



# **REVIEW OF REMUNERATION AND CONDITIONS OF SERVICE FOR POLICE OFFICERS AND STAFF**

**THE POLICE SUPERINTENDENTS' ASSOCIATION OF ENGLAND  
AND WALES  
SUBMISSION  
NOVEMBER 2010**

# **REVIEW OF REMUNERATION AND CONDITIONS OF SERVICE FOR POLICE OFFICERS AND STAFF**

## **EXECUTIVE SUMMARY**

The Police Superintendents' Association of England and Wales (PSAEW) has, following consultation with its members and discussion with its National Executive Committee, prepared this submission setting out its response to the specific questions posed in Annex A of the letter from Tom Winsor dated 1<sup>st</sup> October 2010.

In addition the PSAEW has prepared an Executive Summary setting out its key views and observations which it believes should be taken into account by the Review.

This Executive Summary is constructed around the six key themes highlighted in the letter from Tom Winsor. These six areas are: Entry Routes; Deployment; Performance and Post Related Pay; Pay Progression and length of service; Exit Routes; and Pay Machinery.

### **Introduction**

The Police Superintendents' Association of England and Wales is the sole representative body for police officers in the rank of Superintendent and Chief Superintendent in England and Wales.

We recognise the significance of the Winsor Review at a time when the demands and expectations placed upon the Service are to deliver first class policing to our communities and in doing so demonstrate value for money.

UK policing has an enviably high worldwide reputation. The annual IPSOS MORI poll of comparative trust and confidence in the professions consistently demonstrates the high regard in which police officers are held by the public. Our policing is regarded as ethical, professional and overwhelmingly free of corruption. The key elements of this level of confidence and integrity arise from the uniqueness of the status of the Office of Constable. The Office of Constable is a fundamental strength of UK policing. All police officers, regardless of rank, are Constables who swear an oath of allegiance to the Crown. Their warrant provides the term 'warranted officer'. Police officers are not employees. The Office of Constable provides police officers with legal powers of arrest and control of the public. The primary function of the Office of Constable is to protect life and property, prevent and detect crime and uphold the Queen's peace. Police officers on and off duty have a legal obligation to discharge their duty. Failure to do so could see them facing legal proceedings.

This level of trust and responsibility requires individuals who possess the highest levels of integrity; and the levels of pay and conditions should reflect the skills, demands and expectations placed on the men and women who protect the public.

The PSAEW notes the terms of reference of the Review. However, there are some key elements of policing that we would expect the Review to take in to consideration. Police Regulations impose significant restrictions on police officers and their families, for example participation in politics, employment, the requirement to work at a time and a place of choosing of the Chief Constable and conditions in respect of financial probity. They have no right to belong to a trade union and the accompanying restriction on the right to withdraw their labour. It is a criminal offence for any police officer to withhold their services and for any person to seek to cause disaffection or cause any police officer to withhold their services. We recognise there are checks and balances so, for example, police officers cannot be made redundant; there is an adequate police pension and arrangements for fair pay and conditions. There are national pay arrangements with facilities for arbitration. We strongly urge the Review to consider the overall package of pay, terms of conditions and pensions in the context of these restrictions when considering its recommendations.

In considering the package of current pay and conditions of service the PSAEW draws attention to the European Union Council of Ministers' Charter on the Police. It states *'The police are entitled to a fair remuneration and special factors are to be taken in to account. Such as greater risks and responsibilities and more irregular working schedules.'*

### **Entry Routes**

There should be nationally agreed and locally implemented recruitment standards for police officers.

There should only be one point of entry into the Service as a police officer – the rank of Constable.

Being a PCSO or a Special Constable should not be a mandatory pre-requisite to becoming a police officer, nor should a potential applicant be required to self fund his/her pre-employment training/qualification.

### **Deployment**

Statutory Police Regulations, setting out nationally negotiated and agreed matters impacting on the conditions of service of officers, are an effective and appropriate method by which to manage police officers. Local negotiation in some matters can be permitted but strong central control via Police Regulations and the PNB/PABEW process is supported.

Regulations are silent on some issues impacting on Superintendents (hours of duty, shifts). This is a position that the PSAEW does not seek to change at this time.

Access to, and use of, overtime is an operational necessity at Constable and Sergeant rank. Officers, who cannot refuse an order to work, need to be compensated. The rates that are to be paid in different circumstances must be nationally agreed via PNB.

Shift patterns should be locally agreed but only in accordance with nationally agreed consultation and negotiation processes.

The difference between 'Mutual Aid' and collaborative working must be understood and made clear in the terms and conditions of officers.

### **Performance and Post Related Pay**

Officers whose personal performance is deemed to have been exceptional over a reporting period should be able to be financially rewarded in some way as part of pay arrangements – this is understood to be Government public sector pay policy; such financial reward must not be so small as be of no significance but neither must it be so generous as to attract adverse comment or be divisive. Such access should be available to all ranks.

Performance Related Pay models are not the same as a 'bonus culture' but to be effective they must be well managed and are dependent on a good PDR system.

Identifying posts that attract an allowance or uplift can be problematic as all officers can, at the discretion of the Chief Constable, be deployed to any post/role.

Specific posts attracting an additional allowance have been part of the pay arrangements for Chief Superintendents for some years. The effect has been to bridge the large gap between a Chief Superintendent's pay and that of an ACC/Commander, recognising that for some demanding posts that gap is too large. Such arrangements should continue.

### **Pay Progression and Length of Service**

Pay progression on the basis of length of service is supported, provided the officer is deemed to be competent prior to each incremental uplift.

### **Exit Routes**

Officers who leave the Service are able to take with them or realise the pension benefits that they have accrued during their service. Officers can be required or compelled to leave the Service if their performance or conduct is unsatisfactory.

As officers do not have 'normal' employment arrangements, with limited access to Employment Tribunals and no right to take industrial action, additional employment protections against redundancy/dismissal are appropriate and necessary.

### **Pay Machinery**

There should continue to be a national (UK) pay negotiating machinery, set in statute that is independent of Government and independently chaired. This machinery includes the PNB

and the Police Advisory Board(s) which between them are able to cover the range of 'employment' matters impacting on officers.

When there is disagreement in such a machinery there must be recourse to binding independent arbitration.

A move to local or regional pay machinery is not supported.

**In addition we believe the Review should also consider:**

- There is a pressing need to address now the question of how police officer pay will be dealt with in August 2013 after a possible pay freeze. i.e. what uplift mechanism will be in place? This is vital as in the next two years the real value of police pay will fall dramatically (increases in RPI, VAT, NI, and pension contributions).
- Superintending rank numbers are under threat as part of force budget cuts and further reductions in numbers will impact directly and negatively on force performance and increase the demands being placed on those remaining. Historic increases in police officer numbers have not been equally shared amongst all ranks in recent years. The working hours of Superintending ranks are already at unacceptable levels – this must not be allowed to worsen.
- The Police Pension Scheme(s) are a vital part of the total remuneration package that being a police officer attracts. If the schemes are to be changed (following the Hutton Review) in a way that reduces the benefits to serving officers this must be recognised and taken account of in the way that other parts of the overall package are changed.

