

# POLICE FEDERATION INDEPENDENT REVIEW

## **Final report**

The trusted voice for frontline officers

INDEPENDENT REVIEW OF THE POLICE FEDERATION  
CHAIR SIR DAVID NORMINGTON | JANUARY 2014

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**RSA**  
Action and Research Centre

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# Foreword

We were set up, as an Independent Panel, in Spring 2013 by the Police Federation of England and Wales (referred to in the rest of the report as ‘the Federation’). Our Terms of Reference asked us to consider “whether any changes are required to any aspect of the Police Federation’s operation or structure in order to ensure that it continues to promote the public good as well as meeting its statutory obligation to represent the interests and welfare of its members and the efficiency of the police service”.

We were asked, particularly, to look at how the Federation:

- acts as a credible voice for rank-and-file police officers
- genuinely serves the public good as well as its members interests
- is able to influence public policy on crime and policing in a constructive manner
- is an example of organisational democracy and effective decision making at its best allowing genuine ownership of the organisation by police officers and effective communication between members and the Federation at all levels
- is recognised as a world class leader in ‘employee voice’.<sup>1</sup>

In making our recommendations we were to have regard to: value for money, the unique position and responsibilities of the Office of Constable, the importance of enhancing public confidence in policing, equality and diversity, and transparency of decision-making and the subsequent action. We were asked to report in January 2014 with recommendations “for a realistic phased introduction from May 2014.”

We were given a free hand to amend these Terms of Reference in whatever way seemed sensible. However, we felt they were sufficiently wide-ranging and struck a good balance between the Federation’s representative role and the wider public interest. Therefore, we accepted them without amendment. We were supported in our work by a specially established secretariat in the independent Royal Society of Arts (RSA) for whose work we are immensely grateful.

We were able to plan our enquiry as we wished. We spent the summer and autumn hearing and taking evidence in person and in writing. We invited written evidence and received a remarkable 400 online responses and submissions from organisations and individuals. We had 14 formal evidence sessions with key Federation officers, representatives and employees and with major external stakeholders. We went to all seven of the Federation’s English regions and to Wales, meeting representatives, members and a range of Chief Officers and Police Commissioners. We and our secretariat held other meetings and discussions with national politicians, policy makers, members of the media and academics.

1. We note that police officers are not ‘employees’ but Crown Servants. ‘Employee voice’ is simply a general way of describing a concept that is broader than the Police Federation. It shouldn’t be taken as anything other than this.

We were also keen to hear the voices of the rank-and-file members directly. We conducted two surveys: one by Ipsos MORI which had 12,500 respondents, as far as we know the largest recent such survey of its type; the other by the RSA through the Survey Monkey online survey tool which received approximately 5,000 responses.

We reported on the evidence we had received and drew preliminary conclusions in our progress report in October 2013. We are also today publishing online a summary of the evidence we received in parallel with this report. Given the scale and depth of the responses, we cannot possibly do justice to the evidence we received in a short summary but it did provide a rich basis for our conclusions. It gives us confidence in our findings and that there is a real mood for change inside and outside the Federation.

We identified in our progress report what we described as the ‘key characteristics’ of a successful Federation. We were encouraged by how these were received and they are the basis for our recommendations in this, our final, report. We have a simple and single purpose. It is to enable the Federation to become an organisation of which rank-and-file police officers can be proud and in which they can have confidence. The evidence we have gathered suggests that it is a long way from this ideal at the moment and that substantial and sustained change is necessary in culture, organisation and representative structures.

We emphasise that the recommendations in this report are the recommendations of the Independent Panel and the Panel alone. We have received great support in our work from every level of the Federation, and particularly from the national leadership. But at no stage have we felt under any pressure to report in a particular way.

This report will inevitably put new demands on the Federation’s leadership and will require the same determination as was shown when this review was established. As we commented in our progress report, we have met leaders at all levels of the Federation who are up for the challenge and understand the urgent need for change. We have also encountered some who are more interested in fighting internal battles and protecting their own positions. If the Federation is to succeed in the future, the membership will need to demand an end to internal division and the pursuit of narrow self-interest and get behind those who are ready to lead a programme of fundamental reform.

### **The Panel**

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# 1. A credible voice

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*The creators of the Police Federation believed that a police officer's membership of a disciplined service with obligations to protect the public was incompatible with membership of a normal trade union*

Our starting point is a conviction that police officers need a highly effective representative organisation to be their safeguard and their voice. That is not just a 'nice to have'. It is an essential in a democratic society in which we, as members of the public, give our consent to a police service which acts fairly and with integrity in providing society with a necessary framework of law and order.

The creators of the Police Federation in 1919 believed that a police officer's membership of a disciplined service with obligations to protect the public was incompatible with membership of a normal trade union with, among other rights, the right to take industrial action. In return, however, they were clear that police officers needed a professional voice, both to look after their welfare and to have a substantial say in the wider discussions about policing policy and operations. The absence of such a body contributed to a breakdown in relations between police authorities, the Government and rank-and-file police officers in 1918 and 1919. Uniquely, the Federation was, therefore, established by statute with its rights to representation guaranteed in primary legislation and defined in detail in regulations. It was established to represent every constable, sergeant, and inspector (including chief inspectors) in England and Wales.<sup>2</sup> There was also an unspoken understanding that the Federation would receive relatively generous direct and indirect public resources for its representation and access to chief officers and to local and national policy makers.

Despite many reviews and reorganisations of policing this basic settlement has remained intact for 95 years. In our view it is as important and valid now as it was in 1919.

The basic reason for this is the nature of British policing and its reliance on public consent. Police officers often put themselves at risk, and sometimes in danger, on the public's behalf. We may, as members of the public, take them for granted, complain about them when we fail to get the required level of service, and occasionally despair when standards of behaviour fall below what we expect. But when we are in distress or in danger, we turn to the police with confidence and, if necessary, expect them to put themselves at risk to protect us. We as citizens expect the police to operate 'with our consent' and to seek our support and assent for their operations. This is a unique relationship with the public which is not replicated everywhere in the world. It is based on public trust and confidence and extends beyond normal working hours; police officers are expected never to be off duty in protecting the public.

2. Where we refer to inspectors in this report, we are including chief inspectors in this category for brevity.

It follows that police officers need an organisation which takes care of their basic welfare and safety and is listened to when raising concerns of police officers individually or collectively.

Secondly, it is in the nature of their work, which by definition may involve fine, split second judgments, that police officers get complained about more than most, often unjustly, sometimes not. Police officers need – and greatly value – an organisation that represents them in individual cases of investigation or discipline; and can give them and their families wider support when they are under stress. This absolutely necessary protection means that it is desirable for membership to be universal given the widespread risks that individual officers face. That is why membership of the Federation is automatic upon enrolment (although officers can opt out of paying the subscription). This is the most practicable arrangement currently and one which we support. However, it is worth noting that we heard from a small number of voices willing to countenance an alternative, more voluntary arrangement, especially if the Police Federation proves itself incapable of reform.

Thirdly, if rank-and-file officers are to be denied normal trade union rights, they need a body which can represent them powerfully and effectively in discussions about police pay and conditions. This is not just about being guaranteed a hearing. It is an essential part of the ‘deal’ that the ranks-and-files’ views are respected and valued.

Finally, from 1919 onwards the Federation has always had the right to bring any matter relating to the welfare and efficiency of the police service to policy makers including specifically the Secretary of State. It remains the case today that the chief officers of the Federation have regular access to the Home Secretary and to the Police Minister. This provides an important safety valve: a way of ensuring that the concerns of police officers are heard at the highest level. This openness applies at the force level too through the engagement of Federation representatives with a range of management issues. At its best, the Federation can serve as the ‘canary in the coal mine’ and help smooth change in a constructive fashion. This aids the efficient deployment of limited resources; crucial at a time of significant cost pressure and change. So, at its best, the Federation is an important voice in the efficient provision of policing in the public interest.

In the course of our inquiry the case for strong effective representation of the rank-and-file officers has not been seriously questioned from within the police service or from most external stakeholders including politicians. Most of the criticism has not been about the Federation’s *raison d’etre* but about its effectiveness. This criticism is from inside the Federation and out; it is serious and universal; it threatens the basic settlement on which the Federation is built.

We set out in the rest of this report the changes which we therefore believe are needed and how they can be achieved.

We look first in more detail at the **case for change** emerging from the evidence.

We then consider how the Federation can **rebuild trust** with its members and the public with a new statutory purpose, greater transparency, better communications and a new drive to ensure it represents all its members.

We propose a **new professionalism** with better support for representatives and new standards of conduct and behaviour. We consider the

strengths and weaknesses of **local representation**, aware that this is what members most value and on which they most depend. We make proposals for how local representation can be better tailored to the very different needs of individual police forces and break free of the constraints of the current statutory strait jacket.

We set out major reforms to **governance and decision-making structures** with the simple aim of bringing the local and national levels closer together and creating a single, unified voice for the Federation.

We look at the **finances** of the Federation and recommend how some of the Federation's income and reserves might be returned to its members, if our reforms are implemented.

Finally we set out, as we were asked to do, **a phased programme of reform** over the next two to three years, starting immediately and gathering pace after the annual conference in May 2014.



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## 2. The case for change

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This chapter is informed by the evidence we received on how effectively the Federation is perceived to be doing its job by its members, by representatives and by external stakeholders. As we shall see there is a worrying loss of confidence and competence inside the organisation and a serious loss of influence outside. If, as we believe, the Federation is essential in providing an influential voice for police officers, it is not currently doing its job well enough. That ought to be a matter of concern for us all.

The criticisms we have heard have been made against the backdrop of a reform of policing which has been far-reaching and fundamental. Any representative body might have struggled to respond but, even accepting this, our evidence is that it has brought to the fore deeper stresses and strains in the way the Federation operates, creating distrust and division just at the point when it needed to be most unified.

### Context

#### Reform of British policing

The Government has been carrying through one of the biggest reforms of policing for several generations. This has included the setting up of elected Police Commissioners in every police force area with responsibility for local policing; a new National Crime Agency; and a new College of Policing to set standards for and increase the professionalism of the police service. At the same time the Government has sought to focus the police service on:

- Professionalism. It is intended that through the introduction of the College of Policing, career and skills development, ethical accountability, and evidence-driven policing, the service will become imbued with a greater professionalism.
- Fighting crime. The role of police is seen as crime fighting with a reduction in the incidence of crime a key measure as opposed to pursuing wider social purposes.

It is likely that this period of reform will continue whatever Government is in power. In fact, the independent Stevens Commission, which published its report in November 2013 will inform the Opposition's thinking in the run-up to its election manifesto. Its recommendations signal another major widening of focus towards community safety and well-being.

Amidst these changes, rank-and-file police officers have wanted reassurance that someone speaks for them and the difficult job they do. They have faced enormous challenges over change management: shift patterns,

flexible working, personnel reductions and redeployment. In such a rapidly changing environment there has been, more than ever, a need for strong representation to protect officers and also ensure that any change draws on their knowledge and expertise.

The almost universal perception from the Federation's stakeholders and members is that it has been a weak voice in the discussions around reforms. It has too often been unable to decide whether to oppose outright or seek changes which help its members. Internal division meant that it lost crucial influence on the board of the College of Policing (causing Federation membership on its governing council to be reduced from three to one), a body which may eventually retain a register of all police officers and offer services which overlap with those offered by the Federation.

### **Austerity**

Cuts in staffing and resources have also posed great challenges. The police service, like many public services, has faced reductions in central government funding of up to 20 percent with more likely to come. On some estimates, 15,000 frontline officers will be lost by 2014-15 with further cuts to staff support. Cuts in numbers may continue until 2017 at the very least. Inevitably, such a large-scale reduction in resourcing is having an impact on individual police officers – on their deployment, on their workload and potentially on their stress and morale.

Any representative organisation would find it difficult to make the best response to these pressures.

The consensus is, however, that the Federation has failed to make its voice sufficiently heard or to put its public case effectively. It needed to marshal the evidence at national and local levels about the effects of cuts and to build public support for its case and then match this evidence to a credible strategy of influence. It has conspicuously failed to do so.

Secondly, as its members face the enormous pressures of change, the Federation should have been absolutely focused on their members' efficiency and welfare, in and out of work. Welfare, efficiency and public service all combine in this regard. The Police Federation should be at the top of its game locally and nationally to help members and the forces they serve navigate through a difficult time in maintaining a good level of public service. Although there are examples of excellent local representation, the Federation as a whole has spent too much time arguing amongst itself about its strategy and response and trying to resist some of what was inevitable given the wider economic and public context.

Thirdly, the period of austerity has shone the spotlight on the costs of representation. A number of police forces have begun to seek cuts in the numbers of Federation representatives at local level and to question the amount of time off which some representatives claim to attend meetings. Several respondents to our consultation reminded us that the costs of representation, directly and indirectly, come from the public purse and felt the Federation needed to explain what value the public received from that investment. Some local branches have anticipated these challenges and have engaged positively with their local management in negotiating new agreements. But there has been a lack of overall Federation strategy in meeting what is a growing challenge.

*The Federation has failed to make its voice sufficiently heard or to put its public case effectively*

### **Police pay, conditions and pensions**

Alongside the reforms to policing described above, this has also been a period of major changes to police pay, conditions and pensions. Jobs have been lost and some may be outsourced. Traditional job security has been questioned. Pay overall has been held down, in common with many in the public sector, squeezing the household budgets of many individual police officers. The immediate cost of pensions to police officers has increased. Current proposals for direct entry and compulsory severance would also create a different professional environment for police officers. These proposals follow a long list of changes on fitness, restricted duties and the changing nature of roles within police services.

This has been a perfect storm for the Federation and most organisations in this position would have struggled to find an appropriate voice. However, we heard criticism from inside and out about the Federation's performance. Ordinary members are understandably angry that the Federation has not been able to stop the changes or secure a better deal. While this may be inevitable, the Federation has failed to communicate its strategy to its members; and when it has secured a better deal than many expected, as on pensions, it has not been able to persuade its members of its relative success.

Many from outside have criticised its tactics particularly in responding to the Winsor Review. Its tendency has been to oppose rather than engage. When it has come forward with good ideas, it has done so too late to be influential, largely because of internal division at headquarters. It has also too often fallen back on its traditional tendency to attack and try to undermine those who are proposing the changes, rather than take on the issues. There are many inside the organisation who believe these tactics have been right. But they need to reflect on the failure of the Federation to make its voice heard in most of the major reforms and on its growing marginalisation. This constitutes a strategic failure; the politics of personal attack and shouting has proved to be a wrong-headed response and more of the same would have resulted in an even less optimal outcome.

One important change ahead is the setting up of a pay review body to determine police pay. This will require a major change in the Federation's approach if it is to be successful. It will need even more to marshal evidence, to engage early and constructively with the review body and the Home Secretary and to speak with a single, unified voice. It is not well placed for this challenge currently.

### **Accountability, standards and ethics**

Another important backdrop to our report has been increasing questioning of the standards of and behaviour of the police service, fuelled by high profile cases involving public figures and politicians.

The Federation should be a powerful voice for standards in British policing but at present it is badly placed to be that voice. Throughout our inquiry we have heard allegations that some Federation representatives who have personally targeted successive Home Secretaries, Andrew Mitchell, Tom Winsor and others, bringing the Federation into disrepute and risking the police reputation for impartiality and integrity. We have also been given evidence of bad behaviour within, including poor treatment of staff at HQ and the targeting of representatives in social media,

at Conference and elsewhere simply because they hold a different point of view. If the Federation wants to be respected and listened to in the future, this has to stop.

The actions of Federation representatives in their dealings with the former Chief Whip, Andrew Mitchell, which we commented on in our progress report, highlight the extent to which some representatives feel they can pursue local action and campaigns regardless of the impact on the wider Federation and the views of their colleagues.

This all takes place within the context of more intense levels of public accountability and scrutiny in general. Institutions and organisations of all types are faced with increasing expectations of public accountability. Parliamentarians, banks, energy companies, food retailers, outsourcing firms, internet providers and search platforms, the NHS, the BBC, print media, and the police service itself have come under intense focus. An organisation such as the Police Federation involved in an area of public concern so critical to our way of life as law and order, whose members are public servants, and that receives public funding is, as a matter of fact, accountable in ways that may not hitherto have been accepted.

We have been struck during our work of how little this seems to be understood by Federation representatives, including particularly at local level. The fact is that this new accountability is conducted through continuous, intense media and social media. What could have been kept secret previously now continuously spills into the public domain. Where internal debates once remained so, they now often are conducted in public. Information – accurate or inaccurate – spreads at velocity. Pressure builds rapidly. This is now a very different environment in which to conduct affairs of interest to the public. It creates very different organisational stresses and challenges. The Federation seems ill-placed at present to respond to these changes. To address this situation, we argue later for a complete change in its openness and accountability.

### **Views of Federation members**

Against this backdrop it is perhaps not surprising that the strongest calls for change in the Federation are coming from its members. In an Ipsos MORI survey specially commissioned by the Independent Review, 91 percent of Federation members wanted change.

The survey, which we have published online, shows that ordinary members who responded to the survey are deeply disillusioned with the performance of their representatives. They feel particularly alienated from the national leadership with 68 percent of members fairly or very dissatisfied that the national leadership is adequately safeguarding their interests. Even at local level there is an increasing questioning of the value of representation with 47 percent dissatisfied against 30 percent satisfied. Most members still look to the Federation to represent them in times of difficulty or crisis but many say they would not otherwise pay their subscription.

There is particular dissatisfaction with communication with an enormous gap between the national leadership's willingness and capacity to communicate and the expectations of the membership. This, coupled with a general lack of transparency, creates suspicion that the national leadership lead a comfortable life out of touch with the realities of the front-line.

An underlying issue throughout the Review has been the fact that the regulations governing the Federation require all representation to be on the basis of equal representation for the three ranks represented: inspectors, sergeants and constables, even though constables constitute 80 percent of the members. There is a majority view that this is unfair. But members are split 50/50 on whether representatives should be divided by rank at local level (with constables the least concerned about it); and 51 percent believe rank should not matter at national level, as against 35 percent who think it should.

There is no appetite, however for any rank breaking away. A huge 87 percent of respondents want the Federation to continue to represent constables, sergeants and inspectors.

