutions to choose from. The proposed powers would provide police forces with the ability to take a more proactive approach in managing non-violent protests of all scales both prior and during an event and would increase the range of options available to the police that could prevent protests causing serious disruption.

(k) Pre-charge bail

For details on the policy objective, please see the separately published IA for this measure.

(l) Taking of fingerprints, samples and photographs under the Police and Criminal Evidence (PACE) Act 1984

The Government objective is to address the current inability of police to take biometrics where there is a legal power to do so, because of the inability to specify time and place. This measure aims to reduce occasions where matches between the person's biometrics, and crimes they may have committed in the past, or may commit in the future, are not made. This will benefit the police in protecting the public.

(m) Human remains

The Government would like to fill a gap in police powers, as they believe that it is in the public interest to find bodies where they are not lawfully buried, to give closure to families who have lost loved ones, and to allow coroners to carry out their duties under section 1 of the Coroners and Justice Act 2009.

This would allow material recovered using these powers to be capable of being used as evidence in prosecutions of living individuals where appropriate. These offences may include preventing a lawful burial if there is evidence that the information has been intentionally withheld for this purpose.

(n) Data extraction from digital devices

The intention of this newly proposed power is to provide a clear legal basis for lawful authorities to extract data from digital devices, where authority has been provided voluntarily, for the purposes of safeguarding or the prevention, detection and prosecution of offences. The intended outcome is a clear lawful basis for police and other law enforcement authorities for the purpose of extracting digital evidence from victims' and witnesses' devices, where appropriate thresholds are met.

(o) Multi-Agency Public Protection Arrangements

The objective of these measures is to reduce the risk of terrorism from offenders on licence by extending the toolkit available to operational partners to manage the risk posed by terrorist offenders and offenders of terrorism concern.

Success will be indicated by the targeted use of powers by operational partners in a manner that does not detract from rehabilitation of offenders but improves management of terrorism risk. This will allow for quicker intervention than may otherwise be the case.

(p) Police retraining course – National Driver Offender Retraining Scheme

NDORS is a police controlled and operated scheme which has operated since 2010 giving police the discretion to offer an educational course to a driver and charge them for the cost. In the interests of greater transparency, the Bill puts the charging regime on a statutory footing.

(q) Vehicle recovery

This measure will clarify the powers of the police to charge for the removal, storage and disposal of vehicles and avoids such costs being borne by the taxpayer.

(r) Driving Licence surrender

The policy objective is to maximise the benefits of abolition of the counterpart by removing the legislative requirement to surrender the driving licence for endorsement. This will reduce costs for the police and the courts services and remove an unnecessary burden on the motoring public.

(s) Scottish Fixed Penalty Notices

As outlined, this measure will allow the police in Scotland to issue FPNs to road traffic offenders. This would bring the powers for police in Scotland in accord with their counterparts in England and Wales who have since 1989 been allowed to issue FPNs to road traffic offenders.

While the police in Scotland can currently issue conditional offers of fixed penalty notice at the roadside, the consequence of non-payment is that they then place significant pressure on the Courts to resolve at a disproportionate cost on the justice system.

(t) Unauthorised encampments

Strengthening powers and creating a new offence that tackles unauthorised encampments in England and Wales will allow police to tackle more effectively those who cause harm, distress, or obstruct access on unauthorised encampments. Criminalisation and the seizure of property may

act as a deterrent in the first instance. The police will be responsible for implementation and enforcement.

The Bill provides for new measures under the CJPOA to include a criminal offence to capture intentional trespass when a person aged 18 or over enters any public or private land for the purpose of residing in a vehicle and does not leave when asked to do so by an occupier of the land, their representative or a constable. The trespasser's presence would also need to be harmful.

(u) Payment and E-Money Institutions

The Criminal Finances Act 2017 inserted account freezing and account forfeiture powers into the Proceeds of Crime Act 2002. These powers enabled certain law enforcement officers to apply for an account freezing order from the court to freeze a bank or building society account if they have reasonable grounds for suspecting that money present in the account is the proceeds of crime or that the money is intended by any person for use in unlawful conduct. Once the money is subject to an account freezing order, then law enforcement may seek to have it forfeited.

The Financial Services Act 2021 amended provisions in the Proceeds of Crime Act 2002 about the forfeiture of money so that, in England and Wales and Scotland, they apply to money held in accounts maintained with electronic money institutions (e-money institutions) and payment institutions.

Account freezing and forfeiture powers are not currently available in Northern Ireland. These powers, and all currently uncommenced powers provided for in the Criminal Finances Act, are due to be commenced in Northern Ireland on 28 June 2021. It is right that, once these powers are extended to Northern Ireland, they are updated to include e-money and payment institutions (subject to the Northern Ireland Assembly granting a legislative consent motion) so that the powers available to law enforcement in Northern Ireland are as good as the powers available to law enforcement in Great Britain.

D. Options considered and implementation.

8. **Option 1:** is not to implement measures (a) to (u). This is the 'do nothing' option. While there are no costs associated with this option, it does not meet the Government's objectives.
9. **Option 2:** To meet the policy objectives set out in Section C, the Government proposes to implement the legislative measures as set out in section (a) to (u) below. **This is the Government's preferred option.**

(a) Police Covenant

10. To meet the policy objectives, there were two options considered:
 - a) **Option 1:** Do nothing. Not enshrining the Covenant in legislation would place no duty on the Government, or others, to do anything further to support the police.
 - b) **Option 2:** To enshrine in legislation a duty for the Home Secretary to report annually to Parliament on measures taken to meet the objectives of the Police Covenant.
11. **Option 2 is the Government's preferred option.** It is envisaged this will take a similar form to section s.343A of the Armed Forces Act 2006. This will be primary legislation.
12. The idea is that the returns from relevant bodies to the Board will address the priorities set by the Board and approved by Ministers. The Home Office intends for, on the face of the provisions, specific mention to be made that the report should report on progress made in respect of health and wellbeing, physical protection, and support for families, along with any other issues the Secretary of State considers appropriate. This will retain an element of flexibility for emerging issues.

13. The key aspects of the provisions therefore are that:

- The Secretary of State must in each calendar year prepare a Police Covenant report and lay a copy before Parliament.
- The report should address the key themes of the Covenant: health and wellbeing, physical protection and support for families of members of police staff (and any other issues the SoS considers appropriate, to ensure an element of flexibility to deal with emerging issues).

(b) Special constables

14. To meet the policy objectives, there were two options considered:

- a) **Option 1:** Do nothing. The Police Federation would continue to be unable to accept special constables as members. Special constables would be reliant on existing insurance provided by the Home Office recognising this does not provide the same level of support as available to full-time officers, often fulfilling the same roles.
- b) **Option 2:** Amend primary legislation to ensure the Police Federation are able to offer membership to special constables. The Police Federation of England and Wales will be responsible for the implementation of the changes by extending their membership offer to special constables.

15. **Option 2 is the Government's preferred option.**

(c) Police driving standards test

16. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing. Continue to allow offences of careless and dangerous driving to apply to police drivers in exactly the same way as any other member of the general public.
- b) **Option 2:** Introduce a new legal test to assess the standard of driving of a police officer so that their driving will be compared to a competent and careful police driver with the same level of training, rather than a member of the public as it is at present; review the existing emergency service exemptions to traffic law to ensure they remain fit for purpose. The Government is committed to giving emergency service workers the protections they need. The do-nothing option would leave police drivers without the legal protection that they need to do their job and protect the public.

17. **Option 2 is the Government's preferred option.**

(d) Serious Violence Duty

18. For details on the policy options considered, please see the separately published IA for this measure.

(e) Serious Violence Reduction Orders

19. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing. This option would mean continuing to use existing stop and search powers as set out in PACE and in the Criminal Justice and Public Order Act 1994:
 - Powers which require reasonable grounds for suspicion, before they may be exercised; that articles unlawfully obtained or possessed are being carried such as section 1 of PACE for stolen and prohibited articles.
 - Authorised under section 60 of the Criminal Justice and Public Order Act 1994, based upon a reasonable belief that incidents involving serious violence may take place and

that authorisation is expedient to prevent their occurrence, or that dangerous instruments or offensive weapons are being carried without good reason.

Additional stop and search powers are available for officers under the powers in Schedule 5 to the Terrorism Prevention and Investigation Measures (TPIM) Act 2011. Given that a reduction in terrorism and terror-related offences is not a policy objective for SVROs, these measures have not been considered as relevant to options under consideration.

Current powers limit the operational capabilities of police to search known high-harm offenders in that:

- Searches conducted under section 1 of PACE require a police officer to have reasonable grounds for suspecting that they will find stolen or prohibited items. Reasonable grounds for suspicion should normally be linked to accurate and current intelligence or information, relating to articles for which there is a power to stop and search, being carried by individuals or being in vehicles in any locality. Reasonable suspicion may also exist without specific information or intelligence and on the basis of the behaviour of a person. These powers limit the police to searching individuals based on timely intelligence that they are in possession of a knife or offensive weapon at the time of the search, or behaviour indicating that they are in possession of such a weapon.
 - Searches conducted under section 60 require the explicit authorisation of an officer of the rank of inspector or above, where that officer reasonably believes that incidents involving serious violence may take place and that the authorisation is expedient to prevent their occurrence, or that dangerous instruments or offensive weapons are being carried without good reason. The authorisation must specify the grounds on which it was given, the locality in which the powers may be exercised and the period of time for which they are in force. The period authorised. It may not exceed 24 hours, with an extension for a further 24 hours by an officer of the rank of superintendent or above.
- b) **Option 2:** Pilot SVROs in 2022/23 and with the making of the order wholly at the discretion of the court. This would see stop and search powers strengthened by piloting the use of a new SVRO that is issued entirely at the discretion of the courts. The court could grant an SVRO if it considers the use of the order to be necessary to protect the public, or particular members of the public, from the risk of harm involving a knife or offensive weapon, or to prevent the offender from committing an offence involving a knife or offensive weapon. Officers would have the ability to stop and search those they reasonably believe to be subject to an SVRO without prior authorisation under section 60 or reasonable grounds for suspicion that the individual subject to the order is in possession of a knife, offensive weapon or other prohibited item.

The SVRO pilot would assess whether these measures reduce instances of serious violence and homicide by:

- Deterring individuals subject to an SVRO from carrying knives or offensive weapons by increasing the likelihood and frequency that they could be searched by police.
- Detecting and seizing more knives and other offensive weapons by potentially increasing the number of searches conducted on individuals the court has considered to be at high-risk of harm to the public or of further offending.
- Disrupting those considered to be at high-risk of harm to the public or of further offending by empowering the police to stop and search them reactively if encountered on the street, or proactively in an operation targeted to find that individual on the streets.

To implement this, it proposed that a pilot is undertaken in which approximately 150 individuals receive an SVRO with a full evaluation conducted. They will be compared to a control group, with similar characteristics but which did not receive an SVRO, in order for the impact and effectiveness of SVROs to be assessed.

The pilot will be conducted over the course of a year in one or more of the larger police forces in order to ensure that a sufficient number of individuals receive an SVRO within the pilot timeframe. Following the completion of the pilot in 2022/23, it will be evaluated, and a decision would be made on possible national roll-out.

This option is likely to result in fewer SVROs being issued than under the proposed design outlined in the consultation document, which was that there was a presumption SVROs would be granted unless there were compelling reasons for the court not to do so. This is because the courts will have greater discretion in deciding whether to grant the order or not, including considering whether it is necessary in respect of the individual in question. However, there was a strong view among practitioners who responded to the consultation that the court should have whole discretion and Home Office agrees that this is an important safeguard. This will mean that the effectiveness of SVROs as a deterrent from further weapons possession is restricted to a smaller pool of offenders than under the consultation option (presumed application, unless compelling reasons against).

Whilst it is likely that the consultation option would have the greatest deterrence effect, it is not on balance the best option for meeting all policy objectives. A presumption that an SVRO is granted should mean that by volume, the police would be able to stop and search a greater number of individuals than either option 1 (do nothing) or the current proposed option 2 (pilot at the discretion of the courts). This would maximise the number of individuals that may be deterred from carrying a knife or offensive weapon due to being subject to an SVRO.

Increasing the number of individuals subject to an SVRO would not necessarily increase the number of weapons detected and seized or even the number of police searches conducted. This is for three possible reasons:

- A presumption that orders are granted unless there are compelling reasons not to may mean that a greater number of individuals are deterred from carrying a weapon in the first place, therefore fewer weapons are detected and fewer searches would be required.
- Issuing SVROs may increase the number of searches but decrease the number of weapons detected due to deterrence.
- A greater proportion of searches are conducted under SVRO powers as opposed to the existing PACE power. SVRO searches would not require the police to have recent intelligence or other reasonable grounds for suspicion that individuals subject to the order are in possession of a knife or offensive at the time the power is exercised. A presumption that SVROs be granted unless there are compelling reasons not to could mean that searches are conducted against individuals who pose little or no ongoing threat to the public or of further offending. This may result in proportionally fewer searches successfully detecting a weapon. Piloting the approach before a national roll-out will help to mitigate this, as would greater court discretion in granting of the orders (Option 2).

The policy risks searches being ineffective as they will not be based upon recent intelligence or other reasonable grounds for suspicion that individuals subject to the order are in possession of a weapon or other prohibited item at the time the power is exercised. Whilst this scenario would see fewer overall searches being conducted than under the consultation option (presumed application, unless compelling reasons against), the likelihood of a weapon being detected via an SVRO search is proportionally greater because the court will have considered that an SVRO is necessary in respect of that individual to protect the public, or particular members of the public, from the risk of harm involving a knife or offensive weapon, or to prevent the offender from committing an offence involving a knife or offensive weapon.

Finally, this option goes some way to mitigating concerns around disproportionality expressed in the consultation option. The court will have greater discretion to decide whether to grant an SVRO against the individual in question. In granting an order the court will have considered the order to be necessary to protect the public, or particular members of the public, from the risk of harm involving a knife or offensive weapon, or to prevent the offender from committing an

offence involving a knife or offensive weapon meaning that the individual subject to the order is considered to pose an ongoing risk to the public, particular members of the public, or poses a risk of reoffending. This may allow the police greater scope to disrupt crime without jeopardising important relationships with BAME communities. Piloting the approach before national rollout and ensuring that equalities assessments are a key evaluation objective will be a mitigating factor to this risk.

20. **Option 2 is the Government's preferred option.** This option will have an increased deterrence effect over option 1 and is likely to afford the police a more proportionate and targeted suite of powers to detect weapons and disrupt crime than the option proposed in the consultation document.

(f) Homicide reviews

21. To meet the policy objectives, two options have been considered:
- a) **Option 1:** Do nothing.
 - b) **Option 2:** Introduce additional homicide reviews only for homicides of adults involving offensive weapons.
22. **Option 2 is the Government's preferred option.** To implement this, Home Office proposes working with six to eight local authorities from across the six police forces with the highest homicide volumes to design a light-touch model during 2021/22. The intention would be to fully pilot this model on a greater number of homicides in the six high-homicide police areas in the second half of 2021/22 and all of 2022/23. At that point, the pilot would be evaluated, and a decision would be taken by Ministers on whether homicide reviews should be rolled-out across England and Wales. This national roll-out would require secondary legislation. This impact assessment covers the pilot phase. Appraisal of any national roll-out would be covered in an impact assessment accompanying the secondary legislation.

(g) Sex offender management

g.1 Enable positive obligations and electronic monitoring requirements to be attached to Sexual Harm Prevention Orders and Sexual Risk Orders

23. To meet the policy objectives, two options have been considered:
- a) **Option 1:** Do nothing. SHPOs and SROs will still stand as only having the power to prohibit an offender from certain actions. This could affect the likelihood of offender committing another offence as they will not be required to carry out the necessary actions to reduce their offending behaviour, such as attending alcohol or drug treatment.
 - b) **Option 2:** Allow for positive obligations to be imposed via SHPOs and SROs. This will allow the courts to compel sex offenders and those who pose a risk of sexual harm to engage in certain action.
24. **Option 2 is the Government's preferred option** as it would help to reduce risk to the public by enabling more proactive work with those who pose a sexual risk.

g.2 Provide for the civil standard of proof to apply to the making of a Sexual Harm Prevention Order or Sexual Risk Order

25. To meet the policy objectives, two options have been considered:
- a) **Option 1:** Do nothing. The police and courts will continue to apply a standard of proof akin to the criminal standard (beyond reasonable doubt) for both SHPOs and SRO applications.
 - b) **Option 2:** Amend the legislation to specify that, in respect of applications for SHPO and SROs, the court should apply the civil standard of proof applies in relation to the act in question.

26. **Option 2 is the Government's preferred option** as it would mean that it did not have to be established beyond reasonable doubt that the individual did the act in question.
- g.3 Provide for the enforcement of Scottish Sexual Harm Prevention Orders and Sexual Risk Orders in England, Wales and Northern Ireland**
27. To meet the policy objectives, two options have been considered:
- a) **Option 1:** Do nothing. Scotland will continue to use their old orders as they are recognised within other UK jurisdictions, however, they will not have reciprocal orders with England, Wales and Northern Ireland and the SHPOs and SROs introduced in their Abusive Behaviour and Sexual Harm (Scotland) Act 2016 ("the 2016 Act") cannot be used. The benefits of the reduced thresholds and increased opportunities to protect, prevent and reduce sexual offending against children and vulnerable adults would also not be fully realised.
 - b) **Option 2:** Amend the legislation to enable Scottish SHPOs and SROs to be enforceable with other all UK jurisdictions.
28. **Option 2 is the Government's preferred option** as it allows for Scotland to commence and use their new orders introduced in the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 which will be enforceable with other UK jurisdictions. Home Office Ministers and Scottish Ministers have also discussed this option and agreed it is the right way forward.
- g.4 Give police the power to impose notification requirements on sex offenders who commit offences abroad, removing the requirement to apply through the courts**
29. To meet the policy objectives, two options have been considered:
- a) **Option 1:** 'Do Nothing' - the police will continue to be required to apply to the courts to secure a notification order in order to make relevant offenders who have been convicted, cautioned etc. overseas subject to the notification requirements.
 - b) **Option 2:** The police will be able to directly make a relevant offender subject to the notification requirements without the involvement of the court.
30. **Option 2 is the Government's preferred option** as it will enable the police to take action quickly to ensure that those who should be made subject to the notification requirements are, and are made aware of this quickly.
- g.5 Streamline the process for prescribing police stations and give Chief Constables flexibility to determine which police stations offenders must notify at**
31. To meet the policy objectives, two options have been considered:
- a) **Option 1:** Do Nothing. The list of prescribed police stations will continue to be periodically updated (usually on an annual basis) through a negative statutory instrument, to reflect any recent changes.
 - b) **Option 2:** Enable Chief Constables to specify which police stations offenders must notify at and remove the requirement for this to be set out in legislation.
32. **Option 2 is the Government's preferred option** as it will remove the onerous and resource-intensive process to both police forces and the Home Office of updating the annual SI and allow for more flexibility when updating the list of prescribed police stations.
- g.6 Power to prepare a list of countries considered to be at high risk of child sexual abuse and exploitation by UK nationals and residents, and requirement for applicants and the courts to have regard to the list in respect of applications for Sexual Harm Prevention Orders and Sexual Risk Orders**

33. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing. The provision would remain the same and police forces would apply for foreign travel prohibitions in the usual way. The number of successful applications are expected to remain disproportionately low and there would be a continued risk posed to vulnerable children abroad. This option has been rejected as it would not address the Inquiry's concern about the low number of foreign travel restrictions imposed on those who pose a risk of sexual harm to children overseas.
- b) **Option 2:** Full implementation. This will implement legislation enabling the Secretary of State, or person directed by them, to establish and maintain a list of countries where children are considered to be at high risk of sexual abuse and exploitation from UK nationals and residents travelling abroad, and requiring applicants and the courts to have regard to such a list.

The following provisions will be added to Part 2 of the Sexual Offences Act 2003:

- Power to establish and maintain a list of countries considered to be at high risk of CSEA by UK nationals and residents.
- Requirement upon applicants to have regard to the list in considering the appropriateness of an SHPO or SRO.
- Requirement upon courts to have regard to the list in considering the appropriateness of an SHPO or SRO.

34. **Option 2 is the Government's preferred option** as it will meet the key aims of this intervention and implement the recommendations of IICSA. This will require the police or NCA to have regard to the list when applying for a foreign travel restriction and will also require courts to have regard to this list when considering granting such an order.

g.7 Enable the British Transport Police and Ministry of Defence Police to apply for a Sexual Harm Prevention Order and Sexual Risk Order and take part in the related procedures such as applying for the variation and discharge of an order

35. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing. The BTP or MoD Police to continue to make applications via the relevant territorial police force, usually where the person subject of the application resides.
- b) **Option 2:** Give BTP and MoD Police the power to apply for SHPOs or SROs. This is will be beneficial in cases where sexual offences are committed on transports links or on the defence estate.

