



INQUIRY INTO POLICE
RESPONSIBILITIES & REWARDS

REPORT

VOLUME 1




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RESPONSIBILITIES & REWARDS

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*Presented to Parliament by the Secretary of State for the Home Department,
the Secretary of State for Northern Ireland and the
Secretary of State for Scotland
by Command of Her Majesty
June 1993*




INQUIRY INTO POLICE
RESPONSIBILITIES & REWARDS

Secretaries of State

Our Inquiry was established in July last year to examine the rank structure, remuneration and conditions of service of the police in England and Wales, Scotland and Northern Ireland.

I have pleasure in presenting our Report.

Yours faithfully,



Sir Patrick Sheehy
Chairman

June 1993

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INQUIRY INTO POLICE RESPONSIBILITIES AND REWARDS

MEMBERS

Sir Patrick Sheehy (Chairman)

Mr John Bullock

Professor Eric Caines

Professor Colin Campbell

Sir Paul Fox

PART I: INTRODUCTION

CHAPTER 1: INTRODUCTION

THE TERMS OF REFERENCE FOR OUR REVIEW WERE:

To examine the rank structure, remuneration and conditions of service of the police service in England and Wales, in Scotland and in Northern Ireland, and to recommend what changes, if any, would be sensible to ensure

- rank structures and conditions of service, which reflect the current roles and responsibilities of police officers;
- enough flexibility in the distribution of rewards to ensure that responsibilities and performance may be properly recognised in changing circumstances;
- remuneration set and maintained at a level adequate to ensure the recruitment, retention and motivation of officers of the right quality;

having full regard to

- the principle recommended by the Edmund-Davies Inquiry that police pay should reflect the special nature of the police officer's role;
- the principles set out in the police service statement of common purposes and values;
- the need to ensure affordability and value for money in public spending.

Background

The Inquiry should consider and take into account:

- the results of fact-finding studies into
 - (i) the current roles and responsibilities of police officers;
 - (ii) the current manpower profiles of the police forces and the possible impact on career development of changes in police retirement policy;
- relevant recommendations by the Audit Commission;
- all work currently being undertaken relating to manpower and personnel issues, including work on police performance measures and indicators;
- developments in pay generally;
- the special and different circumstances of the Royal Ulster Constabulary.

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1.1 A more detailed discussion of our remit follows in Chapter 2. Our recommendations on the changes we believe necessary are set out in later chapters. This chapter gives an account of our overall approach to the task we were given in the summer of 1992.

INQUIRY'S OVERALL APPROACH

1.2 It was always our wish that our recommendations should enhance the ability of the police service to manage itself and its staff effectively. We believe there are barriers to effective management and we consider these later. We wish, however, to make it clear at the outset that we have found many outstandingly positive qualities in the United Kingdom (UK) police service and its officers. These are qualities which we believe our recommendations will further and support.

Inquiry views on the UK police service: positive qualities

1.3 Having visited a large number of UK police forces, spoken to many officers of all ranks fulfilling roles and responsibilities across the range of police duties, the Inquiry has come to the following views:

- a) policing in the United Kingdom is by consent and has to be acceptable to the community. Regrettably, there have been a number of highly publicised instances of conduct by individuals or groups of officers which has fallen short of the high standards expected of police officers. This has meant that some sections of the community have a lack of respect for the police. It is the unanimous view of the Inquiry that the vast majority of UK police officers display a level of integrity and enjoy a level of public support that is admirable, enviable and should be preserved;
- b) the police service and its officers fulfil a wide range of responsibilities. We were impressed by the special emphasis that has lately been given to enhancing the quality of service given to members of the public. Even before the arrival of the Citizen's Charter, the best of chief officers were prepared to offer the local community a particular level of service and to be judged on that basis;
- c) we have found that the service has lately been able to attract and retain officers of high calibre. A number have progressed quickly and are taking on major responsibilities at what, in the past, would have been considered an early age;
- d) across the range of police duties, the best of chief officers and their management teams have worked hard to introduce and implement quite radical changes so as to enhance service to the community and gain greater value for money;

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- e) over recent years, police pay has improved and earnings are now relatively high. Officers we have met, at all levels, have nonetheless cared more about the job than about money. There is no doubt that they have made a number of sacrifices in order to meet the high standards required and expected.

Room for change

1.4 We have also reached conclusions about the service which call for change, in some cases considerable change. We believe the changes we recommend will enhance the effectiveness of the service and offer improvements to its officers.

The police service and other professions

1.5 Police officers are ordinary citizens with extraordinary powers. They have a special position under the law but many of the qualities and skills which are required by police officers of various ranks are common to a number of other professions and organisations. These include the ability to:

- a) articulate clear and measurable objectives, gain internal and external support for them, and ensure that the organisation and individuals within it are judged on achievements;
- b) identify priorities and plan coherently across a wide spectrum of activities;
- c) manage sometimes small, sometimes significant, human and other resources so as to provide a quality service and achieve value for money;
- d) communicate and consult effectively at all levels within the organisation, and with all sections of the community, not all of them necessarily well disposed towards the service.

1.6 The police service also shares with other professional services the need to recruit and retain individuals of high calibre. They in turn require diverse qualities and sometimes special skills, to cover the increasingly complex range of services required. The police service also shares with one or two others, the problem that levels of demand for its services will always outstrip the resources available.

What distinguishes the police from other professions

1.7 A number of features are particular to policing and require its officers to possess special qualities and skills. These include the extraordinary nature of police powers, principally the police monopoly of the use of legitimate force. It is salient that these powers are most commonly exercised by officers of the lower ranks. Also notable is the degree of individual discretion which the law vests in each officer irrespective of

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rank or length of service. Acute demands face officers when, for example, they take operational command in public order incidents and emergencies. The police are expected to exercise control in sensitive, quite often dangerous and sometimes explosive situations, often at considerable risk to themselves. An exceptionally high level of integrity is required by the very nature of policing.

1.8 While these are features which apply only to the police and which need to be recognised, there has been a tendency on occasion – some feel an exaggerated tendency – to claim special status for police officers when this is not justified. This is particularly clear in the long-held tradition of tenure (a job for life and restrictions on the ability to dismiss police officers). Conditions of service in the police need to be improved, principally to bring them in line with general good practice and to reflect the actual work done.

Restrictions on effective management

1.9 There is little encouragement for the police to manage their resources. The detailed system of central and local external controls over financial, manpower and managerial matters provide significant barriers to chief officers' ability to manage their forces effectively. The system provides no financial or other incentive to buy in or adopt best practice from other forces and organisations, to make improvements of an organisational nature or to seek other efficiency savings. Where the will to make managerial changes and improve efficiency exists, the fact that pay and conditions of service are enshrined in statutory regulations, deters and prevents the sensible exercise of local discretion and the introduction of change.

Accountability

1.10 We believe the police service could be more effectively run if clearer lines of accountability were established, particularly for chief officers. All police officers, from the Commissioner of Police of the Metropolis to the newest probationer police constable (PC) are and must be accountable to the law. At the same time, police officers of various ranks (not just chief officers and the more senior ranks) should meet, consult and discuss with locally elected or consultative bodies so that they can take account of local policing needs.

1.11 The responsibility for the effective running of individual forces needs to be clarified. Chief officers should be accountable to a competent body drawn from a group of suitably qualified individuals who are known to have financial, organisational and management experience. Chief officers must also be capable of being appointed, dismissed and rewarded appropriately. Taxpayers' interests should be taken into account in force management but this does not mean that chief officers should continually be inhibited or second guessed by the imposition of detailed controls by central government or local police authorities. On the contrary, chief

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officers need to be given responsibility for running their forces and for ensuring the effective use of their resources, subject only to overall accountability. A one line budget would ensure they have sufficient freedom and the required responsibility.

Rank structure and spans of management control

1.12 The present rank structure and related establishment controls inhibit the ability of the police service in general and chief officers in particular to manage effectively. The present top heavy management structure limits officers' freedom to exercise the discretion inherent in the office of constable. It also inhibits initiative. Certain ranks should be removed in favour of more flexible overlapping pay scales with sensible differentials on promotion. In many forces, spans of management control should be extended with reductions in the numbers of officers in certain ranks. Inevitably this would lead to some retirements on structural grounds. We wish to underline that such moves should be handled in a way which recognises the worth and dignity of those affected.

Focus on the front line

1.13 Patrol constables and other front line officers form the core of the police service. It is at this level that the day to day interface between police and public takes place. Public perceptions about the police service stem from such encounters.

This needs to be reflected by these front line officers. It is therefore of utmost importance that at such times the police service is seen as a service rather than a "race apart". We believe that the role of uniformed constables, other front line officers and their line managers should be enhanced. The rewards available to officers at this level should recognise the importance of their work.

Rewards and motivation

1.14 The reward system should reinforce the management process by rewarding acceptance of responsibility and achievement of objectives. It should also allow the right level of basic pay to be available to allow good quality officers to be recruited and retained. At the same time, the system should provide motivation in the form of:

- a) recognition of the different job weights which exist within ranks and within roles;
- b) recognition of different policing circumstances;
- c) recognition of individual performance and special achievements over and above requirements (for example through bonuses);
- d) recognition, through pay and not merely promotion, of the value added by individuals to the work, and the worth of the police service.

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Civilianisation and an integrated management structure

1.15 Sufficient numbers of civilian support and specialist staff should be employed at territorial level and to head up specialist departments in the police service. This would free police officers to undertake front line policing duties and secure the required levels of professional expertise in matters of finance and personnel. To make this possible quickly, the service and government should urgently seek an integrated civilian/police management structure under the control of the chief officer.

THE HOME SECRETARY'S PROPOSALS

1.16 The recommendations which appear in subsequent chapters of this Report are framed with the above points in mind. Occasionally we have expressed views on issues outside the strict parameters of our remit but we consider them highly relevant. The Home Secretary's recent proposals for reforming police authorities, finances and manpower controls, address these issues in part. We welcome proposals to relax the present system of detailed central and local controls over matters which are part of good management. When these changes have been made, chief officers will have much clearer lines of accountability and so be empowered to take full responsibility for the efficient management of individual forces. We wish to lend particularly strong support to proposals for more professionally-based police authorities, the setting of key objectives for police forces (quantitative and qualitative), measurement of performance against them, improvements in management information systems, changes to the employment status of police civilians and reform of police funding arrangements.

INQUIRY'S OBJECTIVES

1.17 On the issues which are central to our remit, we wish to underline that our objectives throughout this Inquiry have been to:

- a) enhance the ability of the police service to manage itself and its staff effectively;
- b) assist in the maintenance and development of its many positive qualities;
- c) recognise a number of features which, individually or collectively, are particular to policing and call for special qualities and skills on the part of its officers;
- d) recognise the importance of front line operational duties;
- e) favour more flexible management structures and enhance spans of management control;

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- f) encourage lateral as well as vertical career development;
- g) ensure the right level of basic pay is available to recruit and retain good quality officers;
- h) reflect individual responsibilities and enhance motivation through an effective and responsible reward system;
- i) provide reward structures which reward good performance and address bad;
- j) ensure there is greater openness both within the police service and in its dealings with the community.

IMPLEMENTATION

1.18 It is our view that the sooner professional chief officers working to competent police authorities can be authorised to implement our recommendations the better. We call upon the government to take the earliest possible opportunity to endorse this Report and promote the legislation necessary to make the changes we recommend.

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APPROACH TO THE TASK

2.1 The Chairman and members of the Inquiry were, as we understand it, appointed on the basis of their experience of managing large organisations inside and outside the public sector. None of us had previous professional experience of working closely with the police service. Accordingly we decided at an early stage, that a four-phase approach to our work would be needed.

Phase 1: Familiarisation

2.2 Spanning the period from July to September 1992, this phase was devoted primarily to familiarising ourselves with the UK police service, its officers and the context in which the service operates.

Force visits

2.3 During this time Inquiry members and the Secretariat undertook 29 visits to 19 UK police forces. We subsequently made 26 further visits to forces. In total we made 55 visits to 24 forces. Visits were also made to the headquarters of the National Criminal Intelligence Service, the Serious Fraud Office, the Police Complaints Authority, the Police Staff College, Bramshill, the Police Training Centre, Ashford, the number 5 Regional Crime Squad Headquarters, the Australian Federal Police, the New South Wales and Victoria Police, the New Zealand Police, the FBI, the Conferences of the Police Federation of England and Wales and of the Association of Scottish Police Superintendents (a complete list of visits undertaken by Inquiry members is at Appendix I).

Meetings with lead interests

2.4 During this period we also started to hold meetings with lead interests i.e. the police staff associations, the Commissioner of Police of the Metropolis, the Chief Constable of the RUC, Her Majesty's Inspectorates of Constabulary, representatives of the Police Negotiating Board and of the Home Departments. We also met a number of police authorities and their officials, as well as representatives of central and local government and, for example, the Audit Commission.

Consultancies

2.5 Prior to the establishment of the Inquiry, a contract was let to management consultants Ernst & Young and Towers Perrin to make a study of police roles and responsibilities. We followed this up in phase 1, by letting a further contract to them to conduct a survey of current pay and remuneration in the service.

Background reading

2.6 During the initial phase we read and discussed many papers, research studies and policy documents prepared by the Secretariat, the police service and others.

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Phase 2: Focusing on Management Issues – The Written Evidence

2.7 This phase, which spanned the autumn of 1992, focused primarily on the management aspects of policing and public policy. During this phase further reading, discussion and force visits were undertaken, but we concentrated on reading and analysing written evidence from individuals and organisations who had responded to both invitations and press advertisements requesting the submission of views. A list of organisations and individuals specifically invited to submit evidence is at Appendix II. A list of persons who gave oral evidence is at Appendix III. In addition we received submissions from numerous organisations (listed at Appendix IV). Many individuals, including serving and retired police officers, wrote to us. Approximately 350 letters were received altogether. Seven Members of Parliament wrote directly to the Inquiry. All of these were reviewed by the Inquiry and Secretariat.

Consultancies

2.8 We let further contracts to Ernst & Young and Towers Perrin to:

- a) report on spans of management control in the UK police service;
- b) advise on:
 - i) levels of pay for different ranks, taking account of the market;
 - ii) pay system design including pay within ranks and its relationship to roles, responsibilities and performance;
 - iii) approaches to role evaluation modelling;
 - iv) performance appraisal.

Phase 3: Oral Evidence and Emerging Conclusions

2.9 The first half of this phase, which ran from January to April this year, was devoted in large measure to taking oral evidence. This was informed periodically by a series of reviews by the Inquiry of the emerging findings and recommendations. We took the opportunity to make clear to those presenting oral evidence the direction in which our thinking was developing. We published the findings of the research on roles and responsibilities commissioned by the Inquiry in Phase 1 as well as the later research on spans of management control. We took additional advice from and held discussions with consultants, leading academics and members of the police service in the UK and abroad. During this period we also commissioned a series of models to assess the impact of our proposals particularly from the point of view of affordability (see Chapter 15).