It is more than 30 years since the last major review in to police pay and conditions undertaken by Sir Edmund Davies. That Review put in place arrangements that have provided the Government, the public and the police fairness, value for money and have produced a period of stability that, largely, have allowed police officers to focus on their duty to protect the public rather than continually renegotiate pay and conditions. It is recognised, however, that it is appropriate at times to review these matters and we welcome the Winsor Review and place on record our willingness to fully contribute in an open and constructive matter. We expect the Review to make recommendations that are fair, promote flexibility and reward police officers for the difficult, challenging and at times dangerous work they perform in protecting the public.

Derek Barnett  
Chief Superintendent  
President  
Police Superintendents' Association of England and Wales

## **ENTRY ROUTES**

### **DIVERSIFYING SKILLS AND EXPERIENCE**

#### **Q1. How should officers and staff be recruited to the Police Service?**

- a) The PSAEW considers that there should be nationally agreed recruitment standards for police officers with each force adopting these national standards. These standards could form part of a pre-entry qualification, not at degree level, but covering literacy and numeracy and a level of understanding of policing issues, perhaps a national standard 'policing diploma'.
- b) If a 'policing diploma' was introduced, it would be vital that people were not discouraged from joining the Service due to the personal financial contribution they would have to make. Bursaries would need to be introduced to enable poorer students the opportunity to study. Such bursaries could be offered by academic institutions or forces in lieu of the cost of in-force training.
- c) If the training was part funded by the potential applicants themselves this would demonstrate commitment to the role.
- d) Whilst some form of pre-qualification is favoured, it is the PSAEW view that there should be multiple ways to join the Service, including, but not exclusively, by being a Special Constable, PCSO or by undertaking a specific qualification such as a 'policing diploma'.
- e) It is important, however, that entry into the Service is not restricted in a way that would exclude anyone who has the potential to be an effective police officer. There will be individuals who, for example, are not in a position to undertake voluntary work and so to use being a member of the Special Constabulary as the only entry route could potentially result in indirect discrimination.
- f) We would support collaboration between forces in relation to the selection process to save costs but our preferred option would be that an applicant should be obliged to apply for a specific police force and not apply to a general pool from which forces select.
- g) We support the continuing use of the SEARCH Assessment Centre for recruits to the Police Service. It provides a degree of national consistency of recruit and ensures that issues of diversity and commitment to equality are tested in every potential recruit.

- h) The recruitment and selection of police staff should remain an activity that is locally managed and controlled. Such a process must be in accord with local labour market considerations and specific organisational requirements.
- i) With the increasing number and diversity of roles within the Service now being undertaken by members of police staff, as opposed to officers, the opportunities for the Service to recruit experienced, able and qualified people exists, particularly in specialist areas where the powers of a Constable are not required and where the person will not be required to undertake other policing responsibilities at the total discretion of the Chief Constable. For example, it may be appropriate to recruit a financial investigator to work on both routine and complex fraud investigations but it would be inappropriate to require that same member of police staff to become involved in some way with the operational policing at a football match, as can happen to a police officer in a fraud investigation role.
- j) The issue of point of entry for police officers is addressed under Question 5.

**Q2. How could the diversity of the Police Service be improved as part of a new model?**

- a) The PSAEW has been pleased to note that the recruitment profile of PCSOs is as diverse as it is. It is questioned if the Service has learned from this in terms of police officer recruitment. Perhaps we have promoted a career in the Service as a police officer in a way that both dissuades some applicants because they are not attracted by the way the role of a police officer is promoted (not community focused enough) or because the role of a PCSO is more tightly defined.
- b) However, whilst the PSAEW supports ongoing and active steps to recruit as diverse a workforce as possible, and in the current financial climate where recruitment will be restricted so only limited impact can be made, we also believe that the issue of retention and advancement is of equal importance.
- c) Ensuring that all officers (whether from a protected strand or otherwise) have the same career opportunities is vital, and ensuring such fairness and equality of opportunity sends a clear message to potential applicants that they should consider a career in the Service. The PSAEW is in favour of S.159 of the Equality Act 2010 being brought into force to enable positive action in relation to recruitment and selection (where all officers meet the same high standard) to increase the representation of disproportionately under-represented groups but remains firmly opposed to any form of positive discrimination.
- d) In general terms, the evidence is that the Service has made considerable strides to improve the gender balance at recruit level but has not made such an impact in terms of BME recruitment and other strands of diversity.

- e) Whilst we have good employment data for BME and gender there is less good data available on the other strands of diversity.

### **Q3. What should be the future for graduate entry to the service, and how could it work?**

- a) The PSAEW supports the marketing of a police career to graduates, as graduates make up a considerable proportion of the labour market. The centralisation and co-ordination of such marketing at national level is supported. Such activity should be focused on entry as a police officer, PCSO or Special Constable as police staff posts are locally available.
- b) However, recruiting graduates per se is not the issue nor is it difficult – the issue is recruiting the best graduates, and by this we do not mean those from the best universities, but those who have the most appropriate skills and characteristics for the Service. In the current climate it is difficult to see how the best graduates will be attracted to becoming police officers with limited recruitment or promotion opportunities in forthcoming years as workforce movement slows down and as the size of the workforce reduces. There is a strong chance that the best graduates will go elsewhere where recruitment is more active and promotion opportunities better.
- c) It is important, however, that recruits must not only come from the graduate population. One of the Service's great strengths over the years has been the fact that people from all personal and educational backgrounds can join. We should not be discouraging career changers in their early thirties from looking at a career as a police officer; such career changers coming from a full range of backgrounds many without degrees, but often bring with them years of 'life experience' which is invaluable to policing.
- d) There is a need for a centrally run and co-ordinated scheme designed for high potential officers in the early years of their service who may or may not be graduates.

### **Q4. Should there be a local or national approach to graduate entry?**

- a) See answer to 3 above – national marketing but local recruitment.



**Q5. What are the advantages and disadvantages of external candidates being able to join above the rank of constable, and how could this work in practice?**

- a) The long held position of the PSAEW is that all officers should join the Service as Constables in order to develop the experience and skills required to lead and manage officers who hold a unique position, including that as citizens with powers to remove an individual's liberty. We believe that there is no substitute for this experience. We are of the view that a type of direct entry at Superintending ranks already exists in the form of the many police staff who have joined the Service in recent years to perform many of the functions previously performed by police officers (e.g. heads of departments such as HR and IT) but without the powers of a Constable. Questions have been raised by some as to the value for money of some of these roles in terms of the inability to deploy these individuals in an operational or command situation and the subsequent impact on operational resilience.
- b) We would stress that at the Superintending ranks the ability to command complex and critical police operations is based largely on experience of policing of between 12 to 20 years. Superintendents are the key senior operational commanders in the Police Service. They do not just manage budgets, policies and partnerships. We do not see how direct entrants to the service at Superintendent rank would acquire this operational experience.
- c) However, the PSAEW is aware that whilst there are some strongly held views against entry to the Service at ranks other than Constable, there are some who see that it could have some benefits. The main one of these is the ability to improve the diversity of the workforce at higher ranks in a much quicker way than if all recruits start as Constables.
- d) The PSAEW does not believe that the case for direct entry has yet been made. Nor do we accept the comparison made by some with direct entry in the military.
- e) We are of the view that any contemplation of direct entry should be considered with caution as there would be a range of issues to consider such as the cost of training and development, the level of risk associated with a lack of command experience and the cultural change that would be required to ensure the credibility of direct entrants against an organisational tradition of entry at Constable. Should direct entry be a serious consideration then the PSAEW would seek to be engaged on the development of any models at the earliest stage.

