

UK: Metropolitan Police admit role in construction blacklist

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After years of denial, the Metropolitan Police Service (MPS) have finally acknowledged that officers provided information to construction companies for a blacklist of building workers. “[T]he allegation that the police or special branches supplied information is ‘proven’,” the MPS wrote, confirming also the suggestions of “overt and covert” contact between police and blacklisting organisations.

Although the police are limiting details about their undercover activities, some sense of its scale is emerging. MPS deny suggestions that the undercover Special Demonstrations Squad (SDS)—currently the subject of a public inquiry into wrongdoing—supplied the blacklist information, but the existence of a separate Industrial Intelligence Section has also been revealed.

The existence of a construction blacklist, which had been widely suspected for many years, was first confirmed in 2009 when the Information Commission (ICO) raided offices of The Consulting Association (TCA) and found a 30-year database of 3,212 construction workers. TCA, run by a former Special Branch intelligence officer and funded by major construction companies, was used by more than 40 companies to vet the employment of workers.

Most of those named on the database were trade union members. Some had been reported simply for raising health and safety concerns on site. In 2012, the ICO announced that reports in the TCA database could only have come from police or security services. As much was done as possible to hamper workers in their attempts to learn more. Workers wanting to know if TCA held a file on them had first to ask ICO for information. Solicitors expressed concerns that ICO had previously given inaccurate information in response to some requests, including wrongly advising some workers that they were not on the database.

Information about the TCA reports was finally released to an employment tribunal for Dave Smith, a blacklisted worker and spokesman for the Blacklist Support Group. In 2012, the Blacklist Support Group filed a complaint over alleged collusion between the police and blacklisting organisations.

The ICO report was passed to the Independent Police Complaints Commission (IPCC). In October 2013, the IPCC advised lawyers for blacklisted workers that an MPS inquiry into police collusion had concluded that it is “likely that all special branches were involved in providing information” for blacklisting. The police attempted to deny this immediately. Detective Inspector Steve Craddock, head of an inquiry into the activities of undercover police officers, told lawyers he had seen “no conclusive evidence” of collusion.

The MPS began an internal investigation but transparency was hardly the aim. When completed, according to MPS deputy assistant commissioner Richard Martin, in February 2016, the report was sent direct to then commissioner Sir Bernard Hogan-Howe “due to its sensitivity.” The investigation’s conclusion was only released publicly last week, with the MPS apologising to the Support Group for the delay in providing it.

During that time, major companies involved in blacklisting had established a Construction Workers Compensation Scheme to control the damage of legal claims made by blacklisted workers. In May 2016, companies including Balfour Beatty, Carillion, Costain, Kier, Laing O’Rourke, Sir Robert McAlpine, Skanska UK and Vinci paid out around £75 million to 771 blacklisted workers.

The MPS at that time was already sitting on its findings.

Martin’s letter disclosing the investigation’s initial findings did not detail the evidence of collusion uncovered and the investigation report has not been circulated, but what was revealed is an indictment. He wrote:

“Allegation: police, including special branches, supplied information that appeared on the Blacklist, funded by the country’s major construction firms, The Consulting Association and/or other agencies, in breach of the Data Protection Act 1998.

“The report concludes that, on the balance of probabilities, the allegation that the police or special branches supplied information is ‘proven.’

“Material revealed a potentially improper flow of

information from Special Branch to external organisations, which ultimately appeared on the blacklist.”

The police have tried to limit their admission by focusing chiefly on questions of data protection. Martin said there seemed to be “a case to answer for unauthorised sharing of information under the Data Protection Act 1984.” Although forced to concede that the police had “both overt and covert contact” with blacklisting organisations like TCA and its predecessor, the Economic League, Martin said the supply of information from Special Branch did not “appear to be systematic.” Instead, he opted for the “bad apple” defence: “[A]lthough there were established forms of contact and protocols in place with regard to the exchange of information, the possibility of officers passing on information without direct permission could not be discounted.”

Dave Smith, secretary of the Blacklist Support Group, welcomed Martin’s letter, although the report had “sat on the commissioner’s desk for the past two years.” He said, “Six years we’ve waited for this. ... When we first talked about police collusion in blacklisting, people thought we were conspiracy theorists. We were told ‘Things like that don’t happen here’.”

Smith said that with Martin’s letter “our quest for the truth has been vindicated.” The police “infiltrated trade unions and provided intelligence to an unlawful corporate conspiracy.” He called for the current public inquiry into undercover policing to be “open and transparent,” to reveal fully “how police intelligence was shared with private sector third parties including major companies.”

Having been forced to reveal the collusion of the police in the monitoring and blacklisting of construction workers, the state are now attempting to kick the ball back into the long grass. In apologising “for the delay in providing the complainants with the outcome” the MPS said its investigation had focused on “allegations that members of the [SDS] and MPS Special Branch provided information.”

The investigation was Operation Herne, under Chief Constable Mick Creedon. This looked at allegations of crime and misconduct by SDS specifically, but Martin’s letter suggests the information may have been supplied by other agencies within the police.

Operation Herne “concluded that the MPS had provided information ... but there was no evidence this had been done by members of the SDS.” Crucially, it noted, “The investigation did not consider the conduct of other law enforcement bodies.”

Having admitted collusion, the police have now deferred consideration of it to the Undercover Policing Public Inquiry (UCPI), saying they will “await the conclusions of the UCPI before considering what steps should be taken next.” They

put it more plainly when addressing the blacklisted workers: “until the UCPI has assessed all the evidence, no further action will be taken.”

That inquiry only reveals how the police hope to continue their cover-up. Launched in 2015 to investigate the infiltration of campaigning groups by undercover police officers using false identities, it is now long over schedule. It should already have delivered its final report, but, in the same week as Martin’s letter, a statement was being read to the UCPI from campaign groups condemning its chairman Sir John Mitting for refusing to identify some of the officers involved. Around 60 campaigners and victims then walked out of the inquiry after the statement, which accused Mitting of “scant and largely uninformative” thinking behind his defence of anonymity.

Three years on and campaigners are left demanding that Mitting recuse himself and appoint a new panel.

Phillippa Kaufmann QC, for the campaigners, told Mitting that core participants in the inquiry were unable to participate meaningfully because of his decisions on anonymity. As Cathy, a spokesperson from the group Police Spies Out Of Lives, put it, without knowing “What were the cover names, and which groups were being spied on” it is “nigh-on impossible for people to come forward and say this is what happened to me and my group.”

Doreen Lawrence, mother of murdered teenager Stephen Lawrence, whose family were spied on by undercover police, told press that Mitting “is turning what should be a transparent, accountable and public hearing into an inquiry cloaked in secrecy and anonymity.” In Kaufmann’s words, “If you don’t get this right now, then so much of what has gone wrong with undercover operations will remain secret.”

This level of confusion and limitation of the inquiry’s scope is part and parcel of a broader strategy of confining and nullifying criticism of police infiltration. The focus on SDS’s activities already means that police collusion outside that body becomes harder to pin down. However, Mitting’s enthusiastic granting of anonymity has revealed further police departments involved in infiltration and observation. Considering the question of anonymity for officer “HN336,” an inquiry document notes that among his “many posts” in the MPS “following his SDS deployment were the following: the Industrial Intelligence Section and working at the ports.”



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