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Phase 4: Costings and Final Recommendations

2.10 This phase, taking in the period from the beginning of April to publication, was devoted to finalising our recommendations and drafting the Report as well as to considering further submissions from inside and outside the service. We appointed two police consultants to advise on the elements of the reform programme recommended by the Inquiry from the following points of view:

- a) the suitability of decision-making criteria used and recommended;
- b) the practicality of proposals for implementation;
- c) the presentation of the Report and recommendations.

2.11 We invited Ernst & Young and Towers Perrin to test our approach to pay system design in one Area Command.

COMMENDATIONS AND THANKS

2.12 We should like to take this opportunity to thank the service and all those officers who organised and took time to speak to us during our visits. They ensured by their frank and constructive contributions that discussions were helpful and profitable. Our thanks also go to all those from whom we invited evidence. The submissions were clear and informative and of great value as we tackled the task we had been set.

2.13 We also wish to thank all those who responded to our requests for help and analysis. These include our various consultants and members of the Home Office Police Research Group (listed at Appendix V).

2.14 We wish to express very special thanks to our Secretariat, ably and tirelessly led by Jenny Rumble, whose experience and knowledge of the Home Office and the police service were invaluable.

2.15 Jenny and her team of Andrew Dent, Jackie Blewett, Sarah Gillham and Margaret Culmer have given us unstinting and cheerful support. The pressures of time have always been demanding and, from members of the Inquiry, frequently stressful.

ASPECTS OF THE REMIT

2.16 Later chapters of the Report provide comment enough upon the particular issues on which we were invited to make recommendations. They show the conclusions we have drawn from the fact-finding studies commissioned before the Inquiry began, as well as those we set in hand subsequently. Similarly, later chapters of the Report are devoted to the special and different circumstances of the RUC (14), as well as to

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affordability and value for money (15). Throughout the Report we set out how we have taken account of developments in pay generally and of work being undertaken within and outside the service on matters such as manpower and personnel issues, and police performance measures and indicators.

2.17 This chapter of the Report provides an opportunity to review two particular matters to which we were invited to pay special regard. These are:

- a) the principle recommended by Edmund-Davies that police pay should reflect the special nature of the police officer's role, and
- b) the principles set out in the Police Service Statement of Common Purposes and Values.

THE PRINCIPLES OF EDMUND-DAVIES

2.18 The Edmund-Davies Inquiry recommended that police pay should be increased by the underlying increase in earnings for the economy as a whole. This was primarily on the basis that the police service could not be compared with any other group of workers. The Edmund-Davies Inquiry also concluded that police pay should be linked to "some general index" because of special features of policing:

- a) the police had no right to strike and one should not be granted;
- b) the risks of assault and injury;
- c) disruption to family life;
- d) the then manpower and recruitment problem;
- e) the increased responsibilities and workloads falling to the police service since the previous review.

2.19 We take the view (see Chapter 1, paragraphs 1.7-1.8 and Chapter 7) that there are other features which deserve even greater emphasis. These are:

- a) the extraordinary nature of police powers, in particular police monopoly of the use of legitimate force;
- b) the exceptionally high level of integrity required by the nature of policing functions;
- c) the sensitive, quite often dangerous and sometimes explosive situations in which police are expected to exercise control, often at considerable risk to themselves.

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Some of the conclusions of the Edmund-Davies Inquiry require special mention at this stage.

Comparisons with other groups of workers

2.20 We recognise that it is difficult to establish market comparisons across the whole range of duties at police constable level. Subject to various special factors outlined in Chapter 7, we nonetheless believe it is possible to establish broad market comparisons in respect of basic pay for the ranks of sergeant, inspector, superintendent and chief constable as well as basic pay on entry for PCs.

Absence of the right to strike

2.21 None of those giving evidence to us claimed it would be right or practicable for the police service to have the right to strike. This was not least because of the role of the police service in, for example, dealing with emergencies and public order problems, including those resulting from industrial action by others. Like our predecessors, we believe it is important for this to be recognised in pay arrangements. This is regardless of the prevailing state of industrial relations or the condition of the labour market. That is one reason for recommending (Chapter 8) that a formula should be applied to the uprating of police pay subject only to periodic levels checks against the market and abatement in respect of changes to a limited range of centrally determined conditions of service.

Injury, assault and disruption to personal life

2.22 We also think it right that levels of police pay should reflect the risk of injury and assault and the level of disruption to personal life involved in policing. These factors are significant. They are, however, less important in terms of the overall level of pay settlements for the police service than they are in respect of pay and earnings for particular roles and ranks. The roles and responsibilities study provided a self-reported survey of such matters in the different ranks and roles. Our findings suggest that pay by and more importantly within, rank should be influenced by the degree of risk or disruption actually involved and that this should be subject to the judgement of chief officers (see Chapter 5).

Recruitment, retention and the Edmund-Davies formula

2.23 The UK police service does not have significant recruitment problems at present. As in many other sectors of the economy, applications to join the police service far outstrip vacancies and wastage rates are relatively low. This is partly a reflection of the economic climate. It also reflects in part the impact of the Edmund-Davies pay formula.

2.24 The Edmund-Davies pay formula, like one-off adjustments to police pay levels recommended by earlier Inquiries, recognised the need to raise police pay levels sufficiently to ensure the recruitment and retention of officers of the right calibre. It also had the advantage, unlike its predecessors, of helping to secure the retention of good quality officers

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over a sustained period. It optimised opportunities to recruit a uniformly high calibre of officer and thereby minimised the managerial and efficiency problems associated with a stop/start approach to pay.

2.25 The formula did, however, involve double counting, raising basic pay rates by increases in earnings across the economy and, through the numerical relationship between basic rates and most additional earnings, separately raising earnings to a similar degree. Moreover, despite the room for negotiation envisaged by the Edmund-Davies Inquiry, the formula was almost always applied uniformly to all scale points at each rank level. It had the effect of preventing increases in basic pay being offset against changes in pay-related conditions of service and tended to distort differentials between ranks.

2.26 As Chapter 8 makes clear, we consider that there should be a formula approach to increases in police basic pay and that this should reflect private sector pay settlements. This is on the basis that, like the 1982 Megaw Commission on Civil Service Pay¹, we consider that private sector pay settlements provide a more accurate reflection of the economic climate and the market than pay settlements in the public sector. They avoid the circular effect of comparing public sector pay settlements with one another. Our reasons for concluding that a private sector based formula approach is justified (which are set out more fully in Chapters 7-8) are:

- a) to recognise, on grounds of equity, the absence of the right to strike;
- b) to secure a smooth progression in pay rates reflecting the economic climate and the market;
- c) to avoid the management problems associated with pay-related inconsistencies between the calibre of officers recruited over time;
- d) to recognise the professional nature of the policing role and reflect the overall package we are recommending;
- e) to recognise the importance of securing, as indicated in our Terms of Reference, the recruitment, retention and motivation of officers of the right quality, and
- f) to recognise the importance of policing to society, particularly in terms of the powers that the police alone are able to exercise, including their monopoly of the exercise of legitimate force.

1 Inquiry on Civil Service Pay: Volume I Findings, Volume II Studies 1982 (Cm 8590)

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Increases in workload

2.27 We do not consider that overall pay uprating is the right context in which to deal with this: the need to cope with increases in workload should be met by making adjustments to job weights, the allocation of responsibilities and establishment numbers. This should be combined with setting priorities, improving efficiency and investment in non-pay running costs, particularly information systems. Also there should be provision for incentives for good performance and rewards for value added to the work of the organisation by individuals. It is, of course, important that overall financing arrangements should provide room for this.

THE POLICE SERVICE STATEMENT OF COMMON PURPOSES AND VALUES

2.28 In our Terms of Reference, we are required also to have particular regard to the Police Service Statement of Common Purposes and Values (Appendix VI).

2.29 We recognise that pay and managerial arrangements associated with the running of any organisation can only effectively be determined or reformed on the basis of:

- a) the extent to which they serve the objectives of the organisation, and
- b) factors critical to success in meeting them.

2.30 Accordingly we commend the Police Service Statement of Common Purposes and Values as well as similar statements prepared in respect of Scotland and Northern Ireland (Appendices VII and VIII). They provide a framework definition of the objectives of the UK police service and related critical success factors. We fully recognise their importance. They cover the whole range of service delivery to which the police are committed and cater for the prospect that, over time, changing emphasis will need to be given to particular aspects of the policing task.

2.31 The statements also take the commitment of the police service in the UK beyond “catching criminals” or securing public order, however critical these tasks may be. They define for the service a wider role in society, taking in crime prevention and public reassurance as well as setting out the qualities required of a service aspiring to fulfil such a role. In this the statements in part reflect the traditions in which UK policing is based. They also reflect the enhanced priority the police service has given in recent years to establishing and meeting the priorities and expectations of the community. That was indeed the basis for the Metropolitan Police Service PLUS programme in which the Statement of Common Purposes and Values has its roots.

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2.32 It is, however, widely recognised, both within and outside the service, that the Statement of Common Purposes and Values and its equivalents are not enough, alone, to make clear to local communities or society more widely what the police service is committed to and capable of providing. We have already recognised that levels of demand for policing will always outstrip the available resources. This means that, however difficult a task this may be, it is important for the police service to take responsibility for deciding priorities and setting measurable objectives for itself. It should inform, test and secure the support of the general public for these objectives. The service should also be prepared to be judged by the extent to which it achieves them.

2.33 The best of the UK police service is already moving in this direction. Our recommendations take account of the commitment of the most far sighted chief officers to declare both quantitative and qualitative objectives; to review and change force structure and procedures so as to meet them; to devolve management decision-making to the lowest effective (usually territorial) level and to ensure that officers at all levels are empowered to play their full part in effective service delivery.

2.34 Although the UK police service is in the vanguard of this movement, we know that much remains to be done. We do not underestimate the important contribution to be made by central and local government, the community and the media in supporting and facilitating this process. There is a need for an evolutionary approach which, in changing circumstances, eschews the superficial or fashionable in favour of supporting core values and the fundamentals of policing.

2.35 Our recommendations aim to secure a maximum degree of flexibility to meet changing demands and remove anachronistic barriers to effective management. They provide room for the exercise of management discretion but within a relatively structured framework, especially as regards pay for the lower ranks. We have sought, wherever possible, to suggest clear and simple approaches which can be refined over time. Subject to safeguards, we also seek to avoid the imposition of complex and costly administrative structures which could take decision-making and appraisal away from the level at which it can usually be exercised most effectively i.e. that of the immediate line manager.

CHAPTER 3: RANK STRUCTURE

3.1 Our Terms of Reference required us to examine police rank structure and recommend what changes, if any, would be sensible to ensure “rank structures... which reflect[s] the current roles and responsibilities of police officers”. We were asked to consider and take into account the results of a fact finding study into the current roles and responsibilities of police officers and of relevant recommendations by the Audit Commission (see especially Audit Commission Paper No 9¹). As well as the fact finding study of police roles and responsibilities (which was commissioned prior to the establishment of the Inquiry²), the Inquiry itself commissioned a further study into spans of management control in the UK police service³.

3.2 In inviting evidence to the Inquiry, views were specifically requested on rank structure. A great deal of evidence, both written and oral, was received. Rank structure was also a key issue in our many discussions with police officers of all ranks during visits and informal meetings. The following paragraphs set out our approach and our recommendations on the subject. Our starting point has been the evidence we have received from the police service and others.

THE APPROACH

3.3 We agree with evidence submitted by the Metropolitan Police Service (MPS) which states that “any argument focusing simply on which ranks should be removed from the hierarchical structure would be of limited value”. Arguments focused simply on a desire to retain the existing structure, come what may (and this was not the thrust of MPS evidence), are of equally limited value. Our approach was to ask:

- a) what management functions are there to be fulfilled in the police service? (paragraph 3.4);
- b) is a rank structure needed to fulfil them? (paragraph 3.6);
- c) what sort of rank structure should there be? (paragraph 3.9);
- d) is revision of the rank structure necessary? (paragraph 3.40).

What management functions are there to be fulfilled in the police service?

3.4 The submissions which attempted an analysis of the broad

1 Audit Commission Police Papers No 9: Reviewing the Organisation of Provincial Police Forces February 1991.

2 Police Roles and Responsibilities - A Study for the Sheehy Inquiry into Police Responsibilities and Rewards: February 1993; Ernst & Young and Towers Perrin.

3 Spans of Management Control in the UK Police Service - A Report for the Sheehy Inquiry into Police Responsibilities and Rewards: April 1993; Ernst & Young and Towers Perrin.

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management functions which need to be fulfilled in the police service revealed a considerable degree of consensus, even if there were divergences on the best ways of delivering them. This is not surprising since, as evidence from the Police Federation of England and Wales, amongst others, pointed out, the management structure required by any large organisation to deliver a quality service to its customers has certain basic requirements. These were variously defined in the evidence submitted but four functional requirements appeared frequently:

- a) service delivery;
- b) tactical direction;
- c) strategic management, and
- d) policy formulation and monitoring.

3.5 The above definitions are taken from evidence submitted by Her Majesty's Inspectorate of Constabulary for England and Wales (HMIC). Other evidence, for example that submitted by the Superintendents Association of England and Wales, further broke down the first element to make clear that service delivery incorporates the functions of first line supervision and team leadership.

Is a rank structure needed to fulfil them?

3.6 Of the evidence we received, only that of the Local Authority Associations and the Official Side of the Police Negotiating Board (LAAOS) questioned the need for a nationally prescribed rank structure. It suggested that for those in the present ranks of inspector to deputy chief constable a management spine might be more appropriate. LAAOS, however, recognised that there would be a need for a national framework which "possibly stipulated the rank, names or job titles to be used".

3.7 All other evidence supported the case for a common, nationally agreed rank structure in the police service. There was, again, a high degree of consensus as to the principal reasons for this. The three basic reasons were:

- a) *the need to provide clear and effective leadership in operational situations*: this was cited in almost all evidence; particular reference was made to public order incidents and disaster management;
- b) *the need to cater for co-ordination and liaison between forces*: most evidence supported the need for a common rank structure on the grounds that the police service fulfils numbers of functions ranging across force, national and international boundaries. References were made, for example, to mutual aid and international co-operation;

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- c) *the need for reference points in relation to legislative controls:* almost all submissions cited the need for a common rank structure for use as a reference point by Parliament and the Criminal Justice System in, for example, authorising the use of particular powers.

3.8 We agree that, for these reasons, a formal nationally agreed rank structure is needed in the police service (*Recommendation 1*).

What sort of rank structure should there be?

3.9 In our view, this question is best approached by considering the objectives a rank structure needs to serve. The factors outlined in paragraphs 3.4 and 3.7 above provide a starting point. The objectives of any rank or management structure for a particular organisation must, however, go beyond them.

