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# AMERICAN JOURNAL of POLICE SCIENCE

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## THE POLICE FEDERATION IN BRITAIN

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R. E. Harris

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(Whether or not, or to what extent members of our police departments should be permitted to affiliate with labor unions or other organizations continues as a problem of ever-increasing interest. How the issues of unionization or non-unionization of the police were met in Britain are interestingly described in the following article. The author (R. E. Harris, B.A., Oxon) is a barrister-at-law and is editor of "The Police Review."—EDITOR.)

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By an Act of Parliament passed twenty-five years ago policemen in England, Wales and Scotland were debarred from becoming or remaining members of a Trade Union, and an organization known as the Police Federation was set up.

Its members consist of the three lower ranks — inspectors, sergeants and constables. Superintendents and chief constables are excluded. It is provided by law that the Federation shall be entirely independent of and unassociated with any body or person outside the Police Service, and its functions are limited to considering and bringing to the notice of the Police Authorities and the Secretary of State all matters affecting police welfare and efficiency, other than questions of discipline and promotion affecting individuals.

Before the Police Act of 1919 was passed the police had no right to confer or to make collective representations. This was felt to be a substantial grievance by the lower ranks and it led to the formation, largely underground, of the National Union of Police and Prison Officers.

The Home Office and the Police Authorities refused to recognize the Union, and let it be known that any man who was found to be a member of it would be guilty of an offence involving dismissal. In August, 1918, after a three-day strike of the London Police aimed at securing an increase in their woefully inadequate pay, a measure of recognition was accorded to the Union, which rapidly increased in membership and became affiliated to outside Trade Union organizations, including the Trade Union Congress.

This limited recognition of the Union continued for nearly a year before the Government decided that the experiment was a "hopeless failure" and instituted the Police Federation. The Home Secretary of the day summarized the position as follows:

“Having regard to the fact that they are a disciplined Force and that they are not an industrial body, having regard to the duties they owe to the State, we are justified in saying: We have given a full trial for nine months, with every latitude to the arrangement, in allowing them to join an outside body. It has hopelessly failed and must cease to continue.”

The Home Secretary had previously given instances of alleged interference with the discipline of the Force by the Union, of the difficulties in which a State servant may find himself when his loyalties are divided between the State and an outside Union, and of the danger of the police losing the confidence of some sections of the community if they became identified with any particular political party. The Union did not give in without a struggle, and for the second time in the history of the police of this country a strike was called. The object of the strike was to secure the recognition of the Union, but in this it failed. Over ninety-five per cent of the Force reported for duty as usual, the strikers were dismissed and the Police Act, 1919, setting up the Police Federation, was passed into law.

The organization and working of the Police Federation is bound up with the system of Police Administration in Britain and it is not possible to understand the one without some knowledge of the other. In England, Scotland and Wales there were before the war approximately 70,000 police officers of all ranks. They serve in over 200 separate Police Forces administered by the Police Committee (known as the Police Authority) of the town or country to which the Force belongs and under the command of separate chief constables. In the case of the Metropolitan (London) Police, which normally numbers approximately 20,000 men, the chief officer is known as the Commissioner of Police of the Metropolis, and the Police Authority is not the London County Council, but the Home Secretary. There is a separate force for the City of London—that is, the original part of the metropolis, which is now the business section — the chief officer being the Commissioner of Police for the City of London.

Although the various police forces are locally administered the conditions of service are the same throughout the whole country and in England and Wales are the responsibility of the Home Secretary, and of the Secretary of State for Scotland in that country. It is the Home Secretary and the Secretary of State for Scotland who determine the rates of pay or allowances, hours of duty, qualifications for promotion, and in fact almost all matters which can be governed centrally. The local Police Authority is responsible for police buildings and equipment,

and has certain responsibilities in connection with discipline, promotion and the payment of pensions and allowances. From the policeman's point of view the result is that he has in a sense, two employers, the Home Secretary (or alternatively the Secretary of State for Scotland) and the local Police Authority. For this reason the Police Federation has been constituted in such a way that it can operate both locally and centrally.