36. **Option 2 is the Government's option** as it removes the issue where if BTP or MoD police wish to make a SHPO application, outside of an existing criminal prosecution, they have to wait for a court appearance by the subject and hence may have to wait until they commit another offence. They will have the power to apply for standalone orders.

(h) SOA amendment

37. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing. The first option is to 'do nothing' and maintain the baseline position of a gap in criminal law. This option fails to address the problem in which those who are sentenced for arranging or facilitating the commission of a child sexual offence where the child (or intended) is under 13, are not receiving sentences aligned to the greater vulnerability of the victim.
- b) **Option 2:** Amend section 14 of the Sexual Offences Act 2003 to close the current gap in criminal law. Section 14 would be amended so that the offence of arranging or facilitating the commission of a child sex offence also applies to the child sex offences in sections 5 to 8 of

the 2003 Act (rape and other offences against children under the age of 13). Under this option, the Bill would also remedy the anomaly within section 14 by providing a 'floating' maximum sentence by referencing the substantive offence being arranged or facilitated (previously, an absolute maximum contradicted maximums within underlying substantive offences).

38. **Option 2 is the Government's preferred option.** SOA (2003) section 14 is the primary legislative tool for NCA and NPCC covert police operations tasked with combatting the highest harm offenders. This amendment will support the prevention of some of the highest harm offences caused to the most vulnerable within society (the sexual abuse of children under the age of 13).

(i) Amendments to the Crime (Overseas Production Order) Act 2019

39. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Make no changes (do nothing) to the COPO Act 2019. This option would mean that the policy intention of the COPO Act to streamline and make more effective the process to seek stored electronic data would be undermined. Consequently, this option would also not be able to fully realise the benefits enabled by the UK US Bilateral Data Access Agreement and the COPO Act in providing direct access to this information. More specifically:
- A dual authorisation work-around to obtain the information sought for evidential purposes by law enforcement officers and prosecutors would need to continue. This work-around will require that an application is made under the COPO Act 2019, once in force, for the stored electronic data sought (such as pictures, email content) and simultaneously an application is made under the Investigatory Powers Act 2016 for the associated or linked communications data (information on who sent an electronic communication, when and to whom). This communications data is required to provide the necessary evidential value to the stored material sought.
 - Not providing the flexibility to the Home Secretary (for England, Wales and Northern Ireland) and the Lord Advocate (for Scotland) to delegate tasks related to the serving of an OPO to an appropriate body would in practice not be operationally feasible or efficient. This would also likely require additional arrangements (including possible legislative requirement by for example devolved administrations) being made in relation to future international cooperation agreements.
 - Not making the missed consequential amendment relating to a relevant evidence test, as highlighted in section C, misses an opportunity to provide more legal certainty to the judiciary when they are reviewing requests once the COPO Act enters into use.
- b) **Option 2:** Make practical amendments to the COPO Act 2019. Legislate for a number of practical amendments to enable the operational viability and effectiveness of the process provided for under the COPO Act. The required amendments were identified following consultation with relevant stakeholders (operational, policy and legal) during the development and design of an implementation model for the COPO Act. These amendments will ensure the desired policy intention which is to streamline and improve the process for law enforcement officers and prosecutors to obtain vital information and evidence direct from service providers, located outside the UK, to support UK criminal investigations and prosecutions.

More specifically, this option will allow for law enforcement officers and prosecutors to receive communications data (information on who sent an electronic communication, when and to whom) which is directly associated or linked to the stored electronic content data sought (such as communication content and pictures) via a court approved OPO under the COPO Act. This associated or linked communications data is critical to ensure the content data sought has the necessary evidential value to be of use for criminal investigations and prosecutions. In other words, it will make clear, for example who sent an email, to whom and when as opposed to just providing the content of the email which on its own would be of limited value. Currently the COPO Act precludes this associated or linked data from being provided alongside the content. This is an unintended consequence of an attempt to ensure this new route to obtain data from overseas providers was not used to replace the process that currently exists under the

Investigatory Powers Act (IPA) 2016 to obtain communications data when only that data is required and not the content. The ability for law enforcement officers and prosecutors to seek the required stored content data and the associated or linked communications data in a single request under the COPO Act will negate the need to make two simultaneous requests under the COPO Act (for stored content data) and under the IPA (for the associated or linked communications data).

This option will also provide for the flexibility to delegate tasks relating to the serving of an order to appropriate bodies acting on behalf of the Secretary of State (in England, Wales and Northern Ireland) and the Lord Advocate (in Scotland). This will provide necessary operational agility and effectiveness, and ensure, as relevant, compliance of process. Furthermore, this will meet the demands of any arrangements relating to the serving of an order under the COPO act.

In addition, this option will ensure that a missed consequential reference is made to the provisions of the COPO Act to ensure legal certainty for judges when reviewing requests. This will specify the relevant evidential test needed to be applied by a judge when considering an OPO.

40. **Option 2 is the Government's preferred option.**

(j) Non-violent protests

41. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing. This option would not amend any public order legislation and would continue to leave the police without adequate powers to manage protests. Any future failings in the policing response could be blamed on the Government for ignoring requests from the police for legislation that is fit for purpose.
- b) **Option 2:** This option would involve amending public order legislation to give police enhanced powers to safely manage protests. A selection of powers were considered with the following five amendments being preferred:
 - **Allow the police to impose any type of condition on a static protest provided it appears lawful, necessary and proportionate.** Current legislation provides the police more powers to respond to public processions than static protests. The police can impose any type of condition on a moving protest providing it is necessary (section 12(1) of the Public Order Act 1986) to prevent specified adverse impacts. However, the types of conditions that can be imposed on a static protest (section 14(1) of the Public Order Act 1984) are limited to maximum duration, maximum number of persons attending, and location. The amendment to section 14(1) of the Public Order Act to allow the police to place any type of condition on a static protest provided it is necessary, will enable the police to impose conditions such as specifying the time an assembly can begin or limit it to a certain geographical location.
 - **Broaden the range of circumstances in which the police can impose conditions on egregious noise during a static assembly or procession.** Currently, the police can impose conditions on a protest where they reasonably believe it may result in serious public disorder, serious damage to property, serious disruption to the life of the community, or the purpose of the persons organising it is the intimidation of others. This proposal to amend sections 12(1) and 14(1) of the Public Order Act 1986 will broaden the range of circumstances in which the police can impose conditions on a protest to limit egregious noise that results in a significant impact on the community.
 - **Amend the sub clauses relating to the breaching of conditions under sections 12 and 14 of the Public Order Act 1986.** Current legislation requires compliance from protestors to conditions imposed by the police on a protest. A person who knowingly fails to comply is guilty of an offence. Under sections 12 and 14 of the Public Order Act 1986 a protester must comply with the conditions placed on the protest by the police.

However, they are only committing an offence if they were aware of the conditions and hence to be convicted, a court has to be certain beyond reasonable doubt that the person knew the conditions were in place. To evade this, protesters have taken deliberate actions to ensure it would be impossible to prove that they were aware of the conditions. Under this proposal to amend the offence relating to the breaching of conditions placed on a protest in sections 12 and 14 of the Public Order Act 1986, a person would be guilty of committing an offence if it can be shown that the individual breached a condition applied to a protest and ‘knew or ought to have known’ that the imposed condition was in place. The burden for proving this would remain with the prosecution. This measure will also increase the statutory maximum penalties available to courts for organising, taking part, and inciting another to take part in a procession or public assembly and failing to comply with a condition.

- **Place the common law offence of public nuisance on a statutory footing.** Public nuisance is an offence that, in a protest context, could include behaviour consisting of excessive noise, blocking roads, offensive or dangerous behaviour in public. Converting this offence into statute law, would give clarity as to the scope of the offence. It will help both protesters and the police understand what behaviour constitutes a public nuisance and will give the police the opportunity to consider the consequences of protesters’ actions which are intended to cause serious harm or obstruct the public in their enjoyment of their rights. Following the Law Commission’s recommendation in 2015, the proposal will ensure that there is an appropriate penalty for individuals who carry out this type of behaviour. This is not provided under the current common law position as there is a general principle that where the behaviour also falls within the terms of a statutory offence, the statutory offence rather than the common law offence should be charged. Currently, in certain cases, this can mean that the offender only receives a minor penalty based on the statutory offence, rather than a penalty that reflects the extent of the harm caused by their actions.
- **Strengthen the law to ensure the right of access of MPs and Peers to Parliament.** In its October 2019 report “Democracy, freedom of expression and freedom of association: Threats to MPs” the Joint Committee on Human Rights emphasised the vital importance of unimpeded access to the Palace of Westminster for all who have business in either House or wish to meet their representatives. This proposal would strengthen the current legal framework to ensure such access. Under the Police Reform and Social Responsibility Act 2011, where the police have reasonable grounds to believe a person is doing or about to do prohibited activity in the controlled areas of Parliament Square and the Palace of Westminster, they can direct that person to cease, or not start doing, the prohibited activity. Failure to comply with the direction without reasonable excuse is a criminal offence, punishable on conviction by an unlimited fine. Prohibited activities are currently defined in the Act as the operation of amplified noise equipment and the placing or use of tents and sleeping equipment, although only amplified noise equipment is currently prohibited in the controlled area of the Palace of Westminster. This proposal intends to amend the Act to include vehicular entrances to the Parliamentary Estate in the controlled area of the Palace of Westminster and provide that obstructing access to such entrances is a prohibited activity.

42. **Option 2 is the Government’s preferred option.**

(k) Pre-charge bail

43. For details on the policy options considered, please see the separately published IA for this measure.

(l) Taking of fingerprints, samples and photographs under the Police and Criminal Evidence (PACE) Act 1984

44. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing. Continue to allow police to take DNA and fingerprint samples, but do not implement any new powers to capture a photograph. The person will also still be required to attend a police station at a particular time but not on a particular day, only any day within a seven-day period.
- b) **Option 2:** Introduce the power for police to capture photographs when suspects attend a police station. Furthermore, police will be able to specify a date and time for suspects to attend the police station, rather than offering a seven-day window.

45. **Option 2 is the Government's preferred option.**

(m) Human remains

46. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing. This would involve the Government not giving the police the power to use search warrants or other investigatory powers to search or obtain evidence relating to the location of human remains where it is not possible to bring about a prosecution for a criminal offence. This would risk continued inability to give closure to families who have lost loved ones, through not finding bodies where they are not lawfully buried and would continue to prevent coroners from carrying out their duties under section 1 of the Coroners and Justice Act 2009.
- b) **Option 2:** Introducing legislative change in the Police, Crime, Sentencing and Courts Bill to confer powers on the police to:
 - Request information or items that they have reasonable grounds to suspect may pertain to the location of human remains or associated information, including a process for sifting out legally privileged materials.
 - Search premises for human remains, or for information or items that they have reasonable grounds to suspect may pertain to the location of human remains.
 - Enter premises to obtain information or items that they have reasonable grounds to suspect may pertain to the location of human remains.
 - Seize relevant information or items as part of investigations into the location of human remains.

Use of the above powers would be subject to a successful application to a justice of the peace and carried out via a search warrant.

These powers will allow police to obtain search warrants for evidence pertaining to the location of human remains in cases of homicide where a suspect is known but cannot be convicted. They will also allow for search warrants to be obtained outside of a criminal investigation, for example in a missing persons case where there is reason to believe the individual may be deceased but there is no evidence of a criminal offence having taken place (e.g. because the individual has met with an accident or committed suicide).

47. **Option 2 is the Government's preferred option.**

(n) Data extraction from digital devices

48. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing. This option does not provide a clear legal bases for lawful authorities to extract data from digital devices.
- b) **Option 2:** Provide a clear legal basis for lawful authorities to extract data from digital devices, where authority has been provided voluntarily, for the purposes of safeguarding or the prevention, detection, investigation and prosecution of offences.

49. **Option 2 is the Government's preferred option.**

(o) Multi-Agency Public Protection Arrangements

50. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing.
- b) **Option 2:** Adopt the proposed powers of search and arrest.

51. **Option 2 is the preferred option** and it includes:

- **Premises search:** This will enable the police to apply to a court for a warrant to search the premises of an offender released on licence, for purposes connected with protecting members of the public from a risk of terrorism; including checking whether the offender is complying with the conditions of their licence, where such a check is necessary for such purposes. This will improve the ability of operational partners to manage risk.
- **Personal search:** This will require a terrorist offender to submit to a personal search carried out by the police when this is specified in their licence conditions and if necessary for purposes connected with protecting members of the public from a risk of terrorism.
- **Urgent power of arrest:** This will enable the police to arrest a terrorist offender in circumstances where an offender has breached their licence conditions and their risk profile means that it is reasonable to suspect that the breach could rapidly escalate into an imminent risk to public safety.

52. It would be possible to make additional searches and arrests in the above scenarios. This would protect the safety of the public, police, and probation officers from offenders on licence who pose a terrorism risk.

53. The measures will give Counter-Terrorism Policing the powers they need to achieve the policy objective. They will be responsible for the operation of the new arrangements along with the National Probation Service.

(p) Police retraining course – National Driver Offender Retraining Scheme

54. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing. This would involve maintaining the status quo, namely maintaining the current lack of transparency in the setting of fees for driver retraining courses.
- b) **Option 2:** Setting a charging power in primary legislation, under which a motorist may be charged a fee in relation to their attendance at a diversionary course, when the course is offered for a fixed penalty offence as an alternative to a fixed penalty or prosecution;

Setting a specific power, in primary legislation, for the charging of fees which exceed cost recovery for the courses, and which enable an element of the fee to be charged in relation to the costs of promoting road safety;

Providing a power to make secondary legislation under which the courses for which a motorist may be charged (in reliance upon the new provisions) may be limited;

Providing a power to make secondary legislation to set the maximum amounts which may be charged in relation to the different components of the fee.

55. **Option 2 is the Government's preferred option.**

(q) Vehicle recovery

56. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing. This would involve maintaining the status quo, namely maintaining the current lack of clarity in the statutory provisions relating to charging for the removal, storage and disposal of abandoned vehicles.

- b) **Option 2:** Introduce an amendment to the Road Traffic Regulation Act 1984 to clarify police powers to charge these fees for the removal, storage and disposal of vehicles.

57. **Option 2 is the Government's preferred option.**

(r) Driving Licence surrender

58. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing. Costs and benefits are assessed against a "do nothing" baseline. In this scenario, the situation remains as it currently is, and the additional administrative burdens remain in place.
- b) **Option 2:** Amend primary legislation to remove the requirement to surrender a licence for endorsement.

59. **Option 2 is the Governments preferred option.** This option removes the legislative requirement for motorists to surrender their driving licence when they are paying a fixed penalty, or a fine imposed by a court. Enforcement bodies and the police are now able to make an online check of an individual's licensing status. Drivers will be saved the inconvenience of wasted time and the postage costs involved in the current process, the police and the courts will make administrative and postage savings in handling licences unnecessarily.

(s) Scottish Fixed Penalty Notices

60. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing. The current system will continue to use valuable and limited justice partner resources in a range of procedures such as issuing and processing standard prosecution reports (SPRs) and processing high volumes of cases where there may be more proportionate ways to issue penalties for low level offending. As well as the costs associated with these, this option will require substantial input of time from police officers, Crown Office and Procurator Fiscal Service, Scottish Courts and Tribunals Service (SCTS) and so on.
- b) **Option 2:** Fixed penalty notice reform which would not only impact on a range of Justice partners, including SCTS, Crown Office and Procurator Fiscal Service and Police Scotland but would also have an important impact on witnesses who would no longer have to attend court to provide evidence related to these offences and those who have offended who would face a swifter, more proportionate sanction for their offence.

61. **Option 2 is the Governments preferred option.**

(t) Unauthorised Encampments

62. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing. This would involve not introducing or amending any legislation.
- b) **Option 2:** Create a new offence that tackles unauthorised encampments in England and Wales and amend the Criminal Justice and Public Order Act 1994 to strengthen police powers.

63. **Option 2 is the Governments preferred option.**

(u) Payment and E-Money Institutions

64. To meet the policy objectives, two options have been considered:

- a) **Option 1:** Do nothing. This would mean Proceeds of Crime Act 2002 powers in Northern Ireland are less effective than the available powers in Great Britain.

- b) **Option 2:** Extend the scope of account freezing and forfeiture powers to include money held in accounts maintained by e-money and payment institutions.

65. **Option 2 is the Government's preferred option.**

E. Appraisal.

66. This IA identifies both monetised and non-monetised impacts on individuals, groups and businesses in England and Wales with the aim of understanding what the overall impact on society could be as a result of **implementing the Government's preferred option**. The costs and benefits of each measure are compared to the 'base case' option (Option 1: 'Do nothing'), that is, where the proposed measures in the Bill are not introduced. As this would involve comparing the base case option to itself, its costs and benefits are necessarily zero as will be its Net Present Social Value (NPSV).
67. All monetised costs have been estimated in 2020/21 prices. Where these estimated costs were based on different price years, these have been adjusted according to the latest GDP deflator¹⁸. Present value costs have been estimated over a 10-year appraisal period from 2020/21 to 2020/30 with an implementation year ranging from 2021/22 to 2022/23, discounted by the social rate of discount, 3.5 per cent per year.
68. These estimates depend on several modelling assumptions and cannot be regarded as firm predictions. For further detail regarding the assumptions used in analysis, and associated risks, refer to the 'Risks and assumptions' section which includes a breakdown by measure.

(a) Police Covenant

Costs of measure (a)

Non-monetised costs

69. The governance board arrangements are to be agreed, but there will likely be set-up costs of initial Home Office staff resource and possible costs of recruitment for any new posts. At this stage it has not been possible to quantify the costs, but there will likely be non-neutral costs of running a new governance board. The main costs will be that of Home Office staff resource for the board.

Benefits of measure (a)

Non-monetised benefits

70. The focus on health and wellbeing, physical protection and support for families should lead to a variety of benefits for members of the police, families of police personnel, territorial police forces and non-Home Office Police Forces. Three non-Home Office forces (British Transport Police, Civil Nuclear Constabulary and Ministry of Defence Police) will also be offered the opportunity to join the covenant through a memorandum of understanding, so their respective Government departments, forces, personnel and family of personnel would receive similar benefits. The board and annual reporting process should ensure consistent provisions, under the covenant, across all Home Office police forces.
71. The focus on the priorities should lead to direct improvements to the health and wellbeing of policing personnel. Other possible direct benefits include reduced injury among frontline officers. Possible indirect benefits include reduced occurrence and length of sick leave, improved policing productivity and effectiveness, and improved retention of policing personnel.

¹⁸ <https://www.gov.uk/government/statistics/gdp-deflators-at-market-prices-and-money-gdp-september-2020-quarterly-national-accounts>

(b) Special constables

Costs of measure (b)

Monetised costs

72. The cost of full Police Federation membership for all special constables (based on headcount at 31st March 2020) is a function of the membership fee, currently £24 per month, and the headcount of Special Constables, currently 9,496¹⁹. This cost of Federation membership for special constables will not be directly funded by the Home Office, but discussions are ongoing about who will be responsible for this.

Non-monetised costs

73. Once special constables are entitled to the representation of the Police Federation, conditional on the National Police Chiefs' Council agreement, special constables being able to train in and operationally use, if deemed suitable, Conducted Energy Devices (Taser) could lead to some costs. These costs could include training for special constables to use these devices and any funding, if required, to purchase these devices to enable their use.

Benefits of measure (b)

Monetised benefits

74. Special constables will be able to join the Police Federation as members enabling them to access the same support and representation as full-time officers in similar roles. This will go beyond the coverage of existing insurance provided by the Home Office, and will mean that this insurance scheme, which has cost £0.1 million per year over the past two years, should be able to be closed after Federation membership has been open to special constables for an appropriate length of time to allow for an adjustment period. The existing insurance scheme will be going out to procurement for next year so the cost may change, but the overall cost is unlikely to increase.

Non-monetised benefits

75. Through the extra provisions to special constables, there could be benefits to their wellbeing, morale and therefore the productivity and effectiveness of special constables. Police Federation membership would provide special constables with access to representation and support police officers on issues such as allowances, terms and conditions, as well as providing training in issues such as equality, promotion, discipline and health and safety.
76. Possible benefits to special constables of the potential capacity to train and be equipped with Conducted Energy Devices (Taser) include potential benefits to public safety and avoidance of harm, to the public, special constables and other police personnel, when dealing with dangerous individuals.

NPSV of measure (b)

77. It is unlikely that all special constables will take up membership, so the low assumption is a take-up rate of 60 per cent, best assumption is 75 per cent and high assumption is 90 per cent. This is based on estimated take-up among regular officers of around 90 per cent, which is assumed as the upper bound for special constable take-up. The NPSV calculation is assuming that the headcount of special constables continues to fall at an average rate of 8.9 per cent, as it has done since 2012. The calculation also assumes that the current cost of insurance of special constables remains the same in future. The total estimated cost of this measure over 10 years lies in a range of **£8.1 to £12.2 million (PV)**, with a central estimate of **£10.2 million (PV)**.
78. The benefits calculation is assuming that the Home Office will continue to fund insurance for special constables until 2022/23. The price of the insurance for special constables is the same for the low, high and best assumptions. The total estimated benefit of this measure over 10 years lies in a range of **£0.3 to £0.3 million (PV)**, with a central estimate of **£0.3 million (PV)**.