3.10 It is possible to distil from the evidence we received a set of broad objectives on which most were agreed and which can be used as a basis for analysis. These are:

- a) to indicate effectively to the rest of the organisation an individual's authority, competency, responsibility, accountability and powers of direction;
- b) to fulfil the same purpose externally, e.g. in relation to the public and other agencies;
- c) to foster rapid and effective communications within the organisation;
- d) to provide for effective decision-making;
- e) to make the best use of available resources.

3.11 Evidence which supported the retention of the existing rank structure in its entirety tended to imply or state that all these objectives were or could be met by the present arrangements. Further, it was said that the three principal reasons for retaining a rank structure (see paragraph 3.7), were also justifications for retaining the existing rank structure because the needs in question could only be met in this way.

3.12 Those who took a different view questioned whether in practice all these objectives were being met by the existing rank structure. It was suggested that some reform of the structure, to remove certain middle ranks in particular, would cause no harm. Some thought it would be beneficial or was essential.

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3.13 Audit Commission paper No 9, and the two studies prepared for us by Ernst & Young and Towers Perrin (roles and responsibilities and spans of management control) supported and added to the case for reforming the structure in respect of both the numbers of ranks in the police service and the numbers of officers occupying them. These findings were consistent with our own deductions from discussion and observation. It is our view that, however close individual forces have or claim to have come to securing the identified objectives in the context of the existing rank structure:

- a) the existing structure is not in itself a prerequisite for achieving them: some can be met equally well, if not better, in other ways; and
- b) some reform of the existing rank structure and reduction in numbers in certain ranks will accelerate progress towards full achievement of all the objectives of an effective rank structure, as well as serving wider objectives and securing good value for money.

The following paragraphs examine the case for this view in greater detail taking in order the objectives outlined in paragraph 3.10.

Objective a) – rank structure as a signpost for internal purposes

3.14 We agree with the majority of those submitting evidence that it is important, when examining rank structure in the context of the police service, to take account of those respects in which the service is different from other large organisations as well as the respects in which it is similar.

3.15 In relation to rank structure, a note of caution was cogently expressed in evidence from the Home Departments which said modern management structures:

“may not provide an entirely adequate template for the police service. The police service has an operational as well as a service role. The tiers of management needed to deliver a service at ground level may not be the same as the tiers of command necessary to respond to a riot situation, to hold together major surveillance operations or to deal with a significant security alert.”

Public disorder, disaster and crisis management

3.16 We have acknowledged in Chapter 1 (paragraphs 1.7-1.8) that particular demands are posed by the need for officers of various ranks to provide operational command in public order incidents and other emergencies. In reviewing the relevance of these considerations to rank structure, several lead interests considered whether the gold, silver and bronze command system currently in operation in England and Wales (or

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some similar approach) could provide the necessary degree of instant operational command in the context of a revised rank structure. HMIC and the Association of Chief Police Officers in England and Wales (ACPO), in particular, both referred to this system. An explanation of the system provided in evidence from ACPO England and Wales is at Appendix IX.

3.17 Evidence from HMIC and ACPO England and Wales disagreed on whether the gold, silver and bronze approach (or armbands and other insignia used to identify the chain of command where the system is not in operation) were sufficient to provide immediately recognisable command in emergencies or whether the whole of the existing rank structure and related badges of rank were required. The Inspectorate suggested that the gold, silver and bronze system meant public disorder and disaster management did not require all the existing ranks. ACPO England and Wales, in common with numbers of others, including police interests in Scotland (where the system does not operate), suggested that this was not the case.

3.18 Those who took the view that the gold, silver and bronze system of command was insufficient alone to cater for the need for clear leadership and command in public disorder and disaster management cited the following points:

- a) existing ranks carried a guarantee in the eyes of those under command that a particular level of training, expertise and experience had been acquired by the individual concerned;
- b) the ranks provided for instant recognition of authority and power of direction – especially relevant where several forces were involved;
- c) the responsibilities of existing ranks at incident control points were clearly laid down as were levels of authority, for example, to deploy specialist units such as the mounted police and special types of equipment.

3.19 Our views on these points are as follows:

- a) *guarantee of appropriate training, expertise and experience:*
 - i) the gold, silver and bronze system of command allows more flexible use of the existing rank structure;
 - ii) the existing rank structure does not, except in cultural terms or on the basis of the training which forces actually choose to give particular ranks, provide any guarantee *per se* that the individual concerned has the necessary expertise or experience to command a public order incident. This seems

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to us more a matter of managerial judgement in the light of the circumstances. So too must be the numbers of ranks and officers of a particular rank who need to be trained or acquire the necessary expertise to provide command in the event of public disorder and disaster management;

- iii) evidence from ACPO England and Wales stated that the lowest rank which might normally act as gold commander in handling public order incidents, was chief inspector. The MPS undoubtedly deals with a large number of incidents of public disorder or potential disorder annually. It does not, however, provide every one of its chief inspectors with centrally updated public order training and experience. A judgement is made as to the numbers needed and training is provided accordingly;
 - iv) were a particular rank to be removed, e.g. the rank of chief inspector, the requisite training could be provided to the appropriate number of inspectors or superintendents. This would not undermine the provision of effective public disorder or disaster management. Nor do we believe that the confidence of those under command would be undermined;
- b) *instant recognition*: we consider this can be provided in a variety of ways including, for example, flashes and insignia;
 - c) *authority to deploy specialist units or equipment*: this seems to us a matter of training, expertise and experience rather than simply of rank. Much the same considerations apply as to point a) i)-iv) above and similar measures can be taken, if necessary in advance, to ensure that a suitable number of appropriately trained officers can be called upon to exercise authority.

3.20 We have considered whether the absence of some ranks would necessarily mean costly upgrading of gold, silver and bronze commands. We believe that senior police management is perfectly capable of designating different officers of the same rank to undertake different levels of command e.g. silver and bronze (we understand from our police consultant that in the MPS this already happens on occasion). The same could apply where other command systems are in use. Roles and ranks of command could be designated in advance (by reference to the level of training, expertise and experience of the officers in question) and relevant records kept. We also consider that experienced, professional police officers are perfectly capable of acting as an effective team in such circumstances. Insignia or flashes can be used to support command recognition if necessary.

Managing major crime investigations

3.21 Others who argued for the retention of the existing rank structure

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cited the management needs of major crime investigations. The issue was mentioned by ACPO England and Wales who suggested that the Senior Investigating Officer should be a detective chief superintendent for the following matters:

- “– terrorist incidents; the murder of police officers and series of homicides, including cross boundary investigations;
- reviewing major investigations;
- outside force investigations on behalf of the Police Complaints Authority and Home Office;
- complaints against senior police officers;
- instances of national importance, e.g. food contamination and extortion”.

3.22 In other cases, i.e. where the investigation was headed by a senior investigating officer of detective superintendent rank, the Association felt that a detective chief superintendent should be available to act as an “independent person at team briefings and de-briefings so that the inquiry takes into account the views of the inquiry team and not just those of the senior investigating officer”.

3.23 External considerations are dealt with below (paragraphs 3.31-3.37). These paragraphs look at those aspects of the matter which are concerned primarily with public perceptions as to the seriousness with which a particular matter is regarded. We address here the issues of independent supervision, competence and powers of direction over the running of major investigations. We take these to be the kernel of the case put forward by ACPO England and Wales and a number of other lead interests.

3.24 The conduct and supervision of criminal investigations are issues more directly within the remit of the Royal Commission on Criminal Justice than this Inquiry. We have, however, read research studies on this subject undertaken for the Royal Commission and have talked to a number of senior police officers and the Audit Commission. The CID was the subject of separate study and analysis in the context of the roles and responsibilities and spans of management control studies commissioned for and by the Inquiry.

3.25 Subject to the recommendations of the Royal Commission, which we expect to follow publication of our Report, our views on the matter are as follows:

- a) in relation to certain major criminal investigations and, for example, police complaints and discipline investigations there

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may be a need for independent supervision (in Scotland this role is undertaken by the Procurator Fiscal and/or the Crown Office);

- b) where the need arises, internal supervision can be catered for by senior management nominating an officer of the same rank or by appointing an officer of a superior rank (as we understand already occurs in complaints and discipline cases).

3.26 It seems to us necessary for the nominated officer to have the appropriate experience and skills. His responsibilities and powers of direction also need to be made clear to all concerned as does joint responsibility for the conduct of the investigation. We do not, however, consider it is essential for that supervising officer always to be of a higher rank than the senior investigating officer.

3.27 As in the case of public disorder, disaster and crisis management, we consider senior police management perfectly capable of making the appropriate choice of officers to fulfil both functions, regardless of rank structure. Such management decisions are already constantly made in allocating different cases between officers of the same rank. Equally we consider senior detective officers perfectly capable of understanding and accepting their joint and several responsibilities in respect of such investigations.

Internal rank recognition for other purposes

3.28 Other points based on internal needs and experience which were put forward in support of the existing structure were as follows:

- a) “to reward the development of the skills and competencies required to enable officers to carry the responsibilities associated with higher ranks” (Association of Scottish Police Superintendents);
- b) to provide a clearly identifiable and well understood career path as opposed to a system in the shadows thereby maintaining the “motivation and morale of officers of all ranks” (Association of Scottish Police Superintendents);
- c) to provide good career prospects for high calibre recruits;
- d) to “provide management cover over 24 hours and 365 days in small to large command units” (Association of Scottish Police Superintendents);
- e) to allow for flexible command and control;
- f) to promote “ethical and professional standards” (Association of Scottish Police Superintendents);

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- g) to allow appropriate recognition to be given for heavier responsibilities and, for example, a greater representational role.

3.29 We do not consider that the whole of the existing rank structure is required for the purposes of promoting ethical and professional standards. Provision of 24 hour cover is, in our view, a matter of ensuring that sufficient numbers of appropriately qualified and trained officers are available when needed. Both these objectives can be met with a revised structure as can flexibility in command and control which we believe could be enhanced by a less top-heavy management structure. More is said of this below.

3.30 Similarly we are firmly of the view that promotion should not be the sole or major incentive or reward for the development of the skills and competencies necessary to carry higher levels of responsibility. We believe that a clearly identifiable and well understood career path with fewer limits on earning capacity and speed of progression for the most able, can be better achieved outside the present structure (see Chapter 5 which develops these points more fully).

Objective b) – rank structure as a means of securing external recognition

3.31 Those who supported retention of the existing rank structure for the purposes of securing external recognition cited the following points:

- a) the need to provide a reference point for Parliament and the Criminal Justice System in:
 - i) authorising the use of exceptional powers;
 - ii) providing for supervision in relation to their use;
- b) signalling the seriousness of particular types of investigations, or
- c) making provision for appeals.

3.32 The legislation most often cited in support of these views was the Police and Criminal Evidence Act 1984 (PACE). There are also, for example, Discipline Regulations made under the Police Act 1964 which specify that the investigating officer must be of at least the rank of chief inspector and at least the rank of the officer subject to investigation. There are similar, though not identical, provisions in Scotland and Northern Ireland. Lastly, we understand that, in England and Wales, the rank of deputy chief constable (DCC) was formally created in the wake of PACE principally to allow the chief constable to act as an independent avenue of appeal in discipline cases.

3.33 Many of the provisions of PACE would be unaffected by the

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changes to rank structure we recommend. Also, it is open to Parliament to review those statutory provisions that refer to particular ranks where we recommend these should be removed from the structure. In the light of recommendations from the Royal Commission on Criminal Justice, Parliament may identify suitable alternatives within the revised rank structure, including in appropriate cases, a lower rather than a higher rank. More is said later (paras 3.52-3.53) about the role of DCCs in discipline matters.

Inter force and international co-operation

3.34 In our view needs associated with inter force co-operation and joint operations justify the retention of a common nationally recognised rank structure. This does not mean that the whole of the existing structure is necessary. As regards international co-operation, different police forces around the world have both far more and far fewer ranks within their organisational structures than the UK police service. The nomenclature for these ranks also varies considerably and we are given to understand that even where titles are the same, the level of authority or expertise conveyed by common rank titles is not necessarily parallel.

Public perceptions

3.35 Few of those who submitted evidence on this subject sought to place great emphasis on the relevance of rank structure to the general public. Our own view is that few members of the public have more than a hazy notion of the distinction between, for example, an inspector and a chief inspector or a superintendent and a chief superintendent. Even fewer, faced with a uniformed officer above the rank of sergeant, would be able readily to distinguish between ranks; nor would they need to know more than that they were dealing with a senior officer. Most will be primarily concerned with how they are treated and the effectiveness of any action taken.

Other agencies

3.36 We deal separately with police/army liaison in Chapter 14 (Northern Ireland and the special and different circumstances of the RUC). In their paper No 9 the Audit Commission said:

“Some local authorities seem to regard it as a matter of civil prestige that a police commander of certain rank should be dedicated to their community. Other organisations as well may look to the rank of the police officer dealing with them as an indication of how seriously the force considers them”.

3.37 We concur with the Audit Commission view that:

“Imposing on middle-ranking operational commanders a heavy workload which could otherwise be delegated to other officers with the necessary local experience and judgement limits the attention

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which they are able to give to leading their officers. In turn it limits the sizes of operational units and leads to suboptimal command structures. Alternatively it causes confusion of accountabilities by creating specialist departments and units dedicated to particular concerns (each commanded at a senior rank and each therefore with its own management infrastructure)".

We take the view that few outside agencies are as rank conscious as is sometimes claimed. Even if some are, we see no reason for the service to pander to such attitudes at public expense and we do not consider that they justify the retention of ranks which are otherwise unnecessary. The right approach is to attribute responsibilities to the officer most suited to the task by experience, knowledge and skills.

Objectives c)-e) – effective communication, decision-making and the best use of resources

3.38 In their written evidence to the Inquiry, the Police Federation of England and Wales made a number of telling points about the impact of the existing rank structure on communications, decision-making and the use of resources as follows:

- a) the police service has developed a “top-heavy management structure with lines of command often longer than is required”;
- b) organisations striving to provide quality assurance “have a much more flexible management hierarchy which can be amended to meet particular needs: roles and pay reflect responsibilities and accountability rather than rank”;
- c) “the way to make a big organisation work effectively and efficiently is to delegate as much real responsibility and accountability as possible to the man and woman in charge of doing the job”⁴;
- d) “the present rank structure does not offer sufficient incentives for officers to remain in subordinate ranks” (the Inquiry would suggest the “front line”);
- e) “the most able and ambitious officers seeking reward and recognition for their contribution to the service can only achieve this through promotion”;
- f) a move towards a flattened hierarchy is justified on the grounds that it “would be particularly appropriate to an organisation such as the police in which the subordinate ranks already exercise substantial autonomy in their day to day tasks and already undertake important managerial functions”;

⁴ Extract from the Home Secretary's address to the Police Federation Conference 1992.

