

Pearson BTEC Level 3 National in Uniformed Protective Services



Unit 6: Government and the Protective Services Exam Preparation Resource

Unit 6: Government and the Protective Services

This document is designed to help you with your preparation for the unit 6 exam.

The resource is designed as a stand-alone document, or you can use it as a flash card resource to help you check your knowledge and understanding of the topics covered in this unit.

Learning Aim A

Protective services regardless of whether they are uniformed or non-uniformed fall in one of two categories.

Statutory protective services are required by law and are government funded.

- Statutory services
- Non-Statutory services.

Non-statutory protective services are not required by law, some receive government funding but many are charities or self-funded.

Uniformed statutory protective services:

Uniformed statutory protective services are required to be in place

- to maintain law and order
- provide emergency assistance
- defend the country and its dependencies.

The main consideration of any country is to ensure the safety of its citizens

Examples:

Emergency services

police, fire and rescue services (blue light)

Armed services

 Army, Royal Air Force, Royal Navy (including Royal Marines)

Custodial Care

HM Prison Service/private contractors G4S

Supporting Services

- UK Visas and Immigration
- National Health Service (NHS)
- Ambulance service
- Highways England, Maritime and Coastguard Agency.

Roles of the emergency services

Various Acts of Parliament cover the roles of the emergency services:

The Police and Criminal Evidence Act of 1984
The Police Act of 2017
The Police Crime, Courts and Sentencing Bill 2021
(still going through Parliament)

The main roles of the police are to: -

- Protect life and property
- Keep the Queen's Peace
- Maintain public order and safety,
- Enforce the law, and prevent, detect, and investigate criminal activities
- Enforce licensing laws in relation to pubs, clubs and betting shops.

The Fire and Rescue Services Act of 2004 The main roles of the fire and rescue service are to: Extinguish fires and protect life and property when they occur Minimise damage to property arising from firefighting operations Promote fire safety Rescue people involved in road traffic collisions Deal with other types of emergencies, as specified by the Secretary of State in Statutory Instruments such as chemical, biological, radiological or nuclear emergencies etc. Roles of the armed services The first priority of any government is to protect the people that it serves. This role is carried out by the three main Every 5 years there is a new **Armed Forces Act**. The branches of the armed services and includes: current one came into force in 2021. Protecting the interests of the UK at home and abroad There is also an Armed Forces Covenant which sets out Carrying out operations in support of anti-terrorist the relationship between the armed services and the and drug smuggling operations Government. Intercepting incursions into British airspace and territorial waters from potential enemies Assisting in humanitarian operations abroad and at home Being an active member of the UN Roles of the custodial care services The custodial care services are operated by Her Majesty's Prisons and private contractors such as G4S. Their roles include: Governed by various pieces of legislation, the main one is the Prison Act of 1952. The punishment/rehabilitation of offenders To protect society from those who break the law There are other public services that also have a statutory duty to serve the public in different circumstances. The non-uniformed public services that have a statutory duty include: Local authorities Local authorities have a legal responsibility to provide a range of services for the areas that they are responsible Local Government Act 2000 for. These services include: -The Civil Contingencies Act of 2004. This act provides The provision of education at different levels a legal obligation on local councils to plan, respond and Refuse collection recover from a number of potential emergencies. Social services/care provision Environmental protection Road and traffic Planning Provision of social housing National Health Service (NHS) The primary legal duties on NHS England are imposed by section 3(1) of the NHS Act, namely to "arrange for the provision" of a wide range of health services "to such

extent as it considers necessary to meet the reasonable

requirements of the persons for whom it has

responsibility".