The constitution of the Police Federation is laid down in a schedule to the Police Act, 1919. It is provided that all members of the Police Force below the rank of superintendent shall be members of the Federation. In each separate police force there is a branch of the Federation, the branch consisting of three Branch Boards — one for constables, one for sergeants and one for inspectors. The three Branch Boards may sit together, in which case they are known as the Joint Branch Board. The members of the Branch Boards are elected annually, all members of the force of each rank having the right to vote for that rank. If the total strength of the force is less than 200, five members are elected to each Board. If the strength of the force exceeds 200, seven members are elected to each Board. In the case of the larger forces a member is elected for each division in the force. Branch Boards hold four quarterly meetings a year, each lasting one day, but additional meetings for any special purpose may be held with the consent of the Chief Officer of Police.

A Central Conference is held each year, the Branch Boards deciding by vote who shall attend as delegates. The number of delegates elected to attend the conference depends on the strength of the force. A small force is entitled to send one delegate from each rank, whereas the Metropolitan Force would send over twenty.

At the Central Conference, which lasts for two days and in England and Wales is attended by over eight hundred delegates, three Central Committees are elected by the three different ranks. Each committee has six members and the three committees may sit together as the Joint Central Committee. The committee is the executive of the Federation. It elects its own chairman and secretary, and it is the latter official who conducts the day-to-day affairs of the executive in addition to compiling reports of the bi-monthly meetings of the Joint Central Committee.

There are two Federations, one for England and Wales, and one for Scotland. An organization known as the Auxiliary Police Association, was established in 1941 in each country, to represent the paid Police Auxiliaries who were recruited for the duration of World War II. This organization was mod-

elled on the Federation, and its constitution and powers are, generally speaking, the same. These organizations act independently.

All expenses in connection with the two Federations and the Auxiliary Police Associations are paid by the authorities. Funds cannot be raised by subscriptions from members without the consent of the authorities, and it is not customary to grant consent unless the fund is for charitable purposes, or for a testimonial to a retiring member of the Federation who has rendered outstanding service.

The local Branch Boards may submit representations to the Chief Officer of Police or to the Police Authority, and in addition they are empowered to submit the representation to the Secretary of State (the Home Secretary or the Secretary for Scotland).

In practice representations are made locally, and in the event of their being unsuccessful the matter is brought to the notice of the Joint Central Committee for consideration and possible submission to the Secretary of State. The local Branch Boards are, generally speaking, extremely active and deal with all questions relating to the welfare and efficiency of their members. Their representations, which are usually submitted in writing to the Chief Officer of Police, range from requests that they should be provided with free typewriter ribbons to suggestions that new and up-to-date police headquarters should be built. Suggestions are made to the Chief Officer as to the more efficient working of the beats, police communications, tours of duty, etc., and many Chief Officers have testified that the Branch Board is a valuable aid to police efficiency.

In some forces the Chief Officer meets the board at regular intervals, and with it discusses current problems. If the matters raised cannot be decided by the Chief Officer of Police without the sanction of the local Police Authority, it is the Chief Officer who submits the board's request to the Police Authority.

There can be no question that the local boards have fully justified their existence and are a material factor in providing and maintaining the contentment and efficiency of the men. A good Federation representative — and there are many — has the confidence of everyone in the force from the Chief Officer of Police to the defaulter whom he will assist at disciplinary proceedings. He knows how to distinguish a grouse from a legitimate grievance, and is always ready to assist a colleague in trouble.

Problems of a personal and domestic kind may be put to him. For instance, a representative at a large seaport town was re-

cently approached by a constable whose daughter was lying dangerously ill and who badly needed fruit juice, which could not be obtained for her. At first the representative was "stumped", and the case was so much on his mind that he mentioned it during the course of a conversation with an officer of the U. S. Army stationed in the town. The U. S. officer told the representative not to worry, and that he would fix it. He did this by contacting every ship in port, and all U. S. canteens in the district. Fruit juice was made available the same day. This example serves to show that there is a personal touch about the local representative's work, and that he often renders valuable social service.

The Central Committees, or executive of the Federation, consider matters of national policy such as pay, pensions, hours of duty, and also take up the cudgels on behalf of local Branch Boards whose representations have been unsuccessful. In addition, they act in an advisory capacity and are able to give help and guidance to the local Branch Boards. Representations are usually made in writing to the Secretary of State, but in matters of outstanding importance a deputation from the Joint Central Committee is sent to the Home or Scottish office.