¹⁹ Special Constable headcount for the 43 territorial forces of England & Wales from the Police workforce, England and Wales, 31 March 2020: open data tables <https://www.gov.uk/government/statistics/police-workforce-open-data-tables>

79. The best estimate net present social value of full Police Federation membership for all special constables (based on headcount at 31st March 2020) over 10 years would be **-£9.8 million**.

Table 1: Estimate of Net Present Social Value (NPSV) for measure b, £ million

COSTS	Transition (Constant Prices)	Ongoing (PV)	Total (PV)	Average/year (Constant Price)
Low	0.0	8.1	8.1	0.9
High	0.0	12.2	12.2	1.4
Best	0.0	10.2	10.2	1.2
BENEFITS				
Low	0.0	0.3	0.3	0.0
High	0.0	0.3	0.3	0.0
Best	0.0	0.3	0.3	0.0
	Low	High	Best	
NPSV	-7.8	-11.8	-9.8	

Source: Home Office, own estimates, 2020.

(c) Police driving standards test

80. The IOPC refer relatively few cases involving police driving to the CPS so it may take a number of years to pick up on trends which would demonstrate the effectiveness of the measure.

Costs of measure (c)

Non-monetised costs

81. The additional costs to the criminal justice system as a result of the new test are expected to be minimal as the measure should reduce the number of cases that go through the CJS. The number of cases, court venue, legal aid and prison sentences will be monitored. There will be familiarisation costs to all parties involved in the disciplinary process, including IPCC, police officers and staff and Professional Standards Departments in each force.

Benefits of measure (c)

Non- Monetised benefits

82. This measure could lead to reduction in costs to criminal justice system but due to the already small number of officers referred to the CPS and even smaller number of prosecutions, this benefit will be minimal.
83. The proposed measure will change post incident procedures in the event that a police driver is involved in a collision, so the Independent Office of Police Conduct (IOPC), the Crown Prosecution Service and the judiciary will be impacted:

Table 2: Independent Real Time Information Investigations Completed and Criminal Outcomes (2012-2017)

	No. of officers prosecuted	No. of officers convicted
Pursuits	2*	0
Emergency response	5	4
Total	7	4

Source: Independent Office for Police Conduct, 2018²⁰.

Note: * As of 19/02/18, a CPS decision in relation to two officers is outstanding.

84. The IOPC has examined its data in relation to cases over a five-and-a-half-year period (2012-2017) that had a road traffic incident (RTI) factor applied. The new test should result in the IOPC referring

²⁰<https://www.policeconduct.gov.uk/research-and-learning/key-areas-work/road-traffic-incidents>

fewer cases involving police drivers to the CPS. In addition, the new measure should result in only the most serious offences being charged. This new measure will result in cases being processed more quickly due to more clear legislation on police driving quality, freeing resources within the judicial system.

85. There are non-monetisable benefits to those that would previously have been referred to the CPS and those officers that may have been prosecuted. Affected police officers, their family, and their peer group are likely to receive non-pecuniary benefits in terms of their general welfare and mental well-being by being treated in an appropriate manner reflective of their status as police officers with high-level driving training.

(d) Serious Violence Duty

86. The serious violence duty forms part of the legislative package within the Police, Crime, Sentencing and Courts (PCSC) Bill. In order to provide a full economic appraisal of this aspect of the legislation, a separate IA (Introducing Public Health Measures 2020) has been completed.
87. That separate IA (HO0345), includes a detailed assessment of the costs and benefits as a result of the duty within it. However, the total costs, benefits and net present social value (NPSV) used will be different to those within this IA. This is because this PCSC Bill IA appraisal uses a 2020/21 price and PV base year throughout, and a 10-year appraisal period from 2020/21 to 2029/30. As the SV duty measures begin in 2022/23, they have been appraised over 10 years from this point on in the public health IA using a 2022/23 price and PV base year (2020/21 prices on its front page). Therefore, the totals in this IA will differ from those in the separate duty IA. The duty IA includes 10 years of appraisal, but this IA only includes the first eight years of appraisal. These differences mean that the central total net present social value (NPSV) for the duty IA rises to £213 million²¹, the business net present value (BNPV) is -£12.5 million, and the net cost to business per year (EANDCB) is £1.4 million.

(e) Serious Violence Reduction Orders

88. The following overarching assumptions have been used in this appraisal:
89. A pilot would involve 150 SVROs being awarded over the course of a year, to ensure sufficient sample size is reached to assess the impact and effectiveness of the policy.
90. The unit cost of a court sitting day is approximately £1,150, and the unit cost of an arrest for possession of a knife or offensive weapon is estimated to be £3,400²².
91. There is a high level of uncertainty on the number or type of additional offences that will occur as a result of SVROs. As these are novel orders, there is no evidence of their impact on overall crime. For the basis of this impact assessment, it is assumed that 30 – 70 per cent (central estimate 50%) of SVROs lead to a possession of a knife or offensive weapon offence. This assumption is tested in section G (Risks) and will be monitored during the pilot.
92. It is assumed that on average one court sitting day (6 hours) will be required to award each SVRO. This is the central estimate, with a low and high estimate of 0.5 and 1.5 sitting days (3 and 9 hours)²³. This is currently uncertain and so is tested in section G (Risks) It is assumed appeals will take the same length of time, and that 2 per cent to 10 per cent (central estimate 6%) of SVROs will be appealed²⁴.

²¹ Based upon costs of £161m and benefits of £374m (PV terms, 10 years of duty, 20/21 prices and 22/23 base year as per front page of HO0345)

²² Based on estimations from a legal expert when completing the Offensive Weapons bill impact assessment, and updated figures for arrest unit costs used in the Offensive Weapons bill impact assessment at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/717684/Impact_Assessment.pdf

²³ Based on feedback from a legal estimate consulted when completing analysis for the KCPO impact assessment.

²⁴ Data from Gang injunctions used as a proxy. The consultation for the GI IA (2014) received feedback to suggest that six of 108 gang injunctions were contested, and so the best estimate assumes an appeal rate of six per cent. There is uncertainty around how this will apply to SVROs and so a high estimate of 10 per cent and a low estimate of 2 per cent have been taken. Gang Injunction Impact Assessment: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/317529/2014-06-03_signed_IA_Gang_injunctions.pdf

93. The average police officer earns £40 an hour²⁵.
94. There are currently 108,856 frontline police officers across 43 police force areas, therefore an average of 2,532 per police force area.²⁶ The average police force area is used as a proxy for the pilot area in this analysis, as this area has not yet been confirmed.
95. It is assumed that the guidance for police officers will be 10,000 words and will take 42 minutes to read based on an average reading speed of 240 words per hour²⁷.
96. The average search involves two officers²⁸ and lasts for 16 minutes²⁹.
97. The main additional police power as a result of SVROs will be the ability to complete additional stop and searches on individuals with these orders. The number of additional searches due to SVROs is very uncertain as these are novel orders which will be assessed and monitored. Estimates provided in the consultation were broad, and there was no clear consensus. For this appraisal, it is assumed that each SVRO recipient will be stopped and searched once a month more than they would previously have been, had they not received an SVRO. One additional search a month equates to 12 additional searches per person over the pilot. This equates to 1,800 more searches a year. This assumption is tested in section G.
98. Evidence from seven Ending Gang Youth Violence (EGYV) areas suggests it takes 80 hours to prepare for a gang injunction hearing. This includes time spent applying for SVROs, gathering evidence, preparing files, liaising with the Directorate of Legal Services, collecting the cheque for the court fee, travel to and from court and the time spent in court. As SVROs are expected to be less time consuming, and only involve one person, this is taken as the high estimate and a central, best estimate of 40 hours per SVRO is used. Some SVROs could take even less time than this, so 20 hours is used as the low estimate.

Costs of measure (e)

Monetised costs

Set-up costs

Option 1

99. This has no additional costs.

Option 2

100. The cost to the criminal justice system as a result of additional arrests was calculated to be approximately £0.3 million, with a high estimate of £0.4 million and a low estimate of £0.2 million. This was calculated by multiplying the unit cost of an arrest for knife or offensive weapon possession (£3,400) by the number of SVROs (150) and the proportion of SVROs that were expected to lead to an arrest (30 – 70%). The cost to the criminal justice system as a result of appeals was calculated to be £10,000, with a low estimate of £2,000 and a high estimate of £26,000 by multiplying the unit cost of a court sitting day (£1,150) by the number of court sitting days required (0.5 – 1.5), the appeal rate (2 – 10), and the number of SVROs awarded (150). In this option, there is a presumption that SVROs will be awarded at the discretion of the courts. It is therefore assumed that all SVROs are reviewed in detail by the courts. The extra cost for the courts to review and award SVROs was calculated to be £0.2 million, with a low estimate of £0.1 million and a high estimate of £0.3 million. This range was calculated by multiplying the number of SVROs

²⁵ Home Office internal estimates on police hourly costs. Hourly cost for Sergeant and below, includes salary, expenses, regional allowance, training and employer contributions to pension and national insurance. The estimates were calculated using the Annualised Survey of Hours Earnings (ASHE), Chartered Institute of Public Finance and Accounting (CIPFA) Police Actuals and The National Police Chiefs Council (NPCC) Mutual Aid Rates. Estimates use the latest figures available for the various inputs and are uprated to 2020/21 prices.

²⁶ Year to March 2020 :

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/905169/police-workforce-mar20-hosb2020.pdf

²⁷ <http://www.readingsoft.com/>. Average speed of a reader on paper.

²⁸ 72 per cent of stop and searches involve two officers, and the average ratio of citizens to officers was 2:3. Using this ratio, and assuming 1 SVRO holder searched at a time leads to a 1:1.5 ratio. 1.5 is rounded to 2 for this analysis. Sourced from: Nawaz and Tankebe (2018): Tracking Procedural Justice in Stop and Search Encounters: Coding Evidence from Body-Worn Video Cameras. Cambridge Journal of Evidence-Based Policing 2:139–163, pp 146.

²⁹ Sir Ronnie Flanagan's Review of Policing, 2008. 6 minutes to perform the stop and search and 10 minutes to perform data input duties.

(150) with the unit cost of a court sitting day (£1,150) and the range of court sitting days required (0.5 to 1.5, 1 in the central scenario). This meant the total criminal justice costs of this option were estimated to be £0.4 million, with a low estimate of £0.2 million and a high estimate of £0.6 million (one-year costs, 2020/21 prices). This is equivalent to £0.2 to £0.6 million (central estimate £0.4 million) in PV terms over 10 years.

101. As this option involves a pilot, it is vital that it is effectively evaluated in order to assess the impact of the policy. Evaluation costs were estimated to be 10 per cent of total CJS cost, based on the estimated cost of similar evaluation pilots. These were therefore calculated to be £24,000 to £64,000, with a central estimate of £43,000.
102. The police costs consist of familiarisation costs, the costs as a result of additional stop and searches and the costs of preparing for courts. Familiarisation costs were calculated to be £52,000 by multiplying the average number of frontline officers by force (2,532) with the average police officer salary (£40) and the number of minutes needed for familiarisation (42). In the central scenario it is assumed 75 per cent of officers familiarise themselves with the guidance, in the low estimate this is 50 per cent and in the high scenario this is 100 per cent. Therefore, a low and high estimate of £35,000 and £70,000 were calculated to account for this. The cost of additional stop and searches was calculated to be £38,000 by multiplying the number of officers per search (2), the number of minutes per search (16), the wage by minute of an officer (£0.66) and the number of additional searches (1,800). A low and high estimate of £19,000 and £57,000 were calculated to account for the potential variation in time and number of searches. The costs of preparation for SVROs was calculated using the assumption that all SVROs are reviewed in detail by the courts in this scenario. These costs were estimated to be £0.2 million with a low estimate of £0.1 million and a high estimate of £0.5 million. These were calculated by multiplying the number of SVROs (150) to the average hourly police cost (£40) and the estimated number of hours to prepare a case (20 to 80, 40 central estimate). The total cost to the police of this option is therefore £0.3 million, with a low estimate of £0.2 million and a high estimate of £0.6 million (20/21 prices). In present value terms, these are equal to £0.3 million, with a low estimate of £0.2 million and a high estimate of £0.6 million.
103. The total cost of Option 2 is therefore £0.8 million, with a low estimate of £0.4 million and a high estimate of £1.3 million. These costs are all one-year set up costs, however as this IA has a 2020/21 price base year, these costs still need to be discounted. The present value of these costs is a central estimate of £0.8 million, with a low estimate of £0.4 million and a high estimate of £1.2 million. These are all presented in Table 3.

Table 3: Total SVRO costs for Option 2, £ million, PV

Cost	Discounted low total	Discounted central total	Discounted high total
Additional arrests	0.14	0.24	0.33
Appeals	0.00	0.01	0.02
Court time	0.08	0.16	0.24
Total CJS	0.22	0.41	0.59
Total Evaluation	0.02	0.04	0.06
Familiarisation	0.03	0.05	0.06
Additional stop and searches	0.02	0.04	0.05
Court preparation	0.11	0.22	0.44
Total Police cost	0.16	0.31	0.56
Total cost	0.41	0.75	1.22

Source: Home Office, own estimates, 2020.

Ongoing costs

104. This impact assessment is for a one-year pilot, and so it is not expected there will be any ongoing costs in any of the options.

Benefits of measure (e)

Non-monetised benefits

105. The main desired benefit of this policy is the prevention of knife and offensive weapons related offences. This could result from intervening (via SVROs) with individuals at high-risk of reoffending, who might otherwise have gone on to commit such an offence.
106. No studies could be located showing that similar orders, which allow the police to stop and search individuals more indiscriminately, would necessarily lead to a reduction in serious violence. As such, it is not possible to accurately estimate the number of crimes that would be prevented by the introduction of this measure and no analysis of crime reduction benefits has been conducted.
107. However, a breakeven analysis has been conducted. The cost of each homicide is £3.6 million³⁰ in 2020/21 prices so the policy would only need to prevent one homicide over the one-year pilot period for benefits to exceed costs. Using the same methodology, the cost of each robbery is £12,600 in 2020/21 prices and the cost of each violence with injury offence is £15,700. Therefore, in Option 2, 64 robberies and 52 violence with injury offences would need to be prevented.
108. There may be other non-monetised benefits of the reviews, for example providing information and a sense of 'closure' to the families and friends of victims.

NPSV of measure (e)

109. The total cost of Option 2, the preferred option, in present value terms is estimated to be between **£0.4 and £1.2 million** with a central estimate of **£0.8 million**. As no benefits from the policy could be monetised at this point the **NPSV is -£0.8 million**.
110. As Option 1 involves no additional costs and benefits, its NPSV is zero.

(f) Homicide reviews

Costs of measure (f)

Monetised costs

Set-up costs

Option 1

111. This has no additional costs.

Option 2

112. The Homicide Index shows that for 2019, there were 251 homicides involving an offensive weapon that would not be subject to a homicide review under existing criteria. To estimate costs per additional review, information was requested from Community Safety Partnerships that conduct Domestic Homicide Reviews. From their responses an average cost of £8,688 per review was calculated.
113. This covers the direct costs of running a review (for example, paying for a chair and author), but it does not take account of the time spent by professionals and practitioners providing evidence to the reviews. To estimate these, data was obtained from police forces on the number of reviews they conduct and the costs for their review team. Police are one of the main bodies providing evidence for the reviews. It was assumed that cost would be similar for other organisations providing evidence. These data suggested an additional cost of £1,222 per review per organisation required to provide evidence. As the proposal will generally require three agencies to oversee and lead reviews (namely local authorities, police chief constables and clinical commissioning groups), on average, the total cost per review of evidence provision is estimated at £3,666.
114. The pilot is also likely to involve the establishment of new Home Office Homicide Oversight Board and secretariat to monitor implementation of the findings both locally and nationally. The cost of

³⁰ Home Office Cost of Crime publication updated to 2020/21 prices.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/732110/the-economic-and-social-costs-of-crime-horr99.pdf

this board and the associated secretariat has been estimated using information obtained from the Department for Education's Child Safeguarding Practice Review Panel. For the board, a top-down estimate was provided as well as more detailed information on meetings, remuneration and operations that enabled a bottom-up calculation. Using that data, a top-down figure of £590,000 was estimated for 251 reviews per year. This constitutes the high estimate. The bottom-up figure is the low estimate: £246,000. The central estimate, the mid-point, is £418,000. For the secretariat, data obtained for the Child Safeguarding Practice Review Panel suggested a cost of £394,000. In the early stages of the project the secretariat costs also cover set up and familiarisation costs associated with hiring staff, designing the pilot (which is expected to be externally commissioned) and familiarisation with the new guidelines.

115. These costs were modelled over 10 years. It is anticipated that the first half of year 1 will be spent designing the new model. The second half of the year will be spent piloting the new model and establishing the Home Office Oversight Board with the six highest-volume homicide forces. These forces cover approximately 50 per cent of total homicide. So given it is for half the year and will cover half the in-scope homicides, the total national cost of all reviews (251 x £8,688) is multiplied by 0.25. In year 2, all six forces are expected to pilot the new reviews throughout the year, so it's multiplied by 0.5. At that point a decision can be made, informed by the results of the pilot, about national roll-out. This impact assessment only appraises costs and benefits of the pilot, so no costs accrue after year three (2022/23).
116. All figures are in 2020/21 price years with a discount factor of 3.5 per cent to give present value estimates.

Table 4: Option 2 costs breakdown, £ million, PV

Year	2020/21	2021/22	2022/23	2023/24	>	2029/30	TOTAL
Reviews: Chair and panel	0.0	0.5	1.0	0.0	>	0.0	£1.6
Reviews: Input from relevant agencies	0.0	0.2	0.4	0.0	>	0.0	£0.7
Staff resource for familiarisation, development of model (inc. Secretariat)	0.0	0.1	0.20	0.0	>	0.0	£0.3
HO oversight board	0.0	0.1	0.20	0.0	>	0.0	£0.3
TOTAL*	0.0	1.0	1.8	0.0	>	0.0	£2.8

Source: Home Office, own estimates, 2020.

* Might not sum due to rounding.

117. These costs do not cover implementing recommendations arising from the reviews as these are impossible to predict.

Table 5: Costs for the different options, £ million, PV

	2020/21	2021/22	2022/23	2023/24	>>	2029/30	TOTAL
Option 1: Do nothing	0.0	0.0	0.0	0.0		0.0	0.0
Option 2: Additional reviews on adult cases with offensive weapons	0.0	1.0	1.8	0.0		0.0	2.8

Source: Home Office, own estimates, 2020.

Benefits of measure (f)

Non-monetised benefits

118. No studies could be located showing that the production of good quality homicide reviews reduces future homicides. As such, no analysis of crime reduction benefits has been conducted. However, the cost of each homicide is £3.6 million in 2020/21 prices so the policy would only need to prevent one homicide over the two-year pilot period for benefits to exceed costs.
119. There may be other non-monetised benefits of the reviews, for example providing information and a sense of 'closure' to the families and friends of victims.

NPSV of measure (f)

120. The total cost of Option 2, **the Government's preferred option**, is estimated to be between **£2.0 and £3.5 million (PV)**, with a central estimate of **£2.8 million (PV)**. As no benefits from the policy were able to be monetised at this point the NPSV is -£2.8 million.
121. As option 1 involves no additional costs and benefits, its NPSV is zero.

(g) Sex offender management

g.1 Enable positive obligations and electronic monitoring requirements to be attached to Sexual Harm Prevention Orders and Sexual Risk Orders

122. The overall volume of SHPOs and SROs is not expected to increase following this change.
123. SHPOs and SROs already have restrictions attached to them which are monitored. Any additional burden of monitoring positive obligations is assessed as minimal and assumed to be absorbed within existing workloads.
124. The overall volume of SHPO and SRO applications are not estimated to increase following this change as the reason for applying for an order is made irrespective of the monitoring measures available to law enforcement.
125. Based on policy and operational advice, it is assumed that 60 per cent of SHPOs and SROs will be using positive obligations during the first year of implementation. This proportion will raise in future years to 75 per cent for SHPOs and 90 per cent for SROs assuming a gradual take-up of using positive obligations
126. Applying this assumption to the average volume of SHPOs and SROs issued in the last three years would indicate that roughly:
 - 2,900 SHPOs will have positive obligations in year 1 of implementation and 3600 SHPOs would be subject to positive obligations per year in the following years.
 - 60 SROs will be subject to positive obligations in year 1 following implementation, going up to 90 SROs per year in the following years.
127. No significant change in breach rates is expected as individuals who are likely to breach an order will do so regardless of if it is a restriction or a positive obligation.