Central government	Central government has overall responsibility in ensuring that the provision of all statutory services is fit for purpose. This work is carried out by different government departments and the civil service.	
Non-statutory services can also include uniformed and non-uniformed. Their role is to support the statutory services and, in some cases, provide services that no other agency can, e.g. the Royal National Lifeboat Institution (RNLI) is a uniformed non-statutory service that provides an essential service that no other agency provides and is responsible for saving many lives each year.		
Other uniformed non-statutory services	 The Salvation Army e.g. providing support for the fire and rescue service at Grenfell St John Ambulance e.g. providing first aid provision at football matches etc. Red Cross Mountain and Cave Rescue 	
Other non-uniformed non-statutory services Provide emergency services to reinstate power supplies after the recent storms etc	 Utility companies Public transportation Charity organisations. 	

Learning Aim B

Throughout the world countries operate with different forms of government:

Democracy

Representatives of the people are elected in free and fair elections to make decisions and run the country on their behalf

E.g. UK: MPs are elected to the House of Commons and the winning party forms the government.

- A political system for choosing and replacing the government through free and fair elections;
- The active participation of the people, as citizens, in politics and civic life;
- Protection of the human rights of all citizens;
- A rule of law, in which the laws and procedures apply equally to all citizens

Republic

In a republic the head of state is elected as well as the bodies that make the law

E.g. the USA and France are republics as the President (head of state) is elected by the people

The key principles of republicanism are very similar to those of a democracy:

- The power of government is held by the people.
- The people give power to leaders they elect to represent them and serve their interests.
- The representatives are responsible for helping all the people in the country, not just a few people.

Monarchy

An absolute monarchy is a form of government in which a single person—usually a king or queen—holds absolute, autocratic power.

e.g. Oman, Saudi Arabia,

A constitutional monarchy is a form of government in which a monarch—typically a king or queen—acts as the head of state within the parameters of a written or unwritten constitution. In a constitutional monarchy, political power is shared between the monarch and a constitutionally organised government such as a parliament.

E.g. UK, Sweden, Japan

Communism

Communism is a political system based on the socialist ideas of Marx and Lenin

Instead of private companies owning bodies such as the railways and banks, everything comes under the control of the state. Private property and ownership cease to exist.

E.g. North Korea, China

Separation of Powers

In order for a democratic government to function properly, it is essential to have separation of powers. This means that the power is distributed to separate branches within the government. Generally, these branches are: **executive**, **legislative** and **judicial**.

Separation of powers is the cornerstone of our democracy and constitution and ensures that **no one person or group of people can exercise absolute power without any checks or challenges in place.**

The Constitutional Reform Act 2005 was an Act of the UK Parliament that was divided into three parts. The first reformed the office of Lord Chancellor, the second created and set the framework for a UK Supreme Court and the third regulates the appointment of judges.

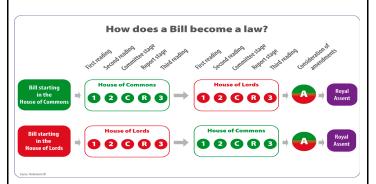
- Executive government, the Prime Minister, the Cabinet and other ministers (to develop policies and propose legislation)
- Legislature Parliament, members of the House of Commons and House of Lords (to debate proposed legislation and enact laws)
- Judiciary judges (interpret and apply legislation in line with the intention of Parliament as well as developing common law).

The Process of Legislation

There are four main ways in which laws are made in this country.

Acts of Parliament

An Act of Parliament creates a new law or changes an existing law. An Act is a Bill that has been approved by both the House of Commons and the House of Lords and been given Royal Assent by the Monarch. Taken together, Acts of Parliament make up what is known as statute law in the UK.



Delegated Legislation

This means Parliament has the ability to **delegate** powers to other bodies to carry out the function of law making.

There are three types of delegated legislation:

Statutory Instruments

These are laws made by government ministers in their areas of responsibility. They will consult experts and take advice on how laws could be changed.

• Orders in Council

There are times when Parliament is not able to respond quickly enough to pass new laws. This might be in times of emergency, or if a new law is needed when Parliament is in recess(closed) during the summer holidays etc. On these occasions the Privy Council, made up of the Monarch and senior politicians, can introduce new laws.

