EXPLANATORY MEMORANDUM TO

THE POLICE FEDERATION (ENGLAND AND WALES) REGULATIONS 2017

2017 No. 1140

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 abolish the existing Police Federation Regulations and implement wide-ranging reform as set out in the *Independent Police Federation Review*[1] chaired by Sir David Normington, GCB (the Normington Review), including changes to the structure and operating procedures of the Federation.

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 This entire instrument applies only to England and Wales.

3.3 As this instrument is subject to the 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 The Police Federation for England and Wales is currently governed by the Police Federation Regulations 1969 (S.I. 1969/1787), made under the Police Act 1964. Those Regulations were last amended in 2016 by the Police Federation (Amendment) Regulations 2016 (S.I. 2016/1090), which made provision in relation to the annual conference and elections to branch boards. The Police Federation Regulations 1969 are revoked and replaced by this instrument, which implements reforms set out in the Normington Review.

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 The Minister of State for Police and the Fire Service has made the following statement regarding Human Rights:

[1] http://www.polfed.org/fedatwork/independent_review.aspx

"In my view the provisions of the Police Federation (England and Wales) Regulations 2017 are compatible with the Convention Rights."

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 Police Federation Review* (the Normington Review), published in 2014, made 36 recommendations for reform of the Federation. The Police Federation accepted these recommendations in full at its 2014 conference and embarked on an extensive internal reform programme to implement them.

7.2 This instrument will implement the final tranche of reform regulations (which began with the Police Federation (Amendment) Regulations 2015) to fundamentally change the operating procedures of the Police Federation and implement the majority of the remaining Normington recommendations. Key changes include:

- **A shift from provision in regulations to rules**, to give the Federation flexibility to respond to developments more swiftly, whilst maintaining Government oversight of an organisation created by statute. This instrument extends the scope of the Federation's power to make rules beyond financial matters (the limit of rule-making powers in the pre-existing regulations), to include matters related to its constitution and proceedings that are listed by the regulation. The regulations mandate that these enhanced Federation rules require the Home Secretary's approval before they can take effect. These changes will have the effect of increasing openness and reporting by providing power for the Police Federation to make rules dealing with the policies to be followed in relation to payment of expenses and the provision of hospitality by or to any Federation body or representative and any payments to be made to any Federation representative;
- **Changes to the financial model which will see the Federation manage finances more efficiently by collecting subscriptions centrally and distributing funds to branches.** This aligns with recommendation 34 of the Normington review which called for *"all resources to be routed via the centre of the Federation"*;
- **Setting out the basis for an entirely new structure of branch and national level representative bodies within the Police Federation as well as new election processes to fill such bodies.** In line with the structure recommended by the Normington review the regulations provide that at the local level, each Federation Branch will have a branch council and a branch board and at the national level, there will be a national council and a national board. The regulations also allow the Metropolitan Police Force ("MPF") branch to have additional bodies (branch councils and executive committees) as may be set out in Federation rules. This will allow the MPF to restructure their approach based on its unique area/borough and crime specialisms as recommended in the Normington review;
- **The removal of separate rank committee structures at local and national levels.** This aligns with recommendation 22 of the Normington review which stated that "rank committees at local and national level should be removed

from the governance and decision-making structure of the Police Federation". The Normington review perceived the separate rank and committee structures within the Police Federation to be one of the key barriers to the organisation speaking "as a united Federation with one credible voice';

- **The Federation may make rules concerning the development of a national database of members which will allow the central Federation to reach out directly to its members.** The Normington review perceived the lack of a national membership database to be a *"severe limitation"* on the Federation's ability to maintain two-way communication and Recommendation 8 called for the creation of such a database;
- **a new formula for determining the number of Federation representatives in each force which will lead to a reduction overall.** The Normington review proposed that "Branch Boards will be considerably smaller than is currently the case in accordance with the numbers related to force size outlined in this final report"(recommendation 22);
- **outlining the actions the Federation must take to ensure protected characteristics are considered during election processes.** The Normington review stated that *"a representative Federation ought to be setting the standard in equality and diversity"* and made a number of recommendations to improve representation and equality of opportunity within the organisation. In line with recommendation 12 of the review this instrument mandates that the Federation must carry out or arrange an equality assessment within six months following the election of members to the national board (and every third year after that). The regulations also mandate that the Police Federation must report annually on the steps it is taking to advance equality of opportunity in the Federation and publish it for their members and the public to consider. The national board must also provide a copy of this annual report to the Home Secretary. These provisions will strengthen the Police Federation's approach to Equality and Diversity by ensuring that it provides a routine, open, transparent and evidence-based assessment of the actions it must take, to enable members that share particular protected characteristics to be considered during the election process and adequately represented by the Police Federation.

7.3 In addition to implementing the reforms recommended by the Normington Review, this instrument also gives the Federation power to make rules that place a cap on Police Federation bodies' spending. The Police Federation Regulations 1969 (as amended by the Police Federation (Amendment) Regulations 2016) required the Police Federation to undertake elections in 2017; this instrument has the effect of shifting this requirement, with elections to take place in 2018 under the provisions of these new regulations and Police Federation rules.

Consolidation

7.4 This instrument will repeal and replace the existing Police Federation Regulations 1969.

8. Consultation outcome

8.1 The Normington Review followed consultation with a wide range of policing stakeholders and made 36 recommendations for reform of the Federation, and this instrument will implement many of those recommendations.

8.2 Home Office officials have been working very closely with the Police Federation to support them in implementing their wide ranging internal reform programme, (including with the formation of these regulations) since the Police Federation accepted all of the Normington recommendations at their 2014 conference.

8.3 In accordance with this obligation in section 60(4) of the Police Act 1996, a consultation was held with the National Federation on a draft of this instrument. The Federation's consultation response was carefully considered and, where appropriate, their suggested drafting changes were incorporated into this instrument. The Federation did not request that any significant policy changes be incorporated within the instrument.

8.4 The Police Advisory Board of England and Wales were also consulted (under section 63)(3) of the Police Act 1996) on a single consequential provision included in the regulations that amends the Police Regulations 2003. The Police Federation responded to confirm that they had no comments on the proposed amendments. No other responses were received.

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. This instrument will implement the Federations extensive internal review programme and is intended to create cost savings for the Federation by streamlining the way in which the organisation functions and enhancing its approach to openness and transparency.

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 2018 and will be reassessed when the Police Federation introduce their new funding model, which is expected during 2018.

13. Contact

13.1 Chantelle Fields at the Home Office - Telephone: 0207 035 3166 or email: Chantelle.fields1@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.