



Policy Title: Unauthorised Encampments Policy

Date Published/Reviewed: June 2019

Thames Valley Police ensures that all policies have been assessed and comply with MoPI Guidance, and the Data Protection Act 2018. In addition, this Policy has been reviewed by The Force Head of Health, Safety and Environment and has undergone an Equality Impact Assessment.

1.0 About this Policy

1.1 Rationale

1.1.1 Community engagement, problem solving, community resilience and visibility are key roles of the Thames Valley Police (TVP). Community engagement and problem solving supports the ethos of early intervention and prevention of escalation of community concerns. Unauthorised encampments involve and affect a breadth of different communities and have different levels of impact on those within and outside of the encampments.

1.1.2 This policy sets out the minimum standards for responding to unauthorised encampments and is aimed at staff involved with unauthorised encampments, supervising officers, LPA Commanders and partnership working. The way in which TVP and its partners deal with these reports can have a significant bearing on the welfare of those involved.

1.1.3 The policy and associated Operational Guidance replaces any previous policy, standard operating procedures and guidance concerning unauthorised encampments.

1.2 Legislation/National Standards

- Criminal Justice and Public Order Act 1994
- National Crime Recording Standard (NCRS),
- Home Office Counting Rules (HOCR) for recorded crime
- Standard 9 of the Code of Ethics 2014 (obligation on staff to comply with NCRS)
- Human Rights Act 1998
- Equality Act 2010 (Public Sector Equality Duty)

1.3 Intention

1.3.1 The intention of this policy is to:

- Promote the safety and wellbeing of all communities involved and affected by unauthorised encampments
- Balance the needs and rights of all Thames Valley communities with ethical decision-making and uphold the Public Sector Equality Duty and Equality Act 2010.
- Proportionately respond to reports of unauthorised encampments
- Ensure consistency of delivery between TVP LPAs, wider operational units and Local Authorities
- Manage public and partnership expectation recognising the statutory responsibilities of both the police and local authorities
- Deliver a consistent response that is compliant with Human Rights Act 1998, is non-discriminatory and has a legitimate aim.

1.3.2 This will be achieved by:

- Operational Guidance
- Establishing a corporate approach to responding to unauthorised encampments with consistent standards for responding to unauthorised encampments- TVP joint working protocol
- Addressing legitimate needs and expectations of all communities
- Ensuring that APP considered as part of the guidance and the NPCC Guidance on Authorised Encampments is reflected
- Ensure that legislation is proportionately and used only when necessary
- Minimise the use of police powers by encouraging partner agencies to understand and discharge their roles and responsibilities
- Working in partnership with Local Authorities ensuring clarity of primacy and responsibility.
- Engaging and communicate with all communities involved explaining our decisions and actions in relation to balancing the needs and rights of all communities
- All decisions and rationale for action or inaction to be fully recorded.

1.4 General Principles

1.4.1 The responsibility for dealing with any unauthorised encampment will lie initially with the landowner/local authority. TVP may be requested to act if the encampment is on land where it may prevent lawful use by the owner or general public (e.g. on school grounds).

1.4.2 In considering any unauthorised encampment, a balance must be maintained between the rights of the landowners and the settled society and of those encamped (or seeking to encamp). It must be borne in mind that trespass alone is not a criminal offence, however the police have a role in certain circumstances e.g. preventing a breach of the peace. We should be sensitive to lack of authorised locations across the country, makes it difficult or even impossible for people to avoid setting up unauthorised encampments, when considering police action.

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1.4.3 Officers must act in a fair, objective and transparent way, ensuring each encampment is considered on an individual basis. Issues which arise are often primarily civil trespass and nuisance nature. The expected course of action by land owners will be through the civil courts. Police intervention will be limited to matters relating to criminal and common law.

1.4.4 TVP shall support land owners where legal, proportionate and non-discriminatory.

1.4.5 All reports of crime will be dealt with in line with the National Crime Recording Standard (NCRS), the Home Office Counting Rules (HOCR) for recorded crime and in accordance with Standard 9 of the Code of Ethics 2014 (obligation on staff to comply with NCRS). This may relate to criminal or non-criminal activity including hate incidents, aggravated trespass, damage caused to gain entry to land, obstruction of footpaths, ASB.

