

Federation Representatives – A Guide for Line Managers

The Purpose of the Police Federation

The Police Federation of England and Wales (PFEW) was created by an Act of Parliament in 1919 to create a body responsible for the representation and interests of the rank and file officer. The PFEW has a **statutory obligation** to ensure that the views of its members are accurately relayed to government, opinion formers and key stakeholders. To ensure this we measure the work we do and what we seek to achieve against our organisational aims and objectives.

Represent and support

Aim: To represent and promote the interests and welfare of our members, and to support colleagues to achieve the required professional standards.

We do this by:

- meeting our statutory responsibilities
- representing our members' interests in matters of discipline, diversity, health and safety, welfare, pensions, claims and member services and many other issues
- ensuring that representatives have the required skills and abilities to fulfil their role and meet their statutory responsibilities
- providing national and local representation to ensure that our members receive appropriate training to deliver a professional police service.

Influence

Aim: To influence internal and external decision makers at local and national levels on matters affecting our members and the police service.

We do this by:

- providing clear leadership locally and nationally on issues affecting the membership
- listening to and reflecting issues concerning our members
- maintaining an effective communications strategy
- engaging with all internal and external stakeholders and decision makers
- putting evidence-based information in the hands of decision makers.

Negotiation

Aim: To maintain and improve the conditions of service and pay of our members.

We do this by:

- actively participating in national, force and local negotiations
- negotiating collectively and on behalf of individual members
- using evidence-based information in our business practices.

It is recognised that the activities of a Federation Representative (Fed Rep) in discharging the statutory duty above, may bring them into conflict with their line management about the obligations and expectations placed on them after being elected into role. This is a short guide designed to assist in your decision making and rationales.

Line Managing a Fed Rep

Fed Reps are elected by their peers to become trained, accredited and experienced to represent them individually but also vicariously and collectively with senior police leaders, government bodies, parliament, and the public.

Fed Reps are elected for a three year triennial period, but vacant positions can be filled with a by-election

West Midlands has negotiated to have 50 work based Fed Reps across the force. This number reduced from 90 following the most recent negotiation with the force. There are nine full time reps responsible for managing the branch. The nine full time executives are the General Secretary, Chair, P and E lead x 2, Conduct & Performance Lead x 2 (CAPLO) and Deputy General Secretary Deputy Chair and Health and Safety lead.

Regionally there is a requirement for election of additional members to the national council. Midlands region has additional seat for BAME and WOMEN. Additional facility time is allowed for the elected limited to attendance at the Federations National council meetings. 4 per year

Duty Time for Federation Meetings

Branch Council Meetings - *Reg 8(5) Police Federation (England & Wales) Regulations 2017*

All 50 Fed Reps are required to attend the three Branch Council Meetings per year.

These meetings are to be classed as duty time and the dates of these meetings will be known in advance of the three monthly roster. The only exception to this would be a rep being elected at a by-election or the start of a triennial period. In these cases their attendance would be considered an exigency of duty.

Branch Board Meetings - *Reg 10(8) Police Federation (England & Wales) Regulations 2017*

Between the 50 members of the Branch Council, they must elect among themselves a Branch Board of 14 members. This Board (and three trustees) are responsible for the governance and scrutiny of the Branch activities. The Branch Board members are required to attend twelve meetings per year.

These meetings are to be classed as duty time and the dates of these meetings will be known in advance of the three monthly roster. The only exception to this would be a rep being elected at a by-election or the start of a triennial period. In these cases their attendance would be considered an exigency of duty.

National Conference - *Reg 23(1)(f) Police Regulations 2003*

Between the 50 members of the Branch Council, they must elect 16 delegates to the National Conference in addition to the General Secretary and Chair. National Conference is two days in duration, usually in May and may necessitate traveling days either side. This is duty time however the election of delegates usually takes place in March meaning the three-monthly roster will have been published. Their attendance would be considered an exigency of duty.

Department & H&S Meetings - *Reg 23(3) Police Regulations 2003 & Reg 4(1) The Safety Representatives and Safety Committees Regulations 1977*

Fed Reps are required to attend the Department WFS, Consultation Committee Meetings and Health & Safety Meetings and any other relevant force meeting. These are scheduled by the SLT secretaries and usually occur every 6-12 weeks. These meetings are to be classed as duty time and the dates of these meetings will be known in advance of the three monthly roster. The only exception to this would be a rep being elected at a by-election or the start of a triennial period. In these cases their attendance would be considered an exigency of duty.

Trustee Meetings - *Reg 20(4) Police Federation (England & Wales) Regulations 2017 & Trustees Act 2000*

From the 50 members of the Branch Council, three members are elected as Trustees to the Branch Funds. They are responsible for scrutinising the financial activities of the Branch ensuring members money is being used wisely. They are required to meet four times a year to audit accounts and this is to be treated as duty time. The dates are set by the availability of the Treasurer and the three trustees.

Training

Initial Representatives Course – *S.44 Police Act 1964*

All Fed Reps are required to attend an Initial Reps Course as soon as possible. This is vital as the Rep will be unable to advise any members on any matter until this course is completed. It is usually four days long at Leatherhead HQ. This would be considered duty time. Where possible, the rep will minimise the impact on your team but early attendance is imperative.

Once qualified, they can give general advice on workplace regs, overtime, expenses etc. They can then choose to become qualified in a one (or more) of the three main fields of federation work. They are Conduct & Performance, Equalities and Health & Safety. We expect that each rep will qualify in at least one specialty field. The dates of all other courses will be negotiated with you and in any event be notified in advance of the three monthly roster to allow for cover to be arranged if necessary.