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- g) a prime factor inducing many beat patrol officers to “abandon patrol duties is that specialisation and promotion are the only formal means by which an individual can raise his occupational status”;
- h) whilst it is “necessary to retain command structure in a disciplined service and for some officers to hold ranks which enable them to supervise, check or administer the work of other officers, it is in the best interests of the service and of the quality of service that can be given to the public that we develop a rank structure in which the number of ranks is reduced but the incentives within ranks are greatly enhanced”.

3.39 This analysis, with which we agree, was echoed elsewhere in evidence to the Inquiry, notably that from HM Inspectorate of Constabulary. We have heard these views expressed frequently by officers of all ranks in the course of our meetings and visits. They are reflected in papers by the Audit Commission and in the findings of our two studies on roles and responsibilities and spans of management control.

Is revision of the rank structure necessary? (see paragraph 3.3 d))

3.40 As noted earlier (paragraph 3.11), those who opposed revision of the rank structure argued that the existing structure either is or could be operated flexibly so as to achieve the objectives of rapid and effective internal communications, to delegate decision-making to the lowest effective level, and to make the best use of available resources. They considered that individuals were already empowered to operate to the maximum of their potential, that accountability was clear and bureaucracy minimal. They suggested that there was already the capacity to provide a good match between the designated ranks and the roles and responsibilities of those who hold them.

3.41 Numbers of individual chief officers including the current and former Commissioners of Police of the Metropolis, HM Inspectorate, the Audit Commission and numbers of officers at all ranks in forces have suggested that reform is needed. For our part, we consider that the existing narrow pyramid rank structure together with minimal opportunities to improve status or earnings other than through promotion has and will continue to encourage:

- a) the creation of posts at each rank whether or not they are justified, and
- b) too authoritative and bureaucratic a culture focusing on control rather than on developing, training and empowering officers at all ranks.

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3.42 We also consider there is ample evidence that the existing structure discourages delegation and impedes communication by “interspersing deputies and other intermediaries between different roles and then fixing them into the permanent hierarchy”⁵. It also prevents officers at all levels, those on the front line as well as their managers and operational commanders, from operating to their full potential.

3.43 The study of spans of management control found that the existing structure was top heavy. Management on-costs in respect of operational constables were as high as 60% in some forces. It was clear that management tiers should be reduced and more responsibility given to the remaining ranks to provide better value for money and greater overall efficiency. We and the study acknowledge that the service is already making changes and in some areas is setting up self-sufficient basic command units which report direct to force headquarters. Consideration is also being given to the savings which would come with larger operational units and increasing the number and effective deployment of civilian staff. But it is clear that the roles and responsibilities of senior staff should be looked at to improve management efficiency. Increasingly forces should look to line managers having greater control over the resources they use. Greater emphasis should be given to independent quality assurance at every level of each force, and territorial commanders should become more aware of the total costs of policing, including the costs of support staff. The service would also benefit from the use of civilian professionals and from redistribution of responsibilities within senior management teams in areas such as finance, personnel, information systems, procurement, training and management services (we return to the issue of civilian expertise in Chapter 16: Implementation).

3.44 We take the view that reform of the rank structure will greatly enhance the efficiency of forces whilst allowing officers of all ranks greater opportunity to operate to their full potential. **Accordingly we recommend that the rank structure be reformed by reducing the number of ranks** (*Recommendation 2*).

RESHAPING THE RANK STRUCTURE – ROLES, RESPONSIBILITIES AND ADDED VALUE

PC, sergeant, inspector

3.45 Written evidence submitted by the Superintendents’ Association of England and Wales and others, sought to define the key roles of first line supervisor and team leader referred to at paragraph 3.5. They suggested that the rank of sergeant “naturally fits the role of front line supervisor” and that “inspectors are team leaders”. We agree with the Superintendents’ Association that front line supervisor and team leader are distinct roles which justify a distinction in rank and that the ranks of sergeant and

⁵ Evidence from HMIC England and Wales

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inspector naturally fit them. This is substantiated by the results of our roles and responsibilities study. Retention of the ranks of PC, sergeant and inspector is supported by all the evidence submitted to us. **Accordingly we recommend that these ranks be retained** (*Recommendation 3*).

Chief inspector, superintendent, chief superintendent and ACPO ranks

3.46 Evidence submitted by ACPO England and Wales, HM Inspectorates of Constabulary, the Superintendents' Association of England and Wales, the Police Federation of England and Wales and the Metropolitan Police Service raised a number of questions about the validity of the distinction between the ranks of chief inspector and superintendent. It was pointed out that similar roles and responsibilities are currently, depending on circumstances, fulfilled by any of the three ranks of chief inspector, superintendent and chief superintendent. Some submissions also identified only one management role above this level. This was variously described as policy formulation and monitoring or force command. Some evidence indicated that this might fall to assistant chief, deputy or chief constable.

3.47 Evidence from ACPO England and Wales regarding the ranks immediately below chief officer identified the role of the middle manager as currently undertaken variously by chief inspectors, superintendents and chief superintendents. The Metropolitan Police Service defined two roles immediately above inspector; first co-ordinating, monitoring and supporting activities across sectors and second, developing strategic approaches to policing of the borough. Their evidence pointed out that the ranks of chief inspector, superintendent and chief superintendent were currently performing these roles. It was suggested this led to confusion, overlap and to the "potentially indulgent 'one on one' span of control that currently exists on most divisions between chief superintendent and superintendent".

3.48 Regarding chief officer ranks, ACPO England and Wales attributed the role of force command/management to all three ACPO ranks. Evidence from HM Inspectorate of Constabulary attributed the role of policy formulation variously to superintendent, assistant chief, deputy or chief constable.

The roles and responsibilities study

3.49 The roles and responsibilities study found significant overlaps between ranks, most significantly between the ranks of chief inspector, superintendent and chief superintendent. It also found overlaps within the chief officer ranks. Appendix X summarises the results of the study for officers in the operational core roles: these are patrol constables and sergeants; shift inspectors; operational commanders; assistant chief constables (operations); deputy chief constables and chief constables.

3.50 Appendix XI shows the areas of responsibility identified by the majority of respondents in the rank and role as critical or important to their role, and the most common level which they identified as relevant to

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their role. Levels 1, 2, 3 and 4 represent increasing levels of responsibility, broadly speaking from tactical to strategic to policy level activity. The Appendix identifies a number of areas of responsibility where officers of several different ranks identify the same level of responsibility as the one with which they deal most commonly.

3.51 Clearly, in any organisation there will always be responsibilities which are carried out by individuals at different grades at different times. Who is involved will depend on a range of factors including the scale of the incident and availability. However, we consider there are significant opportunities to rationalise the distribution of responsibilities between ranks, particularly the responsibilities of ranks from chief inspector to chief constable. This would provide three distinct levels of management activity. **On the basis of the studies of roles and responsibilities and spans of management control and the evidence referred to above, we recommend that the ranks of chief inspector and chief superintendent be abolished** (*Recommendation 4*).

3.52 In considering the question of whether two or three ranks are needed above that of superintendent we took particular account of the disciplinary responsibilities of deputy chief constables. In most forces throughout the UK this rank plays a significant role in discipline matters. We understand that in England and Wales the rank was created, relatively recently, mainly to deal with disciplinary matters in the wake of PACE. Prior to that, the practice had been to nominate a deputy from amongst the complement of ACCs on either a permanent or *ad hoc* basis, for the purposes of delegating particular functions.

3.53 The rank of deputy chief constable seems to us to provide an example of the tendency of the service, to intersperse “deputies and other intermediaries between different roles and then fix them into a permanent hierarchy” (HMIC). In our view the deputy chief constables’ role in relation to discipline and complaints investigations and hearings does not justify the selection of a distinctive rank as opposed to designation of a suitably experienced and qualified individual to undertake the relevant tasks. We believe that officers of the rank of ACC can take on this and the other responsibilities of deputy to the chief constable. We also consider that the designation of such a deputy on an *ad hoc* basis is a matter to be decided by the chief constable of the force concerned in the light of local circumstances. For this and other reasons set out earlier in this Chapter, **we recommend abolition of the rank of deputy chief constable** (*Recommendation 5*).

Reallocation of responsibilities within a revised rank structure

3.54 Our spans of management control study suggests there is already room to increase spans of command at various levels, particularly in the middle management ranks. The Inquiry, however, also wishes to propose a revised rank structure which at various levels will better align rank to

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scope of role. Appendix XII suggests a possible allocation of areas of responsibility by level. It proposes the rank or ranks which might typically be responsible for each level in future.

3.55 Detailed profiles for the core roles of operational officer, front line supervisor, team leader, operational commander, policy formulator and 'chief executive' are at Appendix XIII. These build on detailed analysis of the components of the 22 areas of responsibility included in the roles and responsibilities study and have been endorsed by our police consultants as well as officers with whom we have discussed them.

3.56 The detailed components are subdivided into those which might be regarded as core, and hence relevant to all officers in the core role at that level, and those which could be additional/non-core, varying according to local requirements and the individual officers' role. The additional/non-core responsibilities might be associated with extra points for the purposes of determining pay (see Chapter 5). The lists are not intended to be either exhaustive or prescriptive nor should they be applied inflexibly. They are provided as an illustration of how responsibilities could be beneficially redistributed.

3.57 With regard to chief constables, we expect them in future to assume responsibility for areas which until now have not been within the control of individual police forces. In particular:

- a) exercising much greater flexibility over the use of resources to ensure that best value for money is achieved – this would include taking decisions concerning the balance between expenditure on police officers, civilian staff and equipment following reforms to funding arrangements proposed recently by the Home Secretary;
- b) being accountable for the performance of the force in relation to key indicators;
- c) applying the new management arrangements proposed by the Inquiry.

3.58 Accordingly, the chief constable profile included in Appendix XIII incorporates additional responsibilities to reflect this new role.

Existing chief inspectors, chief superintendents, deputy chief constables and their posts

3.59 Our spans of command study suggests there is room to increase spans of command at various levels, particularly in the middle management ranks. It also shows that opportunities vary as between different forces and the different role families identified by the roles and responsibilities study. We believe that these opportunities will be enhanced by implementation of

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our recommended reform of the rank structure. We consider that all forces, but particularly those with unusually high management on-costs, should take advantage of the opportunities rank structure reform will offer to reduce on-costs and increase spans of command. We consider it essential for the service to be able to benefit from the available reduction in on-costs at an early date. It is, however, necessary to consider the position of officers currently in the rank of chief inspector, chief superintendent and deputy chief constable.

3.60 We note the points made on this subject by HM Inspectorate of Constabulary, in particular as regards the need for equitable severance arrangements to be made available in appropriate cases. Chapter 13: Pensions and related benefits, sets out our recommendations on this subject. Chapter 15 looks at the opportunities there may be to fund a voluntary/compulsory exercise to assist in realising the benefits of rank structure reform at an early stage.

3.61 It is not our intention to suggest that *all the posts* currently occupied by officers in the ranks of chief inspector, chief superintendent and deputy chief constable are unnecessary. **Management should examine force structure; identify how many posts within the revised structure are required and decide which officers are best suited to fill them** (*Recommendation 6*).

3.62 We do not consider that individual officers who do not benefit from the voluntary/compulsory severance exercise referred to above should all be promoted as the Police Federation of England and Wales suggested in the case of chief inspectors.

3.63 **We recommend that assessments should begin immediately the consultation period for the Report has been completed and a government policy statement made. The exercise should be completed by July 1994. Officers should then be regraded to the appropriate rank in the new structure** (*Recommendation 7*). In Chapter 10 we recommend an approach to grading serving officers on the basis of a scoring matrix. This takes account of the scope of the roles, policing circumstances, experience/skills required for their job and performance. Chapter 10 also explains proposed safeguards in respect of pay levels.

3.64 Where officers have been selected for promotion to, e.g. chief inspector and chief superintendent but not yet posted, our proposals for pay assessment (see Chapter 5) will provide opportunities for equivalent pay progression through posting to a suitably weighted job in the new rank.

3.65 We do not consider that old rank titles should be retained once this exercise is complete. **We do, however, recommend that officers in the ranks of inspector, superintendent and assistant chief constable should, once the rank structure is reformed, wear the insignia/badges of rank currently worn by officers in the ranks of chief inspector, chief superintendent and deputy chief constable respectively** (*Recommendation 8*).

PART III: PAY AND EARNINGS

CHAPTER 4: OVERVIEW

4.1 We were asked to recommend what changes, if any, would be sensible to secure “enough flexibility in the distribution of rewards to ensure that responsibilities and performance may be properly recognised in changing circumstances and remuneration set and maintained at a level adequate to ensure the recruitment, retention and motivation of officers of the right quality”.

4.2 Our Terms of Reference invited us to have full regard to a number of specific factors. These included affordability and value for money (dealt with here in Part III and in Part V: Chapter 15). Finally we were asked to consider, by way of background, fact-finding studies commissioned prior to the start of the Inquiry and other relevant material.

4.3 As well as having regard to the issues raised above, the recommendations outlined in the following chapters take account of an earnings survey to parallel our roles and responsibilities study and advice from consultants on such matters as pay system design, pay levels (taking account of the market) and performance appraisal.

4.4 The chapters in this part of the Report deal with the following aspects of police pay and earnings:

- a) Chapter 5: Relating pay to roles, responsibilities and performance;
- b) Chapter 6: Performance measurement and appraisal;
- c) Chapter 7: Pay levels and pay scales;
- d) Chapter 8: Uprating the basic scale;
- e) Chapter 9: Pay additions – pay-related conditions of service and bonuses;
- f) Chapter 10: Application of the new arrangements to serving officers.

AIMS OF REWARD STRUCTURES

4.5 In broad terms, the aims of a reward structure should be to:

- a) provide equitable reward for responsibilities within different roles;
- b) encourage the required level of contribution and performance and achievement of specific objectives;
- c) provide motivation for improving performance;

CHAPTER 4: OVERVIEW

- d) contribute to attracting and retaining staff of the calibre and quality required to meet the objectives of the organisation.

CRITICISMS OF THE EXISTING POLICE PAY STRUCTURE

4.6 Criticisms of the existing police pay structure set out in evidence included the following points:

- a) the only reward for performance is promotion;
- b) there is insufficient local flexibility;
- c) pay on recruitment and in the higher ranks, especially ACPO ranks, is out of line with the market.

INQUIRY OBJECTIVE: A TRANSPARENT AND PRACTICABLE APPROACH

4.7 Following analysis of evidence submitted and survey data, our objective has been to design a transparent and practicable approach which will achieve the following aims:

- a) appropriately reward jobs according to their “size” having regard to the intrinsic responsibilities, but also to the need to allow chief officers to grade individual jobs within a role;
- b) encourage sustained good performance;
- c) provide a basis for individuals to be rewarded for their contribution otherwise than by promotion;
- d) provide scope for growth within a role;
- e) allow flexibility in manpower deployment;
- f) provide a firm basis for ensuring that pay levels are set and maintained at an appropriate level.

