

CONSULTATION ON IMPLEMENTING A POLICE PAY REVIEW BODY



Home Office

October 2012



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Consultation summary

ABOUT THIS CONSULTATION

Topic of this consultation:	Recommendations from Tom Winsor's Independent Review of Police Officer and Staff Remuneration and Conditions on the abolition of the Police Negotiating Board's (PNB) role in relation to England and Wales and setting up a Pay Review Body (PRB) for police officers.
Scope of this consultation:	To discuss how the transition from PNB to PRB should be made and to consider the details of the proposals for the PRB, including the terms of reference, membership and processes around it.
Geographical scope:	England, Wales, Northern Ireland and Scotland
Impact Assessment (IA):	This consultation does not require an Impact Assessment as it does not impact the private sector and will not cost the public sector over £5 million

BASIC INFORMATION

To:	This consultation is open to the public.
Duration:	October 24 2012 – December 21 2012
Enquiries:	Please contact Nicholas Lawrence: Telephone: 0207 035 1888 Email: Nicholas.lawrence13@homeoffice.gsi.gov.uk Address: 2 Marsham Street, London, SW1P 4DF
How to respond:	You can complete the online form at: www.homeoffice.gov.uk/police or respond by email on: policemachineryconsultation@homeoffice.gsi.gov.uk or send your response by post to: Police Negotiating Machinery Consultation Police Productivity Unit 6th Floor Fry Building 2 Marsham Street London SW1P 4DF
Additional ways to become involved	Please contact the Home Office (as above) if you require information in any other format, such as Braille, large font or audio.
After the consultation:	The Government will consider all responses to the consultation carefully and will then publish a response to the consultation. The responses to this consultation will ultimately shape how we take forward Tom Winsor's recommendations on the PNB and the Pay Review Body. A summary of responses will be placed on the Home Office website.

BACKGROUND

Getting to this stage:	Tom Winsor made the following recommendation as part of his Independent Review of Police Officer and Staff Remuneration and Conditions: Recommendation 115 – The Police Negotiating Board should be abolished and replaced by an independent police officer pay review body by late 2014.
Previous engagement:	<p>Tom Winsor held a seminar on the Pay Negotiating Machinery on 28th July 2011. This seminar was attended by representatives from various police forces, including the Metropolitan Police and West Yorkshire Police, Police Staff Council, PSNI, UNISON and PCS. This seminar discussed the weaknesses of the PNB and the possibility of a PRB as a potential solution to them.</p> <p>Tom Winsor also held a public call for evidence which included a section on the pay negotiating machinery. This included the following questions:</p> <ul style="list-style-type: none">• Should the present Police Negotiating Board remain, be reformed, or be replaced?• Should police officer pay be negotiated at a national, regional, or local level?• What role should the Government have in determining or negotiating police officer pay and conditions?• How should any new system be introduced and phased in? <p>The consultation document and all the responses can be found at: http://review.police.uk/</p>

ABOUT YOU

These details are voluntary and will be treated as personal data by the Home Office in compliance with government guidance on holding personal information.

1) Which of the following best describes your organisation or the professional interest that you represent?* Please select one option.

- a. Police staff association
- b. Police force
- c. Police authority
- d. Association of Chief Police Officers (ACPO)
- e. Association of Police Authorities (APA)
- f. Association of Police and Crime Commissioners (APCC)
- g. Police and Crime Commissioner (PCC)/ PCC Candidate
- h. Individual police officer
- i. Organisation/profession that currently has a Pay Review Body
- j. None – I am responding as a member of the public
- k. Prefer not to say
- l. Other (please specify)

2) Which organisation do you represent? Providing this information is optional.

3) If you are a police officer, which of the following best describes your rank?* Please select one option.

- a. Constable
- b. Sergeant
- c. Inspector
- d. Chief Inspector
- e. Superintendent
- f. Chief Superintendent
- g. ACPO Ranks
- h. Prefer not to say
- i. Other (please specify)

1. The Current Position

POLICE NEGOTIATING BOARD

The Police Negotiating Board's (PNB) remit is to facilitate negotiations between the Staff Side (representing police officers) and the Official Side (representing the Association of Police Authorities, Ministers and the Association of Chief Police Officers) when discussing changes to any of the following:

- pay;
- allowances;
- pensions;
- hours of duty;
- leave; or
- the issue, use and return of police clothing, personal equipment and accoutrements.

It has been in place since 1980 and is provided for in statute by section 61 of the Police Act 1996.