## **SPECIALS**

### **Q6. How can we increase the recruitment of Specials?**

- a) The Special Constabulary is an embodiment of the 'Big Society' and reflects in a modern world the active involvement of citizens in policing so clearly set out by Sir Robert Peel. The contribution of volunteer officers is an invaluable addition to the policing effort. However, the recruitment, selection, training and equipping of Special Constables is not without cost and it is important to recognise that the cost, together with issues of availability and flexibility of deployment, mean that the Special Constabulary should be seen in terms of additonality and not replacement of regular police officers. Moreover, although Special Constables may have police powers and provide important support to policing, the level of training and experience means that, overwhelmingly, they cannot be deployed independently, except in restricted circumstances, or meet the challenge of the full range of policing activity.
- b) Members of the public who volunteer as Special Constables bring with them a valuable and broad range of skills and life experience and this is a positive contribution to policing. Clearly there is evidence that where police forces focus effort and resources towards recruiting Special Constables then the numbers do increase. However experience suggests that this effort has to be sustained and additional resources dedicated to managing and monitoring training and deployment. Furthermore, the manner in which Special Constables are valued, deployed and motivated is a key element in encouraging others to join.
- c) Specials should be deployed in roles which suit both the individual and the organisation and the relevant skills profile fully recognised. For example, not all applicants wish to serve on a neighbourhood policing team, some may wish to experience response policing or perhaps have the skills suited to more specialist areas of policing such as community safety, mobile or enquiry office roles or financial investigation.
- d) Consideration also needs to be given to the retention of Special Constables given the investment made in their equipment and training.

### **Q7. How can we encourage more police staff to volunteer as Specials?**

- a) It is proper to recognise that members of police staff have differing levels of skills and motivation and varying private and domestic circumstances. Giving time as a Special Constable is not to be undertaken lightly and members of police staff have an entitlement to a private life and therefore should not be placed under undue

pressure to undertake the role of Special Constable. However, forces do have it within their power to use innovative ways to facilitate volunteering, for example by encouraging staff to volunteer by allowing time to train within normal working hours, although this does need to be balanced with the demands of their 'day job', and the impact of the recent CSR on the numbers of police staff.

**Q8. What would be the advantages and disadvantages of all forces requiring potential candidates to volunteer as Specials to be eligible for recruitment as police officers, PCSOs or other police staff?**

- a) One of the undoubted strengths of the British Police Service is that it recruits from the wider community and consequently attracts recruits with varying backgrounds, skills and professional and general life experience.
- b) The PSAEW does not support the suggestion that eligibility for recruitment should depend upon previous involvement as a Special Constable as it is felt that this is potentially discriminatory in respect of individuals who are not in a position to undertake voluntary work (such as individuals in full time employment who also have other responsibilities, such as carers). However, the Service could encourage potential candidates to experience policing more closely before deciding on a career choice and applicants could be credited within any application process.

**GENERAL DEPLOYMENT**

**Q9. How could we improve the deployment of officers and PCSOs?**

- a) Shift rotas are the most obvious means of ensuring that the deployment of resources best meets the demand from the public. However, before undertaking any shift review, forces should ensure that they have already examined how they can manage the demand for service more effectively in order to spread the workload of frontline officers and PCSOs across longer periods (e.g. using efficiency methodologies such as QUEST, where non-urgent calls can be re-arranged with the caller's consent to a more convenient time to the caller and the police). Once this work is complete then shift rotas should be reviewed to ensure that the shift system aligns with the new demand profile.
- b) Whilst it is essential that shifts are properly aligned, wherever possible, to demand, account also has to be taken of issues such as geography and the time it may take patrols to respond across differing areas to be covered.

- c) In relation to response and neighbourhood teams, there needs to be clarity for the officers, PCSOs and the control room staff regarding their individual roles and also who is responsible for dealing with specific types of demand.
- d) The use of Automatic People and Vehicle Location Systems (using GPS) can benefit control rooms when trying to deploy resources more efficiently, as can the use of other technology such as mobile data which prevents the need for officers to return to the station as frequently, thus ensuring that they are available for deployment.
- e) Use of marketing techniques would enable a more detailed understanding of community needs to be gained. In turn, this would allow more effective decision making around the deployment of police officers and PCSOs, and where their respective skills and powers could be used to best effect.

**Q10. Are there any elements of Police Regulations and Delegations that inhibit the more efficient deployment of officers?**

- a) Police Regulations have been introduced over time to ensure that there is a balance between the need for effective deployment of officers and the protection of officers from unfair treatment. The PSAEW believes that, with the exception of flexible working (see below), there are no specific elements of Regulations and Determinations that inhibit the more efficient deployment of officers without appropriately protecting officers from unfair treatment. What is apparent, however, is that many senior managers do not effectively understand Regulations and, therefore, are unable to ensure that they are used effectively. In addition there is a need to forward plan shift rostering in a way that would make the current arrangements more effective.
- b) There are some elements of Regulations/Determinations that can disadvantage those on part-time working. As the vast majority of part-time workers are women, there is a disproportionate impact by virtue of gender. The PNB Gender Equality and Work life Balance Working Party has been meeting for 18 months trying to address this and other issues. Progress has been limited although in recent months some of the new guidance has been approved by PNB and just awaits sign off by Minister/Home Office (e.g. new Maternity Guidance).

## **WORKING OUTSIDE CORE HOURS**

### **Q11. What are the advantages and disadvantages of Chief Officers being required to publish rotas 3 months in advance?**

- a) The publication of rotas in advance provides an appropriate balance between allowing forces to plan ahead for resource allocation and permitting police officers to maintain a fair work life balance.
- b) Police officers should have reasonable notice of a change in duties to be able to make normal provisions for child care and other caring responsibilities and short notice changes in duties have the potential to result in indirect discrimination.
- c) The PSAEW would wish to see firm evidence that the requirement to publish rotas in advance creates serious and significant barrier to effective deployment of resources.

### **Q12. What system would be more flexible whilst being fair to officers and staff?**

- a) It is perfectly proper to examine alternative models of rostering, for example self rostering, however, any changes should be evidenced based and subject to full and independent evaluation, including Equality Impact Assessments.
- b) It is important that whatever shift rota or otherwise is utilised by officers or staff, there must be a means of monitoring hours worked under the European Working Time Directive.

### **Q13. How can the Police Service reduce the use and cost of unplanned overtime for police officers and staff?**

- a) Superintendents do not receive any financial compensation for working on a monthly leave day or on an annual leave day.
- b) The PSAEW would challenge any presumption that overtime per se is inefficient but we recognise the fact that the management and use of unplanned overtime could be improved.
- c) Policing is a 24/7 emergency service and must retain a capability to meet spontaneous demands for example critical incidents, serious disorder etc.