### **Views of the elected representatives**

The Federation's many representatives have differing views about the need for radical change and, as we commented in our interim report, there is a tendency to believe change should start with someone else. Nevertheless, we heard of a growing disillusion with the lack of professionalism of some representatives, with a tendency for the workload to fall on a few while others enjoyed the fruits of elected position and with the wish of some to play political games while ignoring the interests of their members. In our view there are a great many honest hard-working Federation representatives, who stand for all that is best in policing, but they continue to be let down by a vocal minority who remain impervious to the changing environment.

The most striking feature of the evidence we took from elected representatives was distrust. Branch representatives are distant from the national level decision-making and do not feel bought in to national level strategies. There is reluctance on the part of national representatives to share information and decisions with the branches, although we saw evidence that the present leadership is trying to change that. Similarly, branches refuse to share information with Head Office and in some cases were only willing to provide information to this review on condition that it was not shared with national officers.

The situation is compounded by the divisions and mistrust at Head Office particularly between the Joint Central Committee (JCC) and the Constables' Central Committee (CCC). The constables at national level feel the under-representation for constables most keenly and we heard of several examples of the CCC acting separately from the JCC. At times they almost seemed to be acting like a separate federation within the Federation.

### **Views of external stakeholders**

We heard from many individuals and organisations who deal with the Federation in different ways. Inevitably, they have many different perspectives, but there are some common themes. Almost all expressed frustration at the negative behaviours and tactics of the Federation and were clear that in recent years it had lost impact and influence. Some were perplexed at the Federation's apparent lack of strategy in responding to the Government's reform programme. Others were confused by the mixed messages coming from different parts of the Federation and confused by

the way the constables at national level sometimes acted independently of the rest of the national leadership. There was widespread dismay, not least from some of the Federation's supporters, at the damage being done to the Federation and the wider police service by the actions of its local representatives in the Andrew Mitchell affair.

There was quite a lot of criticism from external stakeholders about the lack of diversity in the Federation, particularly at national level. We heard from a number of organisations, like the National Black Police Association and the Gay Police Association, who represent particular groups within the police and seem to flourish in part because the Federation is not seen as representing actively enough the great and growing diversity of police officers. This is a major issue for the Federation to which we return later in this report.

It was not all negative. At force level there was a general recognition of the value that effective local representatives could bring particularly to resolving individual disciplinary cases; and some examples of branch level representatives taking the initiative in reducing costs of representation. There was praise too for some of the present national leaders, not least for setting up this review.

In the course of our work we consulted a number of academic experts on what makes for effectiveness in representative bodies and on key challenges in policing and the place of the Police Federation in meeting these challenges. From these consultations and elsewhere we became even more convinced that the Police Federation has a critical public interest purpose and needed significant reform if it was to become, as our Terms of Reference require, a "world class leader in employee voice". The legitimacy of police officers in their own eyes and in that of the general public depends, in part, on an effective staff association credibly representing their interests, providing necessary support, and constructively engaging with public discussions about the future of policing at both a local and national level.

## Conclusion

From everything we have seen and heard over the last nine months we are clear that the Federation needs to improve significantly and fundamental reform will be necessary to secure such improvement. In the next four chapters we set out what needs to be done and how it can be achieved.

The test for our recommendations is whether over time they achieve the Federation's own ambition, contained in our Terms of Reference, to be "a world class leader in employee voice": providing exemplary representation locally to its members individually and collectively and regaining its influence and impact in national debates about policing in addition to being an exemplary negotiator on behalf of its members. To achieve this it must above all:

- rebuild **trust** with its members and the wider public. This will require a willingness to be accountable for its performance, transparent about how it is using its resources and much more effective in its communications. It must convince its members and the public that they get good value for the combination of member subscriptions and public money which fund the Federation's work;

- set a new standard of **professionalism** at every level of the Federation. This is not just about the competence and capability of the Federation’s representatives. It is also about standards and conduct in the way Federation representatives behave toward each other, to politicians and policymakers and to the general public; and
- **unity** in the interests of the police service. This means the national and branch representatives, the constables, sergeants and inspectors working together in the Joint Central Committee, speaking with one voice, and putting aside the petty politics and squabbling which is such a blight on the Federation’s current performance.

**Trust, professionalism and unity** are the three themes, which recur throughout the rest of this report.



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## 3. Building trust

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There must be a determined effort to rebuild trust in the Federation. The change should start with a new accountability to its members based on shared information and better communications and engagement. There should also be an acceptance of a parallel accountability to the public to win support for and confidence in the Federation's role and importance.

The Global Accountability Project, developed by the One World Trust, has developed a notion of accountability for application in complex environments with multiple internal and external stakeholders. The Police Federation operates in such an environment, albeit at local and national rather than at a global level. Their definition of accountability is:

“the processes through which an organisation makes a commitment to respond to and balance the needs of stakeholders in its decision-making processes and activities, and delivers against this commitment.”<sup>3</sup>

*The Federation does not have a strategy for winning over the public and sometimes seems determined to be on the wrong side of the argument*

In the Global Accountability Project framework, for an organisation to be truly accountable, it requires transparency of information necessary for stakeholders to monitor an organisation's activities. Participation is required in the form of mechanisms to enable stakeholder voice and input into decisions that affect them. Complaint and response mechanisms are necessary and an organisation needs to evaluate its performance in balancing stakeholder needs. An organisation needs to have a strategic capacity to anticipate challenges, opportunities and potential conflicts before they arise.

As we have seen, the Federation at present is a long way from this ideal. It has lost the confidence of its members. It does not have a strategy for winning over the public and sometimes seems determined to be on the wrong side of the argument. Its default position in adversity is to be defensive. This, in our view is a consequence of a failure to understand accountability and the transparency, participation, response, evaluation, and strategic foresight that it requires.

Trust through accountability cannot be achieved just by a set of recommendations in a report. It requires a commitment to change from those inside and determined leadership including from those constables representatives who represent the largest numbers but sometimes seem most resistant to change. In this section we seek to provide a framework with an impetus for the fundamental reform in culture and behaviours we think is essential. We propose a revised purpose, a new framework of accountability and transparency and a new programme to improve communications.

3. Blagescu, M, de Las Casas, Lucy and Lloyd, Robert. Pathways to Accountability. The GAP Framework. p20. One World Trust, 2005.



## A revised core purpose

We think that the starting point should be a revised statutory purpose for the Federation which sets a new tone and commitment, recognises the reality of its accountability to its members and the public and incorporates a commitment to new standards of conduct and transparency. The Federation is in a unique position in having its core purpose in primary legislation, in the Police Act 1919. This says:

“For the purposes of enabling the members of the police forces of England and Wales to consider and bring to the notice of the police authorities and the Secretary of State all matters affecting their welfare and efficiency ... there shall be established ... an organisation to be called the Police Federation.”

We recognise that it will take time to put a revised purpose into regulations or indeed into primary legislation. Our proposition therefore is that the Federation should also adopt the following as a formal part of its own statement of objectives:

“In fulfilling its statutory responsibilities for the welfare and efficiency of its members the Federation at all levels will:

- ensure that its members are fully informed and that there is the highest degree of transparency in decision-making and use of resources;
- maintain exemplary standards of conduct, integrity and professionalism;
- act in the public interest, seeking to build public confidence in the police service and accepting public accountability for its use of public money;
- work together within the Federation and in partnership with others in the policing world to achieve its goals.”

It is particularly important, in rebuilding trust in the Federation, that there is explicit reference to the public interest. Our understanding of the history of the Federation is that its dual accountability to its members and to the public was always an implicit part of its statutory purpose. The reference in our Terms of Reference to serving and promoting the public good shows that this is well accepted by the Federation’s present leadership. There is in our view no conflict between this dual accountability. British policing depends on the consent and confidence of the public. If the Federation is to retain its special position as a representative of police officers it too must have public confidence and a respected public voice in discussions about police policy and practice, as well as police pay and conditions.

We would like to see this revised purpose adopted as soon as possible after the publication of this report, perhaps at the annual Conference in May. It encapsulates the change of direction we think is needed and its adoption will be an important signal that the Federation is ready for a fresh start.

We hope that it can then be incorporated in legislation at the earliest opportunity. That would be a powerful symbol of Parliamentary support

for this new start, based, as it would be, on a public acknowledgement of its commitment to the public interest, alongside that of its members.

**Recommendation 1: The Federation should adopt immediately a revised core purpose which reflects the Police Federation's commitment to act in the public interest, with public accountability, alongside its accountability to its members. This should be incorporated in legislation as soon as practicable.**

## **External accountability**

In our view, however, it will not be enough just to reformulate the core purpose of the organisation. We think there also needs to be some form of continuous challenge from outside the organisation to ensure it is meeting its stated purpose. The processes by which the organisation makes decisions – its governance – are critical to ensuring accountability to key stakeholders. This applies to external as much as internal accountability.

There are a variety of techniques for gathering external views and holding organisations to account. Public companies have non-executive directors, publish annual reports and accounts publicly, and in many cases answer to regulators. Many public companies have even gone a step further and created stakeholder panels within their governance structures.<sup>4</sup> Trade unions by way of comparison have to comply with legislation governing aspects of their internal organisation and financial affairs, including requirements to place financial information in the public domain, with compliance overseen by the Certification Officer to whom complaints may be made. This serves a dual purpose. It increases the accountability to members and employees and in the case of companies, shareholders. But secondly, it addresses the wider public, providing wider accountability and confidence. We, therefore, propose:

- i. An independent reference group** of four to six members should be established with a range of expertise ranging from public policy, to law, to policing, to organisational management. This group would be to provide 'a critical friend' to the Federation. Its purpose would be to examine and assess the degree to which the Police Federation is meeting its public interest obligations. The group would ensure that there is some external impetus for the Federation to focus beyond its own internal issues on matters of public concern and interest. At least 50 percent of the membership of this body should be from outside the world of policing. The positions would be advertised and the members would be selected by a panel of the Police Federation with an equal number of local and national representatives.

This group would be able to advise upon and assess:

- Police Federation strategy as it relates to external affairs and policing.

4. Companies to have gone down this path include BT, Nike, Shell, Coca-Cola, BP, Ford, Gap, EDF, amongst many others. See 'Critical Friends: the emergence of stakeholder panels in corporate governance, reporting and assurance' from *Accountability*, March 2007.

- External impact of Police Federation activity.
- Progress implementation of the Independent Review as part of its report:

It might also be asked from time to time to assess progress on other specific issues of concern like equality and diversity.

We suggest that the group should be required under the Federation's rules produce a short report for inclusion in its annual report on the impacts of the Police Federation in supporting policing in the public interest, drawing if it wished on research into public and stakeholder attitudes towards the Police Federation. This will provide increased public accountability; and within the Federation it will be for the new National Council that we will propose in chapter 5 to question and challenge the new National Board (again see chapter 5) about the reference group's findings.

- ii. **The Federation should produce an assessment to go in its annual report, explaining the value it offered to its members and the public from the investment of public resource and subscriptions.** This would go alongside the independent reference group report. The reports would be publicly available online.

Each local branch should also include statements of the value it is offering to its members and to the public in its published annual report. All these reports should be easily accessible to members and available online for the general public to view. They should be seen as an opportunity to build member and public confidence in the value of the local representatives' often important and unheralded work.

Both elements (i) and (ii) are necessary for the Federation to be transparent, evaluative, and to adopt effective forward strategies. These recommendations will enhance the accountability of the Federation considerably.

**Recommendation 2: A new independent reference group should be established to assist the Federation in ensuring accountability to the public interest and monitor progress on such issues as equality and implementation of the Independent Review recommendations.**

**Recommendation 3: A new requirement at national level to publish online an annual public value report alongside a short assessment of progress by the independent reference group. Branch annual reports should also report on the value the branch is bringing to its members and to the public.**

*Trust and accountability depend upon openness about how decisions are taken and money spent*

## Transparency

Trust and accountability depend upon openness about how decisions are taken and money spent. There is now an expectation of transparency for modern organisations of all types. This certainly applies to those that have representative functions and/or spend public money. The Federation currently lags well behind what is desirable and acceptable in

this regard. It has been one of the concerns voiced most often throughout the process and one where many representatives wish to see significant improvement. The default in too many areas is hoarding of information including financial information; and distrust that shared information will be misused.

In our view members have an absolute right to know how their representatives are spending their subscriptions and income derived from services they purchase through the Federation. They should be able to view full sets of accounts; to know where decisions were taken, by whom and the rationale; to see what benefits or expenses their representatives receive from the organisation; and they should have access to all committee papers other than where there is genuine commercial, personal or external sensitivity. As things stand, there is still some distance to travel before members see where money they are paying through the Police Federation (including through services that the Police Federation brokers) ends up, how much remains under the effective control of the Police Federation, and how it is used.

We therefore propose:

- i. National guidance on expenses, honoraria, and hospitality should be produced by the JCC as a matter of urgency. All national and local branch policies should be required in regulations to comply with the national guidelines.
- ii. All officers and committee members should be required to declare hospitality received and this will be published online once a year together with a statement their individual expenses and honoraria, and hospitality received starting at the end of 2014.
- iii. An openness commitment should be signed by all local force branches and the national body. This will establish the principle that all papers and minutes should be available to members unless there is genuine commercial, political, or negotiation sensitivity. Any papers not published should be reviewed for subsequent publication on an annual basis.
- iv. All accounts from which the Police Federation derives income or contributes revenues should be published and publicly available. All such accounts should be reported on F45 forms to the Police Federation HQ on an annual basis. We have more to say on this in the section on finance below.
- v. Where key decisions are taken there should be clear reporting on what decision was taken, by whom and the reasons for the decision.

We do accept that there is some need for commercial and member confidentiality but currently these are judged too strictly and too often used as an excuse for not transparently publishing information which should be available to members particularly but also to wider stakeholders.

These are very urgent matters. In our view, the Federation's reputation is at risk from its current lack of openness. This is particularly so in relation to some of its branches' unpublished accounts, which create suspicion (expressed to us during our evidence gathering) that they have something to hide, even when it is all above board. We recommend that

these requirements are adopted by the Federation as soon as possible and no later than the end of 2014. They should also be put into Regulations as soon as practicable.

**Recommendation 4: National guidelines for all expenses, honoraria and hospitality policies should be agreed and local force branches will be required to comply with these – a requirement embedded in regulations. All individual expenses, honoraria, and hospitality received should be declared by and then published online.**

**Recommendation 5: An openness commitment should be signed by all local force branches and the national Federation which will establish the principle that all committee papers and minutes should be available to members unless there is genuine commercial, political, or negotiation sensitivity.**

**Recommendation 6: All accounts from which the Police Federation derives income or contributes revenues should be published and be publicly available. This includes Number 2, member services, group insurance trusts, accounts or funds. These should be included in the F45 return.**

**Recommendation 7: Guidance to be agreed by local force branches and the national Federation for publication of all committee papers (with a few exceptions), and decisions taken.**

## **Internal communications**

Alongside this commitment to transparency, we believe the Federation's relationship with its members will only begin to improve significantly if it transforms the way it communicates with its members. This is critical to the participation requirements for an accountable organisation. Throughout our enquiry we have heard complaints from members and local representatives that they are not told enough about what is going on in key negotiations or about the reasons for the outcome. An underlying theme has been that HQ is keeping things from the members and local representatives. On the other hand we have encountered frustration from national officials that they have communicated extensively but no one seems to have read or heard what has been said. We have also seen some telling examples of distrust with some branches withholding basic information on membership addresses and numbers from Head Office for fear it will be used to undermine their local autonomy.

This is not a simple issue and there are no absolute rights or wrongs. There will always be difficulties in revealing negotiating strategies to 130,000 members and it is common in large representative organisations for members not to take much notice of missives from national level. However, we note three things. First many of the communications are about telling rather than involving in a participatory manner. There is scope for national representatives to take their members, and particularly their branch chairs and secretaries, into their confidence about difficult negotiations. We think two-way communications needs a complete overhaul. Secondly, it is a handicap that most communications have to be distributed to members via branches. Most pass on national messages but there is no sure way for the

national leadership to know whether the communication is getting through in all cases. Thirdly, the lack of a national membership database (and in some cases comprehensive local databases are not available either) and a national electronic system of communications is a severe limitation.

This last point is not comprehensible in the era of low-cost electronic communication. It means that members become angrier whilst national negotiators become more frustrated as well as feeling disempowered to communicate difficult messages. In our view, this absence of real two-way dialogue has contributed to mistrust, disunity, and weakened the Police Federation considerably in the eyes of external stakeholders. On a number of occasions, there have been criticisms made of the way that the Police Federation communicates when it has the opportunity. This point has some basis. However, it is rather secondary to the fact that the national Federation and some local Federations do not actually have the means of direct and two-way communication.

We recommended in our progress report that the Federation take immediate steps to construct a national database of members and an up-to-date communications system and we understand that the Joint Central Committee has taken the first steps in doing so. However, for the avoidance of doubt we repeat the recommendation here.

It will be important that local branches which already hold members details, including email addresses, pass them to Head Office on the understanding that they will not be used for commercial purposes without the permission of the branch concerned. Opposition from some branches should not deter the national officers from going ahead anyway with those who are willing to cooperate.

In addition, once the Police Federation has agreed to its revised purpose and established new public accountability mechanisms, we recommend that all chief constables and the Home Office agree to passing all member email addresses to both the relevant local branch and to the national Federation. This process should be concluded within six months of the Police Federation accepting a basic package of public accountability measures at its Conference later in 2014.

**Recommendation 8: The completion of local and national databases. Where these are currently incomplete we request that the Association of Chief Police Officers (ACPO) and the Home Office agree to the transfer of email addresses to the local Federations and the national Police Federation. The national database cannot be used to promote commercial services in competition with those provided by the branches.**

### **Diversity and equal opportunity**

Finally, we think trust involves clearly and visibly representing everyone in the organisation including minority groups. Despite many efforts and initiatives that we acknowledge, the Police Federation has consistently fallen short in this area and significant action is needed to address it. A representative Federation ought to be setting the standard in equality and diversity, demanding better progress from police forces around the country. Instead its voice is muted and it is still over represented by white, middle-aged men.