The following are members of the PNB:

- members nominated by the Secretaries of State (Home Secretary, Minister for the Department of Justice of Northern Ireland, Scottish Ministers)
- the Association of Police Authorities of England and Wales (including one member representing the London Mayor's Office of Policing and Crime). From 22nd November, membership will be held by the Association of Police and Crime Commissioners;
- the Convention of Scottish Local Authorities;
- the Police Authority for Northern Ireland;
- the Association of Chief Police Officers (to include the Metropolitan Police Commissioner) and Association of Chief Police Officers in Scotland;
- the Chief Police Officers' Staff Association;
- the Police Superintendents' Association of England and Wales;
- the Police Federation of England and Wales;
- the Association of Chief Police Officers in Scotland;
- the Association of Scottish Police Superintendents;
- the Scottish Police Federation;
- the Superintendents' Association of Northern Ireland;
- the Police Federation for Northern Ireland; and
- all police staff associations acting jointly for the appointment of Staff Side Chairman and Secretary

The PNB also has an independent chair and deputy chair appointed by the Prime Minister.

If an agreement is reached following negotiations between the two sides of the PNB, a recommendation will be made to the Home Secretary, Secretary of State for Northern Ireland and Scottish Ministers who are required to take them into consideration. The Home Secretary, Secretary of State for Northern Ireland and Scottish Ministers will then make a decision on whether to implement the changes or not, by making changes to the regulations for police forces.

The PNB includes a dispute resolution procedure for matters considered by it which cannot be resolved. This is covered in section 62 (2) of the Police Act 1996. This includes a conciliation process and referral to arbitration if no agreed conclusion can be reached. The official and staff sides of the PNB make representations to the Police Arbitration Tribunal (PAT), which considers both sides and makes recommendations to the

Home Secretary, Secretary of State for Northern Ireland and Scottish Ministers for their consideration. The recommendations from the PAT are not binding, though the Secretary of State must consider them carefully before reaching a decision. The three members of the PAT are appointed by the Prime Minister. The PAT acts independently of the PNB and the members do not attend PNB meetings.

POLICE ADVISORY BOARD FOR ENGLAND AND WALES

The Police Advisory Board for England and Wales (PABEW) is a separate body which was set up in 1965 and advises the Home Secretary on general questions which affect the police. The PABEW must also be consulted on regulations on workforce issues which are not covered by the PNB. Workforce issues covered by the PABEW include business interests, probation and training. The PABEW comes under section 61 of the Police Act 1996.

The following are members of PABEW:

- the Association of Police Authorities (APA). From 22nd November, membership will be held by the Association of Police and Crime Commissioners;
- the Association of Chief Police Officers (ACPO);
- the Chief Police Officers' Staff Association (CPOSA);
- the Police Superintendents' Association of England and Wales;
- the Police Federation of England and Wales; and
- members nominated by the Home Secretary.

The PABEW also has an independent chair and deputy chair appointed by the Prime Minister.

The primary role of both the PNB and PABEW is to consider the issues within their respective remits and make recommendations to the Home Secretary. The Home Secretary will then take decisions on these issues, considering the Boards' recommendations.

The constitutions of the PNB and PABEW are included in **Annexes A and B**.

2. Tom Winsor Review: Independent Review of Police Officer and Staff Remuneration and Conditions

The Home Secretary launched the Independent Review of Police Officer and Staff Remuneration and Conditions of Service on 1 October 2010. The review was led by Tom Winsor, supported by Sir Edward Crew (former Chief Constable of West Midlands Police) and labour market economist Professor Richard Disney.

The terms of reference requested that the report was broken into two parts, the first on short term improvements and the second on longer term reforms.

The terms of reference asked for recommendations on how to:

- use remuneration and conditions of service to maximise officer and staff deployment to frontline roles where their powers and skills are required;
- provide remuneration and conditions of service that are fair to and reasonable for both the public taxpayer and police officers and staff; and
- enable modern management practices in line with practices elsewhere in the public sector and the wider economy.

The first report was published on 8 March 2011 and set out the following principles:

- fairness is an essential part of any new system of pay and conditions;
- the office of constable is the bedrock of British policing;
- the demands of policing should be given full and proper weight;
- people should be paid for what they do, the skills they have and are applying in their work, and the weights of the jobs they do;
- people should be paid for how well they work;
- a single police service – distinctions in pay and other conditions of service between police officers and staff should be objectively justified;
- arrangements should be simple to implement and administer; and
- there should be a phased introduction of reform.

POLICE NEGOTIATING MACHINERY RECOMMENDATIONS

The second report was published on 15 March 2012 and included the following recommendations on the police negotiating machinery:

- the Police Negotiating Board should be abolished and replaced by an independent police officer pay review body by late 2014;
- the membership and terms of reference for the new police pay review body should be as specified in Chapter 10 of the report;
- once the police pay review body has been established, police pensions should be handled by the Police Advisory Boards for England and Wales, Scotland and Northern Ireland; and
- the Senior Salaries Review Body should take responsibility for setting the pay of Chief Constables, Deputy Chief Constables and Assistant Chief Constables by 2014.