- d) Used properly, overtime can be a cost effective way of delivering an essential public service. For example if an officer is retained on duty to deal with a detained person, whilst it may cost in overtime payments, it improves continuity of evidence and investigation and could also reduce the number of future absences for court (including cancelled rest days) for officers who have taken on various responsibilities in handover roles.
- e) It is relevant to point out that police officers do not receive overtime or enhancements for working weekends or unsocial hours, only for working beyond their scheduled hours (but not for the first 30 minutes) or working on a Public Holiday, annual leave day, or at short notice on a rostered rest day. The PSAEW believes that police officers should be adequately compensated for working Public Holidays.
- f) Some rest day overtime is incurred due to the fact that many officers work more than eight hours in a shift (under a variable shift agreement) which effectively means that whilst they still work an average of 40 hours in a week, they have more rostered rest days (due to longer shifts). This means that cancellation of rest days for court occurs more frequently, however it is accepted that such cancellations are usually with reasonable notice which results in an inconvenience for the officer of a change of rest day but no overtime for that individual.
- g) Where court duties do present particular problems is where there are insufficient resources on duty to cover an officer (or sometimes a whole team) who has been required to attend court for a trial and then overtime must be paid to deal with this. This is not an issue that Regulations can resolve but requires much improved co-operation with the Crown Prosecution Service and the Courts in terms of scheduling for trials and notification of witnesses.

**Q14. What evidence is there that police officer and police staff overtime rates and use are more, or less, cost- effective in comparison to other public sector employers?**

- a) We are not currently sighted on this area.

**Q15. What evidence is there of unfair disparity between officer and staff overtime?**

- a) Overtime is just a single component in the comparison between police officers and police staff and therefore should not be addressed in isolation. However, it should always be remembered that police officers are servants of the Crown and therefore can be ordered to work overtime whereas police staff can only be requested to do so.

## **SHIFTS**

### **Q16. Should shift working be recognised for officers and/or staff? If so, how?**

- a) Financial recognition of shift working for police staff is already in place through local agreements and this should continue.
- b) In relation to police officers, it is not felt that there should be any additional financial recognition of shift working, as this is already factored in to police officers' pay.
- c) One option which could be explored further is perhaps an 'operational deployment allowance' for those officers who are available for operational deployment on a 24/7 basis. If an officer is not available for operational deployment then they should lose that allowance.
- d) In relation to Superintending ranks, the Regulations are silent regarding working overtime or shifts. There is no provision for compensating Superintendents for working excessive hours or to compensate for monthly leave days that are worked. There is, however, ample evidence to prove that Superintendents do work excessive hours (and regularly contravene the European Working Time Directive) and that they regularly work monthly leave days without compensation.

### **Q17. At what point is it fair to officers, staff and taxpayers to recompense changes in shifts?**

- a) It is fair to recompense changes in shifts. The current arrangements do so fairly and reasonably. The vast majority of changes made to shifts worked by police officers are not compensated at all. A tremendous level of good will exists in this area of policing which should not be lost.

### **Q18. How can equality and diversity issues and the requirements for operational flexibility in the Police Service best be balanced?**

- a) Effective management of resources is the key to maximising operational flexibility whilst ensuring fairness to all. The PAB Working Group on Work Life Balance has recently re-issued National Guidance on Flexible Working which contains valuable information to support forces in achieving this balance. However previous experience shows that the implementation of this Guidance is inconsistent across the Service.

**Q19. What would you consider to be an optimum shift arrangement for maximising officers and PCSOs time on the front line?**

- a) As stated at Question 9, any shift arrangement should be demand led; it should recognise the needs of the public balanced against recognition of officers' and PCSOs' health, wellbeing and productivity. In some forces (such as the Metropolitan Police Service) there also has to be recognition of the practicalities of officers getting to and from work at times of day when no public transport is available (and no local parking available).

**Q20. What would you consider to be an optimum shift arrangement for reducing the cost of functions supporting officers on operations e.g. call centres, contingency planning and specialists operational support functions?**

- a) The current arrangements that have been developed over recent years (variable shift systems) have resulted in much better alignment of staff to demand than previously existed. However an Accenture Report in 2004 (Home Office Circular 68/2004) suggested that all forces should improve their understanding of demand. Each force and each BCU within each force will have different demands at different times depending on a range of factors. There is no single optimum shift arrangement that offers a panacea in this area.

**Q21. How should shift arrangements be set out in national police regulations?**

- a) Regulations should be agreed nationally through the recognised negotiating machinery, but should allow for local flexibility which should involve consultation between the Chief Officer Teams and the Staff Associations.



## **MUTUAL AID**

### **Q22. How can the disruption of working with another force be recognised for officers and/or staff in a way that is fair to them and the taxpayer?**

- a) There is an important distinction to be made between police officers working in another force e.g. on a collaborative project and working on Mutual Aid.
- b) It is important to understand just what it means to police officers when they are required to perform 'Mutual Aid'. As an example, an officer in Northumbria can be required to travel to Devon and Cornwall to work. Usually some form of emergency triggers a request for Mutual Aid. As such the requirement is often, especially in the first few days, to work long hours in poor conditions with little or no break. Some of the work that officers perform on Mutual Aid is dangerous. Most critically, police officers on mutual aid frequently are unable to travel home after their tour of duty. As such they are away from their families and friends. Often the accommodation and meals provided to officers on Mutual Aid are poor.
- c) In view of all these factors it is only fair that police officers required to perform Mutual Aid are given an appropriate level of recompense over and above their normal salaries. This should include the cost of reasonable accommodation and meals.
- d) The Service would benefit from a national agreement to cover all aspects of Mutual Aid in the future.

### **Q23. How could Mutual Aid use and remuneration for both officers and staff be changed to enable more efficient use of resources?**

- a) The way that police officers are currently compensated when they are required to provide Mutual Aid is detailed in 'The Hertfordshire Agreement'. Whilst the Hertfordshire Agreement has delivered effective Mutual Aid arrangements across England and Wales, it is our view that it needs to be updated.
- b) Work has been ongoing within PNB to review and revise the current arrangements via the Mutual Aid/Held in Reserve Working Group. Representatives of the PSAEW participate in these discussions within the group. Agreement seemed to be within our grasp until recently whereby police officers were to be paid only for the hours that they work on overtime at the normal rates but in addition, when unable to travel home at the end of their tour of duty, would receive a cash (non pensionable) award. A sum of £50 per officer per night was talked about and seemed to us to be a fair figure. Currently the

Official Side cannot agree this sum. We believe that this sum should be paid to all ranks up to and including Chief Superintendent. It would enable a more fair and effective way of providing Mutual Aid in the future.

