

Review of Remuneration and Conditions for Officers and Staff

**Submission by
Paul Kernaghan CBE QPM
[Chief Constable, Hampshire Constabulary 1999-2008]**

Dear Mr Winsor,

I welcome both your review and the opportunity to contribute to it. My submission is shaped by my experience as a Chief Constable [1999 – 2008], as the Chief Constables' rank representative on the CPOSA Executive [2002 – 2008] and not least by over thirty years experience in four police forces [1978 – 2008]. I have not sought to cover all the ground contained within your review but have focussed on areas of particular interest and/or of importance.

If you wished me to expand on any ideas or views contained in this submission, I would be happy to do so.

How officers enter the service

Currently, officers enter the service through a system of universal or single tier entry, in that all enter as Constables and then progress on the basis of performance, selection and qualifying examinations. This system has served the police well over the years and in many ways the police could claim to be more egalitarian/meritocratic than many other sections of the public service [Civil Service etc]. However, the current system's origins are grounded in the Victorian era and many seem to believe that Sir Robert Peel's views are as valid today as they were in 1829. Your review has been commissioned by the Home Secretary and de jure is strictly speaking limited to the police forces of England & Wales. Thus, some may seek to limit any discussion on creating an 'officer cadre' to the Trenchard scheme maintained for a few years by the Metropolitan Police. I would simply highlight that the RUC had a properly worked out officer cadet scheme [based on the longstanding RIC model] which survived until after WW2.

Society has changed dramatically since the Victorian era and, indeed, since the introduction of compulsory secondary education. Is a system devised when many highly intelligent people were unable to access higher education owing to their parents' circumstances still valid today? I would argue not. In recent years the police service has rightly recognised the importance of reflecting the diversity of the society it serves, but advocates of diversity have always ignored social diversity and specifically, educational diversity. The police service faces challenges crucial to society, yet we have failed to become an employer of choice for the best and brightest our universities produce. There is some evidence that members of minority ethnic groups are particularly keen to join professions which enjoy social prestige and in which their educational achievements are

recognised. That sadly is not a description of the contemporary service. I joined the police in 1978 when at least we had a Graduate Entry Scheme, which sought to attract graduates with clear potential, notwithstanding the historical antipathy of the Police Federation and other more surprising stakeholders towards any group treated differently from the majority of recruits. During my service the thrust to attract good graduates wavered and at times was non-existent. You might ask the Home Office and Association of Police Authorities, why that was?

I am not advocating an officer class per se but I am quite clear the service must be able to attract well educated candidates with clear potential for accelerated progression. I believe a small number of places [obtained by competition] on an Executive Development Programme [EDP] should be offered each year. The EDP would consist of a six months training course which would combine police duties, leadership training and a strong law input. Following completion of that course, EDP officers would serve for eighteen months as Constables on uniform, beat and patrol duties. If at the end of that period they were judged to be performing at an extremely high standard, they would then be promoted to the rank of Superintendent. Such a scheme would thus hold out the prospect of real responsibility and a very good salary at an early stage in one's career. Success on the EDP would not be automatic, far from it and many would not be selected for promotion after the two year EDP process. However, I believe the scheme would enable the police to secure the services of a few high calibre individuals which we undoubtedly need. Thus, over time all ranks from Superintendent to Chief Constable would be composed of officers promoted in the traditional manner and a few promoted via the EDP.

I do not support the concept of lateral entry which has been advocated by some over the years, whereby former military officers or NHS managers would be directly appointed as Superintendents. A good army officer aspires to command his/her battalion as a Lieutenant Colonel. I do not want the police service to be seen as a refuge for passed over Majors. Just as a senior police officer would be incapable of commanding a brigade in action, I am quite clear that a senior army officer is unqualified to act as an ACPO rank. I recognise that leadership and managerial skills are transferable to some degree but senior police command requires experience and a total commitment to the ethos of the police service. I would illustrate that reality as follows:

There is a strike by fuel tank drivers, which threatens the economy and the government's continued existence. As the law stands it is legal to withdraw one's labour and the police service recognise that reality. Would a former army officer used to the Prime Minister issuing directives via the Chief of the Defence Staff [CDS] have the courage and professional backbone to advise the Prime Minister that the police's duty is to uphold the law regardless of its political consequences? Equally, would an ex-NHS manager who has lived and died professionally by meeting waiting time targets set by the Minister be capable of defending the law robustly?

No, let us adapt our system to uphold the service's strengths, whilst making it fit for purpose in the contemporary world. No lateral entry but a well designed EDP which

would enable the service to compete with the Civil Service, Armed Forces and other 'blue chip' employers on a realistic basis.