Part 1 and Part 2 of the review can be found on the following website: <http://review.police.uk/publications/>

THE GOVERNMENT'S POSITION

The Government believes that Tom Winsor's report as a whole provides a good basis for discussion and consultation. The recommendations on the police pay negotiation machinery represent the fairest and most appropriate method of determining police pay and conditions. Police officers deserve to have pay and workforce arrangements which recognise the vital role they play in fighting crime and keeping the public safe, and which enable them to deliver effectively for the public. The terms of reference that Tom Winsor has suggested will ensure that a pay review body would take into account the particular role of police officers, including the office of constable, and the prohibition against joining a union or going on strike, whilst ensuring that any pay awards are affordable and take into account the Government's inflation target. This will ensure that pay and conditions are fair to police officers and the public.

Pay review bodies act independently of the Government and all interested parties are given equal opportunity to influence the outcome of pay awards by submitting oral and written evidence. Pay review bodies go to great lengths to gain a detailed understanding of the group that they cover. This includes carrying out visits throughout the spring and summer to meet the members of their remit group and gain first hand knowledge of the issues they are concerned about. Pay review bodies are also able to carry out their own research and do not have to rely solely on evidence provided by interested parties. This approach provides a more rounded, well reasoned approach to deciding pay.

Pay review bodies cover over two million public servants, including other workers – for example, the armed services and prison officers – who have restrictions on their ability to take industrial action. These pay review bodies have been operating for several years, providing regular pay awards for various different public bodies. The Government believes that this approach will work effectively for police officers.

3. Pay Review Bodies Background

The independent Review Bodies advise the Prime Minister and relevant Secretaries of State on matters referred to them, primarily making annual recommendations about pay levels. Following devolution, reports may also be sent to the First Ministers of the Scottish Parliament and The National Assembly for Wales, the Presiding Officer of the Northern Ireland Assembly and the Mayor of London on pay related matters affecting the devolved bodies.

Although the Review Bodies operate independently of each other, their procedures are broadly similar. During the autumn, each body receives written and oral evidence from both the Government and representative organisations covering its remit groups. Other interested parties may also submit evidence. The Review Bodies weigh the evidence and their own independent research to formulate recommendations on the remuneration of their remit groups. Their recommendations are submitted to the Prime Minister and Secretaries of State, and where appropriate the devolved administrations, early in each new year. The Government's response to the Pay Review Bodies' reports is usually announced in January or February each year.

During the spring and summer, Review Body members undertake a series of visits within Great Britain, Northern Ireland and abroad to meet members of their remit groups. These visits enable Review Body members to gain first hand knowledge of the pay and other issues facing their remit groups.

The Pay Review Bodies, as well as the PNB and PABEW, are supported by the Office of Manpower Economics (OME).

There are currently six Pay Review Bodies:

- Armed Forces' Pay Review Body
- Doctors' and Dentists' Review Body
- NHS Pay Review Body (NHSPRB)
- Prison Service Pay Review Body (PSPRB)
- School Teachers' Review Body (STRB)
- Senior Salaries Review Body (SSRB)

The six Review Bodies make recommendations affecting some 2.5 million workers (headcount) with an aggregate pay bill of around £94 billion.

4. Detailed Proposals for Consultation

TERMS OF REFERENCE FOR NEW PAY REVIEW BODY

Tom Winsor recommended that the terms of reference for the Pay Review Body should be modelled on the Armed Forces and NHS Pay Review Bodies. They are:

“The police officer pay review body provides independent recommendations to the Home Secretary on the remuneration and allowances for police officers in England & Wales. In reaching its recommendations, the review body must have regard to the following considerations:

- the particular frontline role and nature of the office of constable in British policing;
- the prohibition on police officers being members of a trade union or withdrawing their labour;
- the need to recruit, retain and motivate suitably able and qualified officers;
- the funds available to the Home Office, as set out in the Government’s departmental expenditure limits, and the representations of police and crime commissioners in respect of local funding issues;
- the Government’s inflation target;
- the Government’s policies for improving public services, including the work of the Police Professional Body to improve the accredited skills and expertise of officers;
- the work of police and crime commissioners; and
- relevant legal obligations on the police service in England & Wales, including anti-discrimination legislation regarding age, gender, race, sexual orientation, religion and belief and disability.

The review body should also be required to consider other specific issues as directed by the Home Secretary, and should be required to take account of the economic and other evidence submitted by the Government, professional representatives and others.

Reports and recommendations of the review body should be submitted to the Home Secretary, and they should be published.”

4) To what extent do you agree or disagree with this approach to the terms of reference for the body?