In cases where the representation relates to a local matter in which the Branch Board has been unsuccessful, the Secretary of State's action will depend on whether there has been a failure by the Police Authority to carry out its statutory obligations, or whether the Police Authority has acted within its legal powers but perhaps ungenerously to the police. In the former case the Police Authority is obliged to right the wrong, and in the latter it may be advised to pursue a different course.

In the case of representations on national matters, the Secretary of State may set up a Departmental Committee. This was recently done to try to solve the long-standing grievance of police widows' pensions. Or he may refer the matter to the Police Council (a statutory advisory body consisting of representatives of the Police Authorities, Chief Officers of Police, superintendents and the Federation), or he may grant or refuse the request outright. The Secretary of State is not bound to follow the recommendations of a committee of inquiry or of the Police Council, and thus in fact he always has the last word, (subject to his constitutional responsibility to Parliament).

There are two aspects of police welfare and efficiency which are expressly excluded from the Federation scheme. It is provided in the Police Act, 1919, that no representations can be made on questions of discipline and promotion affecting individuals.

The reason for excluding these two matters was no doubt to safeguard the authority of Chief Officers of Police (known as Chief Constables in the county areas, and Commissioner of Police in the London area) and at the same time to prevent Branch Boards from being exploited by disgruntled individuals. Contentment in the lower ranks of the police depends to a considerable extent on a fair system of promotion, and on the just administration of discipline, and the Government has recognized this by making detailed regulations defining the procedure which is to be adopted, and to a certain extent limiting the individual discretion of Chief Officers.

In cases where it is thought that a Chief Officer has acted contrary to the regulations — *e.g.* where men who have not passed the necessary qualifying examination are said to have been promoted — the Federation may make representations to the Secretary of State on the general principle of non-observance of the regulations, rather than on behalf of individuals who feel aggrieved.

There is, of course, no restriction on the Federation submitting representations on general lines, asking for alterations to be made in disciplinary procedure or in the regulations governing promotion. These regulations are laid down in Statutory Orders issued by the Secretary of State under the terms of the Police Act, 1919, and in order to explain the attitude of the Federation, and any action taken by it on the important issues of promotion and discipline, some reference to the Police Regulations (as the Statutory Orders are called) is necessary.

The regulations governing promotion provide that subject to passing a qualifying examination, promotion shall be by selection, but that no member of a police force can be promoted unless (a) if a constable he has completed five years' service; and (b) if a sergeant he has completed two years' service in that rank. In addition, a candidate for promotion must have spent not less than one year in the performance of ordinary outside duty. A Chief Officer of Police has power to reduce the five-year qualifying period in the case of a constable possessing special qualifications.

The promotion examination is in two parts — (1) *Educational subjects*, which include reading aloud, writing and composition, arithmetic, geography, and general knowledge and intelligence. (2) *Police Duties*, which include criminal law, evidence and procedure, general statutes, local regulations and the principles of local government. The examination papers may be set and marked by a central examining authority or by senior officers of the force.

It is provided that any constable who has completed four years' service and has given due notice to the Chief Officer of Police is entitled to sit for the examination. A candidate who fails to pass it is entitled to sit again after an interval of not less than a year, and a list of the names of members of the force who have passed the examination must be posted. The regulations make it clear that the passing of the examination does not automatically entitle a man to promotion, or to promotion before another man who passes the examination at a later date.

It is probably impossible to evolve a system of promotion which will satisfy everyone, but there is no doubt that the Federation regards the regulations outlined above as a valuable safeguard against favoritism, possible local influence and nepotism. During the war it has been necessary to relax the provisions regarding qualifying examinations, and the Federation is pressing for their restoration at the earliest possible moment. Complaints on the score of unfair questions or marking are few, though they are not unknown. In Scotland recently the following question was asked in a paper on *Police Duties*:

"Mr. Brown, who is a resident of Scotland, desires to obtain a licence to enable his 17 year-old son, John, to fill a series of musical engagements in New York. (a) To whom should the application for a licence be made? (b) To whom should preliminary notice be given? (c) What period of time should elapse between giving of the notice and the lodging of the application?"