By-laws

There are lots of occasions when laws need to be made or changed in local areas, e.g. laws such as introducing a bus lane on a local road, changing a speed limit or introducing a ban on people drinking alcohol in a particular area.

Statutory Interpretation

Where the wordings of the Statute (law) are not clear or are uncertain then the courts will be called upon to interpret the meaning.

There are different rules of interpretation, all of which could be used by a judge when deciding upon the meaning of a law. Those rules are:

- The literal rule
- The golden rule
- The mischief rule
- The purposive approach.

Today the judiciary tends to use the mischief rule and purposive approach as these rules allow the judge to look at what was the purpose of the law being introduced in the first place.

Judicial Precedent

Judicial precedent basically means judge made law.

The doctrine of judicial precedent is founded on the principle of 'stare decisis', meaning to stand by the decision. Essentially it refers to the idea that once a court makes a decision, both they and other courts beneath them are bound by that decision.

E.g. A decision made in the Supreme Court applies to all courts below it.

Structure of Government in the UK 1. Central government In essence there are three main levels of government that impact our lives on different levels. 2. Regional government 3. Local government Central government roles and responsibilities The roles and responsibilities of the central government are concerned with issues that affect the country as a whole: The central government of the UK is based at the Palace of Westminster in London. Taxation policy in relation to taxes like Income Tax and V.A.T. It contains the major central political institutions of the UK: The maintenance of defence capabilities to allow the House of Commons, the House of Lords and the monarchy. Together they are known as Parliament the government to protect its citizens from enemies at home and abroad. To participate in international treaties and agreements Ensure the integrity and governance of the whole of the United Kingdom. **House of Commons** Making laws The House of Commons consists of 650 elected members Controlling finance of parliament (MPs) who represent a broad spectrum of political parties. Hold the government to account (scrutiny) Each of the MPs represents a localised geographical Debate important issues area, called a constituency. Protecting the individual All constituencies should have approximately the same population so that all votes are equally important General election every five years. (Fixed Term Parliament Act 2011) That means constituencies in densely populated cities have a much smaller area than rural constituencies, By-election as and when where the people are spread out. House of Lords Making laws The House of Lords, which is sometimes known as the In depth consideration of public policy Upper House or Second Chamber, is a non-elected body of appointed representatives known as peers. It is Holding the government to account independent from, and complements the work of, the elected House of Commons. The Lords share the task of making and shaping laws and checking and challenging the work of the government. The Monarchy Head of state The monarch has many roles and responsibilities, and Opening/ closing of Parliament Queen Elizabeth II has been on the throne since 1952. This means that she has a wealth of experience in Appoints the Prime Minister/Royal Assent to Bills national and international matters. However most of her duties are ceremonial and she acts on the advice of the **Appoints Peers**

government of the day.

Head of the Commonwealth

The Role of The Prime Minister (PM)

The individual who is appointed to the office of PM is usually the leader of the political party with the highest number of representatives in the House of Commons.

- Allocation of duties to ministers
- Appointment and dismissal of ministers
- Appointment of chairs of national industries
- To give out honours
- Setting agendas for government business
- Control of information released to the government ministers, Parliament and the public.

The Role of the Cabinet

The Cabinet is the main body that controls policy and coordinates activities of governmental departments. It is chaired by the Prime Minister and consists of most of the ministerial heads of departments, as well as some additional members.

The Cabinet, which is also known as the Executive, is made up of around 22 individuals who are in charge of Departments of State and collectively they make important decisions which have an impact on our everyday lives. They meet on a regular basis to discuss and formulate policy.

DEPARTMENT	PROTECTIVE SERVICE
Ministry of Defence	All branches of the armed services
Home Office	Police/Border Agency
Ministry of Justice	Prisons/Courts
Health Department	NHS
Department for Communities and Local Government	Local government/fire and rescue services

Civil Service

Civil servants are independent of the government and are not elected or appointed by political parties. They are politically neutral and are there to support the government in its policy wishes and decisions.