MEMBERSHIP OF NEW PAY REVIEW BODY

Tom Winsor recommended, based on the membership of other pay review bodies, that the new pay review body should be made up of six people, and should be constituted as follows:

- an independent chair;
- two individuals with experience, at a senior level, of human resources issues in both the public and private sectors and of industrial relations;
- one recently retired senior police officer, for example a former Chief Constable; and
- two economists, one in the field of labour market economics and one macro-economist.

Home Office officials have held discussions with the Office of Manpower Economics regarding Tom Winsor's recommendations on the membership of the new body. Their recommendation is that the body may operate more effectively with more members in order to manage the risk of unavoidable non-attendance at a meeting. We therefore feel that a board of eight people would be best for the new body.

5) To what extent do you agree or disagree with this proposed approach to the membership of the new pay review body?

IMPLEMENTATION DATE

Tom Winsor recommends that if legislative time is available, a police pay review body could begin its work in the second half of 2014. He states that this timing will give the pay review body ample opportunity to consult and make recommendations for the pay award in September 2015. This would be after the final year of the Government's current one per cent pay restraint.

6) Please outline any risks or issues that you think would need to be managed with this timescale.

Tom Winsor also suggests that the first pay award recommendation from the Pay Review Body should last for 18 months which would bring the police service into line with most other parts of the public sector by having its pay awards begin at the start of the financial year.

7) To what extent do you agree or disagree that the timing of the pay awards for the police service should be brought into line with other public sector workforces?

EVIDENCE GATHERING

Tom Winsor suggests that in addition to receiving written and oral submissions from interested parties, the members of the pay review body should visit forces and talk to officers at all ranks. This was based on observations from other pay review bodies.

8) In your view, how should representations/evidence be provided to the pay review body? Do you have any views on how force visits should be conducted?

Tom Winsor says the pay review body should make its judgments on evidence from a range of sources and fully reasoned arguments from interested parties.

9) To what extent do you agree or disagree that there should be a list of interested parties that must be consulted by the pay review body?

Please explain your answer. If you agree that there should be a list, please provide thoughts on:

- how it should be decided and who should decide what constitutes an interested party; and
- which bodies should be included on any list of interested parties.

POLICE ADVISORY BOARD FOR ENGLAND AND WALES - POLICE PENSIONS

Tom Winsor recommends that once the police pay review body has been established, police pensions should be handled by the Police Advisory Boards for England and Wales, Scotland and Northern Ireland. He recommends that once this change has been made, the Government should raise pension matters with the PABEW and they should follow the same new consultative procedures as all matters referred to the PABEW – issues for consideration should be resolved within six months of being raised.

10) To what extent do you agree or disagree that police pensions should be handled by the Police Advisory Board for England and Wales?

SENIOR SALARIES REVIEW BODY – CHIEF OFFICERS

Tom Winsor recommends that the Senior Salaries Review Body should take responsibility for setting the pay of Chief Constables, Deputy Chief Constables and Assistant Chief Constables by 2014. He states that the work of chief officers, and the responsibilities they carry, have more in common with senior members of the military and senior civil servants than with officers of lower ranks.

11) To what extent do you agree or disagree that the Senior Salaries Review Body should take responsibility for setting the pay of Chief Constables, Deputy Chief Constables and Assistant Chief Constables?

Timescales/Next Steps

The closing date of the consultation is 21 December 2012.

You can complete the online form at: www.homeofficesurveys.homeoffice.gov.uk/

or send your responses by post to:

Police Negotiating Machinery Consultation
Police Productivity Unit
6th Floor Fry Building
2 Marsham Street
London
SW1P 4DF

A summary of responses will be published on the Home Office website following completion of the consultation period.

Subject to the outcome of the consultation, we will assess how the pay review body should be implemented and we will publish our conclusion on the website.

Consultation Information

CONFIDENTIALITY AND DISCLAIMER

The information you send us may be passed to colleagues within the Home Office, government or related agencies.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 [FOIA], the Data Protection Act 1998 [DPA] and the Environmental Information Regulations 2004).

If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.’

Annex A: Constitution of the Police Negotiating Board

PREAMBLE

1. The constitution of the Police Negotiating Board ('the Board') set out in the following paragraphs has been agreed by the Secretary of State in accordance with the provisions of Section 61 (3) of the Police Act 1996.
2. Any reference in this constitution to pensions matters will be construed, for both Great Britain and Northern Ireland, as including any matter which, for Great Britain, is or may be dealt with by regulations under the Police Pensions Act 1976.

THE BOARD

3. The Board will meet as appropriate to consider matters affecting all ranks that are not appropriate to its standing committees. It may also consider matters affecting its own constitution.