**Q24. What rates of allowances and entitlements should officers and staff receive when they are on secondment e.g. rental allowances?**

- a) An important principle which should be enshrined in conditions of service is that no police officer should suffer a financial detriment if they undertake a secondment.
- b) A number of allowances can be paid to police officers on secondment. Many of these have not been increased for many years and all are 'non pensionable'. If an officer, for example from South Yorkshire, secures a secondment to the NPIA which requires him or her to work in or near London, it is not unreasonable for that officer to be provided with reasonable accommodation at no cost. Similarly, reasonable travelling expenses to allow the seconded officer to travel to and from home every weekend should be paid.
- c) There has been uncertainty recently that officers living away from home on secondment in provided accommodation for more than two years may be liable to being taxed on the 'benefit' of receiving free accommodation. This should be clarified and avoided as it will prove to be a disincentive to officers contemplating a secondment. Some of the most innovative ideas and improvements to policing came from officers working on secondments.

**Q25. How could Regulations be amended to enable greater use of collaboration between forces?**

- a) Ministerial statutory guidance on collaborative working was issued following debate within PAB in May 2010. This Association was part of the Working Party that agreed this new guidance. As yet a number of forces have yet to use the guidance to roll out more collaborative working. Forces should be encouraged to do so in the future.
- b) A further inhibitor to collaboration is the current structure of policing within the 43 forces. The current negotiations that take place between the force buying in assistance (dogs, horses, air support etc) with the forces providing that assistance, and in doing so ensuring that all costs are recorded by the supplier force, would not exist if, as this Association has recommended, we had a smaller number of police forces.
- c) Standardisation of allowances available to support staff would encourage greater collaboration. Currently, for example, police staff from North Yorkshire are paid mileage at a rate of 60p per mile. In South Yorkshire the rate is 40p per mile. These types of

anomaly act as a barrier to increased collaboration amongst the forces of Yorkshire and the Humber.

- d) A further inhibitor to effective collaboration is around the attitude of some Police Authorities who are reluctant to collaborate and also around the issue of primacy between Chief Officers. This Review will need to consider how in a future world the elected Police and Crime Commissioners can be encouraged to embrace collaboration when their electoral base may lead to them taking a more parochial view of policing.

## **SPECIALS**

### **Q26. What Regulations and restrictions hinder Specials undertaking more hours?**

- a) Special Constables are intended to support regular officers and not replace them. The hours that Specials are able to work are limited by their own circumstances and opportunities and also, where in employment, by Working Time Regulations. The expectations therefore should be realistic and proportionate to their efficiency, effectiveness and well-being. It is not in the public interest to have part time volunteers performing police duties who are working excessive hours, potentially in breach of Working Time Regulations, placing them, the public and colleagues at risk.

### **Q27. What could incentivise Specials to increase their hours, including limited remuneration?**

- a) A volunteer should be someone who has the motivation to serve the community rather than earn money. Introduction of remuneration totally negates the concept of volunteering and alters the fundamental premise of the Special Constabulary, effectively creating part-time, but lesser trained, police officers.
- b) The PSAEW does not support the remuneration of Special Constables, although we would support the option of allowing Special Constabulary officers to specialise in particular aspects of policing rather than being general patrol or neighbourhood officers.
- c) It is possible, however, to recognise the contribution that Special Constables make to their community, perhaps by providing the opportunity to earn a credit towards future employment as a regular police officer (see Question 8 above) or by providing an allowance offset against Council Tax. Employers could be incentivised to allow staff to volunteer as Specials in a way similar to members of the Territorial Army.

## **BUSINESS INTERESTS**

### **Q28. How should decisions on officer business interests be taken?**

- a) This question has significant implications for the future of policing. Do we wish to maintain an ethical, professional Police Service where policing is regarded and valued as a key and essential public service that requires exceptional standards of integrity and commitment, or simply regarded as just another job?
- b) There are other inherent dangers in allowing business interests for serving police officers which include potential compromises to fairness and integrity and potential loss of public confidence. These issues were captured and minuted in discussions held within PAB in 2006 and they remain relevant today.
- c) Evidence is emerging that police officers are increasingly seeking to supplement their pay by taking additional employment. Similarly, there is evidence of an increase of indebtedness of police officers, particularly of newer recruits who bring with them student debt. This brings with it several risks. Firstly, the reputational risk to individual forces and the Service generally. Secondly, the operational effectiveness of the Service relies on having police officers available to work overtime and on rest days and Public Holidays. This availability can be compromised by officers being unwilling or unavailable to provide the resilience when required. This situation is likely to be developed further during a period where there is a pay freeze and where forces are looking to limit the application of overtime and allowances. Thirdly, there is the risk of officers under financial pressures becoming vulnerable to corruption.
- d) It is felt that business interest applications should be processed initially by local line management in order to assess the individual's circumstances and the appropriateness of the request and make recommendations to Chief Officers.
- e) Areas of incompatibility should be rejected. Factors such as sickness and attendance history, performance must be taken in to account.
- f) Permission to have a business interest whilst serving as a police officer should be recognised as the exception rather than a right.

## **INCENTIVISING HIGH PERFORMANCE**

**Q29. How should performance by police officers and staff be reflected in remuneration and/or conditions of service?**

- a) Competent performance should be the minimum standard expected of all officers and staff. Where officers and staff fall below this level then there are Regulations available to deal with this, i.e. the Police (Performance) Regulations 2008. Where performance exceeds the minimum standard of competence, then consideration could be given to introducing enhanced remuneration or other recognition at all levels in the Service.
- b) A distinction should be drawn, however, between a performance related pay scheme and a Chief Officer's ability to recognise outstanding work through the one-off award of commendations or similar.

**Q30. What do you think would be the features of an effective performance related pay system for officers and staff, including:**

- **How and at what level could such a system for officers and staff best be managed and decided?**
- **How could performance by officers and staff be identified and managed?**
- **Should different schemes apply at different ranks?**

- a) Any performance related pay system should be nationally agreed as there would be a need for consistency in both the system and its application. The application of a scheme is the critical element, and this requires an effective but non-bureaucratic PDR system that relies on personal (not organisational) objectives and that is effectively implemented by supervisors who are properly trained in assessing staff and are able to provide honest and objective assessments.
- b) There should be no difference between performance related pay schemes at different ranks.

**Q31. What is your view of the Competency Related Threshold Payment scheme?**

- a) The CRTP scheme should be retained.

### **Q32. What is your view of Superintendents' performance related pay?**

- a) Superintending ranks throughout the UK have, since 2003 following a PNB agreement, been able to obtain modest financial benefit if their personal performance has been assessed as being exceptional. The benefits so derived are either double (rather than single) incremental progression up the pay scales or the payment of a non pensionable payment (5% of pensionable pay). The assessment as to whether an officer meets this criteria is made as part of the officer's annual PDR; his/her performance is assessed against up to at least four personal objectives and the activities and behaviours relevant to their role.
- b) This pay agreement was reached between the Official Side and the Staff Side of PNB in 2003 and was in many ways ground breaking in that it brought performance related pay into the Police Service for the first time.
- c) At the time of the agreement it was Government's belief that performance related pay was a positive method of achieving improved performance and that its introduction into the public sector, and into the Police Service, was to be encouraged.
- d) Since its introduction, Superintendents have been able to access these benefits, although implementation across forces has been inconsistent, with some forces making it difficult to access such benefits. This resistance by forces to make the agreement work in practice has been heightened recently following the media interest in the 'bonus culture' in the private and public sector.
- e) Since 2003 there have been no indications by the Official Side of PNB that they are dissatisfied with the agreement and no moves have been made to re-negotiate the deal.
- f) It is our view current arrangements should continue.
- g) Since performance related pay was introduced for Superintendents in 2003 police performance nationally has improved significantly with reductions in all categories of crime and significant improvements in detection rates.