Costs of measure (g.1)

Monetised costs

128. The current protective order regime can only impose prohibitions rather than positive requirements (that is, obliging offenders to do or attend something rather than prohibiting them from doing something). The proposed legislation does not specify what constitutes a positive obligation, including type or duration, to allow for the police and courts to ensure that each positive obligation is made specific to the offender and is tailored to manage specific risks. It is therefore difficult to accurately estimate the costs of enabling positive obligations to be attached to SHPOs and SROs.
129. An example of a positive obligation is a polygraph examination. Estimated cost impacts associated with the provision of polygraph examinations can be used as a proxy of the impacts of a more costly positive obligation. It is estimated that a polygraph examination costs the police £402 per examination in the first year and £341 per year after this due to initial familiarisation costs in year one. If all SHPOs and SROs that are estimated to have a positive obligation attached to them over the next 10 years would be subject to a polygraph examination, that would yield a total cost to the police of £12.3 million for SHPOs and £0.3 million for SROs³¹.
130. The polygraph cost estimate includes 10 hours of work per polygraph to factor in the research, the test and after care, report writing and external quality assurance procedures of the results. This includes police salaries, training time and equipment outlay in the first year and ongoing training time after this. An average salary is used based on the police staff pay grades across the country and salaries for other staff such as support staff and police officer examiners.
131. The cost of the polygraph machine itself is not included (estimated at roughly £4,500). Currently nine police forces in England have polygraphs. It is not possible to estimate how many more polygraphs will be purchased by individual police forces following this regulatory change as it is up to each police force to decide on whether they want to purchase one. Other expenses such as travel costs and cost of a police room have not been factored in as they are deemed negligible.
132. Polygraph tests are used for intelligence purposes only. The results will merely give an indication to whether an individual is feeling stressed while answering question and hence might be lying. It is up to the offender manager to decide whether an offender will need to be monitored more closely following a polygraph examination. Any additional monitoring is not possible to cost due to the difficulties of accurately costing the average amount of monitoring needed following a polygraph test.
133. An example of a cheaper form of a positive obligation would be a reporting requirement. A reporting requirement would involve an offender presenting themselves at a police station on a regular occurrence as decided by a court to notify the police of their details. The offender's details will be taken at the front desk and does not impose a significant additional burden on the police. Any additional costs following a reporting requirement is assumed to be absorbed within existing staffing and resource budgets.
134. Due to the difficulties of anticipating the types of positive obligations that could be used, none of the above illustrative costs are included in the overall NPSV of the Bill.
135. Electronic Monitoring costs have not been monetised for the purposes of this IA as no change is expected in the usage of EM. EM is already being used in SHPOs and SROs as a type of "restriction" (usually by forbidding the offender to take the tag off). This regulatory change will instead allow courts to assign EM as a positive obligation enabling them to tell offenders that they must wear a tag rather than forbidding them to take one off. No significant uptake in the use of EMs is expected and hence any cost increases will be negligible.

³¹ In reality an offender who is obliged to undertake a polygraph examination will be asked to do so more than once but for the purposes of this costing example it has been assumed that each order will be subject to one polygraph examination.

Benefits of measure (g.1)

Non-monetised benefits

136. By enabling positive obligations to be used for SHPOs and SROs, the protection of the public from harm is increased and it enables a more effective and efficient risk management plan to ensure the safety of the public. The measure directly aims to reduce reoffending and prevent offending.
137. Positive obligations will significantly increase the range of measure available to police to manage and mitigate the identified risk posed by sexual offenders. It will improve the deterrent for offenders to reoffend knowing that wider options are available to police to manage their risk.
138. The impact of sexual offending can be catastrophic on the victim and these measures would improve the police operational capability in managing risk but also supporting protective factors in an offender's life to improve desistence and minimise reoffending. This will in turn improve public confidence.
139. There is insufficient evidence to quantify the scale of the impact of positive obligations on reoffending and public safety; however, it is known that sexual crimes carry a significant cost to society. For example, it is estimated that each case of rape has a socio-economic cost in 2020/21 prices of around £44,000³².

g.2 Provide for the civil standard of proof to apply to the making of a Sexual Harm Prevention Order or Sexual Risk Order

Costs of measure (g.2)

Non-monetised costs

140. Due to the nature of SHPOs and the fact that they can only be applied for after an offender has been convicted of a crime, it is not expected that changing the standard of proof from a criminal threshold to a civil one will change the volume of SHPO applications.
141. As applications for an SRO is completely intelligence based, there might be a small increase in SRO applications following a change from a criminal to a civil standard of proof. However, there are only, on average, 100 SROs granted per year, any increase is likely to be small in terms of cost impacts on the police and wider criminal justice system.
142. The Independent Inquiry into Child Sexual Abuse (IICSA) concluded in January 2020 that adopting the civil standard of proof would unlikely lead to a substantial increase in the number of orders imposed. Furthermore, information from NCA and NPCC support this statement, but mentions that the volume of SROs might increase slightly as the police will be able to include more intelligence-based evidence to highlight the risk of people's sexual behaviour. The number of SHPOs is not expected to change as SHPOs are made following a conviction in court.

Benefits of measure (g.2)

Non-monetised benefits

143. There are no monetised benefits for this measure.

g.3 Provide for the enforcement of Scottish Sexual Harm Prevention Orders and Sexual Risk Orders in England, Wales and Northern Ireland

144. Scotland still uses orders repealed in England and Wales, SOPOs and RoSHOs, which were replaced by the more effective SHPOs and SROs. Primary legislation from the UK Parliament is required to enable Scottish SHPOs and SROs to be fully reciprocal in other UK jurisdictions, hence Scotland still uses SOPOs, FTOs and RoSHOs as the prohibitions attaching to them are enforceable in the rest of the UK.

³² https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/732110/the-economic-and-social-costs-of-crime-horr99.pdf

145. With this regulatory change, Scotland can start using their new orders SHPOs and SROs like the rest of the UK and they will be able to attach positive obligations to their new orders in addition to prohibitions.

Costs of measure (g.3)

Monetised costs

146. Managing potential breaches of positive obligations associated with Scottish SHPOs and SROs is a new burden on police outside of Scotland, however it is estimated that the number of breaches will be very low as the current number of Scottish breaches of SOPOs and RoSHOs in England and Wales is believed to be very low.
147. No additional costs are associated with this change. No new systems are needed to enforce Scottish SHPOs and SROs in England and Wales as it will be managed through existing IT platforms.

Benefits of measure (g.3)

Non-monetised benefits

148. There are no monetised benefits for this measure.
149. The new measure would address any confusion around the different orders and operational and reputational risks for forces within UK jurisdictions, by virtue of a shared understanding of the terms of the SHPO/SRO regime.
150. The move would limit the possible risk of movement of offenders to other UK jurisdictions seeking to evade the conditions and notification requirements imposed by the new orders. The mutual recognition brought about by the measure, will allow the sex offender notification requirements in terms of the 2003 Act which results from a SHPO being granted and from a conviction for breach of an SRO to apply throughout the UK, and similarly offences relating to breach of Sexual Offences Notification Requirements (SONR) would only apply in Scotland. The individual would be a registered sexual offender throughout the UK.
151. The introduction of the new orders will provide greater opportunity to prevent and reduce sexual offending against adults, vulnerable adults and children as the thresholds for these orders have been lowered and this provides more opportunity to apply for them.

g.4 Give police the power to impose notification requirements on sex offenders who commit offences abroad, removing the requirement to apply through the courts

Costs of measure (g.4)

152. As this measure removes a requirement for the police to apply for an order to courts and replaces it with a power for the police to directly notify an individual that they are subject to the requirements, there would be no additional costs for this measure. The number of individuals reporting is not expected to increase significantly and the reporting by each individual is expected to be a routine task with no additional burden to the police.

Benefits of measure (g.4)

Monetised benefits

153. The benefit of the proposed measure is that it removes the costs associated with applying for a Notification Order. Removing the requirement would effectively mean that police would not need to make the court application, serve summons and attend court. Using the last two years of ACRO criminal record data on national and foreign sex offenders who ACRO successfully referred to police forces to obtain a Notification Order (about 150 per year), the measure is expected to save about £500,000 per year in police staff time, interpreter and translation costs as well as court costs. Roughly 90 per cent of these savings would be accrued by HO, with the rest to HMCTS. Court fees of £230 paid by police per each application are not included in the total savings given they constitute a transfer.

Non-monetised benefits

154. The process for applying and serving the notification orders as it currently stands can be complicated and lengthy, particularly in cases where the offender moves their residence and police are unable to serve the summons. Removing the delays in this process means fewer of these high-risk offenders will be able to evade the requirements and the necessary offender management, thus reducing the risk to the public.

g.5 Streamline the process for prescribing police stations and give Chief Constables flexibility to determine which police stations offenders must notify at

Costs of measure (g.5)

Monetised costs

155. No additional costs are expected to the police as they are already updating the list of available police stations on a regular basis. The added time needed for Chief Constables to publish the list is deemed as minimal.

Benefits of measure (g.5)

Monetised benefits

156. The Home Office will save time by not having to prepare for an SI every year. These time savings are estimated to save the department roughly £1,000 each year.

g.6 Power to prepare a list of countries considered to be at high risk of child sexual abuse and exploitation by UK nationals and residents, and requirement for applicants and the courts to have regard to the list in respect of applications for Sexual Harm Prevention Orders and Sexual Risk Orders

157. It has not been possible to quantify or monetise any economic costs or benefits which will arise as a result of this legislation. As such, no data or assumptions have been relied on. It should be noted that all of the impacts outlined below reflect the requirement to establish and maintain a list of high-risk countries, rather than exactly the method by which this is achieved.
158. Due to the nature of this legislation and its desired outcomes, it has not been possible to quantify or monetise any costs or benefits. The primary benefit of this legislation will apply to children overseas and benefits to overseas stakeholders are not usually considered in an economic appraisal. There are also no substantial costs associated with this legislation. This section presents some discussion of the costs and benefits and why they have been ruled out or deemed to be minimal.

Costs of measure (g.6)

Non-monetised costs

Set-up costs

159. There will likely be a one-off public-sector familiarisation cost resulting from this legislation. This is the cost of time spent reading and understanding this amendment. It is likely that some police officers will need to read and familiarise themselves with this legislation. It is anticipated that these costs will be minimal as the wording of the legislation is not expected to be overly long and only a subset of police officers will need to read it. However, it has not been possible to monetise this cost³³.
160. There are no business impact or wider societal set-up costs of this legislation. There may be resourcing costs associated with the introduction, maintenance and publication of this high-risk country list. However, the NCA gathers this information in any case for its own purposes and accordingly these costs do not represent additional costs above business as usual.

³³ It has not been possible to determine a robust estimate of the number of police officers who will read this legislation, nor how long the exact legislation they will need to read will be. As such, it has not been possible to monetise this cost.

Ongoing costs

161. If the legislation is successful in leading to an increase in standalone civil orders with foreign travel restrictions (as opposed to applications for civil orders including broader restrictions unrelated to travel), the courts will need to process more orders, incurring the associated costs.
162. However, given the limited number of foreign travel restrictions via civil orders currently granted, even a large increase would likely impose very little additional cost to the CJS. Between 2015/16 and 2019/20, an average of 4,870 SHPOs were imposed in England and Wales per year. However, foreign travel restrictions were imposed in just seven cases per year on average³⁴. As such, there are already a large volume of SHPOs where the cost of including a foreign travel restriction as part of this would represent little additional cost. Given there is such a small share of foreign travel restrictions to SHPOs, a large rise in foreign travel restrictions would be mostly absorbed in expected 'business as usual' SHPO cases.
163. It is not clear how many additional foreign travel restrictions will be applied for if this legislation is implemented. Police may wish to apply for more orders specifically to obtain a foreign travel restriction. As such, the number of applications for SHPOs and SROs may increase. There is no available evidence on how many of these foreign travel restrictions imposed in 2017/18 were applied for specifically to achieve a foreign travel restriction. As such, it is unclear how many additional applications for SHPOs and SROs there may be to specifically obtain a foreign travel restriction as a result of this legislation.
164. Additionally, if the high-risk list is regularly updated, there may be ongoing familiarisation costs of police officers familiarising themselves with the new list each time. Again, it has not been possible to monetise this cost³⁵.

Benefits of measure (g.6)

Non-monetised benefits

Set-up benefits

165. One public sector set-up benefit has been identified. It has not been possible to monetise this benefit.
166. The introduction of this legislation will help to improve the UK's international reputation by demonstrating the leading role the UK is taking in the global response to CSA. It has not been possible to quantify an improvement in international reputation. However, the independent Economist Intelligence Unit's "*Out of the Shadows*" Index on child sexual abuse and exploitation – published in May 2019 - gave the UK's response to this crime the highest score of all 60 countries assessed, and such measures may help build upon this progress³⁶.

Ongoing benefits

167. This legislation is intended to ensure greater ability to utilise civil orders with foreign travel restrictions by increasing the effectiveness of existing measures. It has not been possible to quantify this benefit.
168. Children abroad will be protected by an increase in travel restrictions for offenders and those who pose a risk of sexual harm (where appropriate and necessary). This benefit has not been monetised because only benefits to UK citizens are considered in economic appraisal. Although the UK is clearly concerned about outcomes which affect foreign citizens (in fact the primary outcome of this legislation is to benefit children abroad), no monetary unit values of economic costs/benefits are available for non-UK considerations and so it would not be possible to provide a monetised estimate of this benefit.

³⁴ Source: <https://www.gov.uk/government/statistics/multi-agency-public-protection-arrangements-mappa-annual-report-2019-to-2020>

³⁵ It has not been possible to determine a robust estimate of the number of police officers who will read this legislation, nor how long the exact legislation they will need to read will be. As such, it has not been possible to monetise this cost.

³⁶ <https://outoftheshadows.eiu.com/>

169. Another benefit considered is that of assistance this provision may afford police and courts in determining whether a foreign travel restriction is appropriate, which alleviate time and resources that could then be used for other beneficial purposes. However, it is likely that any time and resource savings would be offset by an increased volume of foreign travel restrictions applied for. As such, there would be no overall change in time and resources dedicated to applying for foreign travel restrictions and so this has not been included as a benefit.

g.7 Enable the British Transport Police and Ministry of Defence Police to apply for a Sexual Harm Prevention Order and Sexual Risk Order and take part in the related procedures such as applying for the variation and discharge of an order

Costs of measure (g.7)

Non-monetised costs

170. The BTP currently make around two to three SHPO and SRO applications a year via the relevant Home Office force. The BTP would have to contact the relevant Home Office force for assistance with applying for an SRO or a SHPO but they would carry out all relevant checks and prepare the case bundle beforehand themselves.
171. It is difficult to accurately estimate the amount of time currently spent on applying for SROs and SHPOs as they are one tactic used within a much wider offender management process in the BTP. For example, in the case where an SRO has been granted following an application made by the Metropolitan Police on the BTP's behalf, they estimate that the administrative process for applying for the order took twice as long as it would have if the BTP had been able to deal with it in its entirety.
172. With this regulatory change the BTP will no longer have to go via Home Office forces when making a SHPO or SRO application but can instead apply for the orders directly themselves. An offender management team already exists in the BTP who deal with all the SHPO and SRO applications.
173. As the BTP would prepare all of the case material, the time involved would be the same whether BTP applies or a Home Office force does so on their behalf. Where the process would become more efficient would be between the BTP VISOR Unit, BTP Legal Services and the Courts as the BTP would have obviated the need to go via a third-party force.
174. All necessary systems are already in place at the BTP for managing applications and so there would be minimal – if any – additional set up costs.
175. The BTP estimate that the total number of applications made per year could potentially rise to 10 following this change based on current offender patterns. Any additional costs associated with those applications are small enough to be absorbed within existing budgets.
176. The MoD secure the relevant order and the Home Office Police Force for the area the offender(s) reside in have the ownership of ensuring compliance with the Order.
177. The MOD Police assume they will be able to deal with the changes within current staffing and funding levels. The volume of SHPO and SRO applications has been very low, with only three cases in the previous two years. Numbers may rise slightly following this regulatory change, but not beyond the level that would require additional resources and hence any additional costs are assumed to be negligible.

Benefits of measure (g.7)

Non-monetised benefits

178. Introduction of these changes will save time for the relevant police force that would have previously had to process the request.
179. There will also be time savings for MOD Police and the BTP who will be able to obtain an order without having to go via with a Home Office force. Due to this, there will be a reduced risk of reoffending as the MOD Police and the BTP will not have to wait until the subject commits another offence before applying for a SHPO or SRO.

(h) Sexual Offences Act 2003 amendment

180. Two key assumptions are relied on in the discussion of costs and benefits in this section. These are outlined below:

a) There will be no change in the overall number of sentences as a result of the amendment to SOA (2003), section 14.

It has been assumed that existing sentences will be re-categorised under the amended section 14 and there will be no overall change in the number of sentences. To give a sense of scale, police data based on investigations by covert police operations has been used to estimate the number of sentences which will be categorised under the amended section 14 (referring to victims aged under 13 years of age)³⁷.

For the first two quarters of 2020/21, there were 30 charges for section 14 offences where the intended victim was aged under 13 years of age. This has been extrapolated to give an estimate of 60 sentences annually which would fall under the new amended legislation.

It is recognised that this small sample of only two quarters of data may not be representative. However, this is the best available evidence on the number of charges under section 14 that relate to offences where the intended victim was aged under the age of 13. Data is only available for Q1 and Q2 2020/21 – before this, a number of cases were not charged as section 14 because lawyers were selecting charges under sections 8 and 15 of the SOA (2003). Only since the case of *R v Privett et al.* (February, 2020) have charges been made under section 14.

b) There will be an increase in the average sentence length for offenders sentenced for arranging or facilitating the commission of a child sex offence where the intended victim is aged under 13 as a result of this amendment.

This legislation will ensure that sentences for offenders arranging or facilitating the commission of a child sex offence targeting children under 13 years of age consider the additional vulnerability of the intended victims. It is assumed that as a result of this, these offenders will receive longer sentences compared to those received in the baseline (in which the legislation is not amended).

This assumption has been formed from internal consultation with police, drawing upon expert judgement and experience of CSA cases³⁸. This is based on consideration of sentencing guidelines for the substantive section 5 through 8 offences (referring to children aged under 13); and applying these to section 14 sentence lengths.

Through internal consultation with the police, case studies have been identified as representative offences which will be affected by this amendment. These case studies indicate that had the proposed amendment to section 14 been in place, these offenders would have received longer sentences. As such, this demonstrates that following this legislation, it is likely that average sentence lengths will increase, although it is not possible to say by precisely how much.

Costs of option (h)

Monetised costs

Set-up costs

181. There will likely be a one-off familiarisation cost resulting from this amendment to legislation. This is the cost of time spent reading and understanding this amendment. It has been estimated that approximately 10 operational police leads and 43 police sergeants (one representative from each police force) will need to read and understand this amendment. Additionally, it has been assumed

³⁷ Internal unpublished covert police operations data.

³⁸ It has not been possible to calculate the specific increase in average sentence lengths which will result from this legislation. However, evidence based on the expert judgement and experience of the police is presented which indicates that they will be longer.

that approximately 50 Rape and Serious Sexual Offences (RASSO) lawyers will also need to read and understand this amendment (five from each of 10 units).³⁹

182. A range of estimates ('low', 'central' and 'high') have been calculated and are shown in Table 6. The 'central' estimate represents the best available approximation of costs whilst the 'high' and 'low' estimates are based on less conservative and more conservative assumptions respectively. In the 'central' estimate, it is assumed that the average reading speed of a person from a screen is 300 words per minute.⁴⁰ Therefore, it will take approximately 0.02 hours to read the 114 word amendment and note on maximum sentences outlined in Option 2 above.⁴¹ The non-wage cost share is assumed to be 18 per cent.⁴² As such, the median gross hourly wage for the above groups have been uprated to give an estimate of the total gross hourly wage (including non-wage costs).⁴³
183. The approximate number of people who will need to read and understand this legislation has then been multiplied by the estimate of the total gross hourly wage (including non-wage costs) and uprated to 2020/21 prices using the September 2020 HMT GDP Deflator. This gives total familiarisation costs of £58 in 2021 in the 'central' estimate (in 2020/21 prices).
184. As such, the familiarisation costs resulting from this legislation are minimal. Even if ten times as many people as estimated needed to read the amendment, the costs would remain small. There are no business impacts or wider societal set-up costs that have been identified as resulting from this legislation.

Table 6: Familiarisation costs

	Estimate of familiarisation costs		
	Low	Central	High
Total cost of reading the amendment (£)	0	58	86

Source: Calculations using ReadingSoft calculator⁴⁴.