FUNCTIONS

4. The functions of the Board are to consider the questions listed in Section 61(1) of the Police Act 1996 – hours of duty; leave; pay and allowances; the issue, use and return of police clothing, personal equipment and accoutrements; and pensions – and to make recommendations on such questions to the Secretary of State, to Scottish Ministers and to the Minister of Justice for Northern Ireland.

REPRESENTATION

5. The Board will consist of an Official Side and a Staff Side representing, and appointed by, the authorities and bodies ('the constituent bodies') listed in Tables 1 and 2 below. Each constituent body will have the number of representatives shown.

Table 1 – OFFICIAL SIDE (Full PNB)	
Constituent body	Total
The Secretaries of State (Home Secretary, Minister of Justice for Northern Ireland, Scottish Ministers)	3*
The Association of Police Authorities of England and Wales (until 21st November 2012); The Association of Police and Crime Commissioners (from 22nd November 2012)	10
The London Mayor's Office for Policing and Crime	1
The Convention of Scottish Local Authorities	3
The Police Authority for Northern Ireland	1
Association of Chief Police Officers (to include the Metropolitan Police Commissioner) and Association of Chief Police Officers in Scotland	4
Total	22

* If either the Minister of Justice for Northern Ireland's representative or the Scottish Ministers' representative is unable to attend a meeting the Home Secretary may send an additional representative.

Table 2 – STAFF SIDE (Full PNB)	
Constituent body	Total
The Chief Police Officers Staff Association	2
The Police Superintendents Association of England and Wales	2
The Police Federation of England and Wales	7
The Association of Chief Police Officers in Scotland	1
The Association of Scottish Police Superintendents	1
The Scottish Police Federation	4
The Superintendents Association of Northern Ireland	1
The Police Federation for Northern Ireland	2
All Police Staff Associations acting jointly for the appointment of Staff Side Chairman and Secretary	2
Total	22

COMMITTEES

6. There will be four standing committees of the Board, namely:-

- a. the Chief Officers Committee, for the consideration of matters affecting ranks above chief superintendent in England and Wales and in Northern Ireland;
- b. the Superintendents Committee, for the consideration of matters affecting the ranks of superintendent and chief superintendent in England and Wales and in Northern Ireland;
- c. the Federated Ranks Committee, for the consideration of matters affecting ranks below that of superintendent or affecting police cadets in England and Wales and in Northern Ireland;
- d. the Scotland Committee, for the consideration of matters affecting all ranks in Scotland.

7. A matter which impacts on more than one standing committee will be considered by the Board or a sub-committee of the Board unless the Board decides that it should be considered by the committees concerned.

8. Each standing committee will be authorised to make recommendations in the name of the Board to the Secretary of State and the Minister of Justice for Northern Ireland or, in the case of the Scotland Committee to Scottish Ministers, about matters affecting the ranks with which it is concerned.

REPRESENTATION ON COMMITTEES

9.
 - a. The Chief Officers Committee will comprise:-
 - (i) an Official Side consisting of 10 members, and
 - (ii) Staff Side consisting of 7 members.
 - b. The Superintendents Committee will comprise:-
 - (i) an Official Side consisting of 13 members, and
 - (ii) a Staff Side consisting of 11 members.
 - c. The Federated Ranks Committee will comprise:-
 - (i) an Official Side consisting of 16 members, and
 - (ii) a Staff Side consisting of 12 members.
 - d. The Scotland Committee will comprise:-
 - (i) an Official Side consisting of 6 members, and
 - (ii) a Staff Side consisting of 6 members.
 - e. The relevant constituent body members of the Official Side of the Board will appoint Official Side members to the standing committees.
 - f. The relevant staff association members of the Staff Side of the Board will appoint Staff Side members to the standing committees.
 - g. Constituent bodies may nominate people who are not members of the Board to serve as members of the standing committees or their sub-committees.
10. The Board and the standing committees may constitute such sub-committees or working parties as they think fit.
11. Subject to the agreement of the Independent Chair, any member of the Board, or any nominee of a Board member, not being a member of a Standing Committee, having a proper interest in the business of a meeting of that Standing Committee, may attend the meeting as an observer.

INDEPENDENT CHAIR AND DEPUTY CHAIR

12. The Independent Chair of the Board and the Deputy Chair will be appointed by the Prime Minister in accordance with Section 61(2) of the Police Act 1996.
13. The Independent Chair or the Deputy Chair will preside at all meetings of the Board and its standing committees.
14. The Deputy Chair will exercise the full functions of the Independent Chair in his or her absence, or if the post is vacant.