In the course of our work we have been particularly concerned with the following gaps:

- Women continue to be under-represented at all levels despite the progress generally in increasing the number of women police officers. The position is mitigated by the use of reserve seats for women at a number of levels. This is not universally welcomed. Some want women to be elected on their merits alone. On the other hand, many do not believe that existing levels of representation – inadequate though it still remains – will be maintained should some form of positive action not be in place including with regards to representation.
- Some police services have made progress in increasing the number of black and minority ethnic (BME) officers among their ranks, but the Federation has been slow to follow. There are no provisions for positive action for BME members at any level of the organisation. Of the Joint Branch Board (JBB) Chairs and Secretaries and their deputies, 1.6 percent of these posts are held by BME members.
- Inadequate consideration is given to all ‘protected characteristics’ identified under the Equality Act 2010.<sup>5</sup>
- Separate support groups have been formed to serve under-represented constituencies (often representing staff and senior officers too), but these sit outside of the Federation. This has hindered the development of an equality and diversity ethos within the organisation itself.
- No one within the organisation has an explicit mandate for ensuring that the needs of a diverse membership are met.

It is important to acknowledge that we have found dedication at the top of the organisation to increasing the Federation’s diversity. We have also heard from external minority associations of historic difficulties but some progress in recent times. We do not doubt the Federation’s commitment to representing the full spectrum of members’ voices; indeed, that is presumably why it was inserted into our Terms of Reference specifically. However, in spite of good intentions and initial efforts, the Federation has an enormous distance to travel if it is to promote equality internally, protect and support minority groups within forces, and engage externally with the positive action agenda pursued by some forces.

There needs to be a new drive to improve the position. We propose this should be led by a professional Director of Equality and Diversity who would be a member of the HQ staff. He/She will support the organisation in phasing out reserve seats but only over time as the organisation becomes more successful at naturally fostering a culture of inclusivity. The post-holder will be responsible for:

5. ‘Protected characteristics’ refers to following as required within the Equality Act 2010: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation. When this term is used throughout this report, it is to these ‘protected characteristics’ that we are referring. For further information please refer to: [www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/protected-characteristics-definitions/](http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/protected-characteristics-definitions/)



- A rolling three-year equality plan with measurable benchmarks to ensure progress against other similar organisations and the police service itself.
- This plan will be owned by an Equality sub-committee that will be a sub-committee of the JCC. The sub-committee will be chaired by the National Chair and could include nominees from external organisations such as the National Black Police Association, the Muslim Police Association, the Disabled Police Association, and the Gay Police Association.
- Establishing support networks for particular groups, such as those from ‘protected characteristics’ or the young-in-service, to give these groups a greater voice, improve levels of support for those with particular needs, and train and develop the representatives of the future from minority groups.

The ultimate aim should be to phase out the reserve seats but not before there has been significant progress on equality and diversity. This progress should be measured independently and on a regular basis – certainly within each three-year cycle and ahead of triennial elections.

There is a need to ensure that the Federation is complying with the requirements of the Equality Act 2010 as it relates to positive action in respect of those who are with ‘protected characteristic’ groups. Our understanding based on consultation, review of the legislation and legal counsel is that positive action, including the provision of reserved seats, is permitted as long as it is proportionate (ie the same objective cannot be achieved by other means), time limited and regularly reviewed, and based on high quality analysis. These principles apply to all the recommendations on equality and diversity within this report.

We note the TUC Equality Audit 2011 which states in respect of the Equality Act 2010:

“Policies or practices such as reserved seats would be covered by s.158 [of the Equality Act] provided they were a proportionate way of tackling disadvantage, met the different needs of a particular group or addressed under-representation which the union reasonably believed existed.”

Accordingly, we are proposing that before the next set of triennial elections after 2014, each branch should undertake an equality assessment with independent external support facilitated by the Police Federation HQ in order to determine the need for reserve seats prior to elections. All ‘protected characteristics’ should be considered in this assessment and the number of additional seats, if any, established accordingly. The same exercise should be undertaken at national level. There may be sense in employing an outside contracting body to undertake these assessments on the Federation’s behalf to ensure quality and consistency locally and nationally.

It would just require a simple national template adaptable for local circumstances to encourage branches to assess membership diversity, representation of various groups in workplaces, on Branch Boards and in key positions. There would be some surveying undertaken to understand how well individuals from different groups feel they are supported and represented. Minority staff associations may also be consulted and



additional in-depth interviews could be undertaken with members from various groups. On the basis of this range of information, positive action measures would be considered. This final report would be assessed independently with support of HQ to make sure it is robust, legal and proportionate. Any changes to representation, eg with respect to reserved seats, would then be implemented in the next election cycle.

We will have more to say about how representation of women and BME, particularly, might be safeguarded in the governance and decision-making chapter of this report. These initial conclusions are based on our understanding of the current levels of representation and on the evidence we have gathered. They are not definitive and nor should they replace any of the initiatives, processes, and organisational recommendations made in this section. However, we have concluded that some form of safeguarded representation for women should remain and reserved BME representation should be introduced at national level. We discuss this in chapter 5. Beyond this, it is necessary to undertake the type of independent assessment that we recommend here to establish proportionality in accordance with the Equality Act 2010.

**Recommendation 9: A Director of Equality and Diversity should be appointed to oversee the Federation's progress on managing equal opportunities as well as liaising with support groups and networks for minority officers and others.**

**Recommendation 10: A rolling three year equality plan should be prepared with measurable benchmarks for improvement of representation, support, and public engagement monitored by an Equality sub-committee of the National Board. This sub-committee should contain members from external minority associations.**

**Recommendation 11: New networks of support for 'protected characteristics' and other groups such as young-in-service officers need to be established.**

**Recommendation 12: Equality assessments should be undertaken in each local force and at national level to determine the need for reserve seats for the 'protected characteristics'.**

## **Conclusion**

We have proposed a revised core purpose, mechanisms to ensure accountability to Federation members and to the public interest, urgent steps to ensure transparency and better communications and a programme to improve equality and diversity. Taken together these measures will, we believe, begin to change the way that the Police Federation builds the trust and relationships necessary to serve members interests. However, real change relies on behaviours over time. Our recommendations are intended to influence behaviours in the right direction. But the last thing we want is for this to become a 'tick-box' exercise. Representative acceptance of the ethos of true accountability underpinning these recommendations is the best way to secure lasting change. It is, in our view, essential to rebuilding the trust without which the Federation cannot operate effectively in its members' interest.

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## 4. Professionalism and representation

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The Federation's bread and butter activity is representation of its members individually and collectively. There are over 1,400 representatives in the Federation currently. Most of them are doing work at local level, which is unglamorous and unheralded, and for which they get little time off from their duties. Some branch officers, particularly branch secretaries and chairs, and most national officers have their time paid for to carry out their Federation responsibilities. This is a substantial investment of time and money. The quality of the representation – and its value for money – are critical to the Federation's effectiveness. We think there is scope for improving both.

### **Professional representation in the workplace**

Many members have told us that what keeps them in the Federation, paying their subscription, is the local workplace representation. Workplace representatives advise, consult, listen, support and provide a vital link into the Police Federation for members. They engage in workplace discussions with regards to the welfare and efficiency of members (for example, on flexible working, shift patterns, health and safety at work or issues to do with suspected bullying or discrimination and equalities), and ensure that they have regular contact and dialogue with all members. Above all, local representatives provide support and representation in adversity, when police officers are facing complaints or disciplinary issues. They often go the extra mile to help officers who are sick or suffering trauma or stress or facing family or financial problems. By definition they are closer to the working environment; often they work alongside the people they represent and can be relied on to understand the issues the rank-and-file police officers face on a day to day basis. They are generally the people who ensure that the Federation fulfils its most important purpose of looking after its members.

We have heard, however, through the evidence we have gathered, about the variability of representatives in terms of their competence and workload. The ratio of representatives to members in forces varies from seven for some inspectors in smaller forces to over three hundred for some constables in some larger forces. We were given examples of a few constable representatives serving up to 800 members in certain workplaces.

Some have also said to us that by becoming a workplace representative you hinder your career development and chances of subsequent promotion in the force. We understand why this might be so but, given the important work they do for their members and the esteem in which

the best are held, we think it is in everyone's best interest that the role of workplace representative should enjoy a higher status within the force. That in itself may help to create greater willingness to undertake the role. We make three proposals.

First, **the level of support for workplace representatives should be improved in order to enhance the status of the role.** All representatives should receive accredited career development opportunities on a regular basis. There should be a minimum entitlement of, perhaps, two development days per year recognised by the Federation and the Force in which the representative works. Positive support from chief officers and PCCs for this professionalisation would further make the role more attractive for those looking to develop their career opportunities. There would be publicity about this 'new deal for representatives' with career development opportunities linked in. **We propose that this career development should be modularised and then accredited by the College of Policing.** This would be a considerable benefit to representatives and a return on the time, energy, and personal commitment they devote to what is an important and, in most cases, voluntary role.

Secondly, we propose that the Federation draws up a **national member service commitment** detailing the basic levels of response, support and information that every member can expect by right upon paying their Police Federation subscription. This should be provided to each new member and be kept up to date on the branch and national websites. Federation Branch officials would work in cooperation with representatives and others to fulfil this commitment.

Thirdly, all workplace representatives should have a **role description** based on the member service commitment and wider role. Their performance should be appraised by the force Branch Secretary or another delegated member of the Branch Board on this basis every year to identify development needs. It should be kept in mind that representatives are normally volunteers so the focus is very much to help and support them in their roles.

*We believe the Police Federation should have a national standard for its behaviour and conduct to which all representatives subscribe*

### **A professional code of standards and conduct**

Professionalism is not just about the basics of representation. It is also about the way in which Federation representatives and officers conduct themselves. In our review of the evidence in chapter 2 we commented on the examples we had been given of bad behaviour of Federation representatives, which brought the Federation into disrepute and weakened public and political support for its case.

We cannot comment on the rights and wrongs of any individual case. But we believe the Police Federation should have a national standard for its behaviour and conduct to which all representatives subscribe and a means of ensuring that its officers and representatives act in accordance with those standards when on Federation business. Where these standards are not upheld, there must be a fair procedure for examining complaints and applying sanctions. It will be recalled that a robust complaints mechanism is one of the aspects of accountability identified in the Global Accountability Project framework outlined in the previous chapter.

Of course representatives are usually volunteers, elected by their colleagues; and no representative system can ensure that everyone conforms. However, in a small number of cases, performance and standards may fall

sufficiently below what should be expected that it places the reputation and public standing of the Federation at risk. In such cases the Federation needs the tools to act. But of course support and challenge will always be preferable first before formal disciplinary processes are instituted.

This is a complex issue because of a range of other disciplinary processes. Representatives are employees of their local force and subject to force discipline. They can be subject to IPCC investigations and indeed to criminal prosecution. Current regulations prevent the Federation 'bringing to the notice of police authorities' matters regarding individual discipline. At the time of writing the College of Policing is also consulting on a Code of Ethics for police officers, which is also relevant in this arena.

Nothing in our proposals can or should interfere with these processes elsewhere in the criminal justice system or in the policing world. However, we think there will be cases where the action of a Federation representative is damaging to the Federation or in contravention of the Federation's own Codes of Conduct without them reaching the level required for other disciplinary processes.

This was the conclusion of the Scottish Police Federation in its own recent review. As a result, they now have a 'performance and conduct procedure' included as 'Rule 13' in the Police Federation (Scotland) Regulations (see annex 5), which does, in our view, provide the model for a similar procedure in England and Wales.

Using that as a model of what is possible we recommend the following:

- The role description we have recommended will contain the standards and performance expectations of a Police Federation representative. Other documents such as the College of Policing Code of Ethics will be explicitly referenced within this description. It would include obligations on conduct and reference to support in self-development, plus an obligation to work together with colleagues at local and national level and to further the objectives and reputation of the Federation. Representatives at every level will agree to this role description upon election and re-election. We detail in the section on governance and decision-making separate role descriptions for local and national officers. However, they will be bound by the same expectations on conduct, ethics, and obligation to cooperate and to further the objectives and reputation of the Federation.
- There will be an ethics, standards and performance process. An investigation would be triggered by a 'non frivolous or trivial' complaint to either the Branch Secretary or Federation General Secretary. In a case where the ramifications are beyond a local force branch, the General Secretary should be able to intervene to take responsibility for the investigation. In the case of a complaint against the General Secretary, the National Chair will have responsibility for the investigation.
- Once the investigation under that procedure has been concluded, the General Secretary will present the findings to a national Ethics, Standards and Performance Committee (ESPC) which will be a sub-committee at National Board level. For investigations that are local in scope, there will be a standing

sub-committee of the Branch Board which will receive the investigation findings.

- This process will replace the current Schedule 6 of the Police Federation Regulations which is a recall mechanism that has proved very difficult to trigger and thus inadequate.

This is only the framework because a lot of the detailed issues have been resolved by the Scottish Federation. It will need further refinement on the basis of legal advice to fit England and Wales before it can be put in regulations. But, subject to that, we recommend its adoption. In doing so, we are clear that it is a fallback to be used sparingly. What really matters is the commitment of everyone involved in the Federation to new standards of integrity and conduct.

**Recommendation 13: A new performance and standards agreement will be drafted, consulted upon, and then signed by all representatives. It will comprise expectations of a Police Federation representative.**

**Recommendation 14: An ethics, standards and performance process to be established on the lines of that introduced in Scotland.**

**Recommendation 15: Both the performance and standards agreement and the process should be published on local branch and the national Police Federation websites.**

### **A new model for local representation**

One of the main inhibitors of professionalism and efficiency is the existing model of representation which is inflexible, cumbersome, costly and perverse. The present structures are bedevilled by detailed prescription in legislation and regulation some of which dates back to 1919. This inhibits sensible arrangements being agreed locally to meet the very different needs and structures of large and small forces.

A particular issue is that from the start the regulations required – and still do – every level of representation from local level to the Joint Central Committee to be built on equal numbers (usually 10 each) of representatives of constables, sergeants and inspectors even though constables constitute 77 percent of the Federation’s members. This creates resentment among some constables who believe their voice is not strongly enough represented in the organisation. It builds in costs by creating excessive levels of local representation for inspectors and sergeants and it means that some constable representatives in particular can be overloaded. This is not an efficient way for an organisation to provide representation. We look at how this affects the governance and decision-making structures in the next chapter. Here we concentrate on local representation.

One of the most perverse effects of the model at local and workplace level is that inspector and sergeant representatives tend to serve a much smaller constituency than those for constables. On the basis of information supplied to us from the 43 Joint Branch Boards, we calculate that across the country there are roughly 142 constables per constable

representative, 31 sergeants per sergeant representative, and 13 inspectors per inspector representative. This can mean that there is a great deal of variation when it comes to workload for representatives.

Some local force branches would like more flexibility to negotiate better-tailored arrangements and perhaps to trade off more paid time off for a few representatives in return for reductions in overall numbers. Some have proceeded to negotiate a different settlement despite the regulations. Derbyshire, Thames Valley, West Yorkshire, Suffolk and others have decided to accept fewer numbers of representatives for a variety of reasons: to structure their service better, to respond to local financial pressures, or to concentrate on providing a strong, core professional service. However, the regulations are a major barrier to more general progress.

The present model is not only inflexible; it also builds in cost by creating over-representation which is not needed. We have been constantly reminded by external voices that representation is funded with public money. The unspoken deal was always that the Federation would have a relatively generous level of representation in return for it foregoing the right to strike. However, at a time of austerity the Federation cannot be immune from the level of reductions that the Forces themselves are making. This point has been made to us forcibly by senior managers in Forces around the country and there are signs that they will begin to act if the Police Federation does not act itself.

We noted above that several local branches had already renegotiated local arrangements, apparently amicably, responding to the needs of the local force to reduce its costs in times of austerity. The separate Police Federations in Northern Ireland and Scotland have also already adapted their models to current member and force needs. They have done so on the basis of adjusting the ratio of members to representatives to a higher level thus reducing costs to their respective police forces. Northern Ireland has set a ratio of one constable representative per 125 members. It then tops up this up with two sergeants per district and one inspector per district, thus breaking the historic equal representation for each rank. Scotland has three representatives (one of each rank) per 125 members. Both these models involved significant reductions to the level of representation.

We are clear then that there is scope for cutting costs by more flexible deployment of representatives and greater investment in their professionalism. But the argument is not all one way. There are significant benefits for forces, as well as members, from Federation representation in saving legal fees, HR costs, resolving disputes rapidly so officers are re-engaged, and ensuring officers' welfare and efficiency through equalities, health and safety, and workplace engagement creating better efficiency, appropriate shift patterns, and work practices. We are confident that with strong support from the Federation's Head Office that local branches can make the case for continued representation in a robust, evidence-based fashion.

We think it is time fundamentally to change the model of representation which has existed in regulations for almost 100 years. This will require cooperation from the Home Office, PCCs, Chief Constables and the Federation. Our main concern has been to find a framework for local arrangements which provides much greater flexibility while protecting the



Federation's basic rights to representation. We have reviewed the Scottish and Northern Irish models, a number of innovative local models in England and Wales, and some other possible alternatives. We have come to the conclusion that it makes no sense to have a one-size-fits all solution when police forces range in size from under 1,000 to somewhere in the region 30,000 police officers. We think, therefore, that new regulations should establish a process for local negotiations on a force-by-force basis, a set of national principles to guide those negotiations and a mechanism for resolving disagreements if local negotiators cannot agree.

We propose the following step-by-step approach:

- i. Following discussion at its annual Conference, the Federation should declare its acceptance that the detailed provisions in the current regulations, including the right for equal rank representation, should no longer apply to local negotiations.
- ii. A set of national principles should be agreed by the four main parties – Government, chief officers, PCCs and the Federation – to guide local negotiations. There should be a commitment to put these in regulations as soon as practicable. These principles would require representation levels to be set locally through negotiations in each force but with a guarantee to the Federation of the right to reasonable levels of representation; and protection to ensure that the number of inspector or sergeant representatives locally does not in either case fall below 20 percent of the total unless by agreement. They are laid out in more detail below.
- iii. The regulations should also specify that where a chief officer and local force Federation cannot agree on the local representation model the issue should be referred to an independent tri-partite arbitration panel consisting of a nominee from each party with an independent chair. Its decision will be final.

We set out our proposed key national principles below. If these can be agreed by the four parties as a national framework, then we see no reason why local negotiations cannot proceed before new regulations are introduced. But it will be an important safeguard for all involved if there is a commitment to introduce the regulations as soon as possible.