I should add that the current system which allows all candidates to undergo an educational test in lieu of five GCSE's sends a very bad message, namely that you need no recognised qualifications to join the police. In reality, the service does attract graduates and many with GCSE and 'A' level qualifications but the non qualification option damages the brand. We no longer live in 1950, surely we should consider making two 'A' levels mandatory, with a veteran's exemption reducing the qualification tariff to five good GCSEs, including English Language, English Literature and Mathematics. If we believe the police service is composed of professional officers, earning a good salary, then we need to raise its status by raising the entry requirements. In a society which now provides so many educational opportunities the retention of a system designed to attract 'merchant seaman who have experience of life' is bizarre.

In creating an EDP, the expertise of many groups should be utilised. I do not favour military officers joining the police by way of lateral entry but as a former army officer, I defer to no-one in my admiration for military training and inculcation of the concept of 'officership'. The police service has a poor record in this field and I would advocate RMA Sandhurst being consulted on the creation of the six month initial EDP training course.

Post and performance related pay

SPPs were a disaster, as they were perceived not as rewarding those who took on particularly demanding or unpleasant tasks but rather as penalising those who were not awarded SPPs. I can see only one aspect of policing that should be recognised by an additional payment, namely the requirement to regularly work shifts. Police salaries should be based on a universal service concept, namely that as a sworn or warranted police officer, regardless of temporary postings you are liable for any task the Chief Constable requires of you. However, a small shift specific allowance would tangibly reward those whose work shifts.

I will confine my comments on bonuses to chief officers [the ACPO ranks] but you may feel they apply more widely.

Bonuses for chief officers were a political imperative, imposed by ministers assisted by their officials and the APA. CPOSA accepted them as part of a wider pay settlement. It is revealing that several Chief Constables, including some who were, or subsequently became, active in CPOSA, effectively boycotted the bonus scheme. There is respected research which shows that financial reward is not the motivator in the public sector that some politicians and civil servants believe it is. It now appears that even some Chief Constables who took bonuses have decided that they are inappropriate, though this may relate more to the change of government than a genuine change of heart. You might wish

to ask ACPO or any Chief Constable submitting views on bonuses to declare their own history of operating this scheme.

Bonuses for chief officers are plain wrong, as they give rise to the suggestion that they might work harder if paid more and that financial considerations may impact on their decision-making. If it is the former, then they shouldn't be chief officers and if the latter, it raises serious questions about operational independence. I would illustrate this point by way of a concrete example. If a police authority set a fatal accident reduction target for their Chief Constable and he/she then actively utilised safety cameras to achieve that target, was that decision based on professional judgment alone, or because the achievement of the bonus was all that mattered? Motorists in that force area might very well believe that their fines were actually funding the Chief Constable's bonus, not a situation calculated to increase respect for the law or the police.

Chief Officers should be paid in accordance with a single national pay scale which would be a matter of public record and this leads me on to another critical issue affecting chief officers. Historically, chief officers were paid in accordance with a single national scale with different pay rates for Chief Constables being based on population figures or more recently on a weighted analysis of force budgets. However, in the last few years more and more police authorities have instituted local 'pay supplements' under a variety of headings [retention bonus, private school fees, career development allowance etc]. This covert system undermines confidence in the integrity of the police pay system and, crucially, is incompatible with the concept of equal opportunities. If force 'A' doesn't publicise their local supplementary arrangements, how do potential candidates for a vacancy in that force realistically decide whether or not to apply. If you are a female police officer in Devon & Cornwall, will you know about a great package on offer in Cleveland [for example], or is knowledge confined to gossip in the North East and/or the male locker room? This is an area crying out for reform and should be a 'no brainer' for the review. Chief Officers' bonuses should be abolished with immediate effect, producing clear cost savings. In addition, no payments outside an agreed and publicised national pay scale should be lawful. Thus, police authorities would lose their ability to make covert payments.

In essence, I am advocating two reforms which would reinforce police service integrity and make clear savings. There is no defensible case for either bonus payments or covert locally agreed supplements to national pay agreements.

FTAs

In 1995, the Home Office introduced Fixed Term Appointments [FTAs] for all ACPO ranks but since then they have been withdrawn for ACCs and are now limited to DCCs and Chief Constables. The idea was undoubtedly to make chief officers more responsive/subordinate to police authorities and the Home Office. Naturally, the Home Office didn't think the concept through, or alternatively didn't care about the practical implications of this innovation. FTAs took no account of the Police Pension Scheme and it was many years before a limited compensation scheme was agreed for officers who

were terminated before they had secured full pension entitlement. Thus, some of our best and brightest had to actually risk their family's security when they accepted a promotion. An FTA might not be renewed because of restructuring as oppose to personal shortcomings in performance. FTAs need to be scrapped or a proper structure put in place to protect good officers who are risking their pension rights by seeking promotion at a relatively early stage in their pensionable careers.