INDEPENDENT SECRETARIAT

15. An Independent Secretariat acceptable to the Board will be provided by central government.
16. The Secretariat will be answerable to the Independent Chair and responsible for:-
 - a. The administrative arrangements for meetings of the Board and its standing Committees, sub-committees and working parties.
 - b. Taking the minutes and notes of such meetings.
 - c. Researching and assessing data on pay and all other matters of concern to the Board and its committees. The results of such research will be supplied to both Sides of the Board.
 - d. Providing information to the Sides, either on request from the Sides or as the Secretariat in consultation with the Independent Chair considers appropriate.
 - e. Other matters determined by the Board.
17. The Secretariat will, where possible and consistent with their independent status, provide any other assistance requested by either Side.
18. Where necessary the Secretariat will prepare, in consultation with the Official and Staff Sides, explanatory memoranda giving agreed interpretations of:-
 - a. Police Regulations which give effect to agreements reached by the Board or a standing committee;
 - b. agreements reached by the Board or a standing committee which are not embodied in Police Regulations.

MEMBERS

19. The constituent bodies listed in paragraph 5, Tables 1 and 2, will nominate those who are to represent them on the Board and its standing committees and will specify the period for which their representatives will serve.
20. The representatives of the Association of Police Authorities of England and Wales will be current members of police authorities. The representatives of the Association of Police and Crime Commissioners will be such persons as may be nominated from time to time by that Association. The Northern Ireland Policing Board may be represented by an official from its Secretariat.
21. A constituent body may fill a casual vacancy in its representation on the Board or a standing committee, or nominate a replacement for a representative who is absent from a meeting.

OFFICERS

22. The Official Side and the Staff Side of the Board will each appoint a Side Secretary.

23. The Official Side and the Staff Side of the standing committees constituted in accordance with paragraph 9 will each appoint a Side Secretary.

24. One person may hold more than one appointment and may be appointed whether or not that person is a member of the Board or of a standing committee.

QUORUMS

25. The quorum for full PNB and each standing committee will be a majority of members present from each Side.

26. If a meeting of the Board or of a standing committee is found not to be quorate, the Independent Chair will suspend the meeting.

MEETINGS

27. All meetings of the Board, its standing committees, and any sub-committees or working parties, will be called by or on behalf of the Independent Chair. Three months' notice will be given of those Board meetings called to consider constitutional change. The Independent Chair will call a meeting at the request of either side, on his or her own initiative, or in such other circumstances as the Board may determine.

28. The proceedings of the Board or of a standing committee, sub-committee or working party will not be invalidated if all its members have not been appointed or if it is subsequently discovered that there was some defect in the appointment of a member or of a deputy for a member.

29. Subject to the other provisions of this constitution, the Board and each standing committee will determine their own procedure.

CONCILIATION AND ARBITRATION PROCEDURE

30. An agreement of the Board or its four standing committees will be reached by the concurrence of both Sides of the Board or standing committee, as the case may be.

31. When considering any of the questions listed in section 61(1) of the Police Act 1996 with a view to making a recommendation to the Secretary of State or the Minister of Justice for Northern Ireland or, in the case of the Scotland Committee to Scottish Ministers, either the Official Side or the Staff Side may formally register a failure to agree and, through the Chair, seek to initiate the conciliation process.

32. If the Chair is satisfied that there is no further scope for agreement in the Board or the standing committee on the question under consideration, he or she will seek to secure the most appropriate method of conciliation under the circumstances.

33. A conciliator appointed for this purpose will meet the parties either separately or jointly, and will seek to promote a voluntarily agreed recommendation to be reported back to the Board or appropriate standing committee as a possible basis for reaching a settlement.
34. Where the Chair refers a question for conciliation, it will take place as soon as reasonably practicable and, in any event, will commence within a period of one month from the date of a failure to agree being recorded.
35. Where conciliation fails to result in agreement, the matter may be referred to arbitration, at the instance of either Side and under the terms of paragraph 36, without being referred back to the Board or appropriate standing committee.
36. If the Official Side and the Staff Side of the Board or of one of its standing committee fail to agree on a recommendation to the Secretary of State or the Minister of Justice for Northern Ireland or, in the case of the Scotland Committee to Scottish Ministers, and if conciliation does not result in an agreed recommendation, the dispute will at the instance of either Side be referred to the Police Arbitration Tribunal (PAT). The PAT will consist of three arbitrators appointed by the Prime Minister. Its Secretariat will be provided by the Advisory, Conciliation and Arbitration Service (ACAS).
37. The terms of reference for any dispute referred to the PAT will be agreed beforehand by the Official Side and the Staff Side. The assistance of the Independent Chair or ACAS will be sought in the event of a dispute about the terms of reference.
38. If one or more of the arbitrators is unavailable at the required time, a reserve or reserves will be appointed by ACAS. Arbitration proceedings initiated under paragraph 36 may continue notwithstanding the death or absence of, or relinquishment of appointment by, one or two of the arbitrators.
39. Any decision of the arbitrators will be treated as though it were an agreement of the two Sides of the Board or the standing committee in question.
40. Pension matters are not arbitrable.