### **Q33. What is your view of Chief Officer performance related pay?**

- a) The scheme for Chief Officers is a very different scheme from that for Superintendents. It is assessed on performance against the force Policing Plan rather than personal objectives and can reward that performance with up to 15% of current salary, whereas Superintendents receive either a double increment or a non-pensionable payment of 5% of their salary.

- b) It is the PSAEW view that any performance related pay schemes in the Service should be consistent.
- c) Additionally, some Chief Officers receive ad hoc payments and benefits over and above the nationally agreed remuneration package. If such arrangements are to continue then there should be more transparency in relation to these.

## **RECOGNISING SKILLS AND HARD-TO-FILL POSTS**

### **Q34. What is the evidence that certain posts require additional remuneration to fill?**

- a) Technically there is no such thing as a hard to fill post, because any officer can be posted by the Chief Constable to any post. Where there is a problem, it is in respect of the remuneration of officers taking on additional skills and responsibilities such as PSU and CBRN. Officers in some forces are leaving/seeking to leave PSUs as PSU trained officers are often inconvenienced (in terms of short notice deployment) without effective recognition or remuneration.
- b) As a result, currently many forces cannot fulfil local and regional PSU commitments. Conversely more forces reward firearms trained officers (via SPPs) when their posts are highly sought after and not difficult to fill.
- c) An anomaly has existed at the rank of Detective Inspector since overtime payments to Inspectors were removed. Most Detective Sergeants earn (with overtime) far more than Detective Inspectors who work similar hours. There is, therefore, a disincentive in pay terms for a talented Detective Sergeant to seek promotion to Detective Inspector. As a result in some forces the post of Detective Inspector is difficult to fill.

### **Q35. What is your view of Special Priority Payments?**

- a) Our view is that Special Priority Payments are divisive. They are also very bureaucratic to administer and each force rewards officers in different posts with SPPs. We support the Police Federation view that they should not continue.
- b) In recent discussions between the Police Federation, Staff Side and the Official Side on the subject of payment of an on-call allowance to Federated ranks, we believe there has

been talk of using the pot of money for SPPs to pay for the on-call allowance. We would support this idea.

**Q36. Is there any evidence of why allowances (including SPPs, but also those for dog handling etc) have been determined at their current level?**

**AND**

**Q37. How could allowances be amended to reflect any recent changes or recruitment/retention in the post?**

- a) In our view all allowances should be agreed nationally via the PNB/PAB machinery that currently exists. We would not be in favour of locally agreed allowances replacing national agreements.

**Q38. What other allowances and entitlements should officers and staff receive as part of their post e.g. London Weighting, London/South East allowances, allowances for skills and (for Chief Officer ranks) cars, drivers?**

- a) In relation to Superintending ranks, the other allowance payable is the Post Related Allowance (PRA). This is an allowance payable at the discretion of Chief Constables.
- b) This allowance was negotiated in the 2003 pay agreement. The PRA recognises that there are a number of Chief Superintendent posts which, in terms of span of command and or complexity of role, are significantly 'bigger' than other Chief Superintendent posts. As such they should attract a payment (non pensionable) of £5,001 per year. This figure has not changed since 2003.
- c) Typically those receiving the PRA would be BCU Commanders/Heads of Department with a staff of over 500 and with particularly complex jobs such as the Head of CID.
- d) Not every force (particularly smaller forces) has adopted PRAs but they are seen as having been effective in recognising the additional responsibilities that some Chief Superintendents' posts carry and are becoming more significant as forces move to a more centralised command with more Chief Superintendents undertaking force-wide responsibilities previously performed by Assistant Chief Constables.
- e) We favour retention of this allowance.
- f) In terms of other allowances paid, we believe that there continues to be a business case for the London Weighting and London/South East allowance and we are strongly in favour of the current arrangement in which all allowances to police officers are agreed nationally.



- g) We would not support the introduction of force level or regional allowances.
- h) We believe that an allowance should be paid to police officers who are required to be on call.
- i) Currently some police officers receive an allowance for using their own motor vehicles for work purposes. A mechanism has existed for many years which updates this allowance in line with national trends. This year's recommended uplift in the allowance was not, as is normal, sanctioned by the Home Secretary. This was apparently on the grounds, the Home Secretary felt, that the allowance was already too generous. This situation needs to be reviewed and the established system of up rating motor vehicle allowance reinstated or else a new agreement negotiated.

## **EQUALITY**

### **Q39. How could remuneration and conditions of service be amended to reflect equality and diversity issues?**

- a) The PSAEW is pleased to see that equality and diversity features as part of this Review and anticipates that any recommendations will be subject to an equality impact assessment.
- b) Equal pay is one of the main issues of inequality in relation to remuneration and conditions of service. Whilst basic pay is the same for male and female officers, it is access to discretionary rewards/payments beyond that which reflect inequality, especially SPP and overtime at Constable rank. It is essential, therefore, that employers are held properly accountable for delivering equal pay as required by law.
- c) There are some elements of Regulations/Determinations which disadvantage those on part-time working. As the vast majority of part-time workers are women, there is a disproportionate impact. The PNB Gender Equality and Work life Balance Working Party has been meeting for 18 months trying to address this and other issues. Progress has been limited although in recent months some of the new guidance has been approved by PNB and just awaits sign off by Minister/Home Office (e.g. new Maternity Guidance).
- d) The same working party has also been trying to negotiate new rules around entitlement for part-time workers in relation to working on a 'free' day (i.e. so that it is same as for working on a 'rest' day). This is same argument as above in that vast majority of part-

time workers are women and therefore disproportionately affected. This Staff Side proposal is not accepted by Official Side at present.

## **PAY PROGRESSION AND LENGTH OF SERVICE**

**Q40. What are the advantages and disadvantages of the current progression scales for officers and staff?**

**AND**

**Q41. Should progression be linked to length of service, performance, skills or any other factors?**

- a) Advantages
1. The current progression scales reward police officers' experience.
  2. Progression up the pay scales is dependent upon satisfactory performance.
  3. The current range of pay scales across all ranks provides an incentive to police officers to develop themselves professionally over their careers.
  4. The current pay scales encourage officers to serve for usually 30/35 years and as such they ensure good staff retention and progression.
- b) Disadvantages
1. Outstanding police officers do not progress up the pay scales as quickly as they should.
  2. The PDR process is not as rigorous as it should be. Our experience tells us that some officers progress through the pay scales because they are rated satisfactory when their performance in reality does not meet this criteria.
- c) Progression should continue to be linked to pay scales which recognise length of service (i.e. experience) but the rigour of application of the PDR system needs to be strengthened to recognise the outstanding and satisfactory police officers but also those whose performance is not satisfactory.
- d) The PSAEW is not seeking any additional rewards outside of the PRA (Post Related Allowance) and performance related pay benefits for Superintendents who take on additional specific responsibilities.