Our proposed national principles are as follows:

- i. All representatives should be elected by all the members in that constituency and not on the basis of rank. Those elected should serve everyone in the branch not just those who elected them nor just those of similar rank.
- ii. The balance of numbers, full-time/part-time positions, and operational, workplace or geographical coverage should be arranged and agreed locally in such a manner as to meet the member service commitment (see chapter 4.1. for more on this commitment).
- iii. There should be, as a minimum, sufficient sergeant and inspector representatives to ensure that those in these ranks can be represented by someone of the same rank if they wish in accordance with the member service commitment. No rank would have

*It will be essential that the national Police Federation supports its branches by, for example, devising a workable cost-benefit model to aid them in negotiations with their local force*

- less than 20 percent of the total representatives unless there is local agreement to this effect.
- iv. There should be specialist support from trained and assessed representatives available to those with ‘protected characteristics’ or particular needs such as young-in-service officers.
  - v. Members should have a choice of representative, ie they should not be bound to receive support and advice from a representative in their workplace.
  - vi. Representative numbers should be decided on the basis of (i) how to meet the member service commitment; (ii) a cost-benefit analysis of the value provided by the Police Federation for the public funding it receives; (iii) evidence of what is working in other forces including in Northern Ireland and Scotland.
  - vii. Elections should be every three years other than where vacancies arise between terms.

It will be essential that the national Police Federation supports its branches by, for example, devising a workable cost-benefit model to aid them in negotiations with their local force. It may also want to create some workable templates of new local models of representation.

Some possible models might include:

- i. A whole force constituency could be created with a minimum number of sergeants/inspectors and then additional reserves. All members would vote on a list of representatives. For example, a force with 20 representatives could allocate a minimum of six sergeants and four inspectors and so the top six and four of those ranks would become representatives and then there could be additional reserves. This is a variation of the Suffolk model.
- ii. Workplaces could be defined with a number allocated to each workplace based on its size (this would potentially include special crime units as constituencies). Each workplace will vote for its representatives with ‘para’ sergeant, inspector and ‘protected characteristic’ representatives as each workplace may not have such representatives in situ.
- iii. There could be a centralised model where a branch agrees with the local force to have a small pool of representatives available in a small number of workplaces or just in local Federation HQ. These representatives would be full or part-time, highly professional and responsive with service standards tightly managed. This would trade quality assurance for contact. Negative impacts in terms of reduced direct contact could be mitigated by: vastly improved communications (eg the new representatives would have to spend a considerable amount of time ‘in the field’) and there may be mechanisms to ensure member voice by having contact points in each workplace to refer members to a representative rapidly.

Clearly, whatever is finally agreed locally, it will take time to achieve and a great deal of hard work and cooperation on all sides. We think it should be possible to conclude the whole process within a period of two



years from it being agreed in principle at the Federation Conference. If all parties can agree the direction of travel at the outset, then progress can be made before the passing of regulations.

**Recommendation 16: The provisions in regulations for equal representation of ranks at local level should be repealed.**

**Recommendation 17: Regulations should be amended to establish a national framework within which local negotiations on representation levels should take place. The regulations should establish a right of reasonable representation, ie the level at which members can receive a good and appropriate level of support. There should be a minimum 20 percent of the total representation across a force area for sergeants and inspectors. Where a local force Branch and chief officer cannot agree on levels of representation it will be referred to a tri-partite independent panel comprising of one Federation nominee, one nominee of the chief officer, and an independent chair whose decisions shall be final.**

### **Professionalism and national headquarters**

We have referred a number of times to the support which local branches will need from the Federation's headquarters in Leatherhead. From our observation, there is already considerable professional capacity at the HQ in Leatherhead but it suffers from problems.

There is often confusion at Head Office about the respective roles of elected representatives and permanent employees. Some national representatives provide very strong direction and core knowledge to the organisation. Some want to run the organisation and carry out executive responsibilities which are properly the job of professional staff. Capability to do this inevitably varies.

In organisational terms, national representatives should provide the authority and mandate for action derived from the fact that they are elected and represent the interests of members. They should agree the overall direction of travel and provide guidance and direction to the work of professional staff. However, it is important that the permanent and professional staff of the Federation are valued and used for their expertise and are not kept at arms length from national committees and representatives. They should be the people at the decision making table providing the advice, evidence and research. Their expertise should be given full expression in national meetings and their knowledge and status as experts in the field should be respected. This has often not been the case and it makes little sense to undervalue and underuse the professional staff in this way.

In addition, many local branches are suspicious of advice and expertise coming from HQ and are likely to ignore it if it contradicts their own view. HQ staff report to a number of different senior officers and the rank committees maintain their own staff, who can be employed on different terms from those employed by the central committee. Strategic capacity is underdeveloped and underused. All of these issues can be better addressed through a different balance between elected officers and the professional staff with a greater emphasis on the latter than is currently the case.

We think there needs to be a fresh look at the professional capacity of the Head Office. This should involve: a reappraisal of the skills needed in the reformed Federation; a unified staffing structure (on which we will say more later on); modern people management with job descriptions, high quality training, accreditation and appraisal; research capacity adapted to influencing public policy, the pay review body, and the College of Policing in a constructive and authoritative fashion; and robust performance, standards and grievance structures. This is not a reflection on the quality and professionalism of current staff who perform to a very high standard sometimes in difficult conditions. They should be properly informed and consulted on changes at all time and it is likely that some specialists might well be in a strong position to compete for any new posts we are proposing.

One necessary expansion of capacity will be in the implementation of this report. External, experienced assistance will be required to undertake such a significant programme of change. We will have more to say on this in chapter 7. We consider the appointment of an experienced project director and an implementation team to be of such importance that we are making it a key recommendation.

We recommend that there is a much clearer distinction between the role of elected officers who should set overall policy and exercise oversight and the role of professional staff, employed for their expertise. This is a distinction between ‘executives’, ie the leading professional staff who have day-to-day responsibility, and ‘oversight’, ie those to whom they account. In particular, we would see the following posts, with the general responsibilities as described, as necessary:

- i. A specialist Director of Finance who can manage the budget of the organisation and can take the lead in establishing the new standards of accounting which are recommended elsewhere in this report. In turn the elected Treasurer should play a lesser role in managing the finances of the Federation while retaining a critical oversight function. This Director would also have a critical role in the implementation of new transparency arrangements and accounting rules.
- ii. The existing Head of Communications should become clearly responsible for communications strategy across the whole organisation. Public affairs and campaigning would sit within her responsibilities;
- iii. A Director of Policy (which might be combined with the existing role on research) to raise the capacity of the Federation to influence the national debate. The Royal College of Nursing has an equivalent capacity to intervene in public dialogue around nursing issues. There is an Executive Director of Nursing who sits on the Executive Team and is an active participant in debates about nursing and healthcare more widely including with Government stakeholders and the media. This enables the RCN to leverage its members’ expertise and influence public policy. A similar role, working closely with the organisation leadership team, research and communications could enable the Police Federation to secure greater traction in policing debates as they

relate to its members. This individual would seek to engage in and influence policy as it relates to front-line efficiency.

- iv. It is important that the Federation retains its strong research function with a particular focus on the pay review body and other public bodies relating to pay, conditions and pensions, supporting branches in their local negotiations, and gaining insight into public and member views on issues relating to the Federation and its concerns.
- v. A Director of Equality and Diversity as recommended in the previous chapter who would also sit on this executive team.

All of these functions should be managed by the General Secretary who should be the *de facto* Chief Executive of the Federation. We have more to say about this role in the next chapter but the individual's own professionalism and professional development will be paramount. This must be built into the very means by which the General Secretary is selected. At this stage, it is important to restate that all post-holders should have a clear job description against which their performance can be measured. For the General Secretary, this will include responsibility for producing high quality evidence that shifts debates on policing, secures the best outcome possible from the pay review body, widens participation and diversity, and improves the reputation of the Police Federation in the eyes of the public and policing stakeholders.

*All post-holders should have a clear job description against which their performance can be measured*

**Recommendation 18: Increase the profile and capacity of professional staff in HQ with a focus on the research capacity to support branches and influence the pay review body, professional management, member support and training, communications and public policy.**

**Recommendation 19: Appoint an experienced project director and an implementation team to implement the change programme recommended in this final report.**

**Recommendation 20: Create a senior executive team and the additional posts of Director of Finance to oversee the reform and management of the Federation's budgets; Director of Policing Policy with a view to engaging in debates about the future of policing; a Director of Equality and Diversity. It is likely that Directors of Communications, Research, and Legal would also be part of this team.**

**Recommendation 21: Unify the staffing of Head Office under the General Secretary, as de facto Chief Executive. Create job descriptions for the General Secretary and other post-holders that recognise the need of the Police Federation to be credible, authoritative, expert and professional. Individuals will be assessed in relation to the degree to which their skills match this job description and appraised on that basis also.**

## **Conclusion**

Taken together, support for workplace representatives, the new performance and standards processes, flexible local models of representation

and support, and enhanced professionalism at the Federation's Head Office, further enhance the trust-building accountability structures detailed in the previous chapter. In the next chapter, we consider how the organisation can properly develop participatory accountability structures to ensure accountability. Most crucially, we suggest the means by which the organisation can enhance its unity and coherence. In other words, we make the case for the changes that will lead to the Police Federation speaking with one credible voice.

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# 5. A new structure for decision-making – one credible voice

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We turn in this chapter to the Federation’s governance: the way in which decisions are taken, who is involved in taking those decisions, how these decisions contribute to an effective organisation, and how the effectiveness of decisions are assessed, evaluated and learned from. This is not just about changing structures. Our over-riding concern is how the organisation can speak as a united Federation with one credible voice.

It is important that the voice is, professional, representative and persuasive. We have outlined in earlier chapters how the Police Federation should have a focus on meeting the public interest alongside its responsibilities to its members. Here we lay out how it can combine authority with responsiveness. Indeed, authority of voice is dependent on the Police Federation reflecting member concerns, experience, and knowledge whilst retaining a capacity to act and respond to external challenges. This will require an organisation that projects one, credible voice at every level.

Too often, however, the Federation has become fixated with rules, regulations and structures rather than the actual content of decisions and how this relates to purpose. The ‘how’ and the ‘what’ are both important here. Any new governance and decision-making structures have to support the creation of real value for members in terms of their own welfare and the efficiency; the generation of an authoritative voice so that rank-and-file police officers are able to shape the police in a publicly beneficial manner; and must ensure that the organisation is able to maintain its own integrity, legitimacy, and professionalism as well as safeguarding the reputation of the police more widely. These mechanisms would be expected to enable the Police Federation to scan future direction and respond with realistic strategies of change that provide forward momentum. Capacity to change was one of the key characteristics we identified in our progress report. It is partly through good governance that such change becomes possible.

The current governance and decision-making structure does not match this need and, therefore, requires some considerable reform. Particular gaps and barriers to one credible voice we encountered include:

- A cumbersome set of representative bodies and committees which are too large to make effective strategic and operational decisions with variable engagement of representatives on those bodies.

- A degree of separateness and division both within the national level structures and between the branches and the national level.
- A failure to appoint people to key posts on the basis of a clear identification of skills needed and capability.
- A wide gap between the membership and representative bodies, especially at national level but often at local level also.
- Split decision-making structures creating ‘mini-empires’, inefficiency, and conflict in a damaging way.

Some strong local leaders have managed to plug some of these gaps but by no means all. In fairness, the organisation has been hamstrung by a set of regulations that reinforce and in some cases create these divides, divisions, and inefficiencies. This hampers the ability of the organisation at both a local and national level to manage its own destiny flexibly and speak with unity of voice.

## **Barriers and gaps to achieving one credible voice**

### **Relationship between the branches and the national level**

A key gap, which emerged in evidence submitted to us, was between the branches, where there is traditionally a great deal of autonomy, and the national level, where the most senior body currently is the Joint Central Committee. The problem is that the two levels are often very distant. Branches are often reluctant to accept the authority of the Central Committee; the national officers seem sometimes to go out of their way to emphasise that the quarterly meeting of Branch Chairs and Secretaries is only consultative and that they have no significant role in the big decisions. This has the effect of separating, not only local representatives from the national leadership, but also creating a big gap with the membership. We address this in our proposals by formalising the quarterly meeting of Branch Chairs and Secretaries meeting into a new National Council with powers to elect and hold to account a new National Board (which replaces the Joint Central Committee).

### **Separate representation for ranks**

We also propose the abolition of rank committees at both local and national level with some safeguards as we outline below.

It is very important to say that all the ranks must have a voice throughout the organisation. We have safeguarded all ranks in our proposed structure at every single level. We have provided the majority rank – constables – with a greater balance of representation from the workplace representative upwards while safeguarding the minority ranks of sergeants and inspectors. We do understand that there are rank perspectives and some important rank issues. We also understand that there are sometimes conflicts of interest between different ranks that are represented by the organisation.

However, we have come to the conclusion that none of these factors either alone or in combination requires a formal rank structure at either local or national level. It should be perfectly possible in a properly constituted unified structure to deal with particular rank issues where they arise. Indeed, it should be the responsibility of officers and representatives

*This autonomy is reinforced by the fact that any of the rank committees can refuse to discuss an issue at the JCC if it affects the interests of a particular rank*

at all levels to understand the issues affecting all members, not just those of the rank from which they come.

The fact is that the rank structure has become counter-productive. This is particularly so at national level where the three separate rank committees operate autonomously with their own officers, support staff, budgets and decision making powers. This resource and power has too often been used in a divisive rather than unifying manner. We were struck by the number of key political stakeholders from across the political spectrum who expressed confusion at the way they had to deal directly with two sets of voices both claiming to represent the voice of Police Federation.

The Constables' Central Committee is particularly powerful. We heard that it operates sometimes as a separate body within the Federation, doing its own lobbying, voting as a bloc on the Joint Central Committee, not feeling bound by the Committee's decisions. This autonomy is reinforced by the fact that any of the rank committees can refuse to discuss an issue at the JCC if it affects the interests of a particular rank, providing the perfect excuse for any rank committee to withdraw if they do not like the direction of discussions. These 'separate issues' are extraordinarily divisive. It encourages the playing of politics. It reduces the credibility of the Joint Central Committee and the national officers including in the eyes of the key stakeholders. It is not in the best interests of the membership.

One reason given for this separate arrangement was to handle potential conflicts of interest in legal claims. Professional services firms such as lawyers and accountants, etc and other trade unions handle potential conflicts all the time; it is a matter of having confidentiality protocols, trained assessors, suitable IT, and a process that does not discriminate against a particular party. There is little reason to suppose that the Police Federation could not effectively manage all conflicts without the need to have separate rank committees. The same applies to negotiation of terms and conditions. Arrangements can be made to ensure that each rank has a strong voice in the process without resorting to separate rank committees.

There is little tolerance for these divisions at branch level and little support amongst the membership for such separate arrangements. Some branches do, however, have active separate rank structures, which mirror the national ones. While they are less divisive in their operation than the national ones and some do good work, they do nevertheless add to the cost of the governance structure and complicate and fragment decision-making. Whether it is at the local or national level, constables, sergeants and inspectors benefit from the best representative, with the right expertise and the most experience and leadership capability whatever their rank. This has to be in the ethos of the new organisation.

### **National rank committees**

This is a critical change. In fact, it is one of the key tests of how willing the Police Federation is to change. Accordingly, we are recommending that the rank central committees should be placed into voluntary abeyance as soon as possible after Conference (within a few weeks) with an immediate end to separate budgets and separate expenditure, decision-making and operations. Again, there will be safeguards for the minority ranks as we come on to explain. It is important to protect the interests of current members of staff who serve the rank central committees in any transition.



The budgets and staff should be fully centralised by no later than the end of 2014. We return to this issue in more detail in chapter 6 on Finance.

At the same time, we propose a substantial increase in the representation of constables at each level of the Federation. This stops short of the proportional representation which some constables representatives have proposed, in order to protect representation of inspectors and sergeants. It is nevertheless a historic step to improve the representation of the majority rank. It should give constables a greater say in the Federation's decision making structures and increase their confidence that their voice will be heard and respected.

### **Disparity in size of branches**

We have also sought in our recommendations to take account of the huge disparity in size of local branches, from some which have fewer than 1,000 members to the Metropolitan Police Federation with 30,000. There is no perfect democratic structure for a Federation of this kind where it is important to ensure that the rights of the smaller ranks and branches are not overwhelmed by the larger blocs. However, in order to create a unified organisation, in which the decision making bodies have a legitimacy which is accepted by everyone, the most significant of these inequities should be removed.

### **A new structure of governance**

In what follows we propose:

- A new National Council of branch chairs and secretaries with formal powers and some additional seats for minority voices. A key role for the body will be to elect the National Board, thus investing it with trust and authority and holding it to account for the way it is running the Federation. It will be involved in some key decisions, proposed to it by the National Board such as the setting of budgets. It will also be a key consultee on major national decisions.
- A new National Board to replace the Joint Central Committee (JCC). This will be a slimmed down body both in terms of numbers and the amount of time that representatives will devote to national level business. This body will lead and run the organisation and be its strategic driver. It will still have regional representation, some rank representation and better representation of groups with 'protected characteristics'. Its authority will derive from the National Council to whom it will be accountable.
- Greater clarity of roles and functions of bodies and post-holders across the organisation.
- Rank committees abolished at all levels of the organisation.
- Rank representation is protected at all levels so no rank falls below a certain number.
- General Secretary and Branch Secretaries will be selected according to their capability and ability to meet defined roles and functions.
- The National Chair to be elected initially by the National Council and subsequently by all the members.



Our overall aim is to create more direct as well as indirect member voice in the running of the organisation which should provide an incentive for a better flow of information, better engagement and better alignment of different representative bodies throughout the organisation.

We detail in the following sections the basic roles and functions of the key bodies in the new organisation, setting out the non-negotiable elements which are essential to create a balanced and equitable structure. In annex 3 we provide more detail on how these new bodies might work in practice accepting that there may need to be further details and some minor modifications to be developed as these proposals are discussed by the Federation. However, we are confident that they work as a core package and make for an organisation that will speak with one credible voice both now and in the future.

### **Local governance and decision making at branch level**

The Police Federation is by definition a federation of branches and the branch level will remain a key level of decision-making and member support in the organisation. It is critical that members in any given force have a local organisation that can:

- Support them in times of individual distress, legal, and employment risk and protect them against unfair treatment and discrimination.
- Ensure that there is a quality of professional representation available to members as well as providing members with advice, support, and a range of services that will benefit them.
- Liaise with force management to help articulate their voice when it comes to force changes such as changes to shift patterns, operations, management practices and so on.
- Act as a voice of rank-and-file officers in local communities, media and with local stakeholders and project the concerns and needs of members on a national stage.
- Ensure that all minorities are properly represented and supported both in the force and in the Federation itself.