KEY FEATURES OF THE RECOMMENDED STRUCTURE

4.8 We have concluded that it is feasible to design a pay structure which meets these aims more effectively than the current arrangements. Key features of our recommended structure are that it:

- a) provides opportunities for officers to develop careers within rank and within the same scale point;
- b) relates directly to roles and responsibilities;

CHAPTER 4: OVERVIEW

- c) gives explicit recognition of good performance;
- d) provides for overlapping pay scales between ranks based on a range around the midpoint.

4.9 A combination of these changes and the approach to pay levels and uprating recommended in Chapters 7-8 will assist in keeping police pay broadly in line with the market.

CHAPTER 5: RELATING PAY TO ROLES, RESPONSIBILITIES AND PERFORMANCE

5.1 Many of those submitting evidence on pay agreed that in principle, relating rewards to roles, responsibilities and performance would provide a superior motivational approach to the determination of pay in the police service. They also referred to numbers of potential difficulties which would be involved in implementing such an approach. These were said to include:

- a) no appraisal system would support such an approach on the grounds that, however well designed the system, all performance judgements were subjective and therefore suspect or invalid;
- b) the existing appraisal system would not support a relationship between pay and performance (on the grounds that it was not appropriately designed);
- c) appropriate performance measures could not yet be devised to support a relationship between pay and performance in the police service and any performance measures which were devised would introduce distortions;
- d) the possibility that such an approach would be “divisive” or interfere with team work;
- e) a formal job evaluation exercise would be required in respect of every post and this would be administratively burdensome.

Performance judgements

5.2 We refute the assertion that a judgement of performance made by a line manager is axiomatically unfair or invalid. Performance evaluation and appraisal is an integral part of effective management and should be conducted so far as possible on the basis of criteria and standards which are objective and measurable. Appraisal by the immediate line manager is the only effective approach to appraisal, whether pay related or otherwise. A line manager’s judgement needs to be informed by self-appraisal on the part of the individual. Clearly, arrangements need to be made for countersigning officers to set and check standards. But implicit in the role of managers is the ability to make a robust and fair appraisal of those under their command. This should, indeed, be one measure against which the line manager’s own performance is assessed.

Appraisal system design

5.3 As regards this issue (5.1 b)), we entirely understand and accept there is need for a well-designed appraisal system. Recommendations on this subject appear in Chapter 6.

CHAPTER 5: RELATING PAY TO ROLES, RESPONSIBILITIES AND PERFORMANCE

“Divisiveness”

5.4 We consider that the existing pay policy is itself divisive: it rewards long service, regardless of merit. It also fails to provide an opportunity, except through promotion, to reward outstanding performance whether in respect of a particular task or in respect of the value individuals add to the work of the team or the organisation.

Evaluation

5.5 It seems to us that in the context of pay system design, it is crucial that any approach we recommend should meet the point raised at 5.1 e). It needs to be both transparent and easily applied. It should be introduced without recourse to bureaucratic and costly job evaluation exercises.

5.6 **Accordingly we recommend that a simple matrix should be applied to evaluation of the roles, responsibilities and performance of police officers. This should be capable of application on a service-wide basis at all ranks below assistant chief constable while still allowing adaptation to meet local needs (Recommendation 9).** Special recommendations concerning pay determination at chief officer level are set out below in paragraphs 5.31-5.35 and brought together in Chapter 9. The following paragraphs explain our approach to devising a matrix for officers in the ranks of PC to superintendent.

RANKS BELOW CHIEF OFFICER

Devising a matrix

5.7 From discussion and consultation, as well as from written and oral evidence received, the Inquiry identified a number of factors which influenced the weight of jobs in the police service. These were:

- a) operational responsibilities;
- b) support responsibilities;
- c) managerial/supervisory responsibilities;
- d) manpower levels, i.e. numbers of staff controlled;
- e) budgetary responsibility;
- f) the policing environment;
- g) disruption to personal life;
- h) working pattern;
- i) availability of support;

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- j) risk of assault;
- k) technical skills;
- l) experience and skills required for the job.

5.8 With a view to recommending an approach to pay banding which reflected both job weight and personal achievements, but which would be relatively straightforward to apply, we adopted a three-stage approach:

- a) first we defined the core role at each level in the revised rank structure so as to fix, on the assumption of fully effective performance, the mid point of the salary scale for each rank;
- b) then we grouped the factors listed at paragraph 5.7 above into three key variables relating to the specific job circumstances and the individual officer's relevant skills and proven track record;
- c) last we designed an approach to reflecting individual performance as a fourth key variable.

Core role definitions by rank

5.9 These are set out in Appendix XIII and reflect recommendations in Chapter 3 regarding reform of the rank structure.

Key variables

5.10 **The factors which we recommend should be taken into account under each of the four key variables are:**

- a) **scope of the role: responsibilities, scale and specialist requirements associated with the job;**
- b) **policing circumstances: impact of the policing environment and related requirements;**
- c) **experience and skills: proven track record and skills possessed by the individual and required by the job;**
- d) **performance.**

(Recommendation 10)

Scope of the role

5.11 **Of the factors identified in paragraph 5.7 above we recommend that the following be assessed as relevant to determining the scope of the role undertaken compared to the core role for the rank:**

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- a) **variation in the level of responsibilities around those defined for the core role;**
- b) **variation in the scale of the role in terms of manpower and other resources under the individuals' control.**

(Recommendation 11)

Policing circumstances

5.12 This key variable was designed to take account of those factors beyond the core role which were associated with how and where the role was carried out and its impact on the personal life of the individual. **We recommend that the variables grouped within this category should be:**

- a) **relative risk of assault/availability of support;**
- b) **nature of working pattern/disruption to personal life;**
- c) **nature of policing environment;**
- d) **requirement to work long hours without overtime payment;**
- e) **particular difficulties in filling the role.**

(Recommendation 12)

Experience and skills

5.13 Each job requires a specific level of skill and experience. These can be developed within each job and may remain with the officer as he/she progresses through the force. **We recommend that factors in this category should include:**

- a) **the requirements of the role for specific skills and specialist training;**
- b) **specific skills and/or relevant experience brought to the role by the officer and which add clear value to the performance of the role.**

(Recommendation 13)

Performance

5.14 **We recommend that the fourth key variable influencing positioning in the scale for the rank should be performance. An individual performance rating should be derived from the appraisal system (see our recommendations on performance appraisal in Chapter 6).**

(Recommendation 14)

Weighting the variables in the matrix

5.15 Once the four key variables were identified it was necessary to determine what weighting should be given to each one so as to allow a

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flexible approach to pay banding whilst achieving a level of consistency across the UK police service. To this end we wish to recommend a range of weighting scores for each variable. Role evaluation modelling based on the roles and responsibilities study together with discussion and consultation suggested that a 12 point matrix or score card should be applied to all roles at all ranks below assistant chief constable. **Our proposed approach was tested in an Area Command. This suggested the weighting of the four key variables should be as follows:**

Key Variables	Points range
Scope of the role:	1-3
Policing circumstances:	0-3
Experience and skills of the individual/required by the job	0-3
Performance:	0-3

(Recommendation 15)

5.16 **We recommend that the above matrix be used to determine scale point according to roles, policing circumstances, experience/skills and performance in the police service at all ranks below that of assistant chief constable** *(Recommendation 16)*

Applying the matrix: flexibility, review and monitoring

5.17 Guidance on application of the matrix appears in Appendix XIV and in the following paragraphs. It was briefly tested in one Area Command. The results are summarised in Appendix XV. Appendix XVI provides examples of the theoretical application of the matrix to a sample of officers.

5.18 The experience/skills and performance scores will need, respectively, to be based on judgement and derived from annual performance appraisal as outlined in Chapter 6. Otherwise the matrix is designed to be capable of application to groups of roles within each of the core role families as well as organisational units. It also provides scope for fine tuning on an individual basis where this appears justified or useful. The score for each variable can be adjusted according to local priorities and changing needs over time. **We recommend that the matrix should be periodically reviewed at national level and its application monitored by HM Inspectorate of Constabulary** *(Recommendation 17)*.

Simplicity

5.19 **We further recommend that to avoid undue complexity, scoring should be in full rather than in fractions of points** *(Recommendation 18)*.

Lateral career development and flexibility in manpower deployment

5.20 One basic aim of our revised rank structure was to allow flexibility in manpower deployment (see para 4.7 e)). Applying the scoring matrix to

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scale points in the basic salary scale for various ranks allows for lateral career development. It also allows for flexibility in manpower deployment by permitting movement between a variety of similarly scoring roles within each scale point (Appendix XVII gives some examples of the range of postings which could be available within various scale points at PC level).

Rank entry rates

5.21 Rank entry rates on promotion or completion of probation should be set so as to assume the need for a learning curve. Normally therefore, in calculating the salary scale point for rank entry, 0 points should be awarded for performance in the first year. Otherwise the scale point should reflect the nature of the post with points awarded for the remaining key variables (scope of role, policing circumstances and experience/skills possessed by the individual/required by the job).

5.22 **To reflect the fact that promotion involves a move to an intrinsically more responsible role, the minimum increase in pay on promotion to all ranks from sergeant to superintendent should normally be one pay scale point above the officer's pay point prior to promotion** (*Recommendation 19*). Thus a PC at the top of the PC scale (by virtue of all four key variables) would normally move to one scale point above the mid point for sergeants. We should, however, expect that a PC promoted from the top of the scale, as judged by the new criteria, would be capable of taking on a post which, in terms of scope, circumstances and experience justified a scale point above the mid point. More typically, we would expect officers capable of promotion to have the opportunity to progress before reaching the top of the scale for their existing rank.

Progression

5.23 Progression can be achieved in a variety of ways and at a variety of rates according to the role undertaken and individual performance. Thus an individual can progress by improving performance in the same job or by moving to a job scoring more highly on the scope, circumstances and skills variables but maintaining the same level of performance. **We consider that full use should be made of the opportunities which the new approach provides (subject to role, performance, etc) to accelerate pay progression: officers should be allowed to "jump" scale points and achieve accelerated promotion** (*Recommendation 20*).

5.24 The system also allows scope for some variation in performance within and on movement between pay bands, thereby recognising, for example, the need for a learning curve on movement to higher scoring jobs. Illustrative examples are provided at Appendix XVIII.

5.25 Within this system, performance at constant level with no change to scope of role, circumstances or experience/skills will not achieve progression. **We recommend, however, that one-off non-pensionable**

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individual bonuses should be available as should team bonuses. (Those with an “unsatisfactory” performance marking should not, however, be eligible for any share of a team bonus)¹. (Recommendation 21)

5.26 The bonuses we have recommended will allow individuals performing satisfactorily to benefit not only from increases in the value of scale points as the basic scale is uprated (see Chapter 8) but also to be rewarded for special contributions they or their team have made during the year in question (Chapter 9 discusses bonus allocation).

5.27 **We also recommend that an “unsatisfactory” individual performance marking (see Chapter 6 paragraph 6.42 d)ii) should lead to loss of any increase in pay resulting from annual scale uprating (see Chapter 8) (Recommendation 22).**

5.28 It may also be necessary in such cases to consider:

- a) a move to a lower weighted job;
- b) the initiation of inadequate performance procedure.

5.29 **We recommend there should be scope, at management discretion, to allow an individual to retain his scale point for a period of up to 1 year (variable either way at the discretion of the chief officer). This is so as to allow performance to be assessed in a new role and to allow recognition of, for example, circumstances such as ill-health which may affect performance but are beyond the individual’s control. (Recommendation 23)**

Implementation

5.30 Chapter 16 proposes an approach to implementation taking account of assessment needs, delegation of budgetary management and related responsibilities. Chapter 6 provides recommendations on performance measurement and appraisal.

CHIEF OFFICERS

5.31 We do not consider it would be appropriate to apply the matrix at chief officer level. This is partly because of the special approach to performance assessment recommended in Chapter 6 and the special bonus arrangements recommended in Chapter 7. It is also because we expect proposed changes to financing arrangements and our own recommendations to make a substantial difference to roles and responsibilities at this level. The following adaptations will, in our view, need to be made.

Chief constables

5.32 The pay point is currently determined by the population of the force

¹ See Chapter 6, paragraph 6.42 d)ii).

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area. There is also an opportunity to receive pay additions based on length of service. **We take the view that a single scale should be established in respect of chief constables' pay (see Chapter 7).** Following the Home Secretary's proposed reform of police financing arrangements and clarification of the constitution of police authorities, **the position of newly appointed chief constables on the scale should, in our view, be a matter for the judgement of the reformed police authorities. In setting the scale position in respect of each post, police authorities should take account of:**

- a) **the responsibilities to be carried out in the particular post, with particular reference to the size of the budget to be managed under the new arrangements and the core role definition for chief constable set out in Appendix XIII;**
- b) **the experience and skills required for the particular post;**
- c) **the experience and skills of the individual.**

(Recommendation 24)

5.33 This approach combined with the establishment of a single scale will provide a level of consistency by reference to the core role and budgetary responsibilities whilst allowing flexibility to take account of the experience and skills needed. It will allow ACCs already on high scale points to be appointed to any chief constable job if the police authority judges it right to set the rate at the appropriate level. For example, the police authority of a small force might choose to offer a relatively high scale point if it judges that particular problems mean it is necessary to appoint a particularly experienced ACC to the post.

5.34 We also consider that **pay progression and bonus opportunities should be available at chief constable level** *(Recommendation 25)*.

Bonuses will provide a mechanism to allow chief constables' pay to be informed by performance. They will allow recognition of the particular importance of performance at this level to the overall effectiveness of resource management and leadership.

5.35 Chapter 6 deals with performance measurement and appraisal at this and at ACC level; Chapter 7 sets out the new scales including reference to chief officers who currently enjoy a lead over the top of the chief constables' scale and to bonus opportunities; Chapter 9 deals with bonuses and brings together the various factors which will need to determine pay progression; Chapter 10 deals with arrangements for serving officers.

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Assistant chief constables

5.36 Chapter 7 recommends a pay scale for ACCs. This provides opportunities for pay progression within rank; takes account of the revision of the core role for the new rank and adjusts differentials.

Positioning of ACCs on the revised scale should in our view be a matter for the judgement of the chief constable in consultation with the police authority. As in the case of chief constables, this judgement should be exercised by reference to the responsibilities carried by the particular ACC post (in relation to the core role); the experience and skills required to fill it and the experience/skills of the individual (*Recommendation 26*).

CHAPTER 6: PERFORMANCE MEASUREMENT AND APPRAISAL

6.1 In relation to performance measurement and appraisal in the police service, two points were particularly stressed in evidence to the Inquiry:

- a) the difficulty of devising performance measures for police officers;
- b) the inability of the existing, or some would say, any appraisal system to support a relationship between pay and performance.

