

# Policing and Crime Bill

## Police Federation of England and Wales

### Background

1. The Police Federation of England and Wales (“the Police Federation”) represents the interests of police officers below the rank of superintendent (namely, constables, sergeants, inspectors and chief inspectors). It was established by the Police Act 1919 to represent officers, reflecting the fact that police officers are members of a disciplined service with an obligation to protect the public and, as such, are prohibited from joining a trade union or taking industrial action. Its current legal basis is found in the Police Act 1996 (“the 1996 Act”).
2. In 2013 the Police Federation commissioned an independent panel, chaired by Sir David Normington GCB, to conduct a review to consider *“whether any changes were required to its operation or structure in order to ensure that it continued to promote the public good as well as the interests and welfare of its members”*<sup>1</sup>.
3. The panel’s final report, *Police Federation Independent Review* (“The Independent Review”), was published in January 2014 and made 36 recommendations in order to improve trust and public accountability, transparency, professionalism and member services, including:
  - The adoption of a revised core purpose which reflects the Police Federation’s commitment to act in the public interest; and
  - Greater national oversight and transparency of Police Federation finances, including a requirement to publish all accounts and income and to co-ordinate resources centrally.
4. The final report was endorsed by the Home Affairs Select Committee (recommendation 3 of the Committee’s Report, Reform of the Police Federation, 18th Report of Session 2013/14, HC1163<sup>2</sup>) and by the Home Secretary in her speech to the Police Federation’s 2014 annual conference<sup>3</sup>. At that conference the Police Federation accepted all 36 recommendations.

### Core purpose

5. The Independent Review’s first recommendation was that *“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*

---

<sup>1</sup> 2014, Police Federation Independent Review p.6: <https://www.thersa.org/discover/publications-and-articles/reports/police-federation-final-report/Download>

<sup>2</sup> p.13: <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/1163/1163.pdf>

<sup>3</sup> <https://www.gov.uk/government/speeches/home-secretarys-police-federation-2014-speech>

*as practicable*<sup>4</sup>”. At the Police Federation’s 2014 annual conference the Federation adopted a non statutory revised core purpose which included a commitment to “*act in the interests of the members and the public*”.

6. In her speech to the Federation’s 2015 annual conference<sup>5</sup>, the then Home Secretary, Theresa May, committed the Government to enshrining the revised core purpose in legislation. The Bill amends the 1996 Act to that effect.

#### Application of the Freedom of Information Act and Data Protection Act

7. In her speech to the Police Federation’s 2014 annual conference, the then Home Secretary announced her commitment to bring forward proposals to make the Police Federation subject to the Freedom of Information Act 2000 (“FOI Act”). In a written ministerial statement (Official Report, 12 March 2015, WS387)<sup>6</sup> she announced the publication of a draft clause setting out how the FOI Act could be applied to the Police Federation. The Bill includes an amended version of that clause.
8. The primary objective of the FOI Act is to increase the openness, transparency and accountability of those bodies subject to the Act. The provision of information under the FOI Act enables greater transparency about how public money is spent and greater scrutiny of public services. It allows the public to gain information about services and decisions that affect them and to hold bodies to account for those decisions.
9. The Bill also provides that the Police Federation is treated as a public authority for the purposes of the Data Protection Act 1998 (“the DPA”), which regulates the use of data relating to individuals. This will ensure that in complying with the FOI Act, the appropriate controls are in place to govern the Federation’s use of personal information as outlined in the DPA. It will also enable Federation members (amongst others) to make subject access requests under the DPA to request that the Federation provides copies of any information it holds about them.
10. The Bill will provide that, under section 18 of the Inquiries Act 2005, the Federation is to be treated as though it were a public authority for the purposes of the FOI Act. This is a minor provision to ensure that the Federation is in the same position as any other public authority to whom the FOI Act applies.

**Home Office**  
**July 2016**

---

<sup>4</sup> 2014, Police Federation Independent Review, Chair Sir David Normington, p.17

<sup>5</sup> <https://www.gov.uk/government/speeches/home-secretarys-police-federation-2015-speech>

<sup>6</sup> p. 88-89: <http://qnadailyreport.blob.core.windows.net/qnadailyreportxml/Written-Questions-Answers-Statements-Daily-Report-Commons-2015-03-12.pdf>