Ongoing costs

Custody costs

185. This measure will likely lead to longer average sentences for offenders convicted of preparing an offence against a child under the age of 13, increasing the period of time these offenders will spend in prison. Consequently, this legislation will incur higher ongoing custody costs which will accrue to the MoJ.
186. These custody costs have been estimated with a 'low', 'central' and 'high' estimate presented to reflect the uncertainty in this estimate. It has been assumed that there will be no overall change in the number of sentences. Police data based on investigations by covert police operations has been used to estimate the number of sentences which would have been categorised under the amended section 14 (referring to victims aged under 13 years of age)⁴⁵. For the first two quarters of 2020/21, there were 30 charges for section 14 offences where the intended victim was aged under the age of 13. This has been extrapolated to give an estimate of 60 sentences annually which would fall

³⁹ These estimates of the number of police and RASSO lawyers who will need to read this amendment to legislation have been made based on internal public-sector consultation with police. It has been assumed that judges and defence lawyers would read the legislation when taking on a case anyway and so this amendment would not increase the amount they had to read above 'business as usual'.

⁴⁰ ReadingSoft calculator: <http://www.readingsoft.com/>

⁴¹ In the 'low' estimate, it is assumed that a reader would only have to read the amendment. In the 'high' estimate it is assumed that the reader would have to read the amendment, note on maximum sentences, and the consequent adjustments to other legislation (Paragraph 25 of the Schedule to the Criminal Justice Act 2003 (Categories of Offences) Order 2004/3346; and Schedule 2 to the Nationality, Immigration and Asylum Act 2002 (Specification of Particularly Serious Crimes) Order 2004/19102).

⁴² Eurostat non-wage costs, 2019: https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=lc_lci_lev&lang=en

⁴³ Median gross hourly wage from Table 14.5a Annual Survey of Hourly Earnings (ASHE), 2019 revised edition <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/occupation4digitsoc2010ashtable14>

⁴⁴ <http://www.readingsoft.com/>

⁴⁵ Internal unpublished covert police operations data.

under the new amended legislation. A range of 50 per cent either way has been used to account for the uncertainty in this estimate.

187. The MoJ estimate of the unit cost for the financial cost per prisoner per year to be roughly £43,000 (uprated to 2020/21 prices⁴⁶). Multiplying the estimated annual sentencing volumes by this unit cost and the estimated average sentence length and discounting over a 10-year period gives the net present cost (NPC) of this measure. The total cost of this measure over 10 years is estimated to lie in the range of £7.4 to £76.7 million (PV), with a central estimate of £30.2 million (PV).
188. Here, a maximum cost conservative approach has been taken. The costs presented here assume that the entire of the additional sentence length will be spent in custody. In practice, some of this additional sentence length will likely be spent on licence, incurring lower costs than those incurred in custody. As such, the estimates presented here show a 'worst case' of maximum liability and pressure in terms of prison costs.
189. The range of potential costs is shown in Table 7.

Table 7: Estimate of costs for measure (h), £ million

COSTS	Transition (Constant Prices)	Ongoing (PV)	Total (PV)	Average/year (Constant Price)
Low	0.0	7.4	7.4	0.9
High	0.0	76.7	76.7	9.7
Best	0.0	30.2	30.2	3.7

Source: Home Office, own estimates, 2020.

Benefits of measure (h)

Non-monetised benefits

Set-up benefits

190. There are four public-sector set-up benefits intended to result from this legislation. These are outlined below. No business impact benefits or wider societal benefits have been identified. It has not been possible to quantify or monetise these benefits.

a) Improved international reputation

The introduction of this legislation will demonstrate the leading role the UK is taking in the global response to CSA. In particular, this legislation will help to improve the UK's international reputation among G7 nations by signalling tangible progress in upscaling the response to online CSA, following the agreement to do so at the Ministerial Digital Industry Roundtable 2019.

b) Alignment with manifesto commitments

This legislation represents a palpable contribution towards two manifesto commitments, namely:

- Introducing tougher sentences for the worst offenders.
- Legislating to make the UK the safest place in the world to be online.

As such, this legislation helps the Government to deliver its objectives.

c) Increased confidence in CJS

By enacting this legislation, communities and the wider public will be reassured that legislation provides appropriate outcomes for those arranging more harmful abuse.

d) More appropriate sentencing guidelines

46 HM Prison & Probation Service Annual Report and Accounts 2018-19 Management Information Addendum (Ministry of Justice, 2019). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841948/costs-per-place-costs-per-prisoner-2018-2019.pdf. The unit cost of £41,136 per prisoner per year has been uprated to 2020/21 prices using the September 2020 HMT GDP Deflator.

The introduction of stricter sentences for the most harmful offenders will set a precedent which may inform the sentencing guidelines drafted by the Sentencing Council. Guidance to impose stricter sentences for the most harmful offenders will influence other sentences and further protect children.

Ongoing benefits

191. There are three ongoing benefits intended to result from this legislation. These are outlined below. No business impact benefits have been identified. It has not been possible to monetise these benefits.

a) Fewer victims of CSA

Ensuring that offenders receive more appropriate sentences which consider the additional vulnerability of the intended victims will lead to longer sentences for these offenders. There are three key channels through which this will protect children from these offenders and lead to fewer children being sexually abused:

- **Incarceration effect**

Longer sentences will ensure that offenders remain in custody for longer and will be managed for longer on licence post-release. This will result in offenders having fewer opportunities to offend whilst in prison and protect children from these offenders and lead to fewer children being sexually abused.

- **Rehabilitation effect**

Longer sentences may result in offenders spending longer being rehabilitated, which may make them less likely to reoffend once they are released from prison. This may lead to offenders committing fewer CSA offences upon release.

- **Deterrence effect**

Other potential offenders may see the stricter punishment of longer sentences and be dissuaded from committing a crime.

A quantitative estimate of the number of contact CSA offences prevented through the incarceration effect channel has been indicated to provide a sense of scale⁴⁷. By incarcerating CSA offenders for longer, the Government expects there to be fewer child sexual abuse offences over that period, thereby preventing child sex offences that would have otherwise occurred.

It has been assumed that there will be no change in the overall number of sentences as a result of the amendment to SOA (2003), section 14 and so there will be an estimated 60 sentences affected by this amendment per year (see Section E.1 above). The Home Office, in *Understanding Organised Crime* (Home Office Analysis and Insight, 2018), estimate the cost to society of organised child sexual exploitation to be approximately £388,000 per victim (uprated to 2020/21 prices)⁴⁸. Therefore, with an estimated 60 convicted offenders receiving longer sentences each year, there is a clear economic and social benefits case for this legislation.

Additionally, it is not clear whether there may be an effect of this legislation by reducing the number of child sexual abuse offences committed through the rehabilitation effect and deterrence effect channels which haven't been modelled here. In this case, the number of crimes avoided may be more, and the benefits higher.

⁴⁷ Contact CSA refers to both penetrative (e.g. rape) or non-penetrative (e.g. kissing) acts where physical contact is made between an offender and child. For further information see the 2018 HM Government report, 'Working together to safeguard children'. <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>.

⁴⁸ *Understanding Organised Crime* (Home Office Analysis and Insight, 2018). The unit cost of £348,410 (2015/16 prices) has been uprated to 2020/21 prices using the September 2020 HMT GDP Deflator. This estimate refers to organised child sexual exploitation, a subset of overall child sexual abuse.

b) Fewer high harm offences

SOA (2003) section 14 is the primary legislative tool for NCA and NPCC covert police operations tasked with combatting the highest harm offenders. This amendment will support the prevention of some of the highest harm offences caused to the most vulnerable within society (the sexual abuse of children under the age of 13).

By ensuring that longer sentences are handed out to the highest harm offenders, the police have greater incentives to target these offenders specifically. Greater focus on targeting highest harm offences and offenders will reduce the number of the very worst CSA offences.

(i) Amendments to the Crime (Overseas Production Order) Act 2019

192. Data was collected from the Home Office and the Office for Communications Data Authorisations.

193. When monetising benefits, a number of assumptions were made regarding the volume of requests:

- The amendments will come into effect by December 2021 and will be implemented immediately.
- The volume of requests will scale to reach the anticipated full operational demand from Requesting Authorities in the UK, assessed to be in the order of 9,000 per annum.
- The volume of requests will scale to reach the anticipated full operational demand from Requesting Authorities in the UK, assessed to be in the order of 9,000 per annum.

194. It is also assumed that all cases requiring stored content data will also require the associated communications data.

195. To estimate familiarisation costs, it was assumed between 120 to 500 staff at PC and EO level would have to read a 500-word briefing.

196. All assumptions have been tested with operational colleagues and subject matter experts who agree the assumptions made are realistic and reasonable.

Table 8: The impacts for each amendment under the preferred option

Amendment	Impact
1: Ancillary or connected communications data	In the Act's current form and once in use, law enforcement and prosecutors will have to submit requests under two legislative frameworks (COPO Act and IPA) to obtain content and associated or linked communications data. Following this amendment only a request under the COPO Act will be needed. The time saving benefits from this switch have been quantified.
2: Delegation of tasks relating to serving OPOs	This will provide the flexibility for the Home Secretary (for England, Wales and Northern Ireland) and the Lord Advocate (for Scotland) to delegate tasks relating to the serving of the order. This will enable a more operationally practical and effective process. This is expected to boost law enforcement outcomes and benefit society and the economy (not quantified).
3: Rectifying a consequential amendment	This makes clear the legal base for the judiciary, which means the risk of legal challenge is reduced leading to positive law enforcement outcomes and ensures the UK's reputation with relevant international partners.

Costs of measure (i)

Monetised costs

197. The objective of the first amendment is to ensure that associated or linked communications data to the stored content data sought can be requested under the COPO Act. This will mean that when the amendment comes into use a request under the Investigatory Powers Act 2016 (IPA) will no

longer need to be submitted by law enforcement officers or prosecutors simultaneously to a request under the COPO Act 2019 to receive the required associated or linked communications data.

198. Familiarisation costs are expected as the first amendment alters the process of requesting the relevant communications data by enabling such data to be sought from an OPO under the amended COPO Act.
199. Assuming between 120 to 500 staff will have to read a 500-word document, this cost is expected to be between £80 and £1,340.
200. No ongoing costs are expected.

Benefits of measure (i)

Monetised benefits

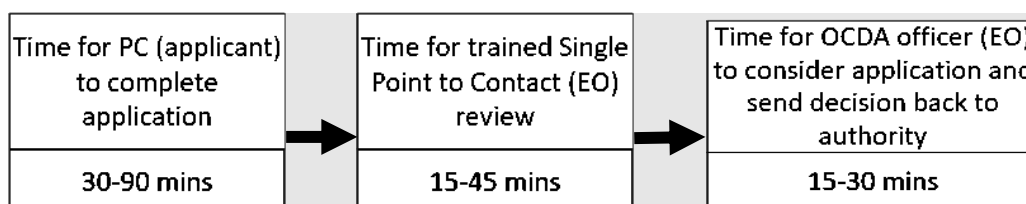
201. The total monetised benefit of the first amendment is about £2.0 to £5.6 million. This represents the time savings from avoiding the need of a request under the IPA in addition to a request under the COPO Act 2019 to retrieve the required associated or linked communications data. This is, estimated by multiplying the staff costs per request by the estimated number of requests.
202. Staff cost is the sum of time costs for officials at each stage of the process, estimated to be £32 to £87.
203. The cost per request is then multiplied by the expected demand of requests, based on internal estimates. According to internal analysis and planning, it is assumed the legislation will come into force from December 2021 where 150 requests are expected. This then scales up to 4000 in 2022 and 9000 in 2023. This is where full operational capability is reached, and 9000 requests are expected every year going forward.
204. This yields a best (central) estimate of roughly £3.8 million in monetised time savings benefits over the 10-year appraisal period.

Table 9: Staff cost per request and total savings over 10-year appraisal, £ million

Scenario	Staff Cost per IPA Request, £	Total PV 10-year, £m
Low	32	2.0
Central	60	3.8
High	87	5.6

Source: Home Office internal data, 2020.

Figure 1: Process map detailing the IPA process



205. Once the full operational capability for the COPO Act 2019 is reached there will be no capacity limits for the number of applications made. In addition, based on previous volumes of CD requests, it is expected that this figure will continue to increase year-on-year for two reasons:
 1. As a new investigative capability opening up new lines of inquiry, it is likely to be used increasingly by Requesting Authorities over time as they realise the benefits of the capability and become more confident with its use.
 2. Other digital investigations techniques, such as communications data, have equally seen similar year-on-year increases as criminals, alongside the public in general, make more use of digital communications and social media platforms⁴⁹. Authorities respond to this by

⁴⁹ This is shown through the annual statistics collected and published by the [Investigatory Powers Commissioner's Office \(IPCO\)](#).

increasing their use of these techniques to develop the intelligence and evidence needed to bring perpetrators to justice.

206. For the purposes of this analysis, requests have been held constant at 9,000 per year to reflect uncertainty in the magnitude of yearly increases.

Non-monetised benefits

207. Currently all requests under the COPO Act also require the sending, simultaneously, of a request under the Investigatory Powers Act (IPA) to obtain communications data. The first amendment will provide the ongoing benefit of operational time saving and resource saving efficiencies by avoiding the submission of a request under the IPA in addition to a request under the COPO Act. This streamlines the process for law enforcement officers and prosecutors to assist in obtaining vital information and evidence more swiftly.
208. The first amendment ensures that both associated or linked communications data and stored content data can be retrieved through a single application under the COPO Act.
209. The time savings represent a monetisable benefit, calculated in the next section.
210. This amendment will also mean cases in court will have more evidence sourced from overseas providers, helping to provide a more robust evidential package for those cases and improving law enforcement and judicial outcomes.
211. The objective of the second amendment provides the flexibility for the Secretary of State (for England, Wales and Northern Ireland), or the Lord Advocate (for Scotland) to delegate to appropriate bodies on their behalf the serving of an order therefore enabling the necessary operational or process expertise required to serve an OPO, thus streamlining and making this process more effective and timely. This will enable a more operationally practical and effective process. This is expected to boost law enforcement outcomes and benefit society and the economy.
212. The benefit of the second amendment cannot be quantified, due to the pending implementation of the original Act. The time-efficiency savings arising from the second amendment could not be estimated meaningfully due to insufficient data. The exact time savings outcomes are uncertain due to the extent to which this may vary on a case by case basis.
213. The third amendment will have no operational impact. However, it will provide legal certainty and prevent the risk of a judge approving the OPO before being satisfied that the electronic data requested is likely to be relevant evidence. This amendment will ensure that a missed consequential reference (during Parliamentary consideration of the COPO Bill) is made to the relevant provision of the COPO Act and will refer to the relevant evidential test needed to be applied by a judge when approving an OPO. It has not been possible to quantify this benefit.

NPSV of measure (i)

214. The NPSV is positive and estimated to be **between £2.0 million and £5.6 million**.

Table 10: Overall NPSV of measure (i), £ million

	Cost	Benefits	NPSV
Low	0.0	2.0	2.0
Best	0.0	3.8	3.8
High	0.0	5.6	5.6

Source: Home Office, own estimates, 2020.

(j) Non-violent protests

j.1 Allow the police to impose any type of condition on a static protest providing it appears lawful, necessary and proportionate

Non-monetised costs

215. There are likely to be costs associated with training officers so that they are aware of the new powers and how and when to use them.

Non-monetised benefits

216. This measure will allow police to better control static protests, possibly improving community safety and wellbeing in the process.

j.2 Broaden the range of circumstances in which the police can impose conditions on egregious noise during a static protest or march

Non-monetised costs

217. Any increased pressure on the police is unlikely to be significant as the pool of individuals willing to be arrested is limited.

Non-monetised benefits

218. This measure may improve the wellbeing of the community where the protest(s) takes place as measures will be available to limit continual noise which does not currently meet the threshold to allow police to impose conditions.

j.3 Amend the sub clauses relating to the breaching of conditions under sections 12 and 14 of the Public Order Act

Non-monetised costs

219. There is no expectation that this measure will impact the number of prosecutions for failing to comply with conditions imposed on a protest, but it may increase convictions as the offence now expands to 'ought to have known' about conditions, as well as 'known'. In 2019, 78.4 per cent of the 904 people who were prosecuted for failing to comply with conditions were convicted. This high conviction rate suggests that there is limited margin for any increase in convictions and as the majority of these convictions are fines (93%), there will be limited impact on the Criminal Justice System by custodial and community sentences.
220. This measure will also increase the statutory maximum penalties available to courts for organising, taking part, and inciting another to take part in a procession or public assembly and failing to comply with a condition. Based on 2019 data, 904 people were prosecuted for failing to comply with conditions imposed on a public assembly under Section 14, with only one receiving a custodial sentence and 25 receiving community sentences, with the majority of prosecutions resulting in a fine. There is no expectation that this measure will result in an increased number of cases, but if it did, 2019 data would suggest that very few of these would result in a sentence which would impact the CJS.

Non-monetised benefits

221. The amendment will close a loophole which allowed people to evade justice, having breached conditions. This will ensure justice is served and is likely to have a deterrent effect.

j.4 Place the common law offence of public nuisance on a statutory footing

Non-monetised costs

222. There is an expectation that cases being pursued as public nuisance will increase, but there will not be an overall increase in court cases, as individuals currently prosecuted under obstruction of the highway, could now be prosecuted under public nuisance. In order to estimate a range for the number of individuals estimated to be prosecuted for a public nuisance offence, two data sources have been used:

- **Lower Limit:** Between 2003 and 2013, an average of 173 defendants per year were prosecuted for public nuisance⁵⁰. Based on this, **150 prosecutions per year** has been estimated as a lower limit.
- **Upper Limit:** In 2020, between 1 September and 10 September, 268 individuals were arrested for obstruction of the highway during the Extinction Rebellion mass action protests. Based on the historical assumption that Extinction Rebellion are likely to carry out two mass action protests a year, an upper limit of **700 prosecutions per year** has been used as an estimate.

223. The number of prosecutions which result in a custodial sentence is estimated to be between 15 and 70, with non-custodial sentences estimated to be between 135 and 630 cases per year. These estimates are based on custodial sentence volume averages between the years 2003 and 2013, which saw 10 per cent of prosecutions result in a custodial sentence, and 90 per cent result in non-custodial.

224. It is difficult to estimate how many arrests, prosecutions and convictions there will be for public nuisance, but these volumes help to give an indication of the scale. Costs associated will likely fluctuate year on year in response to the number and nature of protests.

Non-monetised benefits

225. Converting this offence into statute law, would give clarity as to the scope of the offence. It will help both protesters and the police understand what behaviour constitutes a public nuisance.

j.5 Strengthen the law to ensure the right of access of MPs and Peers to Parliament

Non-monetised costs

226. There is little evidence of individuals failing to comply with requests from the police to clear the way of Carriage Gates and no reason to believe that individuals will fail to comply with directions not to obstruct vehicle access if this act is made an offence or not. Therefore, there is no expectation that this measure will increase the number of arrests, subsequent prosecutions and any resulting costs.

Non-monetised benefits

227. This measure will ensure that there is uninterrupted access to the Palace of Westminster, enabling all those who wish to access a safe and efficient experience.

(k) Pre-charge bail

228. For details on this appraisal, please see the separately published IA for this measure.

(l) Taking of fingerprints, samples and photographs under the Police and Criminal Evidence (PACE) Act 1984

Costs of measure (l)

Non-monetised costs

229. A photograph match may result in an investigation and prosecution that would not otherwise have taken place and in this respect, it may result in an increase in costs to the CJS. However, it may also mean that an investigation and prosecution, which would have taken place even in the absence of a match, proceeds more quickly because a subject has been identified. Furthermore, a photograph match may strengthen the prosecution's case and result in the accused pleading guilty where they would not otherwise have done so, and thus reduce the costs of prosecution.

230. There will be no direct cost impact of allowing the police to stipulate a specific date and time to facilitate the taking of fingerprints and DNA samples as this process already happens. However,

⁵⁰

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/438194/50076_Law_Commission_HC_213_bookmark.pdf

similar to photographs, if this power increases the use of fingerprints and DNA, there may be cost increases or savings during investigation and prosecution.

Benefits of measure (l)

Non-monetised benefits

231. Both through the addition of taking photographs and the possible increased collection of fingerprints and DNA, there could be an increase in biometric matches and successful charges, which would improve police outcomes and protection of the public.
232. There are likely to be efficiency benefits to the police as they can manage their time better.

(m) Human remains

Costs of measure (m)

Monetised costs

233. As these powers are expected to be rarely used, any additional costs will be minimal. In the event that an incident occurs requiring the utilisation of these powers, costs would likely arise, but this is a very low probability event on an annual basis. There may be costs in terms of police time to apply for the warrant and magistrate time to approve the warrant application. Possible costs to the criminal justice system of prosecutions arising from this legislation. There is no comparable crime with monetised costs to the police and to the criminal justice system.

Benefits of measure (m)

Non-monetised benefits

234. Material recovered using these powers will be capable of being used as evidence in prosecutions of living individuals where appropriate, thus protecting the public from those individuals prosecuted as a result. As well as obtaining search warrants for evidence pertaining to the location of human remains in cases where a suspect is known but cannot be convicted, these powers will allow for search warrants to be obtained outside of a criminal investigation, for example in a missing persons case where there is reason to believe the individual may be deceased but there is no evidence of a criminal offence having taken place.

