

Policy Study

CONFIDENTIAL



10 DOWNING STREET

MEVA

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8 January 1986

Dear Mr Partridge

POLICE INSTRUCTORS

You may be aware that the Police Federation take the view that Section 43 of the Police Act, 1964 is anomalous, in that it requires serving police officers to become civilians for the period of their engagement of teaching services. The term "central service" in Section 43 doubtless covers this. They ask the question why should instructors who teach other police officers cease to become serving officers during their time at police college? I understand the official attitude has been that this causes no real problems and is therefore, though a strange piece of legislation, not a matter that need be changed. Two matters concern me.

1. On the practical issue of whether Section 43 causes any difficulties, I believe there is one glaring point that could be made if what the police say is correct. The police assert that these instructors remain under the authority of their Chief Constables, and there are occasions when they are summoned back to act as police officers while they are still instructors. If this is correct, police instructors would presumably be using common law powers of arrest, even though they appear to the public to be policemen in uniform. Perhaps the facts as recounted to me could be checked.
2. As you may know, the Prime Minister is visiting Bramshill Police College in the near future and this may come up. Some answer to this point is likely to be needed.

Could you ask your officials to look at this matter? I attach a copy of Section 43 of the 1964 Act.

I am copying this letter to Mark Addison.

Yours sincerely
Hartley

HARTLEY BOOTH

PART II

(4) The chief inspector of constabulary shall in each year submit to the Secretary of State a report in such form as the Secretary of State may direct, and the Secretary of State shall lay a copy of that report before Parliament.

(5) The inspectors of constabulary shall be paid such salary and allowances as the Secretary of State may with the consent of the Treasury determine.

Assistant
inspectors and
staff officers.

39.—(1) The Secretary of State may appoint assistant inspectors of constabulary, and may appoint members of police forces to be staff officers to the inspectors of constabulary.

(2) Persons appointed under this section shall be paid such salary and allowances as the Secretary of State may with the consent of the Treasury determine.

Pensions of
inspectors and
assistant
inspectors.

40. The Police Pensions Act 1948 shall apply to any inspector or assistant inspector of constabulary appointed after the commencement of this Act and accordingly shall have effect, in relation to any such person, subject to the modifications set out in Schedule 6 to this Act.

Central services

Common
services.

41. The Secretary of State may provide and maintain, or may contribute towards the provision or maintenance of, a police college, district police training centres, forensic science laboratories, wireless depots and such other organisations and services as he considers necessary or expedient for promoting the efficiency of the police.

Research.

42. The Secretary of State may set up such bodies and take such other steps as appear to him to be necessary or expedient for the purpose of undertaking research into matters affecting the efficiency of the police.

Central
service on
police duties.

43.—(1) Subject to the provisions of this section, where a member of a police force is, whether before or after the commencement of this Act, engaged, with the consent of the appropriate authority, for a period of central service he shall be treated as if he were not a member of that force during that period or so much of it as falls after the commencement of this Act; but, except where a pension, allowance or gratuity becomes payable to him out of moneys provided by Parliament by virtue of regulations made under the Police Pensions Act 1948—

(a) he shall be entitled at the end of his period of central service to revert to his police force in the rank in which

he was serving immediately before he engaged as aforesaid; and

PART II

(b) he shall be treated for the purposes of any scale prescribed by or under the police regulations fixing his rate of pay by reference to his length of service, as if he had been serving in that force during that period.

(2) Notwithstanding anything in subsection (1) above, a person engaged on central service may be promoted in his police force as if he were serving in that force; and in any such case the reference in paragraph (a) of that subsection to the rank in which he was serving immediately before he engaged shall be construed as a reference to the rank to which he is promoted, and for the purposes mentioned in paragraph (b) of that subsection he shall be treated as having served in that rank from the time of his promotion.

(3) Notwithstanding anything in subsection (1) above, a member of a police force who has completed a period of central service may be dealt with under the police regulations relating to discipline for anything done or omitted while he was engaged on that service as if that service had been service in his police force, and section 37 of this Act shall apply accordingly.

(4) The Police Pensions Act 1948 shall apply to any member of a police force engaged on central service and accordingly shall have effect, in relation to any such member, subject to the modifications set out in Schedule 6 to this Act.