Currently, these functions are provided by the 43 Joint Branch Boards which are usually made up of all representatives in that force area and meet three or four times a year; an executive team of elected officers in each branch, usually a Chair, Secretary, and a range of other post-holders; all supported by a small staff.

We propose that in future all workplace representatives should form a Branch Council meeting on average two to three times a year with the right to be consulted on all major issues affecting the branch. A new much smaller Branch Board will replace the current Joint Branch Board, and be responsible for leading and running the Branch's operation and services. This should be streamlined, cost effective decision making.

We outline how elections to the Branch Board could take place in annex 3 as well as specific recommendations on size related to the size of the branch. However, a requirement of these new arrangements is that no rank shall have 50 percent or more representation and no rank less than 20 percent on the Branch Board. Minority groups – 'protected

*The members' voice will be brought more closely into decision-making structures and governance*

characteristics' including women, BME etc – will be safeguarded in both bodies following local equality impact assessments to address local equalities challenges as outlined in the Equality and Diversity section earlier on in this report.

The handling of the main business areas of the branch will be the day-to-day responsibility of the Branch Secretary. There will be a role description produced on this basis. He/she will be selected by the Branch Board on the basis of the individual's capability in relation to the job description. Effectively, the Branch Secretary is the chief executive of the Branch. There will be a two-term limit for this position (but with suitable transitional arrangements for existing incumbents). Applications will be open to members of the Branch Council.

The Branch Board and Branch Council will be chaired by the Branch Chair. The Chair will be initially elected by the Branch Council (by all the representatives in the branch). Where a local membership database is complete (already the case for a great number of branches) the Chair should be directly elected by members. This will give the Chair authority, and give members a greater degree of buy-in, reinforcing the member voice at a local level. The Branch Chair will share responsibility for external liaison with the force and the public with the Branch Secretary, oversee the strategic planning for the Branch and the development of the Branch 'business' model to be negotiated with the chief officer of the force (as outlined in the representation section). The Branch Chair should not be of the same rank as the Branch Secretary: the election of the Branch Chair should take place before the appointment of the Branch Secretary to ensure this is case. The Secretary role would only be open to candidates of a different rank to the Branch Chair. This ensures some balance amongst the leading voices in the local force Police Federation and is important to the composition of the National Council, which we describe below.

Overall, these changes will bring more focus to Branch operations. Decision-making will be streamlined, flexibly adapted to local force needs; minority groups and ranks will be safeguarded; leadership will become more professionalised; and the members' voice will be brought more closely into decision-making structures and governance.

### **Special considerations for London**

Special consideration should be given to the structure of decision-making in London. The Metropolitan Police Federation (MPF) has always had a different structure and greater representation in national bodies because of its size. We think that is right and indeed we think its voice should be strengthened by giving it more in the new National Council (described below).

We have some proposals for how the MPF should be restructured and these are to be found in annex 3. In our view it is important that, while the new arrangements reflect the greater size and nature of London, they are based, like the rest of the country on a unified structure and not on separate rank committees.

There is a tradition of the MPF standing aside and of tension with other branches. However, if the Federation is to speak with one credible voice then it is important that the MPF is a full player and it puts its weight behind the Federation and that its expertise and authority on a range of issues is valued by others.

There has been some talk of the MPF splitting away. This would have negative consequences for all and in any case it may well not be possible constitutionally and legally. It would seriously weaken the national Police Federation and the voice of the police service. The MPF would then find itself as a new body having to negotiate its representation with the Metropolitan Police Service from scratch which could be highly risky. It is much better that the MPF and other branches learn to work more effectively and respectfully together, exchanging knowledge, ideas and promoting cooperation. The MPF has a lot to offer the rest; the Federation needs to learn to use and harness its strength.

### **Special considerations for Wales**

During the course of our consultation we also had the opportunity to examine the special arrangements needed in Wales to enable the Federation to engage effectively with Welsh public bodies, public services and the Welsh Government. This need will grow as the debate about devolution of criminal justice continues and if there is greater devolution, including eventual responsibility for policing. The Federation's voice is relatively weak at the moment in these discussions because of the lack of dedicated resource at the level of Wales. We think that needs to be put right with some dedicated resource at a Welsh level. Again, we have provided a list of proposals in annex 3.

### **Trust between branches and the national level**

As we have noted throughout this report a major fault-line in the existing organisation is the relationship between the centre and the branches. We had numerous accounts from attendees of the national chairs and secretaries meeting about how marginalised they had been made to feel. This is one of the major sources of discontent, disunity, and mistrust. We have sought in our recommendations here to bring the national and local levels into closer alignment with a view to fostering the sort of trust that comes from a reciprocal relationship. The goal is to achieve the unified organisation that we recommended in our progress report.

The major vehicle for achieving this mutual trust would be the formalisation of the Chairs and Secretaries meeting as a new **National Council**. This body would give the branches a new influence and authority in three ways.

Firstly, it would elect the National Board (which will replace the Joint Central Committee), thus investing the Executive with its authority. It would also initially elect the National Chair, although the longer term plan would be for this post to be elected by the whole membership. And, as we explain below, it will have a major shared role in selecting the General Secretary.

Secondly, the National Board would be required to seek the Council's agreement for:

- the long term strategy of the Federation;
- the details of how the new funding system proposed in the next chapter would work, including the balance between national and branch funding;

- any proposals for the development of national level services to members; and
- changes in subscription rates before they are put for approval to national conference.

Thirdly, the National Council would have the right to be consulted on major policy and budget issues and would hold the National Board to account for how it led and ran the Federation.

Membership of the National Council would comprise all Branch Board Chairs/Secretaries. The Metropolitan Police Federation should have two additional members to its allocated two (ie there will be four MPF members). Where votes are taken, including in elections, there will be an element of weighted voting depending on force size, although small forces would still retain significant influence. Annex 4 shows how these votes could be distributed between the forces.

Currently, 11 percent of Chairs/Secretaries and deputies are women and one percent are BME. On that basis, we think there is a case for six additional female members (elected by the Branch Boards jointly) as many of these representatives will be deputies rather than chairs/secretaries and two BME members. We simply propose these seats as a starting point for discussion and analysis. This should change over time on the basis of national equality assessments; and indeed the long term aim is that these special arrangements should not be needed.

We are clear that constables will and should get a stronger voice through these arrangements. But other ranks are protected on account of our earlier proposal that each Branch Board's Chair and Secretary must come from separate ranks. Therefore, there cannot be more than 50 percent membership of one rank amongst the Chair and Secretaries representatives.

This is not a new body because Branch Chairs and Secretaries already meet about quarterly, so there should be no significant extra cost. But the aim is that the National Council will feel different in its authority and influence. At the same time, by giving the branches the right to elect and greater power over some decisions, our intention is that the National Board, which we describe below, will have the legitimacy to lead the organisation properly in a unified manner. The National Council gives branches a significant say in the way the Police Federation is run and this guarantees their interests; the quid pro quo is the National Board must be free to take the decisions necessary to run the organisation in an effective manner with full branch support and cooperation.

## **Conference**

The need to build trust also applies to the relationship between local representatives and national decisions. This is the purpose of the annual conference. However, we recommend that this should be greatly reduced in size and number. If the Police Federation improves its two-way communications in the way that we propose then conference could become less significant as a place where members and their representatives can have their say.

The new Conference could be around 300 delegates (significantly fewer than currently). The Conference will as now:

- i. Agree the subscription level.
- ii. Receive and approve the annual report and accounts.
- iii. Discuss policing matters as they relate to members and the public.
- iv. Engage with external stakeholders.
- v. Approve changes to the constitution/regulations.

Currently, each rank branch board selects two delegates minimum and an additional delegate for every 500 members of each JBB. The rank branch boards will no longer send delegates as they will no longer exist. Instead we suggest that each branch should send two delegates plus an additional delegate for every 500 members. Equality impact assessments will include a consideration of the need for conference delegate diversity.

The abolition of the rank central committees also means that there is no need to have separate rank conferences. Indeed the very concept of such separate conferences goes directly against the unified organisation we are seeking to create. This and the creation of an authoritative National Council mean that it should be possible to shorten Conference considerably. We propose it should now last two days rather than three (three and a half including Eve of Conference). The ‘50–20 rule’ with regards rank representation will apply to conference delegates.

*We propose to replace the Joint Central Committee and all the rank committees with a National Board with the authority and decision making powers that the current Joint Central Committee currently lacks*

### **National level governance and decision-making**

Finally we propose to replace the Joint Central Committee and all the rank committees with a National Board with the authority and decision making powers that the current Joint Central Committee currently lacks. This National Board should be responsible for running the Federation and conducting its business. It will safeguard the integrity of the Police Federation as a whole. It will make policy decisions and hold the General Secretary and his/her staff to account for the way he/she carries out his/her functions. It oversees financial management, internal and external communications, and ensures the robustness of the standards and performance process detailed earlier. It shares the selection of the General Secretary with the National Council. It also formulates the Federation’s strategic direction and puts that to the National Council for approval.

The Board will be streamlined and focused. As we have outlined above, it will be supported by a unified professional staff at HQ with greater capacity and will bring in specialists from across its membership to help it to develop credible and persuasive arguments backed up by experience and the best evidence. It will scan the horizon and put in place plans to adapt to changes that are coming in order to protect its members’ welfare and efficiency and it will understand that it relies on public accountability to retain the organisation’s legitimacy.

The National Board should be elected as follows:

- There will be nine representatives elected one from each region and two from the London region. The electorate should be the National Council members from that region.
- The whole National Council will elect a further three constables, three sergeants and three inspectors. One of each of these

ranks must be (at least for the first election) the woman with the highest number of votes in each rank.

- If sufficient representation has not been achieved for a range of minority groups (including women and BME) then there is scope to elect a further two members. The need to use these two additional seats must be determined by independent equality assessments. It is our preference that they should not be used if at all possible. Each of the two potential additional seats should be allocated for a specific 'protected characteristic' on the basis of any under-representation after the original 18 representatives have been elected.
- Only members of the National Council can stand for election to the National Board.
- The National Chair will sit in addition. The Chair has the casting vote in case of deadlock. The General Secretary will be there *ex officio* as *de facto* chief executive of the organisation but will not have a vote.

The National Board has a number of sub-committees currently that deal with operational issues and particular groups within the organisation. These groups should not comprise only National Board members. Where there are experts who could lead particular groups, eg on firearms or child protection, they should be brought onto the sub-committee with the permission of their force. These roles should be advertised. The chairs of these sub-committees may be non-National Board members. However, these sub-committees will report to the National Board and be under its direction. This includes the Equality Committee.

### **National Chair and General Secretary**

The final building block in this new unified structure is greater clarity on the roles of the General Secretary and the National Chair.

The first thing to stress is that there will only be one Chair and General Secretary in the new structure. The separate rank chairs and general secretaries disappear with their rank committees. This in itself should be a great aid to clarity, unity and efficiency.

The National Chair would be the most senior elected individual in the organisation. He or she carries with them the responsibility to safeguard the voice of members and branches in national decision-making structures. The General Secretary is assessed and appraised by the Chairman who has a responsibility to ensure that the General Secretary serves the National Board and National Council and successfully implements the organisation's strategies. The National Chair presides over the National Board and National Council and has a special responsibility for ensuring they fulfil their respective roles with mutual respect and confidence.

The General Secretary is selected by the national bodies and serves as a *de facto* chief executive of the Federation, leading the professional staff in Head Office and implementing the policies and strategies agreed by the National Board working with the National Council.

Their responsibilities would divide as follows (and would be captured in a job description for each):



- **National Chair**
  - Custodian of the integrity and future sustainability of the organisation.
  - Strategic oversight of the organisation in terms of assessing plans for meeting the organisation's core purpose in the future.
  - Chairs the National Board and the National Council.
  - Voice of the members and branches. He/she will bring their voice into the National Board.
  - Appraises the performance and development of the General Secretary and has a key role in their selection.
  - Establishes that the Police Federation has fulfilled its statutory duties.
  - Liaises with forces to ensure their voice is heard within the organisation.
  - Represents the Police Federation at key events such as Police memorial day, and, alongside the General Secretary, with key political decision-makers.
  - Oversees the general financial performance of the organisation (with the Treasurer).
  - Serves a maximum of two terms of three years.
  - Chairs the National Conference.
  
- **General Secretary**
  - Head of the organisation including all staff in HQ including finance, research, policy, communications, internal democracy, equalities, legal, administration and negotiation.
  - Manages the day-to-day business of the organisation.
  - Represents the organisation externally and with policing stakeholders.
  - Ensures the performance and standards process recommended in chapter 4 is working effectively.
  - Oversees negotiations within the pay review body.
  - Oversees communications and internal democracy.
  - Serves a maximum of two terms of five years (with an opportunity for re-appointment after the first five years).
  - Oversees day-to-day expenditure and budgeting with the Treasurer and a Finance Director.
  - Legal secretary of the Police Federation.
  - Business planning and strategic development.

These different responsibilities are reflected in the different methods of selection/election which we propose. The professional nature of the new General Secretary role means that a capability-led process is required. This would involve a job description and person specification being prepared following which the role would be advertised. There will be a selection panel appointed with, we suggest, two members of the National Board, two members of the National Council, a member of the independent reference group, and chaired by the Chair. There will then be a process to select the final endorsed candidate against stated criteria. The successful candidate will be proposed to the National Board and National



Council for their ratification. If at any stage all candidates are rejected then the process will be re-opened.

It will be a matter for the National Board and National Council to consider on each occasion how wide to cast the net in looking for candidates. Initially, we expect they will want the General Secretary to come from within the Federation. But eventually the organisation may consider looking outside for a candidate, for example to the rest of the police service or even wider. The option of open advertising should therefore not be ruled out. Other employee representative bodies with a focus on organisational effectiveness have taken this route and it can be a good way to bring in new ideas, experience and an external perspective.

The General Secretary should be subject to the same performance and conduct procedures as any other representative. This will be the responsibility of the Chair.

Once a national membership database has been completed, then the Chair should be elected by the membership. This provides for a direct link from the national level to the membership and should give the National Chair an authority way beyond his or her current one. It will provide the National Chair with a mandate to preside over the National Council, to chair the National Board and to hold the General Secretary to account. If the national database for some reason is not in place, and we see no reason why it should not be, the Chair will be elected by the National Council until it is.

There will be a two-term limit for the General Secretary and National Chair. The General Secretary will be appointed for a period of five years with a reappointment process after the first term. If they are not reappointed then the process would be opened to other candidates. The Chair would be elected for three year terms.

### **Treasurer and deputies**

It is, in our view, for the National Board to decide whether it has other officers. These positions are likely to include a Treasurer and deputies which would be selected by the National Board from amongst their number.

The Treasurer would need to demonstrate capability as this is a very important oversight position. It will be a slightly different role to the current one as we believe the organisation should move towards employing a professional Director of Finance who will be overseen by the Treasurer and National Board. This is not at all comment on the performance of the current Treasurer who has done an excellent job in putting the Federation's finances on a secure footing. It is simply that the financial business of the Federation needs secure professional leadership separate from the uncertainties of the electoral cycle.

Where there are deputies like a deputy chair or deputy general secretary we propose that they should be from a different rank from those for whom they deputise. The position of Deputy General Secretary in particular could be very important in terms of succession planning. Consideration should be given to his or her skills development in this context.

### **One credible voice**

We have here laid out the roles, responsibilities, structures and relationships flowing between members from branch to national level. There is a

series of linkages and co-dependencies that will enable the organisation to speak with real credibility and with one voice whilst enhancing accountability. It should be less prone to the type of divisions that we have seen and there will be greater incentives to work co-operatively. That can only be of benefit to its members.

Ultimately, however, the success of the architecture will come down to leadership and individual behaviours. We expect the decision-making and governance structures we have outlined to help identify the best available leaders and promote representatives who can drive the Federation in a positive manner. We are under no illusion that in the initial phase there will be much defending of personal interests and positions and much fruitless calculation about which ranks and branches gain or lose most. We have therefore provided significant checks and balances and safeguards for minorities. But our hope is that the new structure will represent a fresh start: that the focus will be on electing and selecting the best leaders from wherever they come who can act in the best interests of all the membership. One unified voice replacing the many divided voices of the recent past.

**Recommendation 22: Rank committees at local and national level should be removed from the governance and decision-making structure of the Police Federation.**

**Recommendation 23: A new Branch Council of workplace representatives in each local force area and a Branch Board should be established as the main body governing Federation Branch affairs. These will be conducted on the basis of the principles and process outlined in this final report.**

**Recommendation 24: The current 10–10–10 default membership of Branch Boards should be abolished and replaced with a new 50–20 rule at local level: no rank can have more than 49 percent of the membership of a Branch Board and no rank can have less than 20 percent. ‘Protected characteristics’ should be safeguarded in accordance with local independent equality assessments. 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 25: The Branch Chair should be elected by all members and the Secretary should be selected by the Branch Board. They should be from different ranks.**

**Recommendation 26: The Branch Chairs and Secretaries meeting should be established as a new National Council with formal powers. This will be the main national forum representing local force branches. It will be a co-decision-maker with the National Board on major strategic decisions, national budgets, a consultee on subscription rates and negotiation strategy, and will have a formal role in selecting nominees for General Secretary.**

**Recommendation 27: A new National Board should replace the Joint Central Committee. This will be a slimmed down body both in terms of numbers and the amount of time that representatives will devote to national level business. It will still have regional representation, some rank representation and better**

representation of 'protected characteristics'. Its role will be to safeguard the organisation, make day-to-day decisions as required, formulate strategic direction, monitor the budget, oversee communications, oversee national elections, and ensure that the standards and performance process is in place and effective.

**Recommendation 28:** A new professional means of selecting the General Secretary. The Chair will be elected by the membership.

**Recommendation 29:** National Conference should be slimmed down in terms of time and numbers.

**Recommendation 30:** There should be limits on tenure for all post-holders of two terms of three years with potentially two terms of five years for the General Secretary.

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## 6. Finance

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*Resource and finance are inextricably linked with some of the deeper cultural, structural and operational changes we are seeking to bring about*

We return in this chapter to the question of how the Federation uses its money for the benefit of its members. This is partly about improving value for money, which is an important requirement of our Terms of Reference. We have already made a number of recommendations for greater transparency and accountability and for reform of representation and decision-making which, we believe, will over time both reduce the costs of the Federation's work significantly and improve its effectiveness.