Conduct & Performance - *Reg 7(2) Police (Conduct) Regulations 2020 & Reg 5(2) Police (Performance) Regulations 2020*

Again this will be a four day course held locally or at Leatherhead HQ. This would be

considered duty time. This will train a Fed Rep to take on a Discipline workload. They will be allocated Misconduct, Gross Misconduct, Criminal cases where they will meet with members, meet with PSD, meet with solicitors & barristers (in GM and Criminal cases). They will be required to attend criminal & misconduct interviews, attend court and misconduct meetings/hearings, and be required to prepare submissions on behalf of the member. All of this is considered duty time.

This will equally apply to any representation under performance regulations (Unsatisfactory Performance, Performance or Reg 13).

Conduct reps are also expected to attend the notified committee meetings . Currently 6 per PA notified at the start of the year and supplied to the relevant line manager.

Once trained in Conduct & Performance, the rep may progress onto becoming Post Incident trained. This will be a three day course (with refreshers every three years). This is to enable them to perform the federation role in a Post Incident Procedure where there has been a Death or Serious Injury (DSI) connected to police activity. This will then require them to perform the on-call fed rep function.

Finally, an experienced rep would be expected to complete an Advocacy Course which will build on their skills to draft and present cases on behalf of officers where they are not legally represented.

Equalities - *Home Office Circular 28/04*

The Initial Equalities Practitioner course will again be four days long and typically held at Leatherhead HQ. This will enable the fed rep to advise officers on grievance matters, workplace discrimination, whistleblowing, victimisation and represent them at internal and sometimes external (Tribunal)workplace matters. They receive advanced training in the Equality Act 2010 and linked legislation. Where workplace processes have failed to reach a resolution, the Fed Rep will consider registering an Employment Tribunal against the force and obtaining the support of legal reps. Advice, preparation, and representation of members for equality matters should be considered duty time.

Fed Reps may then undertake detailed training in Ill Health Retirement. This equips the rep to advise on matters connected to the SMP (medical retirement) process. This is a highly specialised and intricate area of regulatory work. Reps taking on this commitment are expected to attend the regular committee meetings. Currently 6 per year. Dates are notified at the beginning of the year and should be sent to managers.

Health & Safety - *S.2(6) Health & Safety at Work etc. Act 1974 & Reg 4 The Safety Representatives and Safety Committees Regulations 1977*

The final area of business where Fed Reps could specialise is the Health and Safety field. The initial H&S course will be four days long typically held at Leatherhead HQ. This will train them in basic H&S matters including how to conduct H&S inspections and investigations. A H&S trained rep would be allocated relevant IODs or Near Misses to investigate on behalf of the officer. They can also proactively conduct H&S inspections in their department. This will all be considered duty time. H and S is of benefit to all and a trained federation H and S rep will be expected to assist the force in fulfilling its legal obligations.

Experienced H&S reps or reps with a specific portfolio (e.g. Custody Lead) may require further training to a nationally recognised standard (NEBOSH).

Treasurer/ Conduct and performance chair/health and safety chair

These positions are held by workplace reps, with their leads being aside from treasurer full time executives in the fed office.

On Call Federation Rep

The force requires a Conduct and PIP trained rep to be available to the Force Incident Manager (FIM) 24/7 and this is catered for by the on call conduct team. They will typically be on call 30 days per year where they will be required to respond to a PIP, Police Officers who have been arrested or for a major incident where FIM is of the opinion the Federation should be in attendance. The Fed Rep will be informed of their on call dates one month prior to the publication of the three monthly roster, which will allow you a month to make any changes to the roster in line with regulations.

Confidentiality

Fed Reps are required to maintain confidentiality when representing individual members interests. The advice they provide is confidential and they cannot be ordered to disclose that advice or what a member has told them. Their workloads are tracked by a system similar to connect which is owned by the Police Federation. This system is called CMS but reps also have PolFed issued IT which allows them to diarise their federation activities and is auditable by the Police Federation.

Managing a Fed Reps 'Day Job'

As you can appreciate from the above guidance, an active Fed Rep will be legitimately engaged with federation business. Dependent on the proportion of duty time spent on federation activities it may be prudent to consider them akin to a part time worker in terms of performance managing their day job. The opportunity cost here is offset by the value the federation role provides to the wider department.

Some departments have chosen to by default allow full time facilities to thier local Fed Reps as their workloads became genuinely too high to accommodate a day job, in others the reps share out the work but still have a day job. Just consider, if you are managing the only Conduct trained rep for a large department, then they are essentially shouldering the misconduct workload for that entire area of the business. What is 'reasonable duty time' could be stretched far in these circumstances.

The branch secretary will happily provide a testimony for their annual PDR as to federation activities, duties, and responsibilities. They will also be able to confirm the volume and nature of a representative's workload but cannot provide specific details such as the name of the member they are assisting, or the nature of their workplace issue or allegation. As a line manager you may legitimately ask these questions and will be supported with the information you require. You must have confidence that a rep you are managing IS performing legitimate facilitated federation tasks.

Any behaviours towards a Federation Representative that could be considered a detriment based on the exercising of their duties could lead to action taken against the force. Various areas of legislation protect workplace representatives from discrimination or detriment connected to them carrying out their workplace functions.

- S.44(1)(b) Employment Rights Act 1996
- S.146 Trade Union and Labour Relations (Consolidation) Act 1992
- S.27 Equality Act 2010

A good rule of thumb for managing a federation Representative: If you were the officer accused of something or needed support, what would your expectations be of your Federation Rep? How available should they be? How well trained should they be? How much influence and representation should they have with senior leaders?

Tim Rogers

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National Lead Pursuits and Driver Training

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