6.2 Whilst we do not wish to underrate the difficulty of performance measurement in the police service, we are well aware that this issue has already been taken out of the “too difficult” drawer by the government, the Audit Commission, HM Inspectorate of Constabulary and a number of far-sighted chief officers. This is in the context of devising national and force performance indicators, the Statement of Common Purposes and Values and its equivalents. A number of chief officers have drawn up strategic and corporate plans for implementing these.

6.3 It seems to us that if performance indicators and planning to meet them are to work in practice, officers at all levels need to be fully aware of what is expected of them. They also need to be judged in real terms by their contribution in delivering them. We cannot see how there can be a real prospect of any organisation meeting its performance targets unless those working within it have a clear view of the part they are to play. The best of force performance indicators and strategies begin the task of measuring performance by providing quantifiable measures of achievement. In our view performance measures for individual officers provide a crucial part in this. They address the issue of how the service can manage the largest resource at its disposal – its manpower – so as to meet factors critical to success in achieving its wider qualitative and quantitative objectives.

6.4 We have no intention of rehearsing again all the arguments for and against an approach to policing which provides for a declaration of objectives and performance measurement. The need for such an approach has already been established. Work on the overall approach to performance measurement for the service is to some extent still in progress. We see our contribution as focusing on ways in which our recommendations can support and carry forward this work, helping service objectives to be delivered in practice. We see no point, either, in engaging in a sterile debate as to the pros and cons of potential performance measures such as (in the context of crime detection) numbers of arrests which have already been dismissed in the wider debate because they are clearly too crude or conflict with other important service aims.

CHAPTER 6: PERFORMANCE MEASUREMENT AND APPRAISAL

6.5 We do not regard it as our task to devise sets of performance measures to be applied to all officers at all ranks in the service. This would involve judgements which only those concerned with translating, for example, the Statement of Common Purposes and Values or force and national performance indicators into action are truly able to make. It is for them to decide how best responsibilities can be distributed and to determine the contribution which officers at various ranks, in various locations can make to meeting them.

6.6 This said, there seem to us a number of helpful signposts to the way forward. Other chapters of this Report suggest some measures by which line managers' performance might be judged (see, for example, para 5.2). The Statement of Common Purposes and Values and its equivalents (see Chapter 2) helpfully outline the basic categories of tasks for the service, and suggest qualitative measures to be applied in seeking to achieve them. Performance measurement for individuals must, in our view, address the following points:

- a) who is responsible for what contribution to meeting force or service-wide objectives?
- b) what measures do they propose to take to secure effective delivery?
- c) how will their success or otherwise be judged and by whom?

WHO AND WHAT?

6.7 We are clear that the "who and what" of service delivery must start at the top. In the case of the police service, this means chief officers. Otherwise there can be no clear focus of accountability, both credit and blame can endlessly be shuffled between elements within and outside the tripartite structure and, most dangerously, between senior police service management and the individual officers at various levels who make up the force. There should be a top-down but also a two-way approach to performance measurement at chief officer level. This means chief officers will be held accountable for delivery. It also, in our view, means that chief officers should be empowered to manage. This is a focus of a number of the initiatives which have been announced recently and provides the broad thrust behind our own recommendations on future police rank structure, pay and conditions of service (see Chapter 1). In particular we have proposed removal of a number of bars to effective management imposed by the existing rank structure and the current approach to determining conditions of service (see Chapters 3 and 11).

6.8 We also regard it as crucial to be clear to whom the chief officer is responsible for what. We welcome the Home Secretary's proposals for reform of police authorities. We also know work is in progress, to define

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police accountability in terms of the government's objectives for the service.

6.9 A further point (see Chapter 1) is that, in our view, chief officers must be capable of being employed and dismissed by reference not only to their own conduct and achievements, but also those of their force. Chief officers' achievements should be judged in terms of both local and national objectives. Finally we consider that all parties must be clear about their responsibilities and that there must be a two-way agreement at all levels as to what these are.

6.10 **We recommend that to provide a crucial focus for all this, an agreement should be reached between the chief constable and his/her police authority which sets out how the chief officer proposes to meet the national and other objectives reflecting the Statement of Common Purposes and Values and its equivalents and how he/she proposes to deliver force performance indicators. (There should be an exception to this in the case of the Chief Constable of the RUC – see paragraph 6.20 and Chapter 14). (Recommendation 27)**

6.11 **We recommend that similar agreements be reached between chief constables (in consultation with reformed police authorities) and assistant chief constables. Performance agreements for ACCs should reflect the chief constable's own performance agreement showing what contribution each ACC is expected to make (Recommendation 28).** (Chapter 16 discusses the timescale within which these agreements should be concluded. It proposes that finalisation of agreements for chief officers should wait until the composition of police authorities is clarified by legislation and the new police authorities are in place.)

HOW?

6.12 The Statement of Common Purposes and Values and its equivalents set out four main objectives for the police service:

- a) to prevent crime;
- b) to pursue and bring to justice those who break the law;
- c) to keep the Queen's Peace; and
- d) to protect, help and reassure the community.

6.13 In our view the task of chief officers and the criterion by which their performance should be judged is their ability to use available resources with maximum efficiency in order to achieve these objectives and related force performance indicators. **We accordingly recommend that performance agreements for chief officers should focus on:**

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- a) **measures being taken to achieve the objectives outlined in the Statement of Common Purposes and Values and its equivalents as well as to meet standards agreed in the context of force and national performance indicators;**
- b) **the cost effectiveness of these measures in terms of use of resources (taking in finance, personnel and management control);**
- c) **quantitative and qualitative measures of success.**

(Recommendation 29)

6.14 Clearly this entails defining in the light of local circumstances, the relative priority to be given to each of the four objectives outlined in the Statement of Common Purposes and Values, its equivalents and related force or national performance indicators. All concerned will also need to be clear about the proportion of relevant resources which are to be devoted to each. It will be necessary for chief officers' performance agreements to take in appropriate supporting management initiatives and their objectives as well as the measures to be used in assessing whether they have been successful.

6.15 We do not consider it is for this Inquiry to say, in relation to each of the elements of the Statement of Common Purposes and Values or performance indicators, what weight should be given to particular elements or what management initiatives are needed to support their achievement. We do, however, see a number of key indicators which can inform performance agreements between chief officers and their police authorities. These address in particular, the question of cost-effective delivery. They include:

- a) the proportion of man-hours devoted to front line operational policing;
- b) management on-costs of operational police constables;
- c) agreed measures concerning budgeting matters, including the need to secure an effective balance between resources devoted to management information systems, other non-pay running costs and pay costs;
- d) agreed measures of performance relating to personnel matters including wastage rates, substantiated complaints against police (i.e. those which result in a finding or admission of guilt), management of overtime, sickness absence levels; trends reflected in staff surveys and other measures of recruitment, retention and motivation;

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- e) measures of force performance against local and national trends in crime and clear-up rates set against crime prevention and detection initiatives agreed in the context of strategic plans;
- f) measures of public satisfaction, for example, opinion surveys;
- g) measures relating to levels of public tranquillity, including, for example, the management of large scale public events¹.

6.16 These indicators in turn can be set against both overall force and service objectives. Moreover, they, like force and service objectives, need to be balanced against one another. Judgements should be made in the light of available resources and agreed budget allocations. It will also be necessary to ensure, for example, that:

- a) increases in man-hours spent on operational policing are not achieved at the expense of investment in management information systems which could secure their more effective use or reduce manpower needs;
- b) resource allocation and targeted efficiency savings are not impacting adversely on recruitment, retention and motivation.

6.17 The “how” of this balancing of priorities and allocation of resources must also be built into two-way performance agreements between chief officers and police authorities. We consider it entirely feasible for this to be done on an individual basis as part of the process of drawing up and agreeing strategic and corporate plans for meeting service and force objectives.

6.18 We also consider that, once defined in these terms at chief officer level, performance measures can be translated into objectives and performance measures for units and the officers managing them as well as individuals operating at the front line.

This would need to be taken into account.

APPRAISING PERFORMANCE

Chief officers

6.19 It will be for police authorities to make a broad judgement each year as to the performance of chief constables against agreed objectives. Clearly there should be an opportunity for discussion of performance between chief constables and their police authorities both before and after this judgement is made. **Agreeing and reviewing performance measures should be an open, on-going and two-way process at this as at other levels.** (*Recommendation 30*). **Similarly chief constables should make an**

¹ Chief officers do not themselves have the power to ban marches.

assessment of ACCs' performance and discuss this with them.
(Recommendation 31)

The Chief Constable of the RUC

6.20 In the case of the Chief Constable of the RUC we consider that special considerations apply. These relate to the present troubles (see Chapter 7, paragraph 7.32 and Chapter 14).

Ranks from PC to superintendent

6.21 An approach to pay progression at these levels is set out in Chapter 9. What we have said with regard to performance measures for chief officers and pay determination has a number of other implications however. There must be an approach to appraising the contribution individuals at other ranks make to the organisation, unit or team. In this instance a more formal appraisal system is likely to be necessary.

6.22 We acknowledge the importance of measuring the extent to which an individual at any rank has the core competencies necessary to deliver the required level of performance. This is important in terms of their capacity to undertake the responsibilities of their role effectively and, for example, the identification and meeting of developmental needs. We do not, however, consider it is sufficient to appraise core competencies alone. In the light of criticisms of existing appraisal systems in evidence submitted to the Inquiry and the needs associated with our own recommendations, we commissioned advice and an outline appraisal form from Ernst & Young and Towers Perrin. Before describing the main components of our proposed approach to appraisal, it is, however, important to review the purpose of performance appraisal.

PURPOSE OF PERFORMANCE APPRAISAL

6.23 The overall purpose of a performance appraisal system should be to enhance the organisation's ability to deliver its objectives both in terms of what it achieves and how it performs. Within this overall purpose it is possible to identify **a range of specific purposes to be fulfilled by an appraisal system which, in the case of the police service, would encompass:**

- a) **providing officers with the encouragement and motivation to perform and develop their competencies;**
- b) **creating opportunities for regular performance discussions and the provision of clear feedback;**
- c) **enabling individual officers to understand how their objectives and contribution may support force and service objectives;**
- d) **providing an opportunity to review skill development needs and plan career development;**

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- e) **creating a framework for specific performance plans to be developed;**
- f) **reviewing actual performance to provide a rating which would have an impact on rewards** (*Recommendation 32*).

6.24 It is clear from this that the purposes of appraisal will not be achieved by the design of the appraisal system and forms alone. A successful approach will require the investment of managerial time and effort and the development of appropriate skills, including thorough training.

AN APPROACH TO APPRAISAL IN THE POLICE SERVICE

6.25 **Against the above background we consider an appraisal system for the service should cover the following:**

- a) **planning performance;**
- b) **managing performance;**
- c) **appraising performance;**
- d) **the appraisal process;**
- e) **monitoring** (*Recommendation 33*).

Planning performance

6.26 The appraisal system should deal with what should be done and achieved and how things should be done. This should be agreed in discussions between officers and their line managers to establish:

- a) **specific objectives, or the main results expected within an agreed timescale. It should be the responsibility of line managers, in discussion with countersigning officers, to ensure that these objectives, taken together for the unit, meet force requirements;**
- b) **the main enduring tasks involved in the job; and**
- c) **competencies, which should include skills, behaviours and the technical and professional competencies required for the job** (*Recommendation 34*).

Managing performance

6.27 **The performance appraisal system, to be effective, must provide a role for a countersigning officer at least one rank higher than the line manager. It must be totally open. It must also be an ongoing process rather than an annual event. The frequency of review (to adjust objectives, provide encouragement and feedback) should reflect normal working**

routines rather than being imposed. Nevertheless, the system may need to contain some structure or formality in the early stages to encourage good habits. Initially it may therefore be necessary for formal periodic, e.g. six-monthly, review dates to be agreed (Recommendation 35). As best practice becomes a natural way of managing or behaving, the system can take a less formal approach to review and still achieve its purpose.

The appraisal system

6.28 We have no wish to prescribe a national appraisal form for the police service. In the light of evidence we received it nonetheless appeared to us that it would be helpful to supply an outline. **An outline appraisal form is accordingly supplied at Appendix XIX. This should be discussed and adapted to meet force needs (Recommendation 36).** The outline provides for appraisal in relation to:

- a) objectives;
- b) the main enduring tasks involved in the job (the principal accountabilities); and
- c) competencies.

It also provides for self-appraisal which should be expanded if the system is to be successful. It does not provide for upward appraisal though this too could be introduced as and when the service or individual chief officers wish.

Objectives

6.29 These would be the subject of a two-way agreement. They would also be related to force strategic plans. Critical success factors would be defined in advance. The outline form allows each objective to be measured separately with either a score or narrative rating depending on its nature. Although each objective would be measured separately, overall performance in terms of objectives would be summarised in a narrative.

Main enduring tasks involved in the job (Principal Accountabilities)

6.30 These would represent the core of the job in terms of the ongoing activities and responsibilities involved. By focusing on these aspects of the job, assessment of performance would help to ensure that individuals did not neglect essential elements of their jobs while seeking to maximise their performance in terms of objectives. Performance standards or at least indicators of performance, could be developed nationally or locally for each accountability.

6.31 The line manager would review the role with the individual and highlight those accountabilities that deserve particular attention for positive or negative reasons.

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6.32 The outline form provides for a written assessment of performance in these tasks.

Competencies

6.33 Part of the appraisal process needs to evaluate an individual's actual level of skill or competence in relation to the required skill level. Such an analysis produces helpful information on gaps in skills which can then be linked directly to training and development.

6.34 The process of assessing an individual's skills produces much of the value of any performance appraisal system. Therefore, it is essential that this stage of the system is as rigorous and open as possible. We consider that discussion between the individual and his or her line manager will be most effective if there is no mechanical scoring system which directly and explicitly connects the assessment of each skill area with the overall rating of performance.

6.35 In any event, the use of a mechanical scoring system would require each skill area to be weighted in order to produce an overall score. This adds a degree of complexity without necessarily adding real value to the process.

6.36 Accordingly, we consider that individuals and their line managers should discuss each competency, focusing primarily on those where there are gaps and agreeing upon the action which should be taken.

An overall assessment of competence

6.37 The information provided by the assessment of each of the areas referred to at 6.28 a)-c) can then be used by the manager to produce an overall summary of the individual's level of competence, ideally in narrative form.

An overall assessment of performance

6.38 All three aspects of performance (in terms of objectives, principal accountabilities and competencies) should influence the overall assessment of performance.

6.39 As explained above, our outline form provides for scores or narrative assessments of performance in terms of objectives, principal accountabilities and competencies. These would be used to support a single overall performance rating (Recommendation 37). In reaching a decision on this rating, line managers would be influenced by their assessment of the relative importance of each objective, principal accountability and competency but not be constrained by any pre-defined weighting. In a very results orientated role, performance in terms of objectives and principal accountabilities might carry a heavier weighting than in a role where the way things are done is more important.