## **LENGTH OF SERVICE**

**Q42. Should there be more flexibility for officers to leave the Police Service before the end of the 30/35 years required to receive a full pension?**

**AND**

**Q43. How do you think such a system could work?**

- a) Some flexibility exists within the Police Service for police officers to leave prior to their 30/35 years of service should they wish to do so. Accrued pension rights are transferable to any Inland Revenue approved pension scheme if the police officer leaves the Service before 30/35 years. Alternatively officers leaving the Service can freeze their pension contributions in which case their 'frozen' pension becomes payable at the age of 60. Similar arrangements are available for police staff.
- b) The value of the Police Pension Scheme as an incentive to retention should not be underestimated. However, having said this we recognise that there may be an alternative model which would provide greater flexibility in the future, bearing in mind the changing world of employment where younger people may not be attracted to a 35 year 'contract' and we would be interested to see such a model.

**Q44. Should routine fitness testing be introduced throughout officers'/PCSO's careers? If so, how? What would be the consequences for deployment and exit routes?**

- a) The PSAEW has been represented on the PAB Fitness Working Party where this question has recently been discussed. Whilst we agree with the PAB position which is that there is a business case for fitness testing after recruitment for some specialist roles (firearms, dogs, CBRN, air support), there is no case to extend that to all police officers and PCSOs and any new testing regime would need to be subject of an equality impact assessment to ensure that it did not have a disproportionate impact on any member of staff who shares a protected characteristic under the Equality Act 2010.
- b) Police officers already have a number of restrictions in terms of their human rights and we do not see any need to change the current position of the PAB Fitness Working Group.
- c) However, we would support a greater emphasis on promoting health amongst police officers and police staff. Some forces now provide regular health screening for Superintendents. This has had a positive effect on the occupational health of some of our members and has reduced sickness absence. We would support an extension of such initiatives.

## **EXIT ROUTES AND PENSIONS**

### **Q45. Should a power to make officers redundant be introduced?**

- a) The PSAEW would not support any power to make a police officer redundant. We question whether this is appropriate given the unique 'employment' status of the office of constable. There are significant constraints and restrictions placed upon police officers and their families. As agents of the Crown the human rights of police officers are restricted. They cannot strike or take part in any industrial action, they cannot join certain political parties and organisations. They are subject via the Conduct and Performance Regulations to rigorous controls on how they behave on and off duty. They cannot engage in any employment outside of the Police Service without prior permission.
- b) Chief Officers can already require police officers below the rank of ACC who have achieved maximum pensionable service to retire via Regulation A19 of the Police Pension Regulations. In addition there is the potential for the dismissal of any officer below the rank of ACC whose performance is not acceptable under the existing Police (Performance) Procedures 2008.
- c) To introduce a power to make police officers redundant would potentially also have a great impact on their rights to accrued pensions.

### **Q46. What issues would need to be considered in developing such a power and scheme?**

- a) If such a scheme were to be introduced the following factors would need to be considered:-
  - 1. Effect on Office of Constable and operational independence
  - 2. Full consultation needed with all Police Staff Associations
  - 3. Fairness and equality
  - 4. Length of service
  - 5. Cost to the Service
  - 6. Impact upon pensions
  - 7. Operational impact of loss of experience
  - 8. Process of challenge/appeals
  - 9. Who would decide – Chief Constables, Police Authority, Police and Crime Commissioners?
  - 10. Resettlement and support arrangements for officers who are made redundant
  - 11. Effect on the 'service ethos'

12. Impact of future recruitment patterns
13. Financial compensation to those affected

**Q47. Are the Regulations to make police staff redundant as simple and fair to the taxpayer, as well as the staff, as they can be?**

- a) Procedures relating to redundancy of police staff are covered by normal employment law and work effectively. We see no reason to change the current procedures.

**Q48. How could it be ensured that staff and officer terms are fair in relation to each other?**

- a) There would inevitably be some disparity between the redundancy arrangements for police staff compared to police officers if new arrangements came in to make police officers redundant.

## **HEALTH RELATED ISSUES**

**Q49. What issues are preventing more officers returning to full time duties?**

- a) There is a clear distinction between officers on recuperative duties (i.e. on limited duties pending a return to fully operational duties) and restricted duties (i.e. officers who are restricted from undertaking operational duties and are highly unlikely to be able to do so in the future). Determination as to whether an officer should be designated as 'restricted' or 'recuperative' is usually made by the Force Medical Officer.
- b) In response to this question, we are assuming that 'full time' means full operational duties. We are not aware if the proportion of police officers who are on (permanently) restricted duties exceeds that of staff in other organisations. However, given the job that police officers do it would not be surprising if this was the case.
- c) A police officer who is injured (often as a result of an injury on duty) or becomes ill cannot return to full operational duties until he or she is fully fit and able to cope with the full demands of the job. Recuperative duties in such circumstances are necessary as support for the officer and can also be of benefit to the force which has an officer in the workplace, albeit not performing their normal duties.

- d) If properly managed in the workplace (i.e. with an effective 'return to duties' plan), the current system does work well.

**Q50. How could regulations be amended to help officers on restricted duties be assisted back to full time duties or helped to leave the service?**

- a) Policing inherently involves risk and danger. Therefore officers who expose themselves to such risk and danger must have policies and procedures which protect them in the event of them becoming injured. Forces also have a responsibility to ensure that they have a healthy workforce that can deliver policing services. Balancing these two requirements can be difficult. The PSAEW does not believe that the current arrangements for recuperative and restrictive duties are fundamentally flawed.

**Q51. Should ill-health retirement pensions be amended? If so, how, bearing in mind future fiscal constraints?**

- a) Ill health retirement pensions are now rarely granted by forces; certainly less frequently than ten years ago. Whilst it is acknowledged that the redeployment of a permanently restricted officer into a police staff (i.e. non-operational) role is not cost effective, officers who perform difficult and dangerous work over 30/35 years which results in an injury or illness on duty deserve the protection in the form of medical pensions and/or injury awards which have been secured after negotiation between the Staff Associations and the Home Office.
- b) Greater use of such pensions may have a cost implication but would enable officers who can no longer perform full operational duties the opportunity to leave the Service with dignity.

## **PENSIONS**

**Q52. Is it fair to the taxpayer that officers who retire should be able to be re-employed as a) staff or b) in non-territorial forces, while drawing their pension?**

- a) This question is posed in a way that presumes there is only one answer and that the issue only relates to retiring police officers – this is not fair or correct.

- b) A police officer who leaves the Service, at whatever length of service and with whatever pension benefits and entitlements, should have the right to seek future employment with whomever he/she wishes. If he/she wishes to gain employment in the private sector or work in a self employed capacity that should not be treated any differently than if he/she gains employment within the Police Service, either in a Home Office force or elsewhere.
- c) The same is true of all other public sector workers who leave one employment and may seek another.
- d) Denying an individual access to certain areas of employment would be unfair and would deny organisations the opportunity to employ individuals who may have the experience and skills they require.
- e) Whilst there is clearly a 'populist' agenda around this matter, that is not sufficient justification for changing the arrangements.