Devolution

The transfer or delegation of power to a lower level, especially by the central government to a local or regional administration.

Regional Assemblies

- Scottish Parliament
- Welsh Assembly
- Northern Ireland Assembly

Scottish Parliament

The Scottish Parliament is the devolved legislature of Scotland. It is located in the Holyrood area of the capital city, Edinburgh.

The Parliament is a democratically elected body comprising 129 members known as Members of the Scottish Parliament (MSPs), and they are elected for five-year terms.

The party with the majority of the seats at the time of writing is the Scottish National Party (SNP) and the current leader, who is known as the First Minister, is Nicola Sturgeon. Her role is similar to that of the Prime Minister.

The Scottish Parliament has the most devolved powers of any of the branches of regional government.

- Their own separate legal system and police force
- The right to raise or lower their own taxes
- Their own health service
- Their own education system
- The power to introduce laws that just impact on Scotland.

Welsh Assembly Representing Wales and its people Making laws for Wales Agreeing Welsh taxes Holding the Welsh government to account. Northern Ireland Assembly Representing Northern Ireland and its people Making legislation Scrutinising the executive committee. Greater London Authority (GLA) and The London Regional Assembly The Greater London Authority (GLA) is a top-tier years.

administrative body responsible for the strategic administration of Greater London. It was created in 1999 and consists of a directly elected Mayor to represent London's interests, and 25 members of the London Assembly with scrutiny powers, both elected on a fouryearly cycle.

The Mayor of London sets the budget and is responsible for making London a better place for everyone who visits, lives or works in the city. The Mayor is elected every four

- Arts & Culture
- **Business & Economy**
- Environment
- Fire
- Health
- Housing and Land
- **Planning**
- Policing & Crime
- Regeneration
- Sport
- **Transport**

Local government

There are many forms of local government, such as county councils, metropolitan councils, parish and district councils. Many of the roles and responsibilities they perform overlap, but they all focus on the services and facilities needed in local areas.

In England local government is split into 2 main tiers:

- **County Councils**
- District, Borough or City Councils.

In some parts of the country local government is classed as a single tier also known as a unitary authority:

- Unitary authorities in shire areas
- **London Boroughs**
- Metropolitan Boroughs

Parish, community and town councils which deal with really local issues such as parks and allotments.

- Representing residents in a local area, to determine and deliver local priorities.
- Working with a range of partners, including private organisations and charities as well as other levels of government to determine and deliver services.
- Delivering essential services to the local area, including children's services, highways, social care services, housing, environmental services, planning and development.
- Coordinate and implement Local Resilience Forums to deal with major incidents and emergencies

Police and Crime Commissioners

Another tier of local government is that of the role of the Police and Crime Commissioner.

Police and Crime Commissioners are elected for four-year terms. The last elections were in May 2021.

Under the terms of the Police Reform and Social Responsibility Act 2011, PCCs must:

- secure an efficient and effective police service for their area
- appoint the Chief Constable, hold them to account for running the force, and if necessary dismiss them
- set the police and crime objectives for their area through a police and crime plan
- set the force budget and determine the precept
- contribute to the national and international policing capabilities set out by the Home Secretary
- bring together community safety and criminal justice partners, to make sure local priorities are joined up.

Learning Aim C

Funding

The Treasury, led by the Chancellor of The Exchequer, is responsible for collecting the money in and then giving each government department a sum of money to allow them to pay for the public service they are responsible for.

All public services are funded mainly through money raised by central and local governments through direct and indirect taxation.

Other Sources of Funding:

Some protective services are able to gain income from other sources, including: -

- Income and rents charged by public service organisations
- National Lottery
- Donations and legacies.

• Central government direct taxation

Income Tax, Corporation Tax, Property Tax, Inheritance Tax and gift tax are examples of direct tax.

Central government indirect taxation

Examples of indirect taxes are sales tax, excise duty, VAT, service tax, entertainment tax, custom duty

Local government taxation

Council tax is the local tax which helps councils pay for the services they provide. They use the money collected for council tax to maintain roads and street lighting, for services such as street cleaning and rubbish collection and for things like 'Meals on wheels'. A portion of the tax is also used to help fund the police and fire and rescue services.