(n) Data extraction from digital devices

Costs of measure (n)

Non-monetised costs

235. The intention of the power is to clarify the lawful basis for the extraction of data, so there is unlikely to be any significant impact. However, there may be negligible familiarisation costs with the introduction of a new consent form.

Benefits of measure (n)

Non-monetised benefits

236. As this measure if only underpinning current police practise, there will unlikely be any benefits in relation to improved outcomes, but there could be increased confidence in the process, which in turn may increase its use as victims are more confident about the use of their data. However, it is unlikely police will be able to accurately record and attribute such a change.

(o) Multi-Agency Public Protection Arrangements

237. The proposed powers of search and arrest are not intended for frequent use and are expected to be used sparingly. It has been assumed that the volume of offenders who these measures could apply to is relatively small and that the measures will not be used regularly on this cohort. The powers will be used sparingly in limited circumstances. The licence condition will only be added to

those who pose a high risk and so this could potentially reduce the number of people it impacts even further.

238. It is not possible to estimate how many offenders will be in scope of the additional police powers in the future or how many times the powers will be used over an appraisal period. However, data on the number of offenders charged with terrorism-related activity and the number of terrorist offenders released from prison custody is used to illustrate that volumes are expected to be relatively small.
239. The volume of offenders who will be in scope of the additional powers is likely to be relatively small. This can be shown by the relatively small volumes of convictions and releases from custody in the operation of police powers under the Terrorism Act 2000.
240. The number of convictions for terrorism-related offences (both TACT and non-TACT offences) in the year ending June 2020 was 45⁵¹. The number of terrorist offenders released from prison custody in the year ending March 2020 was 54⁵². Not all of the terrorist offenders released from prison custody will be subject to personal or premises searches or the use of an urgent power of arrest, however the volumes give a sense of the size of the cohort on which the powers could be used sparingly.
241. The uncertain nature of the terrorist threat means that it is not possible to predict how these volumes will change over time.

Costs of measure (o)

Set-up costs

242. There could be a cost to Counter-Terrorism Policing and the National Probation Service of the time taken for familiarisation of the additional powers. This cost has not been monetised as it will depend on the length of the Code of Practice and police guidance, which will be confirmed after Royal Assent of the Bill.

Ongoing costs

243. While it is not possible to predict the terrorist threat over coming years or how this will impact the volume of TACT and TACT-related offenders on licence, the historic volume of convictions and releases from prison custody are low. The proposals will increase police powers to conduct searches and give the urgent power of arrest in very limited circumstances. The powers are intended to be used sparingly, and therefore the additional volume of searches and arrests is assumed to be minimal. The ongoing cost in terms of the time taken to conduct additional searches and arrests will fall to Counter-Terrorism Policing. This cost has not been monetised but is expected to be minimal.
244. It is possible that any additional searches and arrests will subsequently result in criminal justice costs, however it is not expected that these will be significant given the very low volumes.

Benefits of measure (o)

245. The additional police powers will improve the ability of operational partners to manage the risk posed by offenders of terrorism concern. It will give them additional powers to conduct searches and arrests, which should result in quicker intervention when necessary.
246. The additional power to conduct personal searches in particular could act as a deterrent to those on licence, and for example it could deter them from carrying weapons. This could protect offender managers when meeting with high risk offenders.

⁵¹ Operation of Police Powers under Terrorism Act 2000, quarterly update to June 2020
(<https://www.gov.uk/government/statistics/operation-of-police-powers-under-the-terrorism-act-2000-quarterly-update-to-june-2020>)

⁵² Operation of Police Powers under Terrorism Act 2000, quarterly update to June 2020
(<https://www.gov.uk/government/statistics/operation-of-police-powers-under-the-terrorism-act-2000-quarterly-update-to-june-2020>)

(p) Police retraining course – National Driver Offender Retraining Scheme

247. There are no impacts associated with this measure. There is no change to established procedures that exist for NDORS provision.

(q) Vehicle recovery

248. There are no impacts associated with this measure. The new provision returns to a statutory footing the position as it applied before the inadvertent removal of these powers due to a drafting error. There will be no additional impact beyond that.

(r) Driving Licence surrender

249. The appraisal uplifts the costs and benefits from the initial IA that was published in 2018⁵³, with an original price base of 2015, to 2020/21 prices. Additionally, some of the transitional costs that were included in the 2018 IA have now already been incurred by England and Wales but not Scotland. These have been reduced to only take into account the Scotland costs.
250. Some of the data may be slightly out of date but recent discussions with stakeholders have confirmed that the figures provided in 2015 are broadly similar to current ones and hence no substantially change to the net present value or cost-effectiveness of this policy is expected. As such, it has been deemed disproportionate to fully remodel the impacts outlined below.
251. All the below figures are sourced and explained in the published 2018 Impact Assessment.
252. The high/low estimates use a 15 per cent uplift/down lift on the costs and benefits.

Costs of measure (r)

Monetised Costs

Set-up costs

253. Although systems and development costs of about £460,000 (2015 prices) had initially been identified by IT suppliers for the policy and the courts in England and Scotland in the initial Impact Assessment published in 2018, £400,000 of this has already been implemented by England and Wales due to systems changes that were needed to cater for online payments of fixed penalty payments. The remaining £60,000 is still needed in Scotland. Only the Scottish transition costs are therefore monetised, but more details on the initial findings can be found in the original IA. The £60,000 transition costs in 2015 prices uplifted to 2020/21 prices result in roughly £66,200.

Ongoing costs

254. England and Wales anticipate an annual service management cost of using the service of approximately £15,000.
255. Scotland anticipates annual running costs of approximately £15,000 to operate the new system/link with the DVLA drivers register.
256. Total annual running costs in 2015 were estimated at £28,925 per annum. Uplifted to 2020/21 prices result in an estimate of roughly £31,900, with a PVC over the appraisal period of £0.24 million.

Non-monetised costs

Familiarisation costs

257. The public will have to familiarise themselves with the new arrangements. The relevant Government webpages will be updated so information on the latest arrangements are freely accessible. Additionally, where a fixed penalty notice is issued, the process around licence surrender will be made clear.

⁵³ Removal of the Requirement to surrender a driving licence for endorsement – Impact Assessment - <https://publications.parliament.uk/pa/bills/cbill/2017-2019/0201/2018%2005%2003%20IA%20final.pdf>

258. Compared to the do-nothing baseline, the Government expects this cost to be very small as it is assumed that the vast majority of people going through this process do it so infrequently that they are not already familiar with the current process, meaning that in both the do-nothing and the policy option, the Government expects the levels of familiarisation to be very similar.
259. However, there may be an increase in calls to the police and courts if drivers are seeking clarity on the new process. These costs will be minimal and any attempt at a precise calculation would not be a proportionate exercise.
260. There will be no additional costs to DVLA or drivers as a result of this change. Training and awareness costs will be met through existing budgets.

Benefits of measure (r)

Monetised benefits

261. Amending legislation to remove the requirement to surrender a licence for endorsement would benefit the police, CTOs, FPOs, and courts who between them deal with approximately 940,000 endorsable fixed penalties every year.
262. The monetised benefits arise from the savings in the postage costs and the time taken to administer the processing of licences in police stations, CTOs and FPOs. These amount to about £2 million per year:
 - Postage savings for drivers not surrendering their driving licence in England, Wales and Scotland: Approximately £0.5 million.
 - Administrative and postage savings for the police and court service: Approximately £1.5 million.

Total annual benefits estimates to roughly £2.0 million (2015 prices). Uplifting to 2020/21 prices results in annual benefits of roughly £2.2 million.

263. A more detailed breakdown of the figures from the initial impact assessment are provided in the original IA. These figures were provided by the police and court service in 2015. However, recent discussions with these stakeholders, which include the police, HMCTS and SCTS have confirmed that the figures provided in 2015 are broadly similar to those currently and therefore, the costs and benefits remain at approximately £2.0 million per year. As such, due to the low impact and uncontroversial nature of the policy, it has been deemed disproportionate to remodel the impacts.

Non-monetised benefits

264. The changes will also benefit individual motorists by reducing their postage costs and the amount of their leisure time involved in posting their licences and attending police stations.
265. Although many motoring offences may be committed during the conduct of business activity, the offender is personally liable for the resulting penalty, meaning any time savings are deemed to accrue to individuals. Additionally, as these changes relate to the “costs of non-compliance” with existing laws (speeding and other minor traffic offences), they would be excluded from the Business Impact Target under the Better Regulation Framework Guidance. As such, it was deemed not proportionate for these benefits to be monetised.
266. DVLA will be saved the cost of replacing those licences that are mislaid or go astray during the processes as they pass between the police, CTOs, FPOs and the Agency.

(s) Scottish Fixed Penalty Notices

267. The impacts of the policy are expected to be small with minor benefits to both parties affected: Scottish motorists and the organisations within the Scottish Justice System (particularly COPFS, SCTS and Scottish Legal Aid Board (SLAB), hereby referred to as “Justice Partners”) that deliver the current regime.
268. A full impact assessment of these benefits has not been carried out as it was deemed disproportionate after consultation with those representatives of both of the groups affected by the

change. Both groups were supportive of the policy, and neither identified costs that would be occur as a result of the policy outside of minor adjustment costs (one off IT Systems costs etc).

269. Motoring organisations who responded to the consultation were in favour of FPN reform, stating that it would help eliminate the confusion caused by two separate legal frameworks and significantly improve the experience for the motorists. The benefits of this improved experience were not monetised and considered relatively minor by the analysis
270. Scottish Justice Partners identified in the consultation that the policy could be expected to free up resources that were currently dedicated to the maintaining the current system of SPRs, as the processing of FPNs would be more proportionate. This is expected to be the main impact of the policy.
271. An illustrative de minimis style analysis of the longer-term benefits to Scottish Justice Partners (who are likely the largest individual groups or organisations affected) was made at the time of consultation⁵⁴. The illustrative analysis confirms that, while subject to significant uncertainty, the scale of these benefits will be small in any scenario. A high estimate was provided of nearly £6 million per year, though most scenario-based estimates were lower than this, and with some estimates of less than £1 million per year. In practice, it is expected any benefits to the Scottish Justice System will not be realised as cash savings – but felt in the re-allocation of existing resources within justice partners to address higher priority areas (notably at the time of writing, addressing Covid-19 related backlogs in the justice system), and so the ‘savings’ identified will be felt in terms of the knock on impact on wider justice outcomes that re-allocation will have.

(t) Unauthorised Encampments

Costs of measure (t)

Monetised costs

272. Costs to local authorities:
273. The cost to local authorities for providing temporary/emergency accommodation were estimated by calculating the cost per household of temporary accommodation and multiplying this figure by the average unauthorised encampment caravan count. The stages of the estimation are detailed below.
274. The average costs and figures used in the estimations below are from England only, an assumption has been made that the figures will be similar for Wales.
275. The cost of running local authority services within the financial year is offset by income from sales, fees and charges and other (non-grant) income, which gives net current expenditure to local authorities
276. Using data on local authority revenue, expenditure, and financing in England⁵⁵ from financial year 2010/11 to 2019/20, and averaging the quarterly figures from the homelessness statistics⁵⁶ from the same period, the net cost of temporary accommodation for each financial year was found. For example:
277. Net expenditure on temporary/emergency accommodation 2019/20 was 315.0 million (2020/2021 prices)⁵⁷.
278. The average number of households in temporary/emergency accommodation 2019/20 was 88,533⁵⁸.
279. Therefore, by dividing the two figures, the average net cost of temporary accommodation in 2019/20 for each household was roughly £3,600.

⁵⁴ <https://www.gov.uk/government/consultations/scotland-fixed-penalty-notice-reform-government-response-to-consultation#annex>

⁵⁵ <https://www.gov.uk/government/collections/local-authority-revenue-expenditure-and-financing>

⁵⁶ <https://www.gov.uk/government/collections/homelessness-statistics#history>

⁵⁷ <https://www.gov.uk/government/statistics/local-authority-revenue-expenditure-and-financing-england-2019-to-2020-individual-local-authority-data-outturn>

⁵⁸ <https://www.gov.uk/government/statistics/statutory-homelessness-in-england-financial-year-2019-20>

280. A 10-year average of the annual average cost of temporary accommodation for a household has been calculated to show the average net cost of temporary accommodation from 2010/11 to 2019/20. This figure is presented in Table 11.

Table 11: Average Cost of Temporary/Emergency Accommodation 2010/11-2019/20 (2020/21 prices), £ millions

Average Net Cost of Household
0.003

Source: Home Office, own estimates, 2020.

281. There are no records on the number of individuals who reside in unauthorised encampments. However, local authorities in England and the Welsh Government carry out the count of caravans on traveller sites twice a year, in January and July^{59,60}. This provides a snapshot of the number of caravans on the day of the count. Information is collected on the types of sites that caravans are located, including unauthorised encampments.
282. Table 12 below presents the number of unauthorised encampments in England and Wales over the past 5 years. The final row presents the 5-year average of these figures.

Table 12: Caravan Count Figures (England and Wales)

Year	Winter	Summer
2015	882	1415
2016	798	1374
2017	849	1614
2018	884	1049
2019	867	1098
2020	751	Not Available
5 Year Average	839	1310

Source: Gypsy and traveller caravan count, 2020⁶¹.

It has been assessed that a count of 1,000 provides an approximate estimate of the number of unauthorised encampments during the year, given that only two counts are taken annually.

283. Using the average caravan count of 1000 and the average net cost to house a household for a 12-month period of £2,500, the possible financial impact is estimated to be £2.5 million to local authorities. This figure, however, must be looked at with the caveat that a percentage of those impacted by the measure will find alternative accommodation or not be eligible for temporary accommodation, so these estimations are likely to be the upper bound of the costings. Local authorities have therefore agreed the figure of £2.0 million.
284. Costs to DWP:
285. Housing Benefit subsidy is paid to Local Authorities by Department for Work and Pensions for households in temporary accommodation.
286. DWP have provided an average estimate of £174 per week provided to local authorities in housing benefits per claimant in temporary accommodation based on benefit administration data in August 2020. Using this figure, an estimate of roughly £9,000 per annum per household is reached.
287. Given that the average cost of housing benefits per household in temporary accommodation is estimated at roughly £9,000, the total cost to DWP in housing benefits, given the count of 1000, is estimated to be approximately £9 million per annum. Due to uncertainties including size of households affected and the potential for individuals removed from unauthorised encampments to subsequently claim other benefits, for example Jobseekers Allowance if the individual is displaced

⁵⁹ <https://www.gov.uk/government/collections/traveller-caravan-count>

⁶⁰ <https://gov.wales/gypsy-and-traveller-caravan-count>

⁶¹ <https://gov.wales/gypsy-and-traveller-caravan-count>

from their work or conversely to find alternative accommodation themselves, the estimate has been rounded to an estimated cost of £10 million per annum to DWP.

288. The total cost per annum of this measure is estimated to total up to £13.4 million per annum from 2022/23. An estimation of up to £6.7 million has been made for 2021/22 as the measure is not going to be in place until Autumn/Winter 2021. Both estimates are upper estimates, based on all those in UEs being eligible for and claiming all benefits, however, this is unlikely. Some may find alternative accommodation themselves. This is broken down into three parts:

- Approximately up to £10.0 million in costs to the Department for Work and Pensions for housing benefit and other benefits.
- Net cost to local authorities for temporary accommodation has been estimated at up to £2.0 million, as explained above. This total will be split between local authorities in England and Wales and will be weighted accordingly, based on the number of caravans on unauthorised sites in England and Wales (approximately 90% in England and 10% in Wales).
- Furthermore, the measure is estimated to cost the MoJ up to £1.4 million for the criminal justice system and this includes the additional costs of any appeals mechanisms for vehicle seizure. A more detailed breakdown of these costs is available in 'Wider Impacts'.

Non-monetised costs

289. There will be costs of dealing with unauthorised encampments to the police that will be absorbed into business-as-usual costs. There will be familiarisation costs to police officers and staff in each force.

Benefits of measure (t)

Non-monetised benefits

290. Residents of communities who suffer harm as the result of actions by people on unauthorised encampments could have improved well-being and could be able to access local amenities more easily because of fewer unauthorised encampments. There are a range of costs to local authorities because of unauthorised encampments depending on the number and scale of encampments in the area. Therefore, the benefits to local authorities are hard to quantify as the costs depend largely on the characteristics of the unauthorised encampment. Despite this, the strengthened police powers to deal with unauthorised encampments could potentially result in huge benefits to some local authorities. For example, in 2016, eviction and clean-up costs of unauthorised encampments cost Birmingham City Council £700,000. The measure will prevent/reduce costs to local authorities in clean-up costs.

NSPV of measure (t)

291. The net present social value of strengthening police powers to deal with unauthorised encampments, based on costs occurring from 2020/21 at net present value over 10 years, there will be a net cost of up to £95.1 million. This has been discounted at a rate of 3.5% in line with Green Book guidance.

292. We have assumed that the measure will not come into fruition until Autumn/Winter 2021 and have therefore halved costs for the year 2021/22. This estimate will be the upper bound for potential costs for the year for the best estimate figures.

293. The best estimate of 1000, based on the approximate estimation of UEs in Summer and Winter over the past 5 years, also aligns with the estimations used in the MoJ's estimation of potential cases.

294. It is difficult to present a range of costings for this measure as it is impossible to calculate the number of UEs that would not be eligible for housing benefits, other benefits, and temporary accommodation. Therefore, although this figure is the best estimate possible, it is likely to be the upper bound of the costings.

(u) Payment and E-Money Institutions

295. The extension of the account freezing, and forfeiture provisions are unlikely to add significant costs to law enforcement in Northern Ireland. It is likely that law enforcement will not increase their capacity to take on more account freezing and forfeiture orders (powers which are due to be commenced in Northern Ireland in June 2021), instead re-prioritising caseloads in light of this legislative change. Therefore, the cost of the account freezing and forfeiture regime remains unchanged.
296. There will be a small administrative cost to payment and e-money institutions when money in accounts that they maintain is either frozen or forfeited. There may be non-monetised benefits to payment and e-money institutions, as proceeds of crime can more easily be recovered from accounts maintained by those companies, reducing their risk.

Overall NPSV of the Home Office and DfT related measures in the Bill

297. The main costs from the Home Office and DfT related measures in this Bill are estimated to be in a range of **£286.7 to £542.1 million (PV)**, with a central estimate of **£389.0 million (PV)** over 10 years. The total cost per year is estimated to be £33.8 to £64.8 million with a central estimate of £46.1 million.
298. The main benefits from the HO and DfT related measures in this Bill are estimated to be in a range of **£323.6 to £489.6 million (PV)** with a central estimate of **£406.6 million (PV)** over 10 years. The total annual average benefit over 10 years is £39.4 to £60.0 million with a central estimate of £49.7 million.
299. Not all benefits are able to be monetised therefore the NPSV does not fully reflect the outcome of this package of proposals.
300. The **best estimate of the NPSV of the HO and DfT related measures in this Bill is £17.5 million**. The BNPV is £-9.8 million and the EANDCB is £1.2 million.

Table 13: Overall NSPV of Home Office and DfT measures, £ million

Measure	Costs			Benefit			NSPV		
	Low	Best	High	Low	Best	High	Low	Best	High
(b) Special constables	8.1	10.2	12.2	0.3	0.3	0.3	-7.8	-9.8	-11.8
(d) Serious Violence Duty	104.8	128.8	152.7	194.2	272.8	351.5	89.3	144.1	198.8
(e) SVRO	0.4	0.8	1.2	0.0	0.0	0.0	-0.4	-0.8	-1.2
(f) Homicide reviews	2.0	2.8	3.5	0.0	0.0	0.0	-2.0	-2.8	-3.5
(g.4) Sex offender management	0.0	0.0	0.0	0.9	0.9	0.9	0.9	0.9	0.9
(h) SOA	7.4	30.2	76.7	0.0	0.0	0.0	-7.4	-30.2	-76.7
(i) COPO Act	0.0	0.0	0.0	2.0	3.8	5.6	2.0	3.8	5.6
(k) Pre-charge bail	68.5	121.0	200.4	111.9	111.9	111.9	43.4	-9.1	-88.5
(r) Driving licence surrender	0.3	0.3	0.4	14.3	16.8	19.4	14.1	16.5	19.0
(t) Unauthorised Encampments	95.1	95.1	95.1	0.0	0.0	0.0	-95.1	-95.1	-95.1
Total*	286.7	389.0	542.1	323.6	406.6	489.6	37.0	17.5	-52.6

Source: Home Office, own estimates, 2020.

Note: *Totals may not add up due to rounding.

F. Proportionality.

301. The analysis in this IA contains best estimates for the cost and benefits of the proposed policy. Every effort has been made to ensure the analysis presents the best possible estimate of the likely impact of the preferred option, given the time, resources and data available. These have been quantified where data is available, and the main assumptions have been tested in the sensitivity analysis section (G). Therefore, this is a proportionate effort to appraise the proposed policy change.