However, resource and finance are inextricably linked with some of the deeper cultural, structural and operational changes we are seeking to bring about. Power in the organisation tends to reside with those who hold the budgets. Many who gave us evidence said to us that unless we sorted out how money flowed in the organisation and where surpluses were held and accounted for, our recommendations would be only partially successful. Here we address those issues.

### **The overall financial position**

The overall financial position of the Police Federation is healthy. Surpluses have been generated at a national level and substantial reserves place the organisation on a sustainable footing. It was not always so. As recently as 2010 the Federation was running a significant annual deficit and in 2011 had to raise subscription levels by 23 percent. This was partly the result of the strain put on central budgets by the acquisition of its new headquarters and conference centre at Leatherhead. It is greatly to the credit of the present Treasurer and finance team that they have restored such a robust financial position in a relatively short time.

The latest published accounts declare total centrally held current reserves (market value of investment plus net current assets of all three rank central committees plus the Joint Central Committee) of £29.5m and an annual surplus of £4.7m. This covers both the Joint Central Committee and the three Rank Central Committees and includes £11.2m in current reserves of the rank central committees and an annual surplus of £1.1m. About 50 percent of annual expenditure is used to finance members' legal costs. Sums expended can vary from year to year. There also remains uncertainty about the income from the hotel and conference business at Leatherhead. For both these reasons a healthy level of reserves is prudent and necessary.

The 43 branch boards operate almost as separate businesses. According to their visible accounts, they appear, if their reserves are added together, to hold reserves of £35m approximately to support a total annual expenditure of £10.07m. However there are great variations according to the nature and size of branches. Smaller branches face viability constraints while larger forces enjoy a relatively healthy financial

position in the main. More than 50 percent of Joint Branch Boards appear to be in operational deficit in their official accounts. However, as we shall see, many of these deficits do not tell the whole picture as they are cross-subsidised by unpublished accounts. Some branches generate very significant surpluses.

### **How money flows**

Some of these problems occur because of the historically odd way subscriptions are collected and distributed. Currently, members' subscriptions are collected by Branch Boards or Rank Branch Boards in the case of larger branches. Thirty percent of this income is retained at branch level and 70 percent is transferred to the three Rank Central Committees in proportion to the membership numbers in each branch. Then 8.25 percent of income is retained by the Constables' Central Committee, 11 percent by the Sergeant's Central Committee, and 17.25 percent is retained by the Inspectors' Central Committee. This meant that the Constables' Committee received £18.3m in 2012 of which £15.8m was passed on to the Police Federation Joint Fund (to fund JCC activities and commitments), the Sergeants' Committee received £3.85m in the same year passing on £3.5m, and the Inspectors' Committee received £1.5m with £1.26m passed to the Joint fund. So the Joint Fund received £21.5m in total in 2012, 91 percent of all funds remitted to the national level of the Police Federation. This upward flow of resources from branch to national level is very unusual in comparison with similar such organisations. As a report commissioned by the Police Federation in 2010 and written by the accounting firm BDO noted:

“The PFEW is fairly unique in its funding structure, with many similar staff associations and trade unions having adopted a funding model over the last twenty years in which subscriptions are collected centrally and distributed out to any sub bodies.”<sup>6</sup>

There are two particularly perverse effects. First, as we have seen earlier in the report, the separate budgets for the three rank committees at national level enable the Constables' Central Committee, in particular, to operate as an autonomous unit duplicating expenditure and member support and operating with its own staff, website, IT, hospitality, travel and subsistence. This is not only inefficient; it contributes to some of the divisions at national level identified earlier.

Secondly, because branch resources are locally collected, each branch depends for its basic resources on the size of the local force. There is no mechanism for equalising resourcing or supporting weak branches. This is an essentially divisive funding mechanism which discourages the kind of solidarity one would find in similar representative organisations.

### **Services to members**

Many branches have, as a result, had to look for other sources of revenue to remain viable. Most have turned to the provision of additional

6. BDO LLP. Independent review of subscription income and distribution for the Police Federation of England and Wales. P10. March 15 2010.

financial and insurance services for their members from which they earn a commission.

There is nothing wrong in principle with this. To provide such services to members and their families at competitive rates through relationships with commercial and/or mutual organisations is in principle desirable. Police Federation members appear to value them, not least because they can be specifically tailored to the unique circumstances and risks which police officers face.

We are, however, concerned by the lack of transparency in these arrangements which makes it impossible for us, but more important for the members, to assess the value for money of what is on offer.

From evidence we have gathered, the prices charged for member services between different branches may vary by £15 per month between the lowest and highest cost. This is a significant range. The difference is accounted for by two main factors: (i) some economies of scale related to the size of the force (though this is very difficult to assess accurately as a consequence of differential risk-factors); and (ii) the degree to which commissions to the branch are offset against the price that members pay. We are not suggesting that those who are charging the most are not providing 'value' as such; indeed we are not in a position to assess value for money between the many different deals on offer. It is just that the way in which the market is structured that makes such variability inevitable, based as it is around 43 very different distribution channels.

We are also concerned by the lack of accountability for the funds generated by these relationships. In some cases the 'profits' generated by commissions go into separate accounts, known as Number 2 accounts or member services accounts. We made a request for full disclosure.

We received the following responses:

- Three JBBs who hold such accounts and do not report the information to the JCC were willing to provide details of their additional accounts (out of a total 43 JBBs).
- Thirteen JBBs did not respond at all, thirty did so.
- Thirteen JBBs in total out the 30 who responded have such accounts, seven of which disclose information from these accounts on their annual return to the JCC.

Despite the cooperation of a number of JBBs, this was a very disappointing response and points to a significant issue with openness and transparency.

It is worth adding that not all branches raise commission on their services or put money raised in separate accounts. The Metropolitan Police Federation, for example, presumably as a consequence of its size and substantial subscription income, is in a position to pass on the best rates directly to members. It is to its credit that it does so. Others are not in that position and depend for their viability on this additional income.

All this is a potential source of further distrust between branches and between branches and Head Office. Many smaller branches fear for their future and so additional income from member services becomes essential. Those branches that are less viable feel compelled to defend higher subscription rates and distrust any move which may reduce either

subscription income or threaten income from member services. For vulnerable branches this is compounded in an environment of austerity by changes to the police estate which may prevent them from having access to premises in the future.

There is a great reluctance to share information in case it gives Head Office a commercial advantage. One of the stated reasons for branches opposing a national member database is the fear in some that it will be used to develop national member services which undercut local deals. We have, at times, wanted to remind everyone that they are supposed to be all on the same side working for the benefit of their members.

To sum up, this is a finance system that relies on effectively 43 independent businesses with a certain degree of fixed cost, hitting smaller branches harder than larger branches. Reservoirs of resource accumulate in certain areas, drought in others, transparency in some places, and a lack of transparency in others. This is not a recipe for a trusted, professional, united organisation offering its members good value for money and meeting their needs. From every perspective we do not think it can or should continue.

## **Recommendations for change**

We make five recommendations for change:

### **1. Transparency of the Number 2 accounts**

We recommended in chapter 2 a complete change in the transparency of how the Federation accounts for the decisions it takes and the money it spends. We repeat that recommendation specifically for the Number 2 or member services or similar accounts. We think this will require a change in regulations to make it clear that branches can provide services to members but are covered by the normal rules of accountability and disclosure.

Current Police Federation regulations governing raising of funds is covered in regulations 16 and 18 of the existing regulations. Regulation 18(4) is as follows:

- “18(4) After the end of each year a summary of the accounts for that year, together with a copy of the independent auditor’s report thereon, shall—
- i. in the case of the accounts of a branch board or joint branch board, be made available to the subscribing members and sent to the chief officer of police and the appropriate central committee or, as the case may be, the joint central committee which shall, if so requested in a particular case by the Secretary of State, transmit copies to him;
  - ii. in the case of the accounts of a central committee or the joint central committee, be made available to the appropriate central conference or, as the case may be, the joint central conference, sent to the Secretary of State and published, in a manner approved by the committee in question, to members of the Federation.”

These regulations already contain a clear ethos of transparency. Whatever the legal mechanics deployed by branches may be for creating alternative trusts, funds and accounts, not to report all direct or indirect income does not in our view sit within the spirit of the regulations. Nor



*We are recommending that the Police Federation should go even further than the current regulations and rules by publishing full accounts on-line*

do we accept the argument put to us that because this unreported income includes income from members' families or former members or that because it is channelled through independent trusts that this is not Police Federation income. Income generated via commissions or administration fees marketed by branches to members, their families, some police staff, and the proceeds of which are used to support Police Federation activities is *de facto* Police Federation income. Many members may not even be aware that these accounts exist and this is far from healthy.

Our reading of the current regulations and fund rules is that this income is permitted but where branches undertake these activities, it is Police Federation funds. On that basis, it should already be audited, and audited accounts should have been sent to chief constables and the JCC and available for members. Furthermore, we are recommending that the Police Federation should go even further than the current regulations and rules by publishing full accounts online.

Regulations should be amended to more explicitly permit income from a wider range of sources including member services and group insurance as these are important services for members (though it should be noted these services are permitted in Police Federation Fund Rules) but:

- Every local force branch should publish full accounts online, including full so-called Number 2 accounts or any other funds, trusts or accounts that are comprised of income from services sold through Police Federation channels or the funds of which are used to support Police Federation work or costs.
- Where separate trusts have been established, their full accounts should be published. This should all take place immediately.
- Any income accruing from additional services channelled through these accounts should be included in the annual return to the JCC.

We very much hope that branches who hold such accounts, trusts and funds but do not publish them in full will be willing to change before change is imposed externally. It would demonstrate that the argument of this report with regards to public and member accountability had been understood and accepted. However we are clear that the explicit transparency of all financial transactions and accounts should be established in regulations; and that a general financial transparency clause is needed.

**Recommendation 31: All accounts including Number 2, group insurance and member services accounts, funds, and trusts to be published. A general financial transparency clause is needed in regulations including a requirement to publish and report all income that derives from and funds Police Federation activity.**

## **2. Member services and other commercial services**

We think, on the evidence we have, that some Federation members in some branches could get a better deal from member services. We suggest that the National Board Treasurer and Finance Director work with Branches and insurance/financial providers to negotiate better deals for members. The branches would remain the primary distribution channel.

This would be absolutely voluntary and the central organisation should never compete for income with its own branches. This is a basic requirement of a unified organisation. Any commissions that are received from this would be shared on an equitable per member basis and passed to the relevant branch. To reiterate, we would strongly oppose HQ becoming a monopoly provider of services, competing with branches or partnering with a single firm. Indeed, if they tried to do so then competitor firms would seek to access the market directly. Instead, the central organisation should be a market maker: negotiating good deals with a range of providers, ensuring fair competition between providers, and helping to balance service quality, member value, and branch financial viability.

We have provided an additional safeguard here that the National Board will need to obtain the consent of the National Council if it is to provide additional commercial or other services.

**Recommendation 32: The market for members' service and group insurance products should be reviewed and collective provision between a number of Branches, potentially facilitated and negotiated by the national Police Federation, to gain from possible economies of scale, should be explored. The National Board will not seek to replace Branch commercial relationships other than by joint agreement with the branches affected.**

### **3. Reversing the flow of subscription income**

We think the long-term health of the organisation requires a reversal in the way member subscriptions are collected and distributed. This would mean branches agreeing to subscriptions being passed straight to the central Police Federation. It would also require harmonisation of expenses rules, honoraria, and hospitality rules in line with HMRC standards as a means of putting all branches on an even footing as we have already recommended. We know this will be very controversial but in our view it is in the best interests of the whole organisation including the branches. Our proposals build in mechanisms to ensure that the interests of the branches are specifically safeguarded.

We acknowledge that it will take time to generate the levels of trust necessary to implement the full change but we would hope and expect that it should be fully implemented at the end within three years. We propose the following steps:

- i.** Firstly, the separate rank committee budgets are abolished; all the resources, including the reserves, go direct from the branches to the National Board. This will enable: a single claims department, communications, legal advice, professional and administrative support, payroll, tax treatment including in respect to VAT, and one set of central accounts. There should be considerable efficiency savings. It should be possible to achieve this no later than 2015.
- ii.** Secondly, some of their current reserves and income should be moved into a solidarity fund to support smaller branches which are in deficit. This redistribution to vulnerable branches should become a permanent feature of the funding system.

- iii. Thirdly, in the year following the establishment of the new National Board and National Council all member subscriptions should go direct to the national level and then be distributed to the branches. There will be a guarantee that for the first year, or until a new funding distribution is agreed, no branch will receive less than in the last year of the previous system.
- iv. Fourthly, in parallel the Finance Director should begin work on a new funding system based on need which would need to be agreed by the National Board and put to the National Council for approval.

The ultimate safeguard for the branches in this arrangement is that they get to vote on the new system at the National Council. The branches collectively cannot have a system imposed on them a system against their will.

We understand there is a considerable challenge here and that the present divisions and distrust in the Federation would make it almost impossible to move to this new system immediately. But this is the ultimate test of the new Federation we are proposing, one where branches trust the National Board which they have elected; and work together to create a unified organisation in which the big powerful branches work in solidarity with the smaller ones.

**Recommendation 33: A new fund should be created from some of the surpluses and reserves of the current rank committees to support smaller branches in deficit.**

**Recommendation 34: All resources to be routed via the centre and distributed to branches on the basis of agreement in the National Council. This step will be agreed to within three years once the National Council and National Board have found a constructive way of working.**

#### **4. Leatherhead**

In the course of our review we have heard many views about the Federation's headquarters in Leatherhead. It is a modern facility providing up to date offices, conference, training and hotel facilities. It is owned outright by the Federation and is a considerable capital asset. There are those who believe it was a wise long-term investment and those who think it is a drain on current expenditure. There are questions about the long-term feasibility of the Federation's officers and management running a hotel and conference business sustainably without it distracting from the main job of representation. Many, particularly in the north and west of the country, think it is the wrong place and the location acts as a discouragement to participation from those with family responsibilities. Against the background of the divisions and distrust we have discussed elsewhere, Leatherhead has become, in some members minds, synonymous with the isolation and remoteness of the leadership from its members.

We have some sympathy with those who think that Leatherhead is not a long-term proposition for the Federation operationally or financially. But it would be a major distraction for the staff and officers to get involved

now in a major review of Leatherhead's future. It could also destabilise the current and future staff on whom the progress in implementing this report will so much rely.

We therefore think that the Federation should plan to be in Leatherhead for the next five years. But when the new National Board is in place, it should commission an external review of the options for Leatherhead after that time based on meeting the needs of the revised organisational purpose, structures and finances.

**Recommendation 35: The new National Board to commission in 2017 a review of the options for Leatherhead after 2019.**

## **5. Reducing the members' subscriptions**

There are considerable savings to be made from the implementation of this report and we believe the long-term aim of the new National Board and National Council should be to reduce the level of the members' subscriptions. Nothing would better indicate that a fresh start had been made in building the members' trust in their representatives.

We believe a start could be made by returning part of the reserve currently held by the three national rank committees to the membership in the form of a 25 percent reduction in their monthly subscription for one year. This should be possible no later than 2015 when the rank committees are no longer operating. We estimate it would cost £7.5m.

Once all unpublished accounts are published, there may then be scope for reducing the subscription for a second year. The overall central organisation reserves should be able to fund an additional year (given the JCC reserves are in the £35m region and the abolition of the rank central committees will increase surpluses which are currently £3.64m per annum. In addition a local contribution from non-disclosed accounts might be possible. All these options could be explored in the National Council and National Board.

This is our report's final recommendation and it reflects our confidence that this report could represent real and lasting benefit for the ordinary member.

**Recommendation 36: There should be a 25 percent reduction in subscription levels for one year in 2015 financed by the reserves of the rank central committees. An extension of this one-off reduction should be reviewed for subsequent years on the basis of existing reserves, reserves in unpublished accounts, and an estate strategy once the reform package is complete.**

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# 7. Conclusion and implementation plan

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The programme of change recommended in this report is a substantial one. We are proposing change from top to bottom in culture, behaviours, structures and organisation. Reform on this scale would prove challenging for any organisation. For the Federation, which has a recent history of resisting change, it will need exceptional leadership and commitment. Members, representatives and the organisation's own staff will all need to be convinced of their stake in the change process. They will need to be consulted, listened to and supported throughout the change process. That needs to start on day one when the report is published and continue throughout the implementation.

However, if the reform is managed with determination and sensitivity, the prize is a considerable one. It is, nothing less than a Police Federation which has rebuilt trust with all its members and the general public; which is professional in the way it represents its members and in its standards and conduct; which speaks with a single unified voice and has real impact on police leaders and policymakers; and which offers clear value for money both for its members' subscriptions and for the public investment.

As we said in chapter 3, **building trust** requires a new openness and accountability to the membership and the public, transparency including in how resources are used and accounted for both by the organisation and individual officers, and effective two-way communications with members and outside decision-makers. Trust also depends on being able to show that the Federation represents everyone including some of the groups and individuals who look outside the organisation at present for an effective voice.

**Professionalism** at every level of the Federation (chapter 4) is about improving the competence and capability of the Federation's representatives and the ability to tailor the local representation to the needs of different workforces in very different local branches. But it is also about professional standards and conduct in the way Federation representatives behave towards each other, to politicians and policymakers and to the general public: with consequences for those who bring the Federation into disrepute.

**Unity** (chapter 5) means putting aside once and for all the historic divisions between ranks and branches and between branches and Head Office. It means abolishing the separate rank structures, budgets and organisation and creating a governance structure which brings the branches represented in a National Council and national representatives on a National Board together to act and speak with a single, credible voice.

*Even with external and internal support, it will take two to three years to adopt these recommendations, initiate and substantially complete implementation*

As for **value for money** (chapter 6), the Federation needs to be able to show in a time of austerity that it represents real value to its members and to the public in everything it does. It needs to show that it is willing to find ways of cutting costs and reducing its members' subscriptions.

Inevitably, in a report such as this, structures, regulations, recommendations and principles come to the fore, as the mechanisms of change are easier to put in concrete terms. However, organisational transformation requires leadership, a willingness to embrace change and a change in behaviour. Trust, professionalism and unity depend on these 'softer' factors also. The Police Federation should never to lose sight of this; structures and behaviours are interlinked and, in the best organisations, mutually reinforcing. We have met Federation leaders nationally and locally who realise that change is necessary and urgent so that the organisation can make a difference for its members and the public in these testing times. This gives some encouragement.