Austerity

Austerity refers to strict economic policies that a government imposes to control growing public debt, and is a policy whereby spending on protective services is cut to try and balance the books.

Austerity has an impact on

- The protective service
- Protective service employees
- The communities that they serve.

E.g.

- Lack of resources
- Stress
- Slower response times
- Reduced manpower
- Poorer service to the community
- Fire station and police station closures

Accountability

All members of the protective/public services are accountable to a number of institutions and to the communities they serve.

They are held in positions of trust and if they abuse their powers they must be held accountable for their actions.

They could be found guilty of misconduct in a public office which can carry a prison sentence of up to life imprisonment.

• Police and Crime Commissioners

The role of the Police and Crime Commissioner (PCC) is to be the voice of the people and hold the police to account.

 Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMIFRS)

Independently assesses the effectiveness and efficiency of police forces and fire & rescue services – in the public interest.

• Independent Office for Police Conduct (IOPC)

Oversees the police complaints system in England and Wales. They investigate the most serious matters, including deaths following police contact, and set the

standards by which the police should handle complaints.

Care Quality Commission (CQC)

ensuring standards are met in the social and health care systems throughout the UK. They are an independent regulator that is responsible for all areas of health care provision

Her Majesty's Inspectorate of Prisons (HMI Prisons)

HMI Prisons is an independent organisation that provides independent scrutiny of the conditions in which prisoners are detained and treated.

Military Courts

The armed services have their own legal system and any serious issues are dealt with by means of court martial.

Financial Accountability

It is important that the money allocated to each service is spent wisely and that budgets are not overstretched. This also is a form of accountability and there has to be a valid reason as to why the money has been spent.

Audit reports ensure accountability and by producing such a report everyone concerned can clearly see where the money is being spent and the impact on all parties concerned.

Financial accountability consists of:

- Effective use of budgets
- Maintaining public confidence
- Sharing good practice through publication of audit reports to monitor effectiveness of service delivery.

Employer Accountability

All employers have a duty of care to their employees and are accountable in a number of ways for the way in which they ensure the safety and wellbeing of their personnel.

E.g. employers can be held to account through working practices and procedures but also legislation such as equality and employment legislation through the Equality Act 2010 and The Health and Safety at Work Act 1974.

- Fair recruitment practice
- Written particulars of employment
- Health and safety
- Working Time Regulations
- Fair treatment

Individual accountability/stakeholder

All employees of protective services are accountable for themselves and their actions. They are also accountable to other individuals and bodies who are collectively known as stakeholders.

A stakeholder is defined as anybody who can affect or is affected by an organisation, strategy or project. They can be internal or external and they can be at senior or junior levels.

- Myself
- Employer
- Public
- Government
- Other stakeholders.

Judicial Review

A judicial review is a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body.

Examples of the types of decision which may fall within the range of judicial review include:

- Decisions of local authorities in the exercise of their duties to provide various welfare benefits and special education for children in need of such education
- Certain decisions of the immigration authorities and the Immigration and Asylum Chamber
- Decisions of regulatory bodies
- Decisions relating to prisoner's rights.

Learning Aim D Development of government policy.

The process of legislation is a three-stage journey and it is important to understand the full process.

Stage 1 Journey before Parliament

Initially policies begin life as ideas on how to change or manage a situation.

- The public
- The media
- The public services
- Politicians
- Subject experts.

The majority of government policy is introduced by politicians of the various political parties and each government sets out what it wants to do in a document called a manifesto. This is published before an election which allows the voters to decide on who they want to elect as a government.

A manifesto is a document published by a political party setting out its agenda and proposals for new policy and laws

Pressure or interest groups:

They are organisations that seek to influence elected officials through a process called lobbying, or take action to make a change on a specific issue.