(5) In this section "central service" means temporary service under the Crown in connection with the provision by the Secretary of State of such organisations and services as are described in section 41 of this Act, or of research or other services connected with the police, and service as a staff officer to the inspectors of constabulary; "appropriate authority" in relation to a member of a police force means the chief officer of police acting with the consent of the police authority, except that in relation to the chief officer of police it means the police authority; and "police regulations" means regulations made under section 33 of this Act.

PART III

POLICE REPRESENTATIVE INSTITUTIONS

44.—(1) There shall continue to be a Police Federation for Police England and Wales and a Police Federation for Scotland for the purpose of representing members of the police forces in England and Wales and in Scotland respectively in all matters affecting their welfare and efficiency, other than questions of discipline and promotion affecting individuals.



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14 January 1986

Hartley Booth Esq
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MMA

cc: Mr Mark Addison, No.10 ✓

Miss Goose
Mr Bubbear
Mr Yeates

Dear Hartley,

POLICE INSTRUCTORS ON CENTRAL SERVICE

Thank you for your letter of 8 January about the status of police instructors on central service.

I fear that some of the information you have been given is incorrect. Seconded police officers do not remain under the authority of their Chief Constables and a Chief Constable has no power to recall a seconded officer to perform normal police duties. Throughout the period of his secondment, an officer on central service is divorced from his parent force and is answerable to the Home Secretary. The only way in which a seconded police officer can be used for normal police duties is by terminating his secondment, either permanently or temporarily, and returning him to his parent force. This was, in fact, done in 1982 when extra police resources were required to police the Papal visits to South Wales and Merseyside, and arrangements were made for the police officers in training at the District Training Centres at Cwmbran and Bruche to assist with crowd control, under the supervision of some of their instructors who were on central service. But the circumstances of the Papal visits were quite exceptional and we know of no other occasion on which the services of officers seconded to central service have been used in this way.

There are at present 464 police officers on central service. Although most are employed on training duties, at the Police Staff College and the District Training Centres, the others have a wide range of advisory and liaison roles. Section 43 of the Police Act 1964 provides that a police officer seconded to central service shall be treated during his period of central service as though he were not a member of a police force. The effects of this are that an officer on central service does not have the duties, rights, powers or obligations of a police officer except so far as section 43 specifically preserves them. The more important consequences are that such officers have no police powers, no right to wear a uniform,

no rights or obligations under any police regulations - other than the Police Pensions Regulations, which specifically provide that the term "member of a police force" includes a police officer on central service - and are not members of a police staff association.

In our view, none of the officers on central service needs police powers for the performance of his central service duties. Although the pay and conditions of service of officers on central service are determined by the Home Office, in consultation with the Treasury, it is customary for the provisions of Police Regulations to be applied, additional allowances are paid in certain circumstances. Officers on central service are addressed in their police rank and wear uniform where the circumstances justify it. Although they cannot, strictly speaking, belong to one of the staff associations, we take the view that there should be informal arrangements for consultation and we do, in fact, discuss with the staff associations any problems which may arise. All our experience, therefore, suggests that the alleged defects of section 43 are theoretical rather than real.

I am very much aware, however, that there is considerable unease in the police service over the effects of section 43. This has been discussed by the Police Advisory Board's Standing Committee on Conditions of Service, which I chair, and has been remitted to a small Working Party appointed by the Committee, for further consideration. The first meeting of the Working Party is to be held on 24 January.

The main concern of the police service is that, on secondment to central service, police officers cease to be members of a police force and so lose their police powers. The Working Party will therefore have to consider two main questions. First, since officers on central service do not need police powers for the central service duties in which they are engaged, why do they need police powers? Secondly, if there is a need for police powers, should officers on central service remain members of a police force - and so answerable to their Chief Constable - or should they be given police powers while, as at present, ceasing to be members of a police force and being answerable to the Home Secretary? Given Parliament's very proper reluctance to agree to the provision of police powers unless a genuine need for such powers is established, these are questions which will need very careful thought.

*Yours ever,
Michael*

M J A PARTRIDGE

Police Policy: POLICE

Jan 83.

