**EXPLANATORY MEMORANDUM TO**

**THE POLICE FEDERATION (AMENDMENT) REGULATIONS 2015**

**2015 No. 630**

**1** This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

## 2. Purpose of the instrument

2.1 The instrument makes various amendments to the Police Federation Regulations 1969 ("the 1969 Regulations").

2.2 The instrument amends the 1969 Regulations to make membership of the Police Federation of England and Wales ("the Federation"), and the payment of member subscriptions, non-compulsory. It allows for officers (up to, and including chief inspector, rank) to join the Federation at any point they wish and to choose whether to pay subscriptions.

2.3 It imposes a duty on the Federation to inform its members that both their membership and the payment of their subscriptions is non-compulsory.

2.4 In the interests of upholding openness and transparency with respect to the use of Federation funds it also requires the Federation to publish details of all funds raised for federation purposes.

2.5 The instrument also makes provision for the Federation to reimburse forces for the payment of salaries of members of the National Federation's Joint Central Committee. It also includes provision for the central co-ordination of Federation Funds. This supports the recommendation made by Sir David Normington in the 2014 Independent Review of the Police Federation for there to be greater national oversight and transparency of Federation finances.

## 3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

## 4. Legislative Context

4.1 Section 60 of the Police Act 1996 prescribes that the Secretary of State may by regulations (a) prescribe the constitution and proceedings of the Police Federations or (b) authorise the Federations to make rules concerning such matters relating to their constitution and proceedings as may be specified in the regulations.

4.2 The Regulations made under this section are the Police Federation Regulations 1969 which set out such things as the organisation, structure, proceedings and financial arrangements for the Police Federation.

## 5. Territorial Extent and Application

5.1 This instrument extends to England and Wales.

## 6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

- ***What is being done and why***

7.1 In 2013 the Police Federation commissioned an independent panel, chaired by Sir David Normington, to conduct a root and branch review of the Police Federation. The Independent Review, published in 2014, made a number of recommendations for reform of the Federation. These recommendations were accepted in full by the National Federation at their 2014 conference. In her speech to the same conference the Home Secretary welcomed the Federation's commitment to implementing "the Normington reforms" and outlined her intention to make a number of additional regulatory changes outlined in this instrument. These changes included:

- Membership – removing compulsory membership of the Federation and applying a duty on the Federation to inform new officers that they may opt to join;
- Subscriptions – officers will only pay subscriptions if they actively choose to and applying a duty on the Federation to inform new officers that they may opt to pay subscriptions ;;
- Accounts – clarifying the Home Secretary's powers to call in and scrutinise all accounts held by the Federation, at national or local branch level, for all monies held by the Federation.

7.2 Following a period of consultation on draft regulations to implement these announced reforms, the Federation requested additional amendments which were carefully considered, and where appropriate, included in this instrument.

- ***Consolidation***

7.3 This instrument makes limited amendments to the 1969 Regulations. This is not regarded as a suitable opportunity to consolidate these and other amendments that have been made to the 1969 Regulations.

## 8. Consultation outcome

8.1 Section 60(4) of the Police Act 1996 requires the Secretary of State, before making regulations under section 60, to consult the three Central Committees of the Federation to which the regulations will relate, sitting together as a Joint Committee. In accordance with this obligation a consultation was held with the National Federation on a draft of the regulatory changes outlined in this instrument. The consultation ran between 25 November and 23 December 2014. The Federation's consultation response was carefully considered by the Secretary of State and where appropriate, their suggested changes were incorporated into the drafting of this instrument.

8.2 The Home Office included the following changes suggested by the Federation:

- The amendment allowing the Federation to pay the salaries of members of their Joint Central Committee (JCC) from the Federation's funds. It was the view of the Home Office that this amendment was necessary and would be welcomed by both the Federation and Chief Constables.

- The amendment requiring the branch boards to pay a proportion of their subscriptions fees directly to the national Federation Joint Fund. It was the view of the Home Office that this change would be consistent with the Normington Review recommendation that the Federation should have greater transparency and oversight of its finances.

- The amendment inserting a set period of notice to be given by members seeking to leave the Federation;

- The amendment to make it possible for members to waive their entitlement to a refund of subscriptions that arose when the Federation had not complied with the requirements to notify the member that membership and payment of subscriptions was voluntary.

8.3 The Home Office rejected a number of other changes suggested by the Federation. In particular, the Federation raised strong opposition to parts of the draft regulations designed to make membership of the Federation non-compulsory, including an objection to changes that would allow members to join the Federation at any point they wish (including after the occurrence of an issue/dispute for which they may require representation). The Federation also objected to a proposal that would require them to refund members' subscriptions where they have failed to inform members of the non-compulsory nature of their membership and payments. The Home Office believes that these changes are integral to Police Federation reform, given that

automatic membership and representation have been in place since its creation nearly 100 years ago. Having carefully considered the views of the Federation, the Home Office believes that it is essential that there are clear provisions to set out the voluntary nature of membership (including the ability to join at any time) and appropriate consequences where the Police Federation fails to fulfil its duties.

## 9. Guidance

9.1 It is not necessary to issue guidance on the provisions of this instrument. It is integral to these changes that the Federation supply guidance information to their members.

## 10. Impact

10.1 The instrument does not have any impact on business, charities or voluntary bodies.

10.2 There is minimal impact on the public sector. The amendments outlined in this instrument contribute to vital reform of the Police Federation and are intended to improve the experience of its members.

10.3 An Impact Assessment has not been prepared for this instrument.

## 11. Regulating small business

11.1 The legislation does not create new regulatory burdens for small business.

## 12. Monitoring & review

12.1 The Federation's programme of reform to implement the recommendations of the Independent Review is a long term programme and is expected to require further regulatory changes in the future. The Home Office will continue to monitor the application of these provisions in bringing forward any further future regulatory changes.

## 13. Contact

13.1 The following officials at the Home Office will be able to answer queries regarding the instrument:

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