EXPLANATORY MEMORANDUM TO

THE POLICE FEDERATION (AMENDMENT) REGULATIONS 2016

2016 No. 1090

1. Introduction

1.1 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 To defer the requirement for the branch boards of the Police Federation of England and Wales to hold elections in 2016 until 2017 and to defer the requirement to hold elections to its central committees from 2017 to 2018, in anticipation of wider reform regulations which will be brought forward in 2017 and which will make fundamental changes to the structure of the Federation and how it operates. It also makes arrangements for future annual conferences to ensure that they are shorter and smaller, although in practice the amended provisions in relation to this are expected to only apply in 2017, as they are also expected to be superseded by the wider and more detailed reforms. The wider reforms will take into account the recommendations of the Police Federation Independent Review, chaired by Sir David Normington.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 This instrument makes amendments to the Police Federation Regulations 1969 in anticipation of reforms which will take into account the Police Federation Independent Review, chaired by Sir David Normington. The wider reform regulations will be the subject of consultation with the Police Federation of England and Wales with a view to be being introduced in 2017.

5. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales.

5.2 The territorial application of this instrument is 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 The current Police Federation Regulations 1969 require the Police Federation to carry out branch board elections in 2016. Without this instrument, these elections would take place prior to wider reform regulations being laid which make fundamental changes to the way that the Police Federation operates and the number of branch board members. If elections were to take place in 2016, the wider reform regulations would require another set of elections to take place in 2017, duplicating the costs and efforts involved. In practice these arrangements are expected to achieve the removal of the requirements to hold the 2016 elections only, as they are expected to be superseded by the wider reform regulations including more detailed provisions for future elections.

7.2 We have also made changes to the central committee elections to postpone them from 2017 to 2018 in line with the changes to the timings of branch board elections. In practice we intend that this will allow for the wider reform regulations, including changes to the structures of the Police Federation and elections processes, to be introduced without requiring further elections to the central committees in advance of those reforms.

7.3 The current Police Federation Regulations 1969 also provide for the Police Federation's central conferences to be held each year in respect of each rank and for the ability to hold a separate women's conference. Due to the considerable programme of reform which the Federation and Government are undertaking, the 2017 annual conference is likely to take place in a transitional period where new regulations have been made but new elections of those who would appoint the delegates to the conference have not taken place. This instrument provides for arrangements to allow the Police Federation to determine the delegates and the proceedings in accordance with rules, which are to be approved by the Home Secretary, subject to certain conditions set out in the regulations. In practice these arrangements are expected to apply to the annual conference in 2017 only, as they are expected to be superseded by wider reform regulations including more detailed provisions for future conferences. The requirement for the Home Secretary's approval will ensure that the 2017 conference is reasonable in terms of length, size and other conditions. Wider reform regulations will be brought forward to replace the transitional arrangements for the 2017 conference but will be broadly similar in terms of the length and number of delegates. Making this change ahead of the wider reform regulations due in 2017 will allow Federation Branches to make suitable arrangements for attendance, including choosing their delegates, at the 2017 conference in advance.

7.4 The particular provisions made by the regulations are as follows. They defer the requirement for the next elections to branch boards of the Federation from 2016 to 2017 and the requirement for the next elections to the central committees from 2017 to 2018. They provide for an annual conference of the Federation in place of separate conferences for constables, sergeants, inspectors and in place of the ability to hold a separate conference for women. It is to be held on a date agreed by the Home Secretary and is to last not more than 2 days or, with the consent of the Home Secretary, 3 days. The delegates are to be determined in accordance with rules made by the Federation, subject to there being, for each branch of the Federation, at least two delegates plus an additional delegate for every 500 members in the force on 31st March in the year two years preceding the year in which the conference is held.

Subject to this, the proceedings of the annual conference are to be in accordance with rules made by the Federation. The rules are to be prepared in draft by the joint central committee and are not to have effect until approved by the Home Secretary. The regulations also make necessary consequential and transitional provisions.

Consolidation

7.5 The Regulations will not be consolidated at this stage. The 1969 regulations will be repealed and replaced in 2017 when further reform regulations are laid.

8. Consultation outcome

8.1 The Police Federation Independent Review followed consultation with a wider range of policing stakeholders and came to the conclusion of recommendations which this instrument implements. Consultation of this instrument has been carried out with the Police Federation of England and Wales which has confirmed it is in agreement with the measures it contains.

9. Guidance

9.1 There will be no further guidance on this instrument. The Police Federation of England and Wales will provide guidance directly to its members on the implications of this instrument.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector will be limited to the Police Federation. We are not anticipating any significant adverse financial impact as a result of this instrument. The 2017 conference will be shorter and smaller, creating cost savings for the Police Federation.

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

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 This instrument will be monitored throughout the development of further reform regulations, expected in 2017. The provisions in this instrument will be reviewed as part of this process and further provisions will be made to allow for future elections and conferences.

13. Contact

13.1 Nicholas Lawrence at the Home Office - Telephone: 0207 035 1888 or email: Nicholas.lawrence13@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.