Pressure groups can be categorised into the following 4 sections.

- Interest/sectional groups e.g. Trades Union Congress (TUC), Confederation of Business Industry (CBI)
- Cause groups e.g. charities
- Insider groups: those who have links with the government
- Outsider groups: those who don't have links with the government and might be opposed to their policies.

E-Petitions

E-Petitions can be started by anyone and if it reaches 100,000 signatures it has to be debated in Parliament.

Stage 2 Journey through Parliament

When a new law is going through Parliament it is known as a Bill

Different types of Bills can be introduced by:

- The government
- Individual MPs or Lords
- Private individuals or organisations

There are four types of Bills that can be introduced into Parliament.

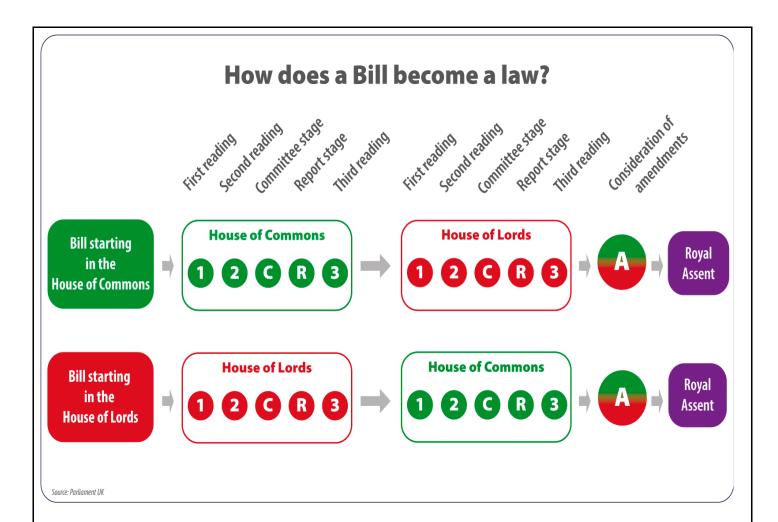
- Public Bills
- Private Members Bills
- Private Bills
- Hybrid Bills

Green Paper

Green Papers are consultation documents produced by the Government. The aim of this document is to allow people both inside and outside Parliament to give the department feedback on its policy or legislative proposals.

White Paper

White Papers are policy documents produced by the Government that set out their proposals for future legislation.



Implementation

Once a Bill has received Royal Assent and it becomes an Act of Parliament, it might not immediately become law. There is normally a period of time allowed to let people know about the new law to ensure fairness.

For example, when the law changed regarding using mobile phones while driving, six months was allowed to inform people of the new law. The Police and Criminal Evidence Act became an Act of Parliament in 1984 but wasn't implemented until 1986 as all the police officers in the country had to be re-trained.

Impact of Government policy on the protective services

There are many different ways in which government policies can be impacted and sometimes the uniformed protective services have to change as a result of those policies even though they may not want to.

- Civilianisation
- The Human Rights Act 1998
- The Equality Act 2010
- Declaration of war
- The use of technology
- The increasing use of reserve forces e.g. Army Reserves
- Target setting such as response times.

Response to government policy by the protective services

The majority of uniformed protective services are not allowed to strike or withdraw labour in order to protest against government policy, in fact it is illegal and potentially they could go to prison if they went on strike. Some services such as the fire and rescue service do have the right to strike and have done so in the past. Nurses have an agreement with the government that they will only strike if it is not to the detriment of the patients that are in hospital.

The police and the prison service have staff associations to represent their views and they can lobby the government to get their point across.

Response to government policy by the public

Governments don't always get it right and the public can respond in many ways. Governments might introduce policies that some people agree with and some don't. The issue of Brexit is a classic example where government policy divided a nation.

Examples of ways in which the public can protest in response to government policy:

- Civil disobedience
- Demonstrations
- Meetings that require police attendance
- Picketing
- Sit ins
- Petitions

Remember to always link your answers to the protective services