Abolition of FTAs could be portrayed as an equitable quid pro quo for the abolition of bonuses. It should be noted that senior civil servants in the Home Office are not subject to FTA type arrangements and when individual senior civil servants leave the Home Office prematurely for the convenience of ministers, they do so with massive compensatory packages. If a chief officer is not performing, then they should be subject to poor performance procedures with built in safeguards. FTAs were a retrograde step and experience has failed to show that they had any worth.

CRTP

Most officers secure CRT payments and the concept is devoid of merit, why should someone be paid more for merely being competent? Surely, there is more logic in penalising those who are incompetent. I would abolish the CRTP system and I think it is another example of a payment which the Police Federation or other stakeholders would find hard to defend. I do, however, think there is a case for rewarding officers who actively seek to increase their professional knowledge. Thus, I feel there would be merit in say making an annual payment, for up to five years, to any Constable who successfully passed an advanced examination in police procedure and law. This could be the promotion examination or a separate one. The essence of my proposal is that they would be rewarded for increasing their professional knowledge. The payment would tangibly reward them but only for up to five years, it would cease if they secured promotion to the rank of Sergeant. A similar scheme might be useful for Sergeants as well.

How officers leave the police service

An idea which has been floated for many years but on which there has been absolutely no progress is the desirability of moving from a thirty year 'one size suits all' career structure to a more flexible model. Currently, the police personnel system is geared to a thirty year career based on full pension entitlement at that point in an officer's career. There is no ability to cater for an officer wishing to leave after fifteen years for example, or to see an officer leave with dignity and reasonable security if the force decides they are no longer an asset. I recognise any change to the thirty year plan would be radical but it is necessary and in tune with contemporary social and career attitudes. I would invite the Review to seriously look at providing a more flexible career model. Might I suggest an initial fifteen year contract for officers, with an appropriate financial package if they leave at that point. Officers could then seek additional five year contracts. If they left at 20, 20 or 30 years then again an appropriate financial package would be available to

them. However, only 35 year service officers would receive a full pension as per the NPPS.

Such flexibility might persuade disillusioned officers to leave rather than hang on to a career they no longer relished. Equally, it would enable force command to only retain personnel who still displayed appropriate attitudes and dispense with 'uniform carriers'. The focus of police personnel policy should be on retaining well qualified and motivated officers and not crude redundancy plans.

I will make only one comment on the issue of ill-health retirement. Various governments have criticised ill health retirements but ultimately such cases revolve around medical judgements and Chief Constables are not medically qualified. I would have welcomed the ability to divide the unwell in to, to use a Victorian term, the deserving unwell and the undeserving unwell. An officer who is blinded in the execution of their duty should never have to worry about financial issues for the rest of their lives. However, a ten year officer with a bad back, or depression for which there is no obvious duty connection, should not be treated as per their blind colleague. Police officers deserve generous treatment in respect of service related health problems but in respect of other matters they should be treated as per any other member of the public sector.

PNB etc.

Currently, the Official Side at PNB is composed of government departments, police authority representatives and in some cases ACPO. I have to ask the question, what value do police authority representatives add to PNB discussions? In the context of chief officer pay negotiations, the APA representatives were unwilling to accept that covert local pay supplementary arrangements actually existed. This means they were either unaware of such practices, or were being economical with the truth. I naturally prefer the first interpretation. Thus, PNB has members who do not know what is going on, on the ground. I suggest national pay arrangements should be negotiated by staff representatives and government departments. Government departments can consult the Police & Crime Commissioners as they see fit but based on APA experience, local official representatives add nothing to PNB deliberations.

Summary of recommendations

1. Create an Executive Development Programme and thus increase the attractiveness of the police service as an employer of choice. This should also impact positively on the diversity of police service recruits.
2. Abolish the no educational qualifications option and impose a basic qualification tariff. Specific provision to be made for veterans.
3. Abolish SPPs – producing a significant saving.

4. Standard salaries based on concept of one job as a warranted officer. However, a shift allowance should be paid to those who regularly work unsocial hours. This could be funded from CRTP savings.
5. Abolish Chief Officer bonus scheme – producing a significant saving.
6. Prohibit any covert supplementary payments to chief officers outside agreed national pay agreement.
7. Abolish FTAs for Chief Constables and Deputy Chief Constables.
8. Abolish CRTP scheme – producing a significant saving.
9. Institute a scheme to recognise the acquisition of enhanced professional knowledge by way of an examination. Costs compared to SPP and CRTP savings would be marginal.
10. Develop a scheme providing for flexible periods of employment with appropriate severance packages.
11. Develop a stronger ill-health retirement regime, enabling Chief Constables to differentiate between deserving service related cases and those less deserving of generous financial support.
12. PNB to be reduced in size with only government departments and staff representatives present.

I trust this submission will be of some assistance to you. I reiterate my willingness to provide additional input if you felt that would have any value.

Paul Kernaghan

6th October 2010