Objection was taken to the question on the ground that ability to answer it depended on the knowledge of an Act of Parliament which had not been circulated to the force, and a protest was sent to the examining body of the Joint Central Committee.

From the start the Federation has made it clear that it has no use for shirkers or defaulters, and it has never raised any objection to the strict discipline code under which the police serve.

What the Federation has consistently urged is that defaulters should be given a fair trial, and that there should be a right of appeal in cases where heavy punishments, such as dismissal or reduction in rank, are awarded. Chief Officers of Police are not infallible and occasionally may be tyrants, and it is to protect its members from mistakes or harsh treatment that the Federation has pressed for a right of appeal. A member of a police force has now the right under two Acts of Parliament to appeal to the Secretary of State against dismissal, reduction in rank and reduction in pay.

The procedure which must be adopted in disciplinary cases is prescribed in detail in Nos. 12 to 26 of the Police Regulations.

The regulations provide that a code of offences against discipline which has been approved by the Secretary of State must be published in all forces. If it is alleged that a member of the force has offended against the code he must be informed in writing as soon as possible of the exact charge against him. The written charge is entered on a Misconduct Form, and this form, together with the report or complaint on which the charge is founded, must be handed to the accused who will initial them and, if he wishes, take copies of them.

The accused must state in writing on the Misconduct Form whether he admits or denies the charge, and if he wishes he may give an explanation in writing or state that he would prefer to make an explanation in person to the Chief Officer of Police. If the accused denies the charge and the Chief Officer is not satisfied with his explanation, the accused is ordered to appear before the Chief Officer and has the opportunity of cross-examining witnesses against him, and of calling witnesses on his own behalf. At the hearing he may be assisted in presenting his case by another member of the force, and it is usually a member of the Branch Board who undertakes this task. However distasteful the case may be, the Branch Board representative will defend the defaulter to the best of his ability. He regards it as part of his duty as a Federation representative, which he must carry out without fear or favor.

If the accused is found guilty he may be punished by (1) dismissal, (2) being required to resign, (3) reduction in rank, (4) reduction in rate of pay (for not more than twelve months), (5) forfeiture of merit or good conduct badges (except such as have been granted for an act of bravery), (6) Fine (amount not exceeding one week's pay), (7) reprimand, or (8) caution.

The code of offences against discipline which is included in the Secretary of State's Regulations and which the Federation has never sought to modify, is a comprehensive document and would seem to include every wrongful act which a policeman could possibly commit. There are seventeen main headings, under some of which there are as many as nine sub-headings, and the total of possible offences is nearly fifty. If what is considered to be an offence against discipline is not precisely defined under any heading, the first offence listed in the code appears to be sufficiently wide to cover it. This offence is defined as follows:

*“Discreditable Conduct*, that is to say, if he acts in a disorderly manner or in any manner prejudicial to discipline or likely to bring discredit on the reputation of the force or of the police service.”

One of the Federation's most notable achievements has been the securing of a right of appeal in disciplinary cases. Before the passing of the Police (Appeals) Act, 1927, the position was that in City or Borough Forces a defaulter had a right to appeal from the Chief Constable's decision to the Watch Committee or Police Committee of the local Town Council. This is a valuable safeguard, but not altogether satisfactory as members of the committee have usually no training which fits them to act judicially, and may be unduly influenced by a wish to support the Chief Constable.

In the Metropolitan Police there was a right to appeal from a Disciplinary Board to the Commissioner. The Disciplinary Board consists of senior officers of the force, and its thoroughness and impartiality have won the respect of the men. It was in the County Forces that the position was most unsatisfactory, and towards which most of the Federation representations were directed:

In matters of discipline the County Chief Constable was a complete autocrat. His powers were defined by the County Police Act, 1839, which provides that the Chief Constable “shall appoint the other constables to be appointed for the County, and a superintendent to be at the head of the constables in each division of the county, *and at his pleasure may dismiss all or any of them.*”

There was no appeal of any kind from a punishment awarded by the Chief Constable of a County Force and his decision could not be questioned.