**Q53. If it is not fair, what changes do you think should be made to the existing system?**

- a) See answer to 52) above

**Q54. How important is the use of retired officers in staff posts or non-territorial forces?**

- a) 'Retired' officers, whether they be retired after long service, or after short service (perhaps on an ill health pension), can provide a valuable source of knowledge and experience and thus should not be excluded from being able to seek employment with a police force in a police staff role.
- b) However, such employment should only available following transparent process involving open competition.
- c) Achieving an effective workforce mix in, for example, a Cold Case Review Unit, which brings together experienced investigators (some of whom may be retired officers) where full police powers are not required and the work is of a specialist nature is totally legitimate and can be effective in our view. Another example would be the employment by a police force of a retired police officer in an Emergency Planning role where the member of staff is able to bring his/her operational police experience to a role where use of police powers is not required but where he/she can speak with and negotiate with authority with partner agencies.

## **PAY MACHINERY**

### **Q55. How could officers' remuneration be determined in the future?**

- a) The PSAEW believes that there should continue to be national (UK) machinery that determines the remuneration and conditions of service of officers. Such a machinery must be independent of Government; must be independently chaired; and must be regulated and set in statute.
- b) Such machinery must, in light of the unique status of police officers as Constables and not employees with industrial rights, ensure that there is negotiation on pay and related matters and that in the event of disagreement there is the facility for independent conciliation and arbitration. Officers who have their industrial rights restricted must have protections. There must be a trade off between the lack of industrial rights and the right to negotiation and independent arbitration.
- c) The present PNB machinery is, therefore, one that the PSAEW supports and wishes to see continue.
- d) The fact that the outcome of PNB agreements or decisions by the Arbitration Tribunal can be ignored by the Home Secretary (recent examples are the failure by the Home Secretary in 2007 to honour the pay decision of the Police Arbitration Tribunal and the decision in September this year not to honour a PNB agreement on mileage allowances) is not satisfactory.
- e) It is our view that any decision by the Home Secretary to ignore or overrule a PNB agreement or Arbitration decision should only stand if it is the subject of positive affirmation in Parliament. This should extend to all matters, not just simply on matters of pay.
- f) A move to a Pay Review Body (as proposed in the Booth II Report) is not supported, due to the unique status of the 'Office of Constable'.
- g) Retaining national remuneration arrangements is necessary to ensure coherence, flexibility and professionalism. This was the conclusion of the Randall Report (January 2006) with which the PSAEW agrees.
- h) In considering this question it is vital that the congruence between PNB and the Police Advisory Board(s) is understood. Negotiation is the process undertaken in PNB on those matters on which negotiation is permitted by statute and 'consultation' takes place in the Advisory Board(s) on those matters where the Minister seeks views and advice. The



two forums between them provide for a coherence of activity ensuring that all matters effecting officers are dealt with.

**Q56. How could police staff remuneration be determined in the future?**

- a) The PSAEW is not a member of the Police Staff Council but is not of the view that the existing model is one which needs significant change. The model allows for greater local determination of pay to meet local job requirements.

**Q57. How could conditions of service and related matters be determined in the future?**

- a) As stated in 55) above the PSAEW does not believe that changes to the present arrangements should be made.
- b) Clearly PNB and the Advisory Board(s) could be made more efficient and effective (for example by introducing timescales into process and negotiations and for greater requirement to undertake joint research) but in essence the process is sound and has provided an effective method of managing police pay and conditions of service.
- c) There are those who argue that the process does not work and when it does it is slow. Those who articulate such a view are often those who do not understand it and who have failed to engage in a positive way with it. It is often said that 'Regulations are a barrier to change and effective management'. This is unfair and untrue. Blaming Police Regulations and the Determinations that the Regulations permit, is failing to understand that Regulations merely embody and put into effect what has been agreed through the negotiating machinery. If there is a 'problem' with the Regulations, or if they are insufficiently flexible in the view of the employer, then the 'problem' should be brought back to the table and negotiation commenced. It is too easy to sit back and blame Regulations – it is more difficult, but it is the role and responsibility of those who represent the 'employer' to bring proposals forward. The PSAEW is of the view that there are some who have 'given up' on the PNB process without making the effort to use it effectively.
- d) A particular concern would be any proposal to move away from a model that dealt with Police Pensions at anything other than via national negotiating/consultation machinery. In making this point it must be remembered that pension issues, whilst they come within the remit of PNB, are not ones which can be taken to conciliation or arbitration. Consultation takes place but ultimately officers, who are unable to undertake any form of industrial action are powerless to challenge decisions about their pensions. For most workers this would be a very uncomfortable position to be in; police officers have always been in this position and must have protections from unfairness.

**Q58. What are the advantages and disadvantages of local, regional, and national pay determination?**

- a) At the present time the PSAEW sees no structure that could support regional negotiation. Thus the options seem to be between national negotiations or local (force level) negotiations or a combination of the two.
- b) As the above answers have indicated, the PSAEW supports a national negotiation model. That is not to say that local allowances (such as the London and South East Allowance) cannot be agreed as part of national negotiations but we would strongly oppose a model which devolved decisions on pay (particularly quantum) and conditions of service issues to individual Chief Constables and Police Authorities/Elected Commissioners. Indeed, the advent of Elected Police and Crime Commissioners could pose a significant threat to the existing balance in the pay negotiation machinery. It would be tempting, and indeed it can be anticipated, that Police and Crime Commissioners will seek to gain power and greater control over the pay and remuneration budget – this is likely to be to the disadvantage of the Service and the officers within it.
- c) The PSAEW has little confidence that in a devolved model of pay bargaining the pay and conditions of service of Superintending ranks would be treated with an appropriate level of seriousness and that the negotiation machinery would give too much power to the ‘employer’ who would be able to ride roughshod over the claims and reasonable views of the ‘employees’. Such a view is informed by the difficulty since 2003 in getting forces to accept the performance related pay deal for Superintending ranks and to bring in appropriate mechanisms to implement it.
- d) If a pay negotiating model were to be created which provided exclusively or largely for local negotiation and determination it is doubted that forces or Staff Associations would have the capacity and expertise to support such a model. There would be 43 negotiating machineries to be created and from the PSAEW point of view, where we have no full time Association representatives in forces, apart from in the Metropolitan Police Service, it would be impossible to undertake effective negotiations. There would be considerable cost and resource implication in such a model. Indeed in any such local negotiation model the relationship between police officers and their Chief Constable would be fundamentally changed.

**Q59. What evidence is there of different local pay ranges for police staff in similar posts?**

- a) The PSAEW is aware that there are force differences between and amongst police staff who are doing very similar jobs. This has become particularly apparent when considering force collaboration projects and is directly addressed in the Statutory Guidance that was

developed in consultation with members of the Police Advisory Board on Collaboration between forces, published in 2010. What is evident is that the pay of support staff is far more closely linked to the local labour market.