POWERS OF THE SECRETARIES OF STATE

41. The Home Secretary, the Scottish Ministers and the Minister of Justice for Northern Ireland will each have the power to direct the Board and its standing committees to:

- a. consider and reach agreement on such matters as he/she may specify and/or
- b. set deadlines for the Board to complete its consideration of such matters.

42. Both these powers will be reserved for cases where the Secretary of State, the Scottish Ministers or the Minister of Justice for Northern Ireland consider their use to be justified as a matter of serious national importance to the police service. The powers will only be used following consultation with the Independent Chair.

43. Where agreement cannot be reached by the set deadline, the Independent Chair will declare a failure to agree and (following conciliation if this is deemed appropriate by the Chair) the matter will be referred to the PAT for arbitration. Paragraphs 36-40 of the Constitution will then apply.

ANNUAL REPORT

44. The Independent Chair will make an annual report to the Prime Minister, and copy it to Scottish Ministers and to the Minister of Justice for Northern Ireland. The report will cover the 12 months up to the year ended 31 March and be submitted within 2 months. The report will include:

- a. business processed and length of time taken, with an explanation if any matter has taken over 12 months to be concluded
- b. attendance, and continuity of representation
- c. numbers attending meetings
- d. reference to information provided to the Sides by the Independent Secretariat, either on its own initiative or at the request of the Sides
- e. the use of arbitration
- f. evidence that the Board is monitoring its own effectiveness and improving its business processes where justified

45. Before submitting the Annual Report as above, the Independent Chair will make available to the Sides a draft of the Report and will take into account any comments which the Sides may make on it.

ROLE OF THE PNB IN LOCAL DISPUTES

46. The Board will provide assistance to parties in dispute locally about the interpretation of agreements reached by the Board or its standing committees or about the application of Police Regulations covering Board matters on request. The procedures which should be followed in such cases are set out in **Annex (i)**.

Annex (i): Role Of The PNB In Local Disputes

REQUESTS FOR GUIDANCE

1. In cases where negotiations between local parties are in progress and have not been exhausted, enquiries or disputes may be brought to the PNB by the Secretaries of the Staff or Official Side, or through the Independent Secretary to the Board. Where a local party writes in the first instance to the Independent Secretary, he or she will immediately circulate the correspondence to the Secretaries of the Staff and Official Sides and seek their views on the matter under dispute. It will normally be possible for the joint Secretaries to provide authoritative advice on the interpretation or application of PNB agreements. Where the Sides are agreed on such matters, it will not normally be necessary to inform the Chair.
2. Similar guidance may be given in cases involving disputes over Police Regulations covering Board matters; however, the right of parties to such disputes to challenge the interpretation or application of Police Regulations through legal channels is unaffected by any advice given by the PNB.
3. If the Secretaries of the Staff and Official Sides are unable to agree on the advice to be provided in any cases covered in the two paragraphs above, either of them may refer it to the relevant standing committee of the Board or the Board itself.

CONCILIATIONS

4. Where local procedures for resolving disputes have been exhausted, it may be appropriate to undertake a form of conciliation or determination which will be carried out by the Secretaries of the two Sides and the Independent Secretary. The procedures will be initiated by the Independent Chair of the Board, or by the Deputy acting on his or her behalf.

Requests for conciliation may be made by either Side Secretary, or directly through The Independent Secretary. The following procedures will be followed:

- the Independent Secretary will write to the Independent Chair of the Board, informing him or her that the dispute has been brought to the PNB and asking him or her to initiate the conciliation process
- once he/she has received the Chair's approval to initiate conciliation, the Independent Secretary will write to the local parties and ask them to confirm that local procedures have been exhausted, and for a statement of their case
- when this has been received, the Independent Secretary will inform the Chair, and with his/her agreement call a meeting between the Secretaries of the two Sides of the Board or the standing committee that made the agreement that is in dispute to review the basis of the dispute and to decide how best to resolve it

5. The Board will seek to resolve requests for guidance and conciliations within two months of the matter first being raised. Where this is not achieved, the Secretary will inform the Chair. The procedures for resolving disputes beyond this point will depend on the nature of the particular case under consideration.

DISPUTES ABOUT THE INTERPRETATION OF A PNB AGREEMENT

6. Where a dispute results from the local parties' disagreement about the interpretation of a particular PNB Agreement, it will normally be appropriate in the first instance for the joint Secretaries to provide written guidance through the Independent Secretary direct to the local parties concerned. Where the joint Secretaries are agreed on such guidance, the Independent Secretary will inform the Chair of the Board, and provide an agreed written interpretation to the local parties.