In fairness it must be said that most County Chief Constables wielded their autocratic power in a reasonable way, but there were some cases of harsh and unjust treatment, and the Federation was unremitting in its efforts to obtain a right of appeal. Apart from the injustice which might be done to individuals, it was felt that the principle underlying the Act of 1839 was wrong, and that the Act badly needed bringing up-to-date.

The first reform secured was the Police (Appeals) Act, 1927. This provided that a member of any police force (Metropolitan, Borough or County) had a right of appeal to the Secretary of State in the event of his being dismissed or required to resign. This right of appeal was granted in addition to any existing right of appeal, so that in the case of a borough constable it would be an appeal from the Police Authority's rejection of an appeal from the Chief Constable's decision; and

in the Metropolitan Force from the Commissioner's rejection of an appeal from the decision of the Disciplinary Board. In a County Force it would be a direct appeal from the decision of the Chief Constable.

The Act provides that the Secretary of State, unless the case is one which he considers can properly be determined without taking oral evidence, shall appoint one or more persons to hold an enquiry and report to him. If an enquiry is held the appellant may be represented by a member of a police force, usually a Federation representative, or in some cases by a lawyer.

The Act was regarded as a great step forward, but in the opinion of the Federation it did not go far enough. The right of appeal was granted only in those cases where the punishment was dismissal or being required to resign, and a County Chief Constable could still inflict other punishments, such as reducing in rank or rate of pay, without the possibility of appeal. The Federation's repeated representations on this issue were considerably helped by an individual disciplinary case which attracted newspaper publicity and led to questions being asked in the House of Commons and an inquiry being held by the Home Secretary.

A sergeant in a County Force was charged by his Chief Constable with submitting an inaccurate report concerning some missing equipment. He was found guilty and punished by being reduced to the rank of constable. The sergeant considered that he had been harshly dealt with, and submitted his resignation from the force. The Chief Constable refused to accept this (he was entitled to do so under a war-emergency Act) and in consequence the sergeant refused to report for duty.

He was arrested and charged under the Defence Regulations with disobeying a lawful order, and with being absent from duty. The magistrates who heard the case imposed two nominal fines of sixpence and the presiding magistrate informed the sergeant: "We think the treatment you have received is indeed harsh, if not savage, and savors of much of the mad tyranny against which the democracies of the world are at present fighting. The Bench considers that the circumstances which led up to these proceedings should be communicated to the Home Secretary."

The sergeant failed to report for duty a second time, and was again arrested. The hearing was before a different Bench, who imposed a nominal fine of one shilling on each of the two charges. The Chief Constable then dismissed the sergeant from the Force.

An inquiry into the administration of discipline in the force concerned was instituted by the Home Secretary and the findings of the investigating committee lent valuable support to the Federation's claim that the right of appeal in County Forces should be extended. The committee came to the conclusion that the Chief Constable was unduly severe in some of his punishments and that the manner of the Chief Constable towards his subordinates in the course of disciplinary inquiries was at times so excitable as to suggest that he had lost his temper.

On an analysis of statistics from twelve comparable counties, the committee found that in twelve years 32 members had been dismissed from the one Force, compared with a total of only 59 from the twelve forces. In this one force four times as many men were dismissed as in any one of the other forces, and nearly three times as many men were punished by reduction in rank.

The inquiry supported the Federation's contention that the Police (Appeals) Act of 1927 did not go far enough. The representations that members of the County Forces should be given further safeguards were pressed with renewed vigor, and with a measure of success. At the 1942 conference of Federation delegates the Home Secretary announced that he favored an extension of the right of appeal to include cases of reduction in rank and in rate of pay in addition to the existing right in cases of dismissal and of being required to resign. This extension was granted in the Police (Appeals) Act, 1943.

The opinion in which the Federation is held by the men was well expressed by Inspector Trigg of Cardiff, the Chairman of the Joint Central Committee of England and Wales, in his address of welcome to the Home Secretary at the 1942 conference.

He said: "We are proud of our organization. We are a class apart, owing allegiance to no political party or other outside body. We are a democratic organization, having the right to make representations on all matters affecting our welfare and efficiency, and we have had some success. We also have had disappointments. It is disappointing that some of our representations do not appear to have received the consideration which they deserve. We are proud to be members of the police service. Our duty to the State and to the great British public is our first consideration."

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