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Dear Ruth

Policing and Crime Bill: Statutory purpose of the Police Federation

I am writing to follow up the debate, on the second day of Committee stage on the Bill, on your amendment 179 which sought to remove the requirement on the Police Federation, in fulfilling its statutory purpose, to "protect the public interest" (Hansard, 26 October 2016, columns 314-320). You asked, in particular, what was meant by "the public interest" and what the Federation was required to do as a result of this extension of its statutory duty.

To answer these perfectly understandable questions, it may be helpful to refer back to Sir David Normington's report, published in January 2014, following his Independent Review of the Police Federation.

In setting out the history and purpose of the Federation, Sir David's report explained that the Federation had a wider public interest purpose that was inextricably linked to its core purpose of representing its members. He described that purpose in the following terms:

"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.*"¹

The report went on to argue that "there must be a determined effort to rebuild trust in the Federation" and concluded 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.....

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."*²

Finally, Sir David made the following recommendation:

¹ Page 6 of the report - https://www.thersa.org/globalassets/pdfs/reports/rsa_police_federation_report_web.pdf

² Page 16 of the report

"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."

The Federation agreed this recommendation, along with all the others in Sir David's report, and in June 2014 adopted on an interim non-statutory basis a revised core purpose, as follows:

"PFEW agrees that 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 interests of the members and the public, 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."**

I am not aware that the Federation has had any difficulty applying this revised core purpose.

At the request of the Federation, clause 48 gives statutory effect to Sir David's recommendation.

I should add that the term "the public interest" is commonly found in legislation; we have identified some 1,200 references. We have also identified some 800 references to "protect the public interest" in case law. Indeed, the term "the public interest" appears in several places elsewhere in the Bill (see, for example, new section 29I of the Police Reform Act 2002, as inserted by clause 28 and new section 88H of the Police Act 1996, as inserted by Schedule 8) where it has not attracted comment.

I am copying of this letter to Lord Rosser, Lord Kennedy of Southwark, Baroness Harris of Richmond, Lord Wasserman, Lord Paddick and Baroness Hamwee and placing a copy in the library of the House.

A handwritten signature in cursive script, appearing to read "Susan".

Baroness Williams of Trafford