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6.40 **The purpose of producing an overall rating of performance is partly to provide information for salary and promotion decisions. The rating also provides messages to individual officers about how they are perceived to be performing. These messages should be delivered through discussion rather than through the rating (Recommendation 38).**

Number of performance categories

6.41 The optimal number of performance categories to be used in an appraisal system is a subject of much debate. Some organisations take the view that there are only three different levels of performance:

- a) better than satisfactory;
- b) satisfactory;
- c) below satisfactory.

6.42 Most organisations, however, feel they are capable of slightly more precision than this and use either four or five categories. **The outline form proposes that five categories grouped into four performance ratings should be available as shown below:**

- a) **outstanding;**
- b) **commendable;**
- c) **satisfactory;**
- d) i) **relatively new in the role and learning, or**
ii) **unsatisfactory (Recommendation 39).**

6.43 To ensure a degree of consistency at force level and below it would be necessary to compare the proportions in each category, in each function and across territorial units. This is not to suggest that rigid quotas will need to be established but rather that there should be a template which can be used to highlight differences by function and unit and to seek an explanation of them. A “normal” distribution curve could be expected to yield the following:

	Rating	% of staff
a)	Outstanding	5
b)	Commendable	10
c)	Satisfactory	75
d)	i) relatively new and learning, or ii) unsatisfactory	10

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6.44 With the proposed four ratings there may be a concern about the tendency of line managers to rate too many people in the “satisfactory” category. There is an important role for countersigning officers here. But a high proportion of “satisfactory” ratings may not be an issue if:

- a) it reflects reality (as indicated above, this rating should account for the largest proportion of officers); and
- b) it does not conflict with the essential purpose of encouraging effective performance and identifying development needs and action.

6.45 This essential purpose can probably best be achieved through the use of a rating scale which does not require too many apparently precise distinctions in performance level. The more distinctions there are, the more room there is to distract attention from the real purpose of the process.

Rewarding performance

6.46 **The performance appraisal system adopted should provide a single performance rating (combining performance in terms of objectives, principal accountabilities and competencies). This performance rating would then inform pay using the matrix proposed at Chapter 5 (Recommendation 40).**

An outline of the proposed performance management process

6.47 In association with our outline form, it seems helpful to suggest actions which might need to be taken at each of the main stages in performance management:

- a) *Preparing for appraisals*
 - i) line manager compiles information, including factors from other areas and individuals in preparation for main appraisal discussion;
 - ii) officer completes self-appraisal forms;
 - iii) line manager reviews probable ratings with the countersigning officer;
- b) *Conducting appraisals*
 - i) appraisal form is completed by line manager;
 - ii) countersigning officer completes comments section;

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- iii) report is fully disclosed to officer appraised;
- iv) main appraisal discussions take place:
 - 1) performance reviewed;
 - 2) training and development action plans agreed;
 - 3) ratings discussed;
- v) planning for next year completed (in terms of specific objectives and any changes to principal accountabilities and competency requirements);
- vi) officer completes comments section;
- vii) decisions on performance ratings input to salary review process.

c) Conducting performance reviews

Reviews of performance take place at regular intervals which fit in with normal working routines.

Monitoring

6.48 Chief officers should ensure that appraisals and performance reviews are monitored on a regular basis from an equal opportunities perspective. This is to ensure that no requirements or conditions are being imposed which may lead to unlawful, indirect discrimination (Recommendation 41).

PART III: PAY AND EARNINGS

CHAPTER 7: PAY LEVELS AND PAY SCALES

PAY LEVELS

7.1 We agree with the Edmund-Davies Inquiry that an attempt to choose an effective comparator group for determining pay levels at PC level, in particular, is extraordinarily difficult. This is because of the number of different types of duty which PCs undertake. **We nonetheless consider that it is possible, indeed important, to look at the broad market position of police pay. This should be done in relation to pay on recruitment and in benchmark roles.**

7.2 We recommend that such checks should be carried out in relation to pay in the private sector (*Recommendation 42*). The decision to check competitiveness by reference to the private sector rather than the public sector was made on the basis that:

- a) we agree with the conclusion of the Megaw Commission (which examined civil service pay arrangements in the early 1980s) that private sector organisations are “more likely to be accurate barometers of what the national economy can support through their more direct experience of the competitive pressures of the market”;
- b) we consider that the overall remuneration and conditions of service package we are recommending for the police service is one which matches the private sector much more closely than is presently the case elsewhere in the public sector and that this should be reflected in our approach to assessing market competitiveness.

7.3 Our later recommendations regarding the approach to adjusting to market levels particularly in respect of pay for senior officers, reflect separately the growth in certain roles which we consider will be needed in connection with:

- a) the Home Secretary’s proposals regarding the reform of, for example, financing arrangements;
- b) the greater emphasis on performance which will result from recent developments regarding performance measurement at service and force level;
- c) the impact on certain roles of our approach to rank structure and spans of management control; and
- d) our own proposals for ensuring that individuals are rewarded in a way which is commensurate with their contribution.

LEVELS CHECK CARRIED OUT BY THE INQUIRY AND THEIR METHODOLOGY

7.4 We asked Ernst & Young and Towers Perrin to carry out two levels checks. To overcome difficulties in matching roles, given the wide range of duties undertaken by police constables, the first survey undertaken by Ernst & Young and Towers Perrin checked the market position of the police entry scales based on entry level recruitment criteria.

7.5 An analysis of police recruitment practice and criteria was used to establish a framework. This was then, through a survey, matched with practice across 19 private sector organisations representing manufacturing, retail, high technology and service organisations. Basic entry pay data was collected at different age levels for both general and “high flyer” graduate entrants.

7.6 The second study was carried out to obtain an indication of the market competitiveness of police basic pay at sergeant, inspector, superintendent and chief constable level. This entailed a process of matching benchmark roles against incumbent roles in 106 companies.

7.7 Analysis of the range and level of responsibilities of police officers as reported in the roles and responsibilities study was used to guide the matching process. The factors used were:

- a) reporting levels;
- b) numbers managed;
- c) range of responsibilities (particularly in relation to management/support roles); and
- d) levels of responsibility.

Basic pay and total remuneration

7.8 Both surveys also took account of benefits and perquisites with a view to yielding figures for total remuneration as well as basic pay. It was found, however, that these features were impossible to value on a consistent basis owing to the special features of both policing and private sector employment. We therefore concluded that **market competitiveness should be judged in relation to basic pay levels with other elements of police pay being examined on their merits by reference to particular fetures of policing** (*Recommendation 43*). This approach is reflected in our recommendations regarding pay additions (Chapter 9).

Choosing a benchmark

7.9 Our terms of reference required us to ensure that rewards were set and maintained at a level adequate to ensure the recruitment, retention and motivation of officers of the “right” quality.

THE “RIGHT” QUALITY

7.10 Our review of the distinguishing features of professional policing and their significance (Chapter 1, paragraphs 1.7-1.8 and Chapter 2) provide one basis on which we assessed what the “right” quality of officer should be. To recap, the particular points which should, in our view, be emphasised are:

- a) the extraordinary nature of police powers, in particular police monopoly of the use of legitimate force;
- b) the exceptionally high level of integrity required by the nature of policing functions;
- c) the sensitive, quite often dangerous and sometimes explosive nature of situations in which police are expected to exercise control.

To this we would add the considerations outlined above regarding expanding roles and responsibilities in the police service of the future.

7.11 On this basis we conclude that **police officers of high calibre are and will continue to be required and that this should be reflected in choosing the benchmark against which police pay levels should be judged** (*Recommendation 44*). We considered the implications of this analysis for the choice of benchmark pay level. Our conclusions were as follows.

CHOICE OF A BENCHMARK PAY LEVEL

The lower quartile

7.12 We considered that the lower quartile of market rates should not be used as a benchmark. This was because an ability to compete only at the lower quartile would not secure the recruitment and retention of officers of the high calibre required to meet the present and the future needs of the police service.

The upper quartile

7.13 The upper quartile was rejected partly on the grounds of affordability. We acknowledge that our own recommendations and other developments mean the police service needs to be in a market position to allow recruitment and retention of officers of a very high calibre. Implementation of our proposals would still not, however, place the police service in direct competition with the private sector at any level except that of police constable on recruitment. This is because entry to the higher ranks is, and should in our view remain, reserved for in-service candidates.

7.14 We do not consider, therefore, that the upper quartile of private sector pay levels is a justifiable benchmark to use.

The median

7.15 We accordingly consider that **the benchmark for police pay levels should be the median of private sector pay**. We adopted this approach in analysing the results of our own levels checks and **recommend that future levels checks (see Chapter 8) should use the same benchmark** (*Recommendation 45*).

FINDINGS OF THE LEVELS CHECKS

7.16 These are summarised in the table at Appendix XX.

Base entry rates

7.17 The findings of the first levels check confirmed evidence to the Inquiry that police base salary entry rates were well above the market. The lowest entry point, given a non-graduate entrant age 22, was 148.7% of the median. **We recommend that the lowest entry point on the police constable scale should be dropped to the median for this age group (i.e. the age group which aligns most closely with current policy and practice in respect of the age of recruits to the police service)** (*Recommendation 46*).

7.18 We also consider, however, that pay rates on recruitment should:

- a) allow for a more targeted set of criteria than age to be applied and recognised in starting pay rates (as well as being built into recruitment policy); and
- b) allow scope for the service to recruit, for example, high calibre graduates and other highly skilled and mature entrants.

To allow scope for this to occur, **we recommend that the top of the PC entry scale should match the private sector median for graduates** (*Recommendation 47*).

7.19 At present, rates on recruitment reflect only the age of the new entrant. As indicated above, we consider that a more targeted set of criteria should be applied and recognised in starting pay rates and built into recruitment policy. Accordingly **we recommend that the position of a new entrant on entry points within the scale should be determined, at local discretion, by reference to:**

- a) **qualifications (degree or equivalent);**
- b) **relevant experience of the new recruit;**
- c) **the state of the local employment market** (*Recommendation 48*).

7.20 Guidance and a scoring matrix for use in making judgements as to the appropriate starting point is at Appendix XXI. Given the relationship we have established between the private sector median for graduates and

the top of the entry scale, this provides for a “bar” at the top two points of the entry scale which we recommend should only be available as entry points for graduates or those with degree equivalents (*Recommendation 49*).

Pay for other ranks included in the levels check

Sergeant

7.21 The midpoint of the revised sergeants’ scale was found to be slightly above the median (112%). We consider it is justifiable for the midpoint of the revised sergeants’ scale to be above the median for the present in view of the revised core role of this front line operational rank. The present lead is reflected in the revised basic scales set out at paragraph 7.42 below. Our proposals for funding pay flexibilities (see Chapter 8 - paragraph 24) will adjust this scale point towards the median. Following the next levels check undertaken, the aim should be for all scale midpoints to be on the median (*Recommendation 50*).

Inspector

7.22 The midpoint of the revised inspectors’ scale was found to be slightly below the median. Under our rank structure proposals the midpoint would reflect a revised core role. We considered the midpoint needed to be adjusted to take account of a variety of factors as follows:

- a) the median;
- b) the revised role;
- c) the need to take account of certain changes in conditions of service (see Chapter 9).

7.23 We concluded that a combination of these factors justified moving the midpoint to just above the median (104%). This is reflected in the revised basic scales set out at paragraph 7.42 below. As in the case of the sergeants’ scale, the midpoint should be adjusted to the median following the next levels check (*Recommendation 51*).

Superintendent

7.24 Superintendents in support roles were found to be above the private sector median. Under our proposals to reform the rank structure, the midpoint of the revised superintendents’ scale would not be a support role. It should be raised to a role equating broadly with that of a BCU commander. Our levels check showed that pay for BCU commanders was below the median. We concluded that it needed to be adjusted to reflect the revised core role (*Recommendation 52*).

7.25 With regard to movement to the median, however, we considered that at superintendent rank, as at other senior ranks (see below),

performance should play a particularly key role in pay. **We accordingly concluded that for the midpoint of the superintendents' scale, movement to the median should initially be achieved through a combination of opportunities for performance bonuses and scale movement (Recommendation 53). A bonus opportunity of up to 10% is accordingly recommended for all scale points from the mid point to the top of the superintendent scale (Recommendation 54). We further recommend that over the next 3-5 years the midpoint of the scale should be moved to the median and opportunities made available to earn additional bonuses on the basis of performance (Recommendation 55).**

Chief constables

7.26 The midpoints of the existing scales were well below the median for all population bands. We considered that scale ranges and differentials needed to be adjusted and that, as in the case of superintendents, performance should play a particularly key role in pay. We have already recommended that a single scale should be provided for chief constables (see Chapter 5, paragraph 5.32). **We recommend that the midpoint of the revised chief constables' scale should be adjusted to provide better differentials and that movement to the median should initially be achieved by means of performance bonus opportunities of up to 30% (Recommendation 56). We further recommend that over the next 3-5 years the midpoint of the chief constables' scale should be moved to the median and opportunities made available to earn further bonuses on the basis of performance (see Chapter 9 paragraph 41) (Recommendation 57).**

Senior ranks which enjoy special pay leads

7.27 The present basic pay scale provides for certain pay leads, for example, by aligning London senior officers to particular points on the ACPO ranks' scales. **We consider that, given the particular policing circumstances of London, there should continue to be links between pay rates for senior officers in London (below deputy commissioner) and the upper end of chief officers' pay scales. Subject to review by the Commissioner of the precise links following any reorganisation of the MPS (their evidence refers) we recommend that these links should continue to be made (Recommendation 58).**

7.28 There are also arrangements for certain officers to be paid at a rate above the top of the chief constables' scale. These officers are:

- a) the Commissioner of Police of the Metropolis;
- b) his deputy;
- c) the Commissioner of the City Police;
- d) the Chief Constable of the RUC.

CHAPTER 7: PAY LEVELS AND PAY SCALES

7.29 We recognise the case for all these officers to maintain their existing pay leads over and above the top of the chief constables' scale. **We recommend that pay leads over and above the top of the chief constables' scale be retained and that in all cases except that of the Chief Constable of the RUC (see paragraph 7.32 below) the 30% bonus opportunities we have recommended for other chief constables should also be available** (*Recommendation 59*).

The Commissioner of Police of the Metropolis: external pay links

7.30 We recognise that this recommendation will break the existing pay link between the rate for the Commissioner of Police of the Metropolis and the rate for the Permanent Secretary of the Home Department. **We recommend that the link should be broken: in our view the special features of policing mean that the jobs are not comparable. Since the link was established there has also been substantial reallocation of responsibilities within the Home Office and between the Home Office and other departments** (*Recommendation 60*).

7.31 We further consider that pay uprating for the Commissioner should be determined by reference to pay uprating of chief constables' scales. This is so as to maintain consistency and appropriate differentials within the police service. **The implication of this is that pay uprating for the Commissioner should not be settled by reference to the recommendations of the Top Salaries Review Body** (*Recommendation 61*).