Once this report is published and discussed there will be a need to create a sense of direction and momentum. As a first step, the Police Federation will need to adopt this report at the Joint Central Committee, at the meeting of the Branch Chairs and Secretaries and above all at the May conference. We know it is a challenging package of reform. There will be arguments to be had about individual details and about the pace of individual reforms. Even with external and internal support, it will take two to three years to adopt these recommendations, initiate and substantially complete implementation. To achieve full operation as a unified influential body will take even longer. We are clear too that it would be unrealistic to suggest that every single thing in this implementation plan could be introduced in exactly the way we recommend.

However, this should not be an excuse for procrastination and delay. We believe that this report contains a package of reform which hangs together as a coherent programme of change. We think it should be possible for the Federation to accept it in all its essentials. A positive motion of support for the report's direction, spirit and essential elements at this year's Police Federation Conference would show that this time the organisation was serious. It would confound those – internally and externally – who do not believe that the Federation can change.

The Home Office is an essential partner in these reforms. It will need to be convinced that the Federation is serious about reform. But it can also itself create an impetus for reform by signalling its support for change and its willingness to work together with the Federation to make this change happen.

We are clear that the Police Federation will need professional support in implementing this plan. It is not possible both to manage the normal business of the organisation and reform it without such specialist support and capacity. There will also need to be an internal means of checking and overseeing the change. A well-planned implementation programme would require:

- A detailed project plan with time scales and key milestones against which progress can be measured. This detailed plan would be developed from the broad implementation plan below.



- An experienced project director who can draw up the plan and manage the whole implementation programme, supported by a small team (in the language of project management, this would be the programme office). This project director would have experience of change management or, at least, bring in support with this specialist capability.
- A small Project Board, with a core membership of the National Chair and General Secretary, and preferably a couple of branch reps to provide the overall strategic direction and to ensure progress is on track.

We consider the appointment of an experienced project director and an implementation team to be of such importance that we are making it a key recommendation (recommendation G4 in annex 1). There will be some significant staff and other costs in implementing this report, but it is an important part of the investment in the future of the Federation.

As part of the plan there will need to be agreement with the Home Office about a timetable for regulatory change. This is a substantial task and the Federation might want to consider providing a contribution to the costs of the Home Office team to ensure there is rapid progress. We return later to what we believe are the priorities for regulatory change, but an important part of our report is that there is a lot that can be done in advance of regulation. Our hope and intention is that in many areas regulation should be a confirmation of what the Federation is already doing willingly and voluntarily.

We set out below, as we were asked to do in our Terms of Reference, the outline of the broad phases of implementation we suggest will be needed to get all the main recommendations implemented by May 2016. This is only indicative at this stage and is not intended to be prescriptive or inflexible. A more detailed plan will be required once the report has been received and considered. If it can be done quicker than 2016, all well and good but the changes to the representative and governance structures will require substantial planning, change management, major regulation change and new elections at each level so there is a substantial task.

Our recommended outline plan is as follows (recommendation references are in brackets – please see annex 1):

### **Preparatory phase up to May Conference 2014**

- Report considered and discussed by JCC, rank committees and branch representatives.
- Ongoing programme of communications with members. Consider setting up website where members can make comments/ask questions.
- Recruitment process for project director and implementation board.
- Work on drafting detailed implementation plan begins.
- Revised core purpose (recommendation A1) agreed by JCC and Branch Chairs and Secretaries and promulgated to membership



as a signal of intent that the organisation accepts the direction proposed in the Report.

- Report put to Conference for agreement, preferably with a specific commitment to have completed all the main reforms by May 2016.
- Agreement from Conference that the membership subscription should be reduced for one year by at least 25 percent at the beginning of 2015 as a result of the abolition of the rank committees (K1).

### **Phase 1: From May conference to end of 2014**

Immediately after the Conference:

- The rank committees agree to suspend their operation and budgets and staffing is unified under the JCC (H1).
- The JCC operates as the embryo National Board from this point on and agrees detailed implementation plan. It may wish to be termed the 'Interim National Board' (H6).
- The JCC to begin working closely in cooperation and consultation with the meeting of Branch Chairs and Secretaries in the spirit proposed in the report. This meeting could become the 'Interim National Council' (H5).
- With the exception of its electoral powers which would come later, following regulatory change, there is no reason why the Interim National Council could not acquire some of its new powers to hold the JCC (Interim National Board) to account early on.
- Strengthening of Head Office under control of General Secretary including early appointment of Director of Finance and Director of Equality and Diversity (D1, G2).
- Agreement with the Home Office about the timetable for regulation change.
- Set up Independent Reference Group (A2).
- Prepare Federation negotiating strategy and support mechanisms for local branches ahead of local negotiation on representation (F2).

By the end of 2014 the following should be in place:

- New arrangements in place for National Member Database and national communications system (C2).
- National system for expenses and honoraria and for all officers to publish them on a regular basis (B2).
- First disclosure of expenses, hospitality and honoraria by Federation officers (B2).
- Accountability and reporting system in place (B3).
- All Police Federation accounts and associated accounts to be published (B4, I1).
- Standards and performance process in place and all role descriptions and agreements in place (E1, E2, E3).

- Head Office executive team fully in place (G1, G2, G3).
- Agree three year diversity plan drafted by new Director of Equality and Diversity (D2).

### **Phase 2: From October 2014 to October 2015**

- Agree national framework for renegotiating local force arrangements for representation with Home Office, PCCs and ACPO (F2).
- Agree new representation levels and arrangements at branch and workplace level through local discussions with Chief Officers. All the new arrangements to be agreed by October 2015 or earlier if possible so that elections can begin (F2).
- First new style branch and national annual reports to be published alongside first report from the Independent Reference Group in April 2015 (A2, B1).
- Agree the detailed arrangements for the elections of Branch Boards, the National Council and the new National Board (H2, H3, H5, H6).
- Carry out local and national diversity assessments prior to elections (D4).

### **Phase 3: October 2015 to April 2016**

Elections to take place to elect/select in turn:

- Local workplace representatives who form the Branch Council (H2).
- Branch Boards and Branch Chair (H2, H3, H4).
- Branch Secretary (H4).
- New National Council to convene and elect National Board (H5, H6).
- National Board to agree dates for electing/selecting Chair and General Secretary and other officers (H7).
- Second new style branch and national annual reports and accounts published.

### **Phase 4: Post April 2016**

- New governance and representative systems fully operational at all levels.
- Election of National Chair either by National Council or election by membership (H7).
- Recruitment of General Secretary (H7).
- New funding system to reverse flow of subscriptions discussed by National Board and put to National Council for approval by June 2016 (J2).
- Discussion of future of Leatherhead. Agreement to commission external evaluation of the options (J3).

## Priorities for regulations

We hope that this process can be underpinned by a timely programme to change the regulations agreed with the Home Office. Without that some of the reforms to representation and governance will be delayed and momentum will be lost. There are four key milestones:

- Once the Police Federation Conference has made its decision to back this report, a clear statement of support from the Home Secretary or Policing Minister for a reforming Police Federation would be of assistance to the reform process.
- Prior to this, an agreement with the Home Office on when and by which process the regulations would change is necessary. A commitment to introduce early the new transparency requirements particularly for Number 2 accounts and the new standards procedure, based on the Scottish model, will be essential to ensure rapid progress;
- While the renegotiation of local representation can go ahead before new regulations are in place, it will be important to know that the regulations will be changed to abolish the straitjacket of equal representation of ranks and to put the new process including local arbitration into regulations.
- We think a sensible and realistic deadline for completing all the regulatory changes on representation and governance is October 2015 so elections can take place immediately on the new basis.

*We would like to see the Federation setting the pace and leading the reform*

## Conclusion

To sum up, an ambitious programme of reform is needed to create a far more effective Police Federation than seen in recent times. The Police Federation commissioned this Independent Review in order to set and take control of the agenda and to show it was capable of reforming itself. The test now is whether it can show that same leadership in implementing this reform programme. That will require a spirit of co-operation, mutual trust, momentum and very effective planning and organisation.

Delaying action means leaving the agenda to others, to Parliament, to the Government and to Chief Police Officers with all the attendant risks for the Federation of surrendering control over its future. There are many of our recommendations that can be implemented without immediate regulatory change and on the timeframes we recommend in this implementation plan.

We would like to see the Federation setting the pace and leading the reform. By doing so it would show there is a new spirit within the Federation and a commitment to work together to make the Federation fit for the future. The Police Federation should be an essential body within English and Welsh policing. This reform package will go a long way to re-establishing it as a trusted, professional and united voice; the trusted voice of frontline officers.

That is something worth striving for. It is what the members most want. It is now for their representatives to work together to deliver it.

# Annex 1 – Summary of key recommendations

## A. Trust and public accountability

1. The Federation should adopt immediately a revised core purpose which reflects the Police Federation's commitment to act in the public interest, with public accountability, alongside its accountability to its members. This should be incorporated in legislation as soon as practicable.
2. A new independent reference group should be established to assist the Federation in ensuring accountability to the public interest and monitor progress on such issues as equality and implementation of the Independent Review recommendations.

## B. Openness and reporting

1. A new requirement at national level to publish online an annual public value report alongside a short assessment of progress by the independent reference group. Branch annual reports should also report on the value the branch is bringing to its members and to the public.
2. National guidelines for all expenses, honoraria and hospitality policies should be agreed and local force branches will be required to comply with these – a requirement embedded in regulations. All individual expenses, honoraria, and hospitality received should be declared and then published online.
3. An openness commitment should be signed by all local force branches and the national Federation which will establish the principle that all committee papers, votes, and minutes should be available to members unless there is genuine commercial, political, or negotiation sensitivity.
4. All accounts from which the Police Federation derives income or contributes revenues should be published and be publicly available. This includes Number 2, member services, group insurance trusts, accounts or funds. These should be included in the F45 return.

## C. Better communications to members.

1. Guidance to be agreed by local force branches and the national Federation for publication of all committee papers (with a few exceptions), and decisions taken.

2. The completion of local and national databases. Where these are currently incomplete we request that ACPO and the Home Office agree to the transfer of email addresses to the local Federations and the national Police Federation. The national database cannot be used to promote commercial services in competition with those provided by the branches.

## **D. Diversity and Equality**

1. A Director of Equality and Diversity should be appointed to oversee the Federation's progress on managing equal opportunities as well as liaising with support groups and networks for minority officers and others.
2. A rolling three year equality plan should be prepared with measurable benchmarks for improvement of representation, support, and public engagement monitored by an Equality sub-committee of the National Board. This sub-committee should contain members from external minority associations.
3. New networks of support for 'protected characteristics' and other groups such as young-in-service officers need to be established.
4. Equality assessments should be undertaken in each local force and at national level to determine the need for reserve seats for the 'protected characteristics'.

## **E. Professionalism and standards**

1. A new performance and standards agreement will be drafted, consulted upon, and then signed by all representatives. It will comprise expectations of a Police Federation representative.
2. An ethics, standards and performance process to be established on the lines of that introduced in Scotland.
3. Both the performance and standards agreement and the process should be published on local branch and the national Police Federation websites.

## **F. Local representation**

1. The provisions in regulations for equal representation of ranks at local level should be repealed.
2. Regulations should be amended to establish a national framework within which local negotiations on representation levels should take place. The regulations should establish a right of reasonable representation, ie the level at which members can receive a good and appropriate level of support. There should be a minimum 20 percent of the total representation across a force area for sergeants and inspectors. Where a local force Branch and chief officer cannot agree on levels of representation it will

be referred to a tri-partite independent panel comprising of one Federation nominee, one nominee of the chief officer, and an independent chair whose decisions shall be final.

## **G. Professionalism at Head Office**

1. Increase the profile and capacity of professional staff in HQ with a focus on the research capacity to support branches and influence the pay review body, professional management, member support and training, communications and public policy.
2. Create a senior executive team and the additional posts of Director of Finance to oversee the reform and management of the Federation's budgets; Director of Policing Policy with a view to engaging in debates about the future of policing; a Director of Equality and Diversity. It is likely that Directors of Communications, Research, and Legal would also be part of this team.
3. Unify the staffing of Head Office under the General Secretary, as *de facto* Chief Executive. Create job descriptions for the General Secretary and other post-holders that recognise the need of the Police Federation to be credible, authoritative, expert and professional. Individuals will be assessed in relation to the degree to which their skills match this job description and appraised on that basis also.
4. Appoint an experienced project director and an implementation team to implement the change programme recommended in this final report.

## **H. Governance and decision-making**

1. Rank committees at local and national level should be removed from the governance and decision-making structure of the Police Federation.
2. A new Branch Council of workplace representatives in each local force area and a Branch Board should be established as the main body governing Federation Branch affairs. These will be conducted on the basis of the principles and process outlined in this final report.
3. The current 10-10-10 default membership of Branch Boards should be abolished and replaced with a new '50-20 rule' at local level: no rank can have more than 49 percent of the membership of a Branch Board and no rank can have less than 20 percent. 'Protected characteristics' should be safeguarded in accordance with local independent equality assessments. 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.
4. The Branch Chair should be elected by all members and the Secretary should be selected by the Branch Board. They should be from different ranks.

5. The Branch Chairs and Secretaries' meeting should be established as a new National Council with formal powers. This will be the main national forum representing local force branches. It will be a co-decision-maker with the National Board on major strategic decisions, national budgets, a consultee on subscription rates and negotiation strategy, and will have a formal role in selecting nominees for General Secretary.
6. A new National Board should replace the Joint Central Committee. This will be a slimmed down body both in terms of numbers and the amount of time that representatives will devote to national level business. It will still have regional representation, some rank representation and better representation of 'protected characteristics'. Its role will be to safeguard the organisation, make day-to-day decisions as required, formulate strategic direction, monitor the budget, oversee communications, oversee national elections, and ensure that the standards and performance process is in place and effective.
7. A new professional means of selecting the General Secretary. The Chair will be elected by the membership.
8. National Conference should be slimmed down in terms of time and numbers.
9. There should be limits on tenure for all post-holders of two terms of three years with potentially two terms of five years for the General Secretary.

## **I. Member services and No. 2 accounts.**

1. All accounts including Number 2, group insurance and member services accounts, funds, and trusts to be published. A general financial transparency clause is needed in regulations including a requirement to publish and report all income that derives from and funds Police Federation activity.
2. The market for members' service and group insurance products should be reviewed and collective provision between a number of Branches, potentially facilitated and negotiated by the national Police Federation, to gain from possible economies of scale, should be explored. The National Board will not seek to replace Branch commercial relationships other than by joint agreement with the branches affected.

## **J. Finance and the flow of money**

1. A new fund should be created from some of the surpluses and reserves of the current rank committees to support smaller branches in deficit.
2. All resources to be routed via the centre and distributed to branches on the basis of agreement in the National Council. This step will be agreed to within three years once the National



Council and National Board have found a constructive way of working.

3. The new National Board to commission in 2017 a review of the options for Leatherhead after 2019.

## **K. Reducing the membership subscription**

1. There should be a 25 percent reduction in subscription levels for one year in 2015 financed by the reserves of the rank central committees. An extension of this one-off reduction should be reviewed for subsequent years on the basis of existing reserves, reserves in unpublished accounts, and an estate strategy once the reform package is complete.



# Annex 3 – New governance and decision-making structure

## key features

The following outlines the basic rules of election, selection, and composition of the governance and decision-making bodies recommended in chapter 5 and detailed in the organisation chart in annex 2.

### 1. The Branch Council

Membership will be for all workplace representatives and it will meet three times per year.

It will be primarily a consultative body on all aspects of Branch Board policy but it will have two explicit powers: it will sign-off the annual budget and it will elect the Branch Board.

The Branch Board election will take place once every three years in the Branch Council. There should be provision for in absentia voting.

### 2. The Branch Board

We have recommended that all Joint Branch Boards and Rank Branch Boards should be replaced with a new body ‘the Branch Board’. The functions of the Branch Board will be as follows:

Much as is the case now, the Branch Board is the body that oversees and guides all Branch activities including: member and workplace representative support; force liaison and negotiation; communications; policy in relation to the local force; electoral arrangements including constituencies for workplace representative elections; and may, as it sees fit, select leads on equality, standards, health and safety, misconduct, officer welfare, finance, and efficiency matter as they relate to the local force. Branch Boards will also elect any deputies as appropriate.

This Board will be elected by all workplace representatives. Tenure will be limited to two terms of three years unless the individual is elected Secretary or Chair when they would be permitted an additional two terms. Only workplace representatives should be able to stand for the Branch Board. It is for local force branches to decide upon the size of the Branch Board but they should not vary too far from the following indicative sizes (not including Chair or Secretary):

- Small force (<1500). 8 members.
- Medium force (1500–4500). 10 members.
- Large force (4500+). 12 members.

We suggest special arrangements for the Metropolitan Police Federation below.

The number and nature of ‘protected characteristic’ representation will be based on local independent equality assessments.

### 3. Elections for the Branch Board

Candidates should be workplace representatives and are nominated by at least two other workplace representatives. Branches may wish to also require candidates to be nominated by a number of members. This number should not be too high as competitive elections are important, five or ten members or so would be about right.

Every workplace representative will have three votes that they can use to vote for any candidate regardless of rank. Those who have the highest number of votes become members of the Branch Board with two provisos:

- There will be a basic rule that no rank shall have 50 percent or more representation and no rank will have less than 20 percent on the Branch Board.
- Furthermore, where a Branch has decided to safeguard a certain number of seats for particular 'protected characteristics' that should be incorporated into the election process.

In practice, this means that the top ranking candidates of a particular 'protected characteristic' would be elected first. Then the election would proceed unless one rank has attained 50 percent -1 of the available seats. At this point, there should be no more members of that rank elected. If one rank is unable to secure 20 percent of seats then the top ranking person from that rank who has not been elected will replace the person above them of the other two ranks as long as that does not then negate the 49 percent maximum proviso.

If the Branch Board is unable to fill its numbers and keep within the rules then there will be a second Election to top up the numbers on a one representative, one vote basis once again.

#### Example election

In a force with 20 representatives and a Branch Board with 10 members they have decided to have three reserved seats for women on the basis of an equality impact assessment. The election takes place with the following result (each representative can vote for three candidates).