G. Risks.

302. The estimated cost and benefit impacts presented in this IA are based on a range of assumptions, some of which are uncertain:

(b) Special constables

303. There is a risk that the headcount of special constables increases over the 10-year NPSV period, which would lead to higher cost of their Police Federation membership. This would not be borne by the Home Office, but by the party bearing the cost which is still to be decided. There is a risk that the proportion of special constables that take up the option of Police Federation membership is higher or lower than the estimates made, particularly in the unlikely event that no body agrees to pay for membership and the cost must be borne by special constables themselves. Special constables may choose to remain members of the ASCO, rather than join the Police Federation. If the take up rate is low, then the benefits of membership will be obtained by fewer special constables.
304. There is a risk that the implementation period and adjustment period, needed for special constables to join the police federation, delays the benefit of ending the existing insurance and reducing the period in which the Home Office benefits from not paying for this insurance. There is a risk that the cost of the insurance could increase for the remaining time for which it is purchased, although it is expected that it will decrease or stay the same.

(c) Police driving standards test

305. There is a risk that officers may be more willing to drive more dangerously and take more risks during pursuits or emergency responses as they are aware that they are being compared to higher driving standards. However, this behavioural change is very unlikely.
306. If there is a rise in demand on the Criminal Justice System, including Victim Services as a result of this proposal, Home Office are expected to fund this as per the Terms of Trade Agreement. The potential costs can be estimated at around £45 per person requiring Victim Support Services⁶². However, this figure should only be treated as a snapshot of the full cost landscape for victim support services. In this estimation only Victim Support data has been used and other support organisations have not been included, which is consistent with the approach in costs of crime reports. Overall, this is expected to be a downside risk with demand on the CJS predicted to be reduced as a result of the new driving test.
307. Furthermore, as part of the Justice Impact Test, the Home Office will be required to report for the first twelve months on the number of cases, court venue, legal aid and prison sentences. The additional costs to the criminal justice system are expected to be minimal but will be monitored nonetheless.

(d) Serious Violence Duty

308. For details on the risks of this measure, please see the separately published IA for this measure.

⁶² <https://www.victimsupport.org.uk/sites/default/files/V/S%20201516%20Annual%20Report%20%20Accounts.pdf>

(e) Serious Violence Reduction Orders

309. The assumptions in this analysis are highly uncertain as these are novel orders and the impact of them is not yet known. One of the aims of the pilot is to identify the potential impact of these orders, which will help improve the evidence base on their effectiveness, cost, and benefits ahead of any potential national roll-out.
310. One of the main risks of the policy is disproportional impact. It is likely that those who receive SVROs will be disproportionately black and male, however, it is also likely that the benefits will occur disproportionately to this group. This risk is outlined in the Statutory Equalities Duties section of Annex B. The potential impact of stop and search on community relationships and this disproportionality, has not been monetised.
311. There are a number of analytical risks and uncertainties. The first is surrounding the number of SVROs awarded. The pilot will aim for 150 SVROs, but it is possible more or less are awarded. The impact of this on total costs is presented below.

Table 14: Impact of different number of SVROs being awarded, Option 2, £ million

Number of SVROs	Total CJS and evaluation costs	Total police costs	Total cost	Total cost (PV) terms
100	0.32	0.24	0.56	0.52
150	0.48	0.33	0.81	0.75
200	0.64	0.42	1.06	0.99
250	0.80	0.51	1.31	1.22
300	0.96	0.60	1.56	1.46
400	1.28	0.79	2.06	1.93

Source: Home Office, own estimates, 2020.

312. Another uncertain assumption is the number of SVROs that will be breached or lead to another arrest. Table 15 shows the impact of different numbers of SVROs which lead to another possession of knives or offensive weapons offence on total CJS and overall costs.

Table 15: Impact of a different number of SVROs which lead to an additional knife or offensive weapon possession offence, Option 2, per cent (%) and £ million

Proportion of SVROs which lead to an additional knife or offensive weapon possession offence (%)	Total CJS and evaluation costs	Total costs (including police)	Total costs (PV) including police
0	0.20	0.53	0.49
10	0.26	0.58	0.55
20	0.31	0.64	0.60
30	0.37	0.70	0.65
40	0.42	0.75	0.70
50	0.48	0.81	0.75
60	0.53	0.86	0.80
70	0.59	0.92	0.86
80	0.65	0.97	0.91
90	0.70	1.03	0.96
100	0.76	1.08	1.01

Source: Home Office, own estimates, 2020.

313. A final vital uncertainty in the analysis is the number of additional searches per SVRO holder. There is no evidence available that could be used to estimate with certainty what the number of additional searches that will be carried out would be. This will be monitored as part of the pilot. Table 16 shows how different numbers of searches impact the police costs of the legislation.

Table 16: Impact of a different number of additional stop and searches per SVRO awarded, Option 2, £ million

Number of stop and searches per SVRO	Stop and search cost	Total police costs	Total cost	Total cost (PV)
5	0.02	0.31	0.78	0.73
7	0.02	0.31	0.79	0.74
9	0.03	0.32	0.80	0.74
10	0.03	0.32	0.80	0.75
11	0.04	0.33	0.80	0.75
12	0.04	0.33	0.81	0.75
13	0.04	0.33	0.81	0.76
15	0.05	0.34	0.82	0.76
17	0.05	0.34	0.82	0.77
20	0.06	0.35	0.83	0.78

Source: Home Office, own estimates, 2020.

314. There is also some uncertainty surrounding the number of court sitting days required per SVRO application and appeal. The effect of a differing number of court sitting days is reflected in Table 17. This also demonstrates the impact of slightly increased unit costs of court sitting days, if these were to change. This will also be assessed as part of the pilot.

Table 17: Impact of a different number of court sitting days required per SVRO awarded, Option 2, (£ million)

Court sitting days required per SVRO	Application costs	Appeal costs	CJS and evaluation costs	Total costs	PV
0.5	0.09	0.01	0.38	0.71	0.66
1.0	0.17	0.01	0.48	0.81	0.75
1.5	0.26	0.02	0.58	0.91	0.85
2.0	0.34	0.02	0.68	1.01	0.94
2.5	0.43	0.03	0.78	1.11	1.03
3.0	0.52	0.03	0.88	1.21	1.13

Source: Home Office, own estimates, 2020.

Note: Scenario with 0.5 and 1.5 court sitting days do not match low and high estimate as central appeal estimate used (6%).

(f) Homicide reviews

315. While the best available data was used to estimate costs, there is still a considerable amount of uncertainty in the cost calculation, so sensitivity analysis was conducted. High and low-cost options were calculated that show the implications if review and familiarisation/secretariat costs prove to be 25 per cent higher or lower than expected and if oversight board costs are better captured by the high/low estimates described above.

Table 18: Sensitivity analysis, Option 2, £ million

	2020/21	2021/22	2022/23	2023/24	>>	2029/30	TOTAL
Low	0.0	0.7	1.3	0.0		0.0	2.0
Central	0.0	0.9	1.8	0.0		0.0	2.8
High	0.0	1.2	2.3	0.0		0.0	3.5

Source, Home Office, own estimates, 2020.

(g) Sex offender management

316. Most measures have had no quantification or monetisation of costs or benefits, hence they have no major analytical risks to note, however there is some uncertainty as to the degree to which benefits will be achieved.
317. The impacts of '*Give police the power to impose notification requirements on sex offenders who commit offences abroad, removing the requirement to apply through the courts*', are primarily driven by the assumption of future inflows of British and foreign nationals with sexual offences abroad. The assumption has been informed by the number of such cases transferred by ACRO in 2018 and 2019 to police forces for them to obtain a Notification Order (about 150 cases per annum). It is likely that this is a conservative assumption, with some offenders potentially liable for a notification order even though they have not gone through ACRO process, provided they meet the criteria for Sex Offender Registration. The details of their offending history in the origin country may have come directly through Interpol or an Embassy contact to the relevant police force. In addition, there may be some additional cases of British sex offenders living abroad and foreign national offenders with a footprint in the UK who may require a notification order. This means that the estimated net savings for this measure might be under-estimated but this has a relatively minor impact on the NPSV of the Bill given the small number of cases expected to be affected by this proposed measure.
318. The biggest analytical uncertainty lies with the measure aiming to '*Enable positive obligations and electronic monitoring requirements to be attached to Sexual Harm Prevention Orders and Sexual Risk Orders*'. The proposed legislation does not specify what constitutes a positive obligation, including type or duration, to allow for the police and courts to ensure that each positive obligation is made specific to the offender and is tailored to manage specific risks. It is therefore difficult to estimate the costs of enabling positive obligations to be attached to SHPOs and SROs.

(h) Sexual Offences Act 2003 amendment

319. For the intended outcome of fewer victims of CSA to be realised, it is assumed that offenders sentenced for arranging or facilitating child sex offences targeting children under the age of 13 will go on to commit a contact CSA offence after release. The realisation of the benefits relative to the baseline therefore relies on the assumption that these longer sentences will prevent these offenders from committing a contact CSA offence upon release.
320. For the intended outcome of fewer victims of CSA to be realised, it is assumed that offenders sentenced for arranging or facilitating child sex offences targeting children under the age of 13 will go on to commit a contact CSA offence after release. The realisation of the benefits relative to the baseline therefore relies on the assumption that these longer sentences will prevent these offenders from committing a contact CSA offence upon release.
321. It is assumed that there will be no change in the number of sentences under the amended legislation as a result of the amendment. Two quarters of 2020 covert police operations data were extrapolated to estimate the number of offenders who will be sentenced under the amended section 14 legislation. Although this is the best available evidence, it is recognised that this small sample may not be representative. As such, an analytical risk of the analysis is that the estimated annual number of sentences under the amended legislation may vary and the cost calculations may have a significant margin of error. A range of between 30 and 90 annual sentences has been used to account for this uncertainty.

322. There is a risk that the assumption that the additional sentence length resulting from this measure may not be as robust as initially perceived. This is the best assumption currently available and has been made based on internal consultation with police, drawing upon expert judgement and experience of CSA cases. A range of between 1 and 5 years of additional sentence length has been used to account for the uncertainty in this assumption. Additionally, since the approach taken assumes that the entire additional sentence is spent in custody, these estimates represent a 'worst case' based on a maximum cost conservative approach. As such, this indicates the potential liability and pressure in terms of custody costs.
323. A number of assumptions have been relied on in estimating the familiarisation costs of this legislation. There is a risk that these may not be as robust as originally perceived and the monetised estimate may have a wider range. These assumptions and data give rise to analytical risk, however the data used is largely reliable, robust and quality assured. The best assumptions rely on published data: the non-wage proportion of costs (Eurostat), the median gross hourly wage (ONS Annual Survey of Hourly Earnings (ASHE)), and the estimated reading speed of the average reader (readingsoft.com). In addition, a range of estimates has been used to account for the uncertainty in the estimate of the reader's reading speed.
324. The unit value used to indicate the scale of benefits which may be achieved is an estimate of the cost of organised child sexual exploitation, a subset of child sexual abuse in general. As such, the benefits here refer to the cost avoided of preventing a child sexual exploitation offence perpetrated by an organised crime gang. This may not be representative of the cost avoided of a general CSA offence, which poses a risk, however it is the best estimate presently available. Also, there is a risk that, in practice, for the more organised crime CSA cases considered here, there may be a 'backfill' effect where other sexual abuse gangs take over territory of those incarcerated. As such, the avoided crimes may be offset to some extent by this effect.

(i) Amendments to the Crime (Overseas Production Order) Act 2019

325. There is a potential risk in the calculated NPSV, as there is uncertainty around:
- The expected number of requests.
 - Time taken per request – this varies based on factors such as case complexity.
 - Number of staff required to familiarise themselves with the new process.
326. Scenario analysis has been conducted to reflect this uncertainty and provide a range of possible outcomes.
327. Estimated volumes were generated by considering data available and applying expert experience and judgement to form a best estimate. There remains some uncertainty.
328. The analysis is based on the expected number of requests sought for the purposes of evidence from the UK to the US under the UK US Data Access Agreement (and facilitated on the UK side by the COPO Act). Were the UK to sign future relevant agreements, designated under the COPO Act, with other countries, it is likely expected volumes (and therefore benefits) would increase. However, this potential increase would be small as no other country has in-scope technology platforms as large and widely used as those in the US.

(j) Non-violent protests

329. There is a risk of litigation if the power is seen to be used unlawfully. However, this is mitigated by the requirement for the police to be able to show, on a case by case basis, that they have considered the legality, necessity and proportionality of the use of the power in the circumstances.
330. There is a risk that this measure can be seen as an infringement on civil liberties as it reduces the burden on the prosecution.
331. There is a further risk that protestors charged with the new public nuisance offence may elect a trial by jury with the aim of overwhelming the criminal justice system. The Economic and Social Cost of Crime response costs for the CJS do not estimate costs for a crime comparable with public

nuisance, but in general, Crown Court unit costs tend to be higher than those in magistrates' courts. There will also be possible costs associated jury service and legal aid.

(k) Pre-charge bail

332. For details on the risks of this measure, please see the separately published IA for this measure.

(l) Taking of fingerprints, samples and photographs under the Police and Criminal Evidence (PACE) Act 1984

333. Both the possible increased use of DNA and fingerprint sampling, as well as the introduction of photographs, could lead to more successful prosecutions. If this prosecution would not have taken place without this evidence, then there could be an increase in costs to the CJS. However, it may also mean that an investigation and prosecution, which would have taken place even in the absence of a match, proceeds more quickly because a subject has been identified. Therefore, it is difficult to be certain on what the impact this measure will have on the CJS.

(m) Human remains

334. There is a risk that the powers will be required to be used more often than assumed. This would then lead to increased costs to the police and to the criminal justice system.

(n) Data extraction from digital devices

335. Improvements in clarifying legal basis and the introduction of digital processing notices may result in victims having more confidence in the process and there is a small risk that as a result, use of this measure will increase. It is also possible that increased use may lead to additional criminal cases and successful convictions which would have otherwise not happened. However, it would be difficult to connect a possible increased use in data extraction with this measure as this process does already occur and there would be no way to know if the victim would've allowed their data to be extracted before or after the legal clarification this measure will provide.

(o) Multi-Agency Public Protection Arrangements

336. It has been assumed that the additional police powers will apply in limited circumstances and will be used sparingly, as such it has been assumed the costs will be minimal.
337. There is also a risk that the terrorism threat could change over the next 10 years, which would result in the powers being applicable to a larger or smaller group of offenders. This could impact how often the powers are used and the subsequent cost.
338. Police guidance will be issued to make clear the serious circumstances to which the use of these powers should be limited and that cross-agency agreement that must be reached before they are implemented. The powers will only apply either to terrorist offenders or offenders found by a judge to pose a terrorism risk and although the number of these could increase, it would take a radical change for a significant cost to arise.

(r) Driving Licence surrender

339. Non-receipt of the photocard licences slightly increases the risk of a driver deliberately providing someone else's driver details. There are no specific plans in place to mitigate or monitor this risk.

(s) Scottish Fixed Penalty Notices

340. There are minimal policy and economic risks to this policy – the policy change has been successfully established in England and Wales since 1989 and this legislation will bring Scotland in line with England and Wales.
341. In terms of analytical risks, it is difficult to provide a precise figure for the likely savings the policy will create due to a lack of certainty or stakeholder consensus over some key variables. The illustrative de minimis style analysis discussed in section E looks at the impacts of the policy under a range of policy scenarios in order to look at the maximum range of possible impacts. The analysis

shows that estimates of savings are subject to considerable uncertainty. In the first instance, offender and policing behaviours could have a large impact on the total estimated savings by impacting on the number of incidents that are affected – as evidenced by the significant changes in the volume of offences recorded over the past decade. The savings per incident then rely on a broad range of assumptions regarding the costs to the justice system of dealing with FPNs due to a lack of evidence underpinning these future costs.

342. However, for all scenarios analysed, the result is a small saving attributable to Scottish Justice Partners – with no significant risks (for example, of costs exceeding savings) identified. While it isn't reasonable to give a forecast of the exact scale of the benefits that the policy will create, it is reasonable to expect these to be modest, and positive in nature.

(t) Unauthorised Encampments

343. Due to difficulties in finding the annual temporary accommodation financial data for Wales, an assumption has been made that the average cost per household of temporary accommodation calculated using data from England, can also be used for Wales. This poses a risk as if Wales' average cost per household is vastly different to that of England, there could be an upside or downside impact on costs.
344. Additionally, there has been an assumption that there will be a 90 per cent:10 per cent split of costings to local authorities in England and Wales. This was based on the approximate proportions of unauthorised encampments in England and Wales, respectively.
345. It is unlikely the measure will come into fruition before Autumn/Winter 2021 and have therefore halved costs for the year 2021/2022. This estimate will be the upper bound for potential costs for the year for the best estimate figures. If the measure comes into effect later than October 2021, there will be a downside impact on costs, as a six-month period of costs has been assumed in 2021/2022. It may also be the case that the Autumn/Winter to Spring/Summer spread of costs are not equal so halving the annual figure may pose a risk.
346. There is a risk in using the costs to CJS (Criminal Justice System) as these have been taken directly from MoJ.
347. It should be noted that Housing Benefit and other benefits are means tested and have capital limits so not all those on unauthorised sites who may present themselves to local authorities for assistance would be entitled to financial support. Additionally, some Travellers have a permanent base and would not be entitled to receive emergency housing. Due to lack of information on the eligibility of those in unauthorised encampments to claim support, an assumption has been made in the costings that all unauthorised encampments will be moved and all affected households will move into temporary accommodation for which local authorities will receive housing benefit subsidy. If affected households are ineligible to claim benefit or able to make alternative living arrangements without being moved into temporary accommodation then the welfare benefit impact will be lower. This poses a risk as it makes it difficult to present an NPSV range.
348. The count of caravans on traveller sites used in the cost calculations are taken twice a year. These figures give the best estimate of the number of unauthorised encampments in England and Wales but there is a risk that the numbers counted are not an accurate representation of the caravan count during the rest of the year. The caravan count may change over the appraisal period and this will impact costings.
349. Moreover, each caravan count in official statistics has been assumed to equal one household as recorded in statutory homelessness and prevention and relief statistics. There may be differences in household sizes in traveller communities which would have an upside impact on the cost of temporary and emergency housing.
350. The National Association of Gypsy and Traveller Officers (an organisation of local authority officials) stated that 80 per cent of unauthorised encampments do not present any problems, therefore the non-monetisable benefits to communities and individuals must be considered in this context.

H. Direct costs and benefits to business calculations.

(d) Serious Violence Duty

351. Some of the costs of the proposed option fall upon businesses. For more details please see the separately published IA for this measure.

(f) Homicide reviews

352. The policy involves no routine costs to business. The costs for the panel, the oversight board, the secretariat etc will all come from the public sector. However, it is possible that employees from a private organisation may occasionally be asked to give evidence for a review. As these costs are likely to be negligible, no attempt has been made to estimate the proportion of the total cost that is likely to fall on private businesses.

(r) Driving Licence surrender

353. Whilst there may be some administrative savings for drivers as a result of this policy, and although many motoring offences may be committed during the conduct of business activity, the offender is personally liable for the resulting penalty, meaning any time savings are deemed to accrue to individuals.

(t) Unauthorised Encampments

354. There will be non-monetised benefits to businesses and private landowners who currently bear the costs of unauthorised encampments through clear up costs and damaged goods (often victims of repeat incursions). This could in turn improve well-being of landowners and businesses.

(u) Payment and E-Money Institutions

355. There will be a small administrative cost to payment and e-money institutions when money in accounts that they maintain is either frozen or forfeited.

I. Wider impacts.

(a) Police Covenant

356. A Family Impact Test was carried out. The responses for the public consultation on the Police Covenant included strong recognition that family life is often disrupted through various aspects of police work and this was seen to be undermining support for families. As such, this will become one of the three initial priorities under the Covenant. With a rigorous governance structure to ensure progress, the Covenant will have a positive impact with key policing stakeholders working together to better integrate and support families.

(c) Police driving standards test

357. A Justice Impact Test (JIT) was carried out. The clearance to proceed with the measure is conditional on:
- The Home Office to report on their monitoring of the situation (number of cases, court venue, legal aid and prison sentences) to the Justice Impact Inbox at six months (12/08/2020) and 12 months (12/02/21) to assess any impact of the proposal.
 - If there is a rise in demand on the Criminal Justice System (CJS) including Victim Services as a result of this proposal, The Home Office are expected to fund this as per the Terms of Trade Agreement.
358. This will be revisited with the MoJ to ensure this is fully approved, especially given the changes in timings of introduction. This clearance only applies to England.
359. There will be a wider impact on the NPCC who will be working closely with the Home Office on the monitoring of the introduction of standardised police driver training which is being introduced to support this measure.