7. Where the joint Secretaries are not agreed on the interpretation of a PNB agreement they may refer the matter to the appropriate standing committee of the Board or to the Board, where it will be dealt with under the procedures outlined in paragraphs 31-35 in the PNB constitution.

DISPUTES ABOUT THE APPLICATION OF A PNB AGREEMENT OR POLICE REGULATIONS

8. Where a dispute stems from disagreement about the application of a PNB agreement in particular circumstances (including disputes about management's use of an unqualified discretion provided to the Chief Constable in a Police Regulation or a PNB agreement) it will normally be appropriate to call the parties to a formal conciliation. Such a conciliation will only be practical if the parties to the dispute are committed to finding a solution; a solution cannot be imposed.

9. If the Side Secretaries agree that conciliation is appropriate, the Independent Secretary will inform the Chair, and invite the parties to participate in a conciliation. He or she will then arrange a meeting in which the local parties concerned may put their case to the joint Secretaries who will seek to reach an agreed solution to the dispute. The Independent Secretary will notify formally the local parties of the outcome of the conciliation in writing having first cleared the joint Secretaries' advice with the Chair of the Board.

10. In the event that the local parties are unwilling to participate in a conciliation, or do not accept the advice provided through the conciliation process, the Independent Secretary will advise the Chair of the Board accordingly. At the request of both Sides, the Chair may write to the local parties to ask them to review their decision, but in the event that this request is not successful a solution cannot be imposed on the parties.

11. This does not of course remove the right of either Side to request that the PNB agreement itself, on which the local dispute is based, should be reviewed by the standing committee concerned or by the Board. In the event that agreement cannot then be reached on the basis of the PNB agreement or Regulation concerned, the matter may then proceed to arbitration as provided for in paragraphs 36-40 of the PNB Constitution.

Annex B: Constitution of the Police Advisory Board for England and Wales

1. The Police Advisory Board for England and Wales (“the Board”) will be established in accordance with this constitution. This constitution takes effect from 22nd November 2012 and all previous constitutions are revoked from that date.

FUNCTIONS

2. In accordance with section 63 of the Police Act 1996, the Board will: -

- a. advise the Secretary of State on general questions affecting the police in England and Wales, and
- b. consider draft regulations which the Secretary of State proposes to make under section 50 or section 52 of the Police Act 1996 with respect to matters other than hours of duty, leave, pay and allowances, or the issue, use and return of police clothing, personal equipment and accoutrements, and to make such representations to the Secretary of State as it thinks fit;
- c. consider draft regulations which the Secretary of State proposes to make under section 37, 39, 81 or 83 of the Police Act 1997, and to make such representations to the Secretary of State as it thinks fit;
- d. consider draft regulations which the Secretary of State proposes to make under Part 2 of the Police Reform Act 2002, and to make such representations to the Secretary of State as it thinks fit.

3. The Board may also consider any matter relating to conditions of service (excluding those matters listed in section 2b above, and any other matter affecting the police which has been referred to it by the Secretary of State, and it will advise the Secretary of State on such matters within any time limit specified by the Secretary of State.

THE SECRETARY OF STATE

4. The Secretary of State will attend meetings of the Board at his/her discretion and will aim to do so once a year.

5. The Secretary of State may in a matter of serious national importance to the police service direct the Board to consider and seek to reach agreement on such matters as he or she may specify.

6. The Secretary of State may in a matter of serious national importance to the police service set a deadline for the Board to complete consideration of such matters as he or she may specify

7. The Chair of the Board will submit an annual report on the work of the Board to the Secretary of State. Before doing so the Chair will consult the constituent parts of the Board about the proposed report.

MEMBERSHIP

8. The Board will consist of: -

- a. a Chair and Deputy Chair appointed by the Secretary of State;
- b. members nominated by the Secretary of State;
- c. three representatives of the Association of Police and Crime Commissioners;
- d. one representative of the London Mayor's Office for Policing and Crime;
- e. two representatives of the Association of Chief Police Officers of England & Wales (to include the Metropolitan Police Commissioner);
- f. one representative of the Chief Police Officers' Staff Association;
- g. two representatives of the Police Superintendents' Association of England & Wales;
- h. five representatives of the Police Federation of England & Wales;
- i. One representative from the Trade Union Side of the Police Staff Council;
- j. One representative from the Trade Union Side of the Metropolitan Police Whitley Council.

MEETINGS

9. All meetings of the Board will be called by the Chair with appropriate notice to the members concerned.

10. The Board will normally meet four times a year.

11. The Board may establish working parties to address specific issues as it thinks fit.

12. A member of the Board may request the consideration by a meeting of the Board of any matter specified by them and may submit to the Chair papers relating to that or any other matter covered by the remit of the Board as defined in paragraphs 2 and 3.



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