Constable A	13 votes
Sergeant A (w)	9 votes
Constable B	8 votes
Inspector A	6 votes
Constable C	5 votes
Sergeant B	4 votes
Constable D	4 votes
Constable E	3 votes
Sergeant C (w)	2 votes
Inspector B	2 votes
Constable G (w)	2 votes
Inspector C	1 vote
Sergeant D	1 vote

60 votes total. (20 representatives have three votes each).

In the above example, Sergeant A (woman), Sergeant C (w) and Constable G (w) would be automatically elected. That leaves seven spaces.

These would initially go to Constable A, Constable B, Inspector A, Constable C, Sergeant B, Constable D, Constable E. However, this leaves 60 percent constables (including the one women's reserved constable) and 10 percent inspectors. Therefore, two constables will lose their place to retain the '50-20 rule'. Therefore, Inspector B and Inspector C are elected and Constables D and E are not elected. This leaves a Branch Board with 4 constables, 3 sergeants and 3 inspectors including 3 women's reserved seats. Only the final result would be announced.

#### **4. Branch Secretary**

There will be a job description for the Branch Secretary and the basic role will be as follows:

- i. Responsible for day-to-day personnel and financial management.
- ii. Liaison and negotiation with the force (alongside the Chair).
- iii. Internal communications.
- iv. Oversight of elections.
- v. Representative support and development.
- vi. Equality.

Potential candidates should be members of the Branch Board. Candidates who, in the view of at least two Branch Board members, have the skills outlined in the job description will go forward for interview. Any candidate interviewed must be from a different rank to the branch Chair. Prior to the selection, we would strongly recommend a formal interview process so a candidate's skills can be assessed against the job description. The Branch Secretary is finally chosen by the whole Branch Board.

There should be a two-term limit for this position. The nomination process and selection would be immediately after a Branch Board has been elected and the Chair of the Branch Board has been elected.

#### **5. Branch Chair**

Where local databases are available and complete, the Branch Chair should be elected by all members in the force area. This is one reason why the membership database is so important; it is necessary to conduct free and fair elections. Where the database is not complete, the Chair should be elected by the Branch Council. There should be a nomination process prior to the election which would specify number of workplace representative and member nominations required. Again, it is very important not to set the bar too high so no more than 5 percent of workplace representatives or 2 percent of members should be required as a guide. Local conditions will vary.

The Branch Chair is responsible for:

- External liaison with force and public.
- Strategic direction for the Branch.
- Oversight and appraisal of the work of the Secretary.

There will be a two-term limit (six years). Where the tenure of the Branch Secretary and Chair expire at the same time then succession planning is very important. Therefore, the Branch Board may want to elect deputies with succession planning in mind.

## **6. Metropolitan Police Federation**

We have proposed the abolition of rank committees at national level and local because of the inefficiencies they create. The Metropolitan Police Federation has strong rank committees currently and they do a great deal of good work. Nonetheless, in our view, rank issues do not justify the entire governance and decision-making structure being organised in that fashion. Therefore, we propose that the Metropolitan Police Federation should be reorganised along an area/borough and crime specialism basis.

If the Metropolitan Police Federation were to be more adapted to the police force it serves rather than to the ranks within it then this would bring the organisation closer to its members in their operational environment in our view and, consequently, ensure that it enables greater voice for members and has more impact on Borough/area operations and management. It could also increase the focus of the Metropolitan Police Federation on policing issues related to local communities as they impact their membership. A voice for individual ranks would still be protected within this structure as it is for other branches. It would just no longer be the predominant factor.

It is also important that the Metropolitan Police Federation has a strong voice in discussions with MOPAC, New Scotland Yard and with the public on London-wide issues. For this reason, there still needs to be a strong London-wide leadership for the Federation.

The changes we propose are as follows:

- Instead of rank committees there should be five Area Boards (North, East, South, West, Central) to coincide with MPS areas and a Specialist Crime and Operations Board. These six Area Boards will be elected in the same way as all Branch Boards with the same rules and they will have a Chair and Secretary who will be elected in the same way with the same rank restrictions as a normal Branch Board (ie the Chair and Secretary should be from different ranks).
- The current Joint Executive Committee would become the ‘Metropolitan Executive Committee. As now it would retain responsibility for member services, campaigns, budget, liaison with the Metropolitan Police Service and MOPAC. It would also support the new area Chairs/Secretaries and aim to contribute to wider policing legitimacy with the public. The Metropolitan Executive Committee would be comprised of the Chairs and Secretaries of the Area and SCO Boards.
- The Metropolitan Police Federation Chair would be elected by the members. The Secretary would be elected by the Executive Committee.
- Area/SCO Boards will not have separate budgets- finance would be in the hands of the new Executive Committee. Area Board activity will be funded on an agreed basis between the

Area and Executive Committee. The focus of Area Boards will be the Metropolitan Boroughs which sit within areas and the SCO Board will concentrate on SCO operational issues. Rank specific issues would be supported on an ad hoc basis by the Executive Committee.

We know that this proposal constitutes a major change but we believe that it provides a neater fit with the Metropolitan Police; retains unity of voice and a strong, professional centre; still reflects rank concerns' and ensures the organisation remains close to its members and representatives. It would make the organisation more streamlined and effective. It is worth saying that in a focus group that we conducted with members of the Metropolitan Police Federation and in looking at our survey data, a gap has opened up between the membership and the London-wide leadership. These proposals, in part, address this situation.

The City of London police will be reformed in the same manner as other branches but will help elect the London regional representatives on the National Board at the National Council.

## 7. Wales

As outlined in chapter 5, we have accepted the case that the four Federation branches in Wales need some collective presence in Cardiff in order to develop relations with the Welsh Government further.

We propose:

- An individual should be elected as spokesperson on all Wales issues by the Chairs and Secretaries of the Welsh branch boards. This should be reflected in his/her agreed time away from operational duties. This position should be advertised within the Welsh Police Federation.
- Other representatives then should have specific Wales wide issues allocated them as appropriate and this should be reflected in the time they are permitted to devote to Police Federation business.
- This will need to develop as /if devolution proceeds.
- An office in Cardiff with a member of staff to support administration and potentially one member staff to deal with Welsh Government issues on a professional basis.
- The permanent staff should be linked to Head Office so that they have access to all the briefing, professional development and support which we want to see for all staff. There may also be occasions when the Welsh staff will need to draw on the expertise of, for example, the research and communications departments at Leatherhead and it should be part of the responsibility of the Gen Sec and National Board to ensure this happens.

## 8. The National Council

The national Chairs and Secretaries meeting should be formalised as a new **National Council**. This body would have a right to be consulted on all major issues of strategy and policy before it was agreed.

It would elect the National Board (which will replace the Joint Central Committee). It could also initially elect the national Chair,



although the longer term plan would be for this post to be elected by the whole membership. It will also have a major shared role in selecting the General Secretary.

The National Board would be required to seek the Council's agreement for

- the long term strategy of the Federation;
- the details of how the new funding system proposed in the next chapter would work, including the balance between national and branch funding;
- any proposals for the development of national level services to members; and
- changes in subscription rates before they are put for approval to national conference.

Membership of the National Council would comprise all Branch Board Chairs/Secretaries. The Metropolitan Police Federation should have two additional members to its allocated two (ie there will be four MPF members). There could be additional members for 'protected characteristics' and we have proposed that at this stage there should be. Where votes are taken, including in elections, there will be an element of weighted voting depending on force size, although small forces would still retain significant influence. Annex 4 outlines how these votes could be distributed between the forces.

## **9. The Conference**

The new conference could be around 300 delegates (significantly fewer than currently). The conference will, as now:

- i. Agree the subscription level.
- ii. Receive and approve the annual report and accounts.
- iii. Discuss policing matters as they relate to members and the public.
- iv. Engage with external stakeholders.
- v. Approve changes to the constitution/regulations.

Each branch should send two delegates plus an additional delegate for every five hundred members. Equality impact assessments will include a consideration of the need for conference delegate diversity.

We propose conference should now last for two days rather than three (three and a half including Eve of Conference). The '50-20 rule' with regards rank representation will apply to conference delegates.

## **10. The National Board**

The National Board should be the organisation's governing body. It will safeguard the integrity of the Police Federation as a whole. It will make policy decisions and hold the General Secretary and his/her staff to account for the way he/she conducts business. It oversees financial management, internal and external communications, and ensures the robustness of the standards and performance process detailed earlier. It shares the selection of the General Secretary with the National Council.

It also formulates the Federation's strategic direction and puts that to the National Council for approval.

The National Board should be elected as follows:

- There would be nine representatives elected one from each region and two from the London region. The electorate should be the National Council members from that region.
- The whole National Council will elect a further 3 constables, 3 sergeants and 3 inspectors. One of each of these ranks must be the top-ranking woman.
- If sufficient representation has not been achieved for a range of minority groups (including women and BME) then there is scope to elect a further two members. The need to use these two additional seats must be determined by independent equality assessments. It is our preference that they should not be used if at all possible. Each of the two potential additional seats should be allocated for a specific 'protected characteristic' on the basis of any under-representation after the original 18 representatives have been elected.
- Only members of the National Council can stand for election to the National Board.
- The National Chair will sit in addition. The National Chair has the casting vote in case of deadlock. The General Secretary will be there as *de facto* chief executive of the organisation but will not have a vote.

The National Board has a number of sub-committees currently that deal with operational issues and particular groups within the organisation. These groups should not comprise only National Board members. Where there are experts who could lead particular groups, eg on firearms or child protection, they should be brought onto the sub-committee with the permission of their force. These roles should be advertised. The chairs of these sub-committees may be non-National Board members. However, these sub-committees will report to the National Board and be under its direction.

## **11. National Chair and General Secretary**

We see the General Secretary as closer to the chief executive of the Federation, leading the professional staff in Head Office and implementing the policies agreed by the National Board. In contrast, the National Chair should preside over the National Board and National Council, ensuring there is clear strategic direction, providing a direct link to the branches and members and holding the General Secretary to account.

- **National Chair**
  - Custodian of the integrity and future sustainability of the organisation
  - Strategic oversight of the organisation in terms of assessing plans for meeting the organisation's core purpose in the future
  - Chairs the National Board and the National Council

- Voice of the members and branches. He/she will bring their voice into the National Board
  - Appraises the performance and development of the General Secretary and has a key role in their selection
  - Establishes that the Police Federation has fulfilled its statutory duties
  - Liaises with forces to ensure their voice is heard within the organisation
  - Represents the Police Federation at key events such as Police Memorial Day, and, alongside the General Secretary, with key political decision-makers
  - Oversees the general financial performance of the organisation (with the Treasurer)
  - Serves a maximum of two terms of three years
  - Chairs the National Conference
- **General Secretary**
    - Head of the organisation including all staff in HQ including finance, research, policy, communications, internal democracy, equalities, legal, administration and negotiation.
    - Manages the day-to-day business of the organisation
    - Represents the organisation externally and with policing stakeholders
    - Ensures the performance and standards process recommended in chapter 4 is working effectively
    - Oversees negotiations within the pay review body
    - Oversees communications and internal democracy
    - Serves a maximum of two terms of five years (with an opportunity for re-appointment after the first five years)
    - Oversees day-to-day expenditure and budgeting with the Treasurer and a Finance Director
    - Legal secretary of the Police Federation
    - Business planning and strategic development

The National Chair would be elected in the following manner:

- There should be a nomination process for potential candidates. Any candidate nominated by five branches or more, say, would be placed on the ballot. The barrier to entry should neither be set too high nor too low: five seems like a reasonable number.
- Once a national database has been completed, then the National Chair should be elected by the membership.
- There should be regional hustings ahead of the vote.
- All candidates should be given equal access to the Federation database to send a limited number of emails to members (no more than three emails per candidate say).
- There should be strict limits on expenditure by any candidate.
- If the national database for some reason is not in place, and we see no reason why it should not be, the National Chair will be elected by the National Council until it is.

The General Secretary should be selected in the following manner:

- A job description and person specification would be prepared and the role then advertised.
- There would be a selection panel appointed with, we suggest, two members of the National Board, two members of the National Council, a member of the independent reference group, and the National Chair. The selection panel would interview candidates on the basis of their applications and decide upon the candidate following this formal interview process.
- The successful candidate would be proposed to the National Board and national council for their ratification. If at any stage all candidates are rejected then the process would be re-opened.

The General Secretary should be subject to the same performance and conduct procedures as any other representative. This will be the responsibility of the National Chair.

## Annex 4 – Recommended voting weights and representation in the National Council

In turning the current national meeting of the Chairs and Secretaries of JBBs into a National Council with formal powers, it is necessary to weight votes to a degree. This is to ensure that there is some reflection of branch size in terms of number of members. We propose the following weightings:

- Small branches (<1500) the votes of the Chair and Branch secretary will count as one each;
- Medium branches (1500–4499) two each;
- Large branches (4500+) three each;

To take account of its size, the Metropolitan Police Federation should have two additional representatives making a total of four. This gives it a voting weight of 12 in total.

On the basis of our assessment of diversity and equality with the Police Federation, we have also recommended additional seats for female and BME representatives. This is not set in stone. Indeed, the Police Federation may undertake analysis to say that fewer are necessary or it may also wish to include other ‘protected characteristics’. We are open-minded about this but would prefer the overall size of this body to be very close to the 96 we have recommended. In time, our preference is for these additional seats to be removed once the Federation has made significant progress on improving equality and diversity.

	Voting weight in National Council	Members	Total Votes
Avon and Somerset	2	2	4
Bedfordshire	1	2	2
Cambridgeshire	1	2	2
Cheshire	2	2	4
Cleveland	1	2	2
Cumbria	1	2	2
Derbyshire	2	2	4
Devon and Cornwall	2	2	4
Dorset	1	2	2
Durham	1	2	2
Essex	2	2	4
Gloucestershire	1	2	2

	Voting weight in National Council	Members	Total Votes
Greater Manchester	3	2	6
Hampshire	2	2	4
Hertfordshire	2	2	4
Humberside	2	2	4
Kent	3	2	6
Lancashire	3	2	6
Leicestershire	3	2	6
Lincolnshire	1	2	2
London, City of	1	2	2
Merseyside	2	2	4
Metropolitan Police	3	4	12
Norfolk	2	2	4
Northamptonshire	1	2	2
Northumbria	2	2	4
North Yorkshire	1	2	2
Nottinghamshire	2	2	4
South Yorkshire	2	2	4
Staffordshire	2	2	4
Suffolk	1	2	2
Surrey	2	2	4
Sussex	2	2	4
Thames Valley	2	2	4
Warwickshire	1	2	2
West Mercia	2	2	4
West Midlands	3	2	6
West Yorkshire	3	2	6
Wiltshire	1	2	2
Dyfed-Powys	1	2	2
Gwent	1	2	2
North Wales	1	2	2
South Wales	2	2	4
Women	1	6	6
BME	1	2	2
<b>All Forces</b>		<b>96</b>	<b>166</b>

# Annex 5 – Scottish Police Federation Rule 13

The following is contained with The Police Federation (Scotland) Regulations, 2013 ([www.spf.org.uk/wordpress/wp-content/uploads/2013/05/SPF-Regulations-and-Rules-only1.pdf](http://www.spf.org.uk/wordpress/wp-content/uploads/2013/05/SPF-Regulations-and-Rules-only1.pdf)). It serves as background for the performance, ethics and standards process we have recommended. Please refer to chapter 4 for further detail on our proposals.

## Performance and Conduct Procedure (regulation 6)

### Rule 13

13.1 The Joint Central Committee shall operate performance and conduct procedures to ensure the good name and reputation of the federation.

13.1.1 The Joint Central Committee shall not investigate any criminal allegation made against its Officers, its members or its representatives.

13.1.2 The Joint Central Committee shall not investigate any allegation which appears to be frivolous or trivial in nature.

13.2 In maintaining the good name of the federation the Joint Central Committee shall have regard to the actions and activities of its Officers, its members and its representatives.

13.3 A member who is dissatisfied with the performance or conduct of a representative may ask for an investigation to take place.

13.3.2 In the case of an Officer of the Area Committee or member of the Joint Central Committee that investigation shall be carried out by the Deputy General Secretary.

13.4 A member who requests an investigation must do so in writing and must lay out the nature of their complaint, include supporting documentation where available and specify where the performance or conduct of the representative was lacking.

13.4.1 No investigation shall take place where the member refuses to cooperate with the investigator.

13.5 No action will be taken until the matter has been investigated as fully as possible.

13.5.1 At every stage representatives will have the opportunity to state their case and be represented or accompanied, if they wish, at any investigatory meeting by an SPF representative.

13.5.2 Subject to Rule 13.5.5 a representative has the right to appeal against any penalty or sanction imposed.

13.5.3 In the case of an area representative the appeal shall be considered by the Area Committee Chairperson.



13.5.4 In the case of an Officer of the Area Committee or member of the Joint Central Committee, the appeal shall be considered by the Vice Chairperson

13.5.5 The decision of the Vice Chairperson or subject to Rule 13.5.3, the Area Committee Chairperson on an appeal, shall be final.

13.6 If following investigation the performance or conduct is found to be unsatisfactory, the representative will be given a written warning or performance note. Such warnings will be recorded, but disregarded after 12 months of satisfactory service.

13.6.1 The representative will also be informed that a final written warning may be considered if there is no sustained satisfactory improvement or change. Where the first offence is sufficiently serious, for example because it is having, or is likely to have, a serious harmful effect on the organisation, it may be justifiable to move directly to a final written warning.

13.6.2 If the offence is serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be given which will include the reason for the warning and a note that if no improvement results within 6 months, action at Rule 13.6.3 will be taken.

13.6.3 If the conduct or performance has failed to improve, the representative may suffer a loss of or transfer of responsibilities or duties, or expulsion for a defined period.

13.7 If, after investigation, it is confirmed that a representative has committed an offence of the following nature (the list is not exhaustive), the normal consequence will be expulsion without notice. The offences include; theft; damage to property; fraud; incapacity for work due to being under the influence of alcohol or illegal drugs; physical violence; bullying; gross insubordination, breach of confidence or otherwise acting against the best interests of the federation. While the alleged gross misconduct is being investigated, the representative may be suspended. Any decision to expel will be taken by the JCC only after full investigation.

13.8 Notwithstanding the provisions of Rule 13.5.5 any representative who is expelled may appeal against that decision and must do so to the Chairperson within five working days. The Chairperson will hear the appeal and decide the case as impartially as possible.

13.8.1 The decision of the Chairperson is final.

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