(d) Serious Violence Duty

360. For details on the assessments carried out to determine wider impacts, please see the separately published IA for this measure.

(e) Serious Violence Reduction Orders

361. Several impact tests are being carried out for this policy examining wider impacts. An equality impact assessment (EIA), which finds some potential disproportionality, has been completed and is summarised in Annex B of this document. A JIT is also being completed. The Home Office have notified the Information Commissioners Office of this policy proposal and the potential for personal information to be shared and processed. No further data protection impact assessment is required.

(f) Homicide reviews

362. Several impact tests are being carried out for this policy examining wider impacts. For example, a Family Impact Test has been completed and is attached at Annex C. A equality impact assessment is also being completed and will be published alongside the wider Bill. The Home Office have notified the Information Commissioners Office of this policy proposal and the potential for personal information to be shared and processed. We are awaiting instruction on whether a data protection impact assessment will also be required.
363. Consideration was given as to whether it was necessary to conduct a New Burdens Assessment (NBA) for this policy, but as this IA only covers the costs and benefits of the proposed pilot for homicide reviews, therefore there is no need to conduct the NBA at this time. The NBA may be part of the future IA published alongside secondary legislation if the policy is rolled-out nationally.
364. A JIT will be conducted for this measure. The Home Office acknowledge that Her Majesty's Prison and Probation Service (HMPPS) may on occasion be required to provide evidence about a perpetrator (or victim) for a homicide review, however the cost of providing this information is not expected to be significant. More information on the cost of this policy on the HMPPS would be available after the pilot has concluded.

(g) Sex offender management

365. A JIT will be conducted for this measure.

(h) Sexual Offences Act 2003 amendments

366. A JIT will be conducted for this measure.

(j) Non-violent protests

367. An Equality Impact Assessment and five JIT's have been completed for this measure. The wider impacts outlined in the JITs have been outlined in the individual impact section for each of the five measures.

(k) Pre-charge bail

368. For details on the assessments carried out to determine wider impacts, please see the separately published IA for this measure.

(m) Human Remains

369. A JIT will be conducted for this measure.

(o) Multi-Agency Public Protection Arrangements

370. As outlined in section E, the additional number of searches and arrests as a result of these measures are expected to be minimal and therefore any wider impacts on society are also assumed to be minimal. The potential for wider impacts is protected against by the safeguards that will be in place to ensure that the powers are only used in the appropriate circumstances.

(r) Driving Licence surrender

371. A JIT has been completed for this measure.

(s) Scottish Fixed Penalty Notices

372. Please see section E and the consultation⁶³.

373. The impacts of the regulatory changes are estimated to be low.

(t) Unauthorised Encampments

374. An Equality Impact Assessment and a JIT have been completed.

375. JIT: Breakdown of 1.4 million estimation:

- The following figures have been produced by the MoJ for the JIT.
- There will be financial impacts on HMCTS and MoJ have modelled costs for up to 1,000 cases. This brings the costs for HMCTS to approximately up to £200,000
- There will also be financial impact on Legal Aid because of people accessing it. This will cost approximately up to £100,000.
- Costs to the CPS have been estimated to be in the region of up to £272, 000.

J. Trade Impact.

376. No trade impacts.

K. Monitoring and evaluation (PIR if necessary), enforcement principles.

377. The Government will informally review and monitor measures following implementation. In the normal way the Act will be subject to post-legislative scrutiny five years after Royal Assent. The Bill provides for the piloting of Homicide Reviews and Serious Violence Reduction Orders; an evaluation of the pilot will be undertaken and published in each case.

L. Annexes.

Annex A – Additional impact tests including Statutory Equalities Duties

Annex B – (e) Serious Violence Reduction Orders, PSED impacts

Annex C – (f) Homicide reviews, Family Impact Test

Annex D – (g) Sex offender management – high risk list, Stakeholder table and logic model

Annex E – (h) Sexual Offences Act 2003 amendment, Stakeholder table and logic model

⁶³ <https://www.gov.uk/government/consultations/scotland-fixed-penalty-notices-for-road-traffic-offences/outcome/prosecuting-road-traffic-offences-in-scotland-fixed-penalty-notice-reform-government-response-to-consultation>

Annex A – Additional impact tests done for the HO and DfT measures in the Bill

Mandatory specific impact test - Statutory Equalities Duties	Complete
The public sector equality duty requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations in the course of developing policies and delivering services. In evaluating the impact of the introduction of the new policies set out in the Bill, due consideration has been undertaken to assess any discriminatory impacts on groups with protected characteristics including age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation. Specifically we have considered whether those policies that are designed to reduce crime will impact particular groups who are most affected by those crimes types. In particular we have considered whether the Serious Violence Reduction Orders, which allow for more targeted stop and search of those subject to the orders, will replicate existing levels of disproportionality in the use of stop and search against Black, Asian and Minority Ethnic individuals, however, it is also likely that the benefits will accrue disproportionately to this group. In connection with the measures to tackle Unauthorised Encampments, we have considered the impact on members of the Gypsy, Roma & Traveller community. With regard to the changes to Pre-Charge Bail policy, we have considered whether the reforms will impact particularly on Black, Asian and Minority Ethnic individuals as well as males, given the existing levels of disproportionality in arrests. An Equality Impact Assessment for the Bill will be published. In addition, the Government is satisfied that the Bill measures are compatible with the European Convention on Human Rights, which outlaws unjustifiable discriminatory practice. The public sector equality duty has been considered and the Equality Impact Assessment will be published. The Senior Responsible Owner has read and agreed with these findings.	Yes
Justice Impact Test See section <i>I. Wider Impacts</i> for more information.	Yes
Family Test See section <i>I. Wider Impacts</i> for more information.	Yes

Annex B – (e) Serious Violence Reduction Orders

An Equality Impact Assessment (EIA) has been completed for SVROs. A brief overview of findings, and areas of potential disproportionality are outlined below.

Race

Published knife and offensive weapons sentencing data was used as a proxy to assess potential disproportionality of SVROs. According to the most recent MoJ publication (year to March 2020)⁶⁴ 72 per cent of offenders convicted and cautioned for knife and offensive weapon possession offences were White, 22 per cent were Black and 5 per cent were Asian. However, when looking at rates, it is clear that Black people were disproportionately convicted or cautioned, with the rate being 54 per 100,000 for black individuals, 6.4 for Asian individuals, and 6.9 for White individuals⁶⁵. Black individuals are therefore 7.8 times more likely to be cautioned or convicted for repeat knife or offensive weapon possession. As this is one of the main determinants of being awarded an SVRO, it is likely that black people will be disproportionately impacted by SVROs.

Equally, the main police power as a result of SVROs is the increased ability to stop and search individuals. The most recent Home Office publication⁶⁶ found that in the year ending March 2020, BAME people were stopped at a rate 4.1 times higher than those who were from a White ethnic group, and those who identify as Black or Black British were 8.9 times more likely to be searched compared to those who identify as White. According to the same publication, in the year ending March 2020, “persons who identified as Black (or Black British) were arrested at a rate over 3 times higher than those who identified themselves as White, and BAME people were arrested at a rate over 1.5 times higher than those who identified themselves to be White in the latest year”. This evidence shows that these individuals could be disproportionately impacted by SVROs. The pilot will monitor this potential impact.

However, there is evidence that if SVROs are successful in reducing serious violence, the benefits will disproportionately affect these individuals too. While the majority of homicide victims/suspects in England and Wales are White, black people had higher rates per population⁶⁷. In the year to March 2019, rates of NHS hospital admissions for Assault by Sharp object were similarly higher for black individuals. Black individuals were admitted at a rate of 17 per 100,000 compared to 6 per 100,000 for Asian individuals and 5 per 100,000 for White individuals⁶⁸. If SVROs are able to reduce knife crime, it could disproportionately benefit black individuals.

Sex

According to the most recent MoJ publication (year to March 2020)⁶⁹ 96 per cent of offenders convicted and cautioned for knife and offensive weapon possession offences were Male. As this is one of the main determinants of being awarded an SVRO, it is likely that Males will be disproportionately impacted by SVROs.

However, again there is evidence that if SVROs are successful in reducing serious violence, the benefits will disproportionately affect these individuals. The majority of the victims of serious violence offences are

⁶⁴ Pivot table analytical tool for previous knife and offensive weapon offences. Based off all offenders convicted and cautioned for possession offences. All offenders over 18 used with at least one previous offence. 4,647 offenders, 3,326 are White, 1,004 are Black and 246 are Asian. Rest are other or unknown. Available at <https://www.gov.uk/government/statistics/knife-and-offensive-weapon-sentencing-statistics-year-ending-march-2020>

⁶⁵ Uses NOMIS 2011 Census data available at https://www.nomisweb.co.uk/census/2011/DC2101EW/view/2092957703?rows=c_sex&cols=c_ethpuk11

⁶⁶ Police powers and procedures England and Wales year ending 31 March 2020 second edition. Page 18 and 35 Available at <https://www.gov.uk/government/statistics/police-powers-and-procedures-england-and-wales-year-ending-31-march-2020>

⁶⁷ Home Office: Trends and drivers of homicide: Main findings. Research Report 113 (March 2020). Page 7. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/870188/trends-and-drivers-of-homicide-main-findings-horr113.pdf

⁶⁸ Calculated using published NHS data at <https://digital.nhs.uk/data-and-information/find-data-and-publications/supplementary-information/2019-supplementary-information-files/hospital-admissions-for-assault-by-sharp-object> and NOMIS population data at https://www.nomisweb.co.uk/census/2011/DC2101EW/view/2092957703?rows=c_sex&cols=c_ethpuk11. Approximately 320 FAEs of Black individuals (population of 1.9m), 270 FAEs for Asian individuals (population of 4.2m) and 2,385 FAEs for White individuals (population 48.2m). All NHS figures are approximations and underestimations as they based off rounded data. Only 4,155 of 4,583 admissions available by ethnicity.

⁶⁹ Pivot table analytical tool for previous knife and offensive weapon offences. Based off all offenders convicted and cautioned for possession offences. All offenders over 18 used with at least one previous offence. 4,647 offenders, 4,442 are Male, 199 are Female and 6 are unknown. Available at <https://www.gov.uk/government/statistics/knife-and-offensive-weapon-sentencing-statistics-year-ending-march-2020>

Male, and around 94 per cent of those admitted for assault by sharp object are male⁷⁰. So, whilst SVROs may disproportionality impact males, crime reductions are most likely to benefit them. These impacts will be monitored as part of the pilot.

⁷⁰ Calculated using NHS admissions data. <https://digital.nhs.uk/data-and-information/find-data-and-publications/supplementary-information/2019-supplementary-information-files/hospital-admissions-for-assault-by-sharp-object>. Police force gender tab. In 2018/19, 4,205 of FAEs were male and 285 were Female. Only 4,490 of 4,580 FAEs can be used as data is rounded to the nearest 5 at a PFA level.

Annex C – (f) Homicide Reviews

Family Impact test

Given that there are only about 500-700 homicides per year, the majority of families in England and Wales will be unaffected by this policy. However, for a very small minority of families, homicide is a devastating experience.

14% of homicides in 2018/19 involved intimate partners and a further 8% involve other family members (ONS, 2020)⁷¹. This has been generally decreasing over time (Home Office, 2020)⁷². The recent rise in homicide has been more due to male-on-male cases involving friends/acquaintances⁷³. However, even those homicides that are not between family members have impacts on the families involved, both for victims and perpetrators. For example, one study of the impacts on homicide victims' families found that 80% had trauma-like symptoms⁷⁴. This can have very large long-term impacts on children. The same study found that 35% of the families affected by homicide had dependent children.

1. What kinds of impact might the policy have on family formation?

Not applicable.

2. What kind of impact will the policy have on families going through key transitions such as becoming parents, getting married, fostering or adopting, bereavement, redundancy, new caring responsibilities or the onset of a long-term health condition?

Consideration of impact on families going through bereavement will be explored as part of the pilot.

3. What impacts will the policy have on all family members' ability to play a full role in family life, including with respect to parenting and other caring responsibilities?

It is hoped that improved and expanded reviews will provide some level of closure and potentially comfort to the families involved, which will enable improved family involvement in the future. To the extent that homicide reviews contribute to lower homicide rates in the future, the policy should improve the quality of family life for that minority of families that become involved in a homicide. This could be achieved through the prevention of an offender having to serve a life sentence, which can create a huge disruption to family life given that many homicide offenders will also be parents. It could also be achieved via the additional life years that the victim will have to play an active family role.

4. How does the policy impact families before, during and after couple separation?

There is a large body of evidence to suggest that separation can be a trigger for domestic violence and in extreme cases domestic homicide (Ellis and Stuckless, 2006)⁷⁵. So, to the extent that the policy reduces homicide rates and provides useful learning from managing separation, it should improve family life in this context.

5. How does the policy impact those families most at risk of deterioration of relationship quality and breakdown?

Evidence shows a statistical correlation between violence and quality of marital or family relationships (Schwartz, 2006; Cavanagh, & Cauffman, 2017)⁷⁶. There is also good evidence that homicide occurring within a family can put further strain on existing relationships, leading to family breakdown (Costa et. al, 2017)⁷⁷. So, to the extent that this policy can reduce homicide rates it

⁷¹ Office for National Statistics (2020). Homicide in England and Wales: year ending March 2019.

⁷² Home Office (2020). Trends and Drivers of Homicide: Main Findings. London, 2020.

⁷³ Ibid

⁷⁴ Casey, 2011

⁷⁵ Ellis, D., & Stuckless, N. (2006). Separation, domestic violence, and divorce mediation. *Conflict Resolution Quarterly*, 23(4), 461-485.

⁷⁶ Schwartz, J. (2006). Family structure as a source of female and male homicide in the United States. *Homicide Studies*, 10(4), 253-278. and Cavanagh, C., & Cauffman, E. (2017). The longitudinal association of relationship quality and reoffending among first-time juvenile offenders and their mothers. *Journal of youth and adolescence*, 46(7), 1533-1546.

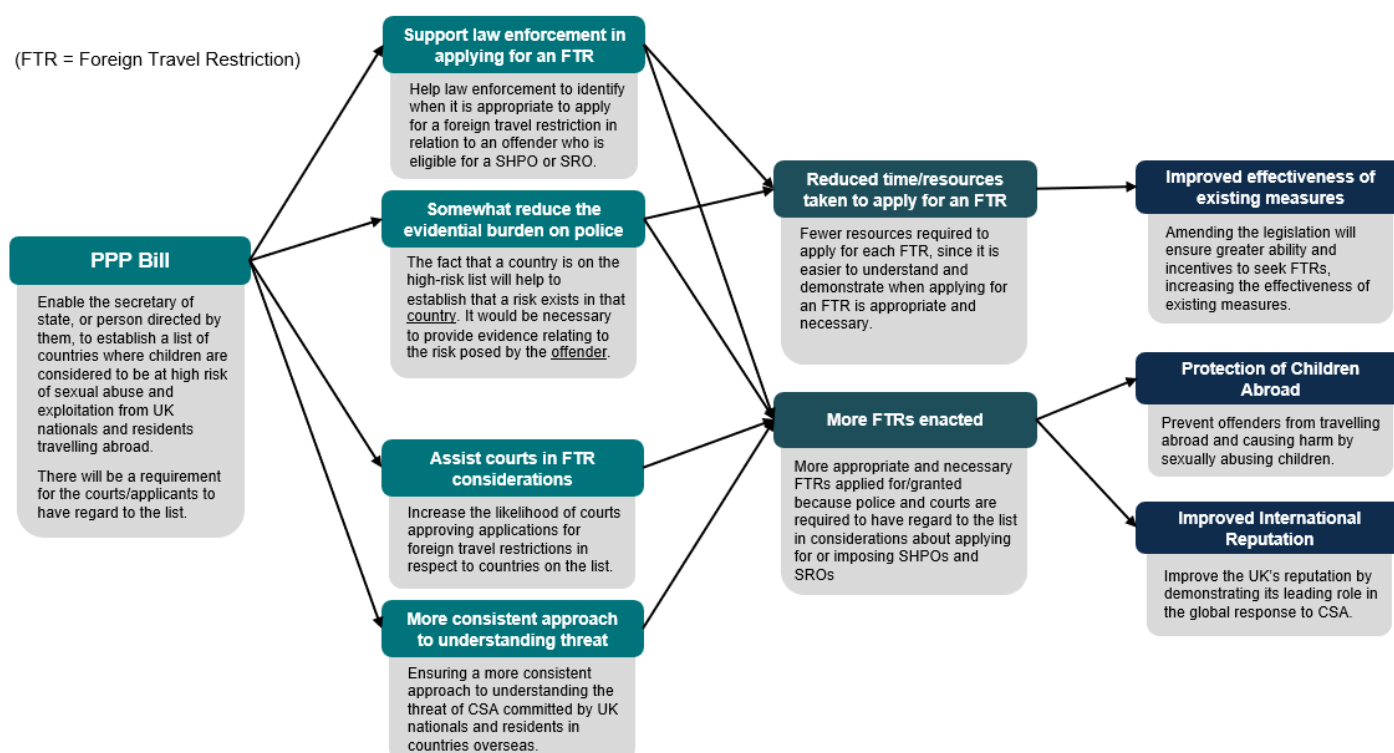
⁷⁷ Costa, D. H. D., Njaine, K., & Schenker, M. (2017). Repercussions of homicide on victims' families: a literature review. *Ciência & Saúde Coletiva*, 22, 3087-3097.

should improve family and marital and family relationship quality within that minority of families that are impacted by homicide.

Annex D – (g.6) Sex offender management: High-risk list

Stakeholder table and logic model

Stakeholder	Why might these stakeholders have to respond?	What type of response might these stakeholders have?	Wider Impact Test Necessary?
Public			
Police forces	- The police will be required to consider the list when deciding whether to apply for a SHPO or SRO with a FTR. - Reduced time and resources used by law enforcement in applying for each foreign travel restriction.	May apply for more foreign travel restrictions as it is quicker and more straightforward to do so.	
NCA	- The NCA will establish and maintain a list of countries where children are considered to be at high risk of sexual abuse and exploitation from UK nationals and residents travelling abroad. - The NCA will be required to consider the list when applying for a SHPO or SRO with a FTR.	The NCA will establish and maintain a list of countries where children are considered to be at high risk of sexual abuse and exploitation from UK nationals and residents travelling abroad.	
Criminal Justice System (CJS) - MoJ	New legislation would require courts to take into account this high-risk country list.	Potential for an increase in applications for foreign travel restrictions – could incur costs (but may form part of an order already being sought for other restrictive purposes).	Consultation with MoJ on whether a Justice Impact Test (JIT) is necessary is ongoing.
Devolved Administrations	New legislation would impact Wales as well.	Welsh police forces affected by legislation in the same way.	
FCDO	FCDO will have an interest in a list displaying the countries in which UK nationals/residents pose a high risk of CSA.	Tackling CSA is an important agenda for the FCDO and the list will be valuable for ongoing policy development.	
Wider societal			
Children Overseas	Children overseas protected from being caused harm by these offenders.	Children overseas protected from being harmed.	
Countries on the High-risk List	Children in these countries would be better protected from UK offenders.	Children in these countries would be better protected from UK offenders, potentially also reducing the burden on law enforcement.	



Annex E – (h) Sexual Offences Act 2003 amendment

Stakeholder table and logic model

Stakeholder	Why might these stakeholders have to respond?	What type of response might these stakeholders have?	Wider Impact Test Necessary?
Public			
Police Forces	- Changes to sentencing may affect prosecution and resourcing decisions. - Effect on the work carried out by undercover online officers (UCOLs)	Shift in emphasis to focus on highest harm offences.	
NCA	Changes in sentencing may affect prosecution and resourcing decisions.	Shift in emphasis to focus on highest harm offences.	
CPS	Changes to sentencing may affect charging decisions.	Appropriate charges identified that reflect criminality to be prosecuted.	
Criminal Justice System (CJS) – Ministry of Justice (MoJ)	Changes to sentencing will lead to longer sentences.	Costs incurred by longer custodial sentences.	Justice Impact Test (JIT)
Home Office	Changes in sentencing in a major area that affects the Home Office	Consideration of how this change affects the Home Office.	
Probation Service	Changes to sentencing will lead to longer time spent on license.	Costs incurred by longer license period.	
Sentencing Council	Changes to sentencing may affect sentencing guidance.	Sentencing guidance aligned to legislative amendments.	
Rape and Serious Sexual Offence (RASSO) lawyers.	Changes in sentencing in a major area that affects the work of RASSO lawyers.	Changes in prosecutions sought.	
Wider societal			
Protected Children	Children protected from harm as offenders remain locked up and highest harm offenders targeted.	Children protected from harm.	
Offenders	Longer sentences for offenders who arrange or facilitate the commission of a child sexual offence where the intended victim is under 13.	May spend longer in custody and on license.	
Community	Reassured that legislation provides appropriate outcome for those arranging more harmful abuse.	Increased confidence in CJS.	