The Chief Constable of the RUC

7.32 We have already said that in the case of the Chief Constable of the RUC special considerations apply and that these relate to the present troubles (see Chapter 14). **We recommend above that pay for the Chief Constable of the RUC should be set so as to provide a lead over the top of the chief constables' pay scale as at present. Since, however, we do not consider that it would be appropriate at present for any element in pay for the Chief Constable of the RUC to be dependent upon performance, we recommend that 10% should be added to the existing pay lead in consideration of the loss of bonus opportunity** (*Recommendation 62*).

Remaining ranks

7.33 Neither the ranks of PC nor ACC were checked against the market. In line with standard practice in such circumstances the midpoint of these scales was accordingly compared to that of the adjoining ranks.

Police constable

7.34 We concluded that, given revised core role definitions, the differential between the midpoints of the PC and sergeant scale should remain as at present (*Recommendation 63*).

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Assistant chief constable

7.35 We concluded that the midpoint of the assistant chief constables' scale, which under our pay and rank structure proposals would also reflect a revised core role, needed to be adjusted to reflect the revised role. We so recommend.

7.36 As in the case of other senior ranks, we consider, however, that movement to the median should be dependent on performance bonus. We accordingly recommend that assistant chief constables should have a performance bonus opportunity of up to 20%; that the midpoint of the scale should be moved to the median over the next 3-5 years and opportunities then be made available to earn further bonuses on the basis of performance (*Recommendation 64*).

BONUSES

7.37 Chapter 9: Pay additions – pay-related conditions of service and bonuses, sets out an approach to the funding and allocation of performance bonuses at all ranks.

OVERLAPPING SCALES

7.38 At present, police pay scales by rank are butt-ended in all cases except PC to sergeant. A number of items of evidence suggested that scale overlap should be introduced at all levels so as to provide better opportunities to reward performance and greater scope for career development within rank. We agree that scale overlap is desirable for these reasons and accordingly recommend that rank scale ranges are adjusted so that, for the ranks from sergeant to chief constable, the pay scales provide a range from 80% to 120% of the midpoint (*Recommendation 65*).

7.39 In determining the scale range at police constable level, we considered the impact that adding 2 points to the bottom of the entry rate scale for PCs should have on the 80%-120% midpoint range recommended in respect of other ranks. We nevertheless decided, in designing our revised pay scale, to take the current midpoint of the existing constables' scale as a base. This was to reflect our conclusions as to the differential between the midpoints of the constable and sergeant scales (see above) and the wide range of responsibilities exercised by police constables performing the core role to a satisfactory level. We also considered it appropriate to provide greater scope to reward constables, who make up the bulk of the service and many of whom spend their entire career in the rank. Accordingly, we recommend that the combined entry and main scales for police constable provide a range around the midpoint of approximately 75% to 125% (*Recommendation 66*).

CHAPTER 7: PAY LEVELS AND PAY SCALES

EXISTING PAY SCALES

7.40 Existing pay scales for the police service, excluding certain special rates and pay additions for London as well as “regional” allowances are as follows:

Existing Rank Scale	Scale		
	Min	Mid-Point	Max
Constable	12,555	16,754	20,952
Sergeant	20,043	21,518	22,992
Inspector	22,992	24,548	26,103
Chief Inspector	26,103	27,570	29,037
(Insp/Ch Insp)	22,992	26,015	29,037
Superintendent	35,508	37,053	38,598
Chief Superintendent	39,480	40,773	42,066
(Supt/Ch Supt)	35,508	38,787	42,066
ACC	46,542	47,126	47,709
DCC	48,870	53,349	57,828
(ACC/DCC)	46,542	52,185	57,828
Chief Constable	55,482	63,884	72,285

ILLUSTRATIVE REVISED SCALES

7.41 We have recommended in this chapter the following adjustments to basic pay scales:

- a) dropping the lowest PC entry rate to the median for 22-year-old non-graduates and introducing a graduate bar two points from the top of the scale;
- b) providing a total pay range at PC level representing 75-125% of the midpoint;
- c) providing pay ranges for all other ranks representing 80-120% of the midpoint;
- d) maintaining the midpoint of the sergeants’ scale at 112% of the median for the present;
- e) raising the midpoint of the inspectors’ scale to 104% of the median for the present;
- f) adjusting differentials between the midpoints of scales further up the rank structure;
- g) providing for progress to the median by means of bonus opportunities for these senior ranks;

CHAPTER 7: PAY LEVELS AND PAY SCALES

h) making special provision for specific senior posts.

7.42 Chapter 16 provides a timetable for implementation of the Inquiry's recommendations proposing an implementation date of 1 January 1995. Applying these recommendations to the existing pay scale yields the following illustrative revised scales and rates:

Position/Rank	Salary	Role Allocation Matrix Points
Constable (Entry Scale)	10,630	
	11,182	
	11,734	
	12,286	
	12,838 ¹	
	13,390	
(Main Scale)	12,555	1
	13,318	2
	14,082	3
	14,845	4
	15,608	5
	16,372	6
	17,135	7
	17,899	8
	18,662	9
	19,425	10
	20,189	11
	20,952	12
Sergeant	17,214	1
	17,997	2
	18,779	3
	19,562	4
	20,344	5
	21,127	6
	21,909	7
	22,692	8
	23,474	9
	24,257	10
	25,039	11
25,822	12	

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Position/Rank	Salary	Role Allocation Matrix Points
Inspector	22,214	1
	23,224	2
	24,234	3
	25,243	4
	26,253	5
	27,263	6
	28,273	7
	29,283	8
	30,293	9
	31,302	10
	32,312	11
	33,322	12
Superintendent (N.B. Up to 10% bonus potential beyond midpoint)	31,030	1
	32,440	2
	33,851	3
	35,261	4
	36,671	5
	38,082	6
	39,492	7
	40,903	8
	42,313	9
	43,723	10
	45,134	11
	46,544	12
ACC (NB Up to 30% bonus opportunity)	41,748	
	43,646	
	45,543	
	47,441	
	49,339	
	51,236	
	53,134	
	55,031	
	56,929	
	58,827	
60,724		
62,622 ²		

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Position/Rank	Salary	Role Allocation Matrix
Chief Constable (NB Up to 30% bonus opportunity)	51,107 53,430 55,753 58,076 60,399 62,722 65,046 67,369 69,692 72,015 74,338 76,661	
Commissioner City Police (NB Up to 30% bonus opportunity)	79,267	
Deputy Commissioner MPS (Same basis as above)	81,645	
Commissioner MPS (Same basis as above)	95,959	
Chief Constable RUC (Current lead + 10% in lieu of bonus opportunity)	95,205	

¹ “graduate” bar at this level. (See paragraph 7.20)

² Rates for MPS Commander and more senior officers to be determined by the Commissioner in line with recommendations in paragraph 7.28.

CHAPTER 8: UPDATING THE BASIC SCALE

THE EDMUND-DAVIES APPROACH TO PAY UPDATING

8.1 The Edmund-Davies formula provides for police pay to increase each year by the underlying increase in earnings in the economy as a whole. In recommending an earnings rather than a pay-based formula the Edmund-Davies Inquiry said “the method used for determining police pay since 1960 has been related to the wages of all manual workers. These have lagged behind earnings and in our view it is essential that there should be a method of keeping police pay up to date and that it should be based on an earnings index rather than a wages index”.

8.2 We agree that police officers should not be compared to manual workers: policing is a profession. In the 1990s the skills and qualities required of a police constable and officers in other police ranks make comparison with manual, or for that matter, other shop floor workers entirely inappropriate for pay or other purposes. We do not, however, agree that this implies police basic pay should be settled by reference to earnings.

8.3 In Chapter 2, paragraphs 2.18-2.27, we comment on the impact of applying the Edmund-Davies formula to police pay over the last 14 years, in particular the effects of the formula in terms of double counting. We also comment on the special factors the Edmund-Davies Inquiry considered should be reflected in police pay and earnings levels. Although we consider these factors relevant, we do not believe the very broad brush approach adopted by the Edmund-Davies Inquiry (which had very different terms of reference from our own) is the best or the only way of taking them into account. Nor do we consider they are the only factors to be looked at.

THE FUTURE APPROACH TO BASIC PAY UPDATING

8.4 Chapter 2, paragraph 2.21, makes clear our view that since the police service has no right to strike, free collective bargaining would not be an equitable approach to the future settlement of police pay. Primarily for this reason but also so as to avoid peaks and troughs in the level of police pay, we favour a formula approach. Our objective has been to identify an approach which will:

- a) maintain pay at a level sufficient to recruit, retain and motivate officers of good calibre on a consistent basis over time (by keeping police pay broadly in line with the market);
- b) command the confidence of the police service and the public by being transparent, simple and objective;

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- c) allow flexibility to match pay to roles, responsibilities and performance (including the expansion of core roles inherent in our recommendations);
- d) reflect the nature of the overall remuneration and conditions of service package we recommend;
- e) avoid some of the pitfalls of the Edmund-Davies approach, in particular “double counting”;
- f) accommodate considerations of affordability by allowing scope for increases in basic pay to be balanced against other changes, for example, changes in conditions of service which impact upon the police pay bill.

8.5 In considering the choice of a formula we examined various indices and a number of approaches to applying them. We also aimed to include a means of regularly checking the level of police pay against the market.

The evidence

8.6 Of those lead interests who submitted evidence to us, only LAAOS, the Convention of Scottish Local Authorities (COSLA) and the Police Authority for Northern Ireland (PANI), proposed a departure from the Edmund-Davies formula. They suggested a system for ranks from PC to chief superintendent which would place “future national salary increases within a relatively narrow band (say about 1/10 either way) around the median level of pay settlements for all sections of the economy in the previous 12 months” (LAAOS).

8.7 Evidence from the Home Departments did not comment on levels of remuneration whilst all other evidence submitted favoured the retention of the Edmund-Davies pay formula. In some cases this was subject to the introduction of a greater degree of flexibility in relation to differentials, incremental progression and individual rewards.

8.8 A number of submissions commented on the relative level of police pay compared to that of other workers in the public or private sector and most referred in one way or another to the point made in the previous Home Secretary’s speech to the 1990 Police Federation Conference that “the level of police pay is fully justified”.

Options for a new formula

8.9 We considered whether police pay could be determined as a ratio of some specific comparative group. Aside from the problems of defining an appropriate group we concluded it would not be possible to devise a multiplier which would seem other than arbitrary.

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8.10 We also considered and rejected a formula tying police pay to price movements. We did not consider an explicit link between police pay and inflation to be acceptable: whilst the retail prices index (RPI) may inform pay settlements across the economy and the market, it is not the only factor employers take into account when settling pay. To compare pay directly with prices is not to compare like with like.

8.11 We therefore concluded that a formula based on pay settlement movements would be preferable. This would avoid problems associated with the earnings-related Edmund-Davies formula as well as pitfalls associated with the two alternative approaches identified above. **Accordingly we recommend that police pay should be uprated by reference to pay settlement movements** (*Recommendation 67*).

Public or private sector settlements?

8.12 We also concluded that an appropriate reference point for police pay settlements would be private sector settlements. This was on the grounds that:

- a) as in respect of pay levels, we agreed with the conclusions of the Megaw Commission. The Commission concluded that comparisons with settlements in the public as well as the private sector, including, for example, pay in local authorities and the nationalised industries was “open to the risk of circularity because public sector organisations naturally look closely at each other when determining their pay”;
- b) further, we considered that the overall remuneration and conditions of service package we were recommending for the police service was one which matched the private sector much more closely than was presently the case elsewhere in the public sector and that this should be reflected in our approach to pay uprating.

Sources of pay settlement data for use in a formula approach

8.13 In seeking an appropriate source of data, a number of possibilities were examined. We were not able to identify a published source which was based on a sound and consistent sample. Nor could we find one which was either simple to apply to the police service or met the criteria we had defined. CBI settlement averages, which we often saw quoted, covered separately the manufacturing and service sections of the private sector and this posed a problem. The IRS databank included basic pay settlements from both public and private sectors and a range of settlement statistics were provided. This too, therefore, seemed an inappropriate source. We noted, however, that the Office of Manpower Economics (OME), a source known to the police service through the police earnings survey, already conducted private sector settlement surveys across the economy as a whole to inform civil service pay negotiations. We consider that it should be

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possible to use this survey data to meet the needs of police service pay updating arrangements.

8.14 We accordingly recommend that the formula for future updating of police pay should be based on the survey of private sector pay settlements already conducted by the OME in connection with civil service pay (Recommendation 68).

Manual or non-manual settlements?

8.15 For the purposes of informing civil service negotiations, the OME conducts separate surveys of private sector manual and non-manual settlements. We have already made clear our view that policing is a profession and that it is not appropriate to compare police officers to manual workers for pay or any other purpose. This view is reflected in a number of aspects of the remuneration and conditions of service package proposed in this Report. **Accordingly, we recommend that OME non-manual pay settlement data be used for the purposes of providing a formula for police pay updating (Recommendation 69).**

Basic or total pay settlements?

8.16 The OME surveys, in particular, make a distinction between basic pay and total pay: total pay includes basic pay plus incentive payments (performance bonuses, merit pay and regional, shift and overtime allowances). The table at Appendix XXII shows the lower quartile, median and upper quartile, for both basic and total pay over the last few years and the differences between them.

8.17 We know that the differences between basic and total settlement figures tend to be small (rarely more than 0.2%) with total pay having a slight lead. It occurs to us that this does not have to be the case: when bonuses are being squeezed in the private sector it might be expected that total pay would move more slowly than basic pay.

8.18 An important aspect of our remit is to link police pay more closely to roles, responsibilities and performance. Other chapters in Part III set out in detail ways in which our recommendations do this. The package is designed to provide, within a structured framework, a high degree of local pay flexibility so that roles, responsibilities and performance may be recognised. We propose options for acceleration and slowing of incremental progression on the basis of performance; overlapping pay scales for ranks in the reformed structure and options to pay one-off non-pensionable individual and team bonuses.

8.19 Whereas in principle it seems appropriate to apply the OME basic pay settlement figure to our recommended pay scale for the police service, we believe there is a need to address the issue of how pay flexibilities are to be funded in the short term.

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Funding pay flexibilities

8.20 Chapter 15 sets out the results of our exercise to cost the principal changes we have proposed across the whole remuneration and conditions of service package. It looks at both long and short term costs. These have been set against the existing pay bill. In conjunction with recommendations on implementation of the reformed rank structure, these proposals point to efficiency savings to be gained from, for example, re-examining manpower allocation and manning levels.

8.21 Implementation of our package, together with other changes will, over time, provide the potential to enhance the local discretionary element in police pay to a level which makes the rewards available well worth striving for. We do not, however, expect, particularly given the need to meet some short term costs, that the package as a whole will provide sufficient early opportunities to introduce the range of pay discretion which we consider to be appropriate. Nor do we consider that over