1.4.6 The Code of Practice for Victims of Crime and The Witness Charter set out obligations on the investigator to offer appropriate support to victims and witnesses. These should be consulted when investigating and managing all reports of crime.

1.4.7 TVP has adopted Authorised Professional Practice and NPCC UE Guidance into Unauthorised Encampment Operational Guidance.

1.4.8 The NICHE system will be used to record all Unauthorised Encampments and assists in future management of Unauthorised Encampments that have moved to a new location and can inform future rationale. The grounds for each decision must be fully recorded by the decision maker and kept for audit processes or legal challenge for seven years.

2.0 Statement of Policy

2.1 TVP has adopted the APP / NPCC standards which provide definitive guidance on the response to unauthorised encampments and will be conducted in a manner consistent with that guidance.

2.2 In accordance with guidance issued by the Department for Communities and Local Government (DCLG) in England (or the Welsh Assembly Government (WAG) in Wales) the Local Authority, as lead agency for unauthorised encampments, TVP should take an active role in engaging with the site residents and will in particular take the lead with sites established on their land, which do not require immediate Police action.

2.3 TVP Operational Guidance on Crime Investigation and Management uses the basic principles contained in the APP and will be followed in all investigations, by attending, investigating and supervising officers.

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2.4 TVP Operational Guidance on unauthorised encampments uses the APP/NPCC guidance and legislation and shall be followed for all responses to unauthorised encampments.

2.5 When responding to reports of unauthorised encampments, officers and staff will:

- Recognise that some residents of encampments may have difficulties in engaging and accessing the police service because of cultural differences
- Recognise that some encampments can impact on community tension
- Record concerns about those at risk, and to share those concerns where appropriate
- Proportionately investigate crimes and incidents
- Work with partners to proportionately manage the welfare and confidence of all communities.

2.6 The scope of this guidance does not cover the situation whereby individuals purchase land and occupy it, with or without planning permission. Such an incident would be an unauthorised development and the local / borough council would lead in this situation.

2.7 Responding effectively to unauthorised encampments requires a coordinated partnership response. TVP has an agreed Joint Protocol with Local Authorities TVP joint working protocol and staff should adhere to the principles contained within this protocol when working with Local Authorities.

3.0 Human Rights Articles Engaged

Article 6 - Right to a fair trial

Article 8 - Right to respect for your private and family life

Article 14 – Protection from discrimination in respect of these rights and freedoms

4.0 Health & Safety at Work

4.1 This policy should be read in conjunction with the Force Health & Safety Manual the Generic Risk Assessments (GRAs) for General Patrol, Custody, Protection of Vulnerable Persons (PVP) and local risk assessments.

4.2 Statutory duties are set out in the Health & Safety at Work 1974 and the Management of Health & Safety at Work regulations 1999.

4.3 This policy is to be read in conjunction with the Health & Safety Manual, which sets out the requirement for documented risk assessment by a competent person, when exposure to a particular hazard arising from workplace or pre-planned Policing work activity can be said to be 'reasonably foreseeable'

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5.0 Communications, Challenges and Representations**5.1 Communication**

This policy shall be made available on the TVP intranet and will be promoted in Managers' Briefing and "In the Know". The policy shall also be made available on the public TVP website.

5.2 Challenges and representation

Any challenges or representations in respect of the contents of this policy should be directed to:

Chief Superintendent Tasking and Resilience
Thames Valley Police Headquarters
Oxford Road,
Kidlington
Oxfordshire
OX5 2NX

6.0 Monitoring and Review

This policy shall be reviewed and revised annually.

The next review is due by June 2020.

7.0 Related Guidance

Operational Guidance
TVP joint working protocol

8.0 Freedom of information

Suitable for publication.

9.0 Government Security Classification Policy

This document shall be marked as Official.

10.0 Relevant Supporting information

The Code of Practice for Victims of Crime
The Witness Charter
NPCC Unauthorised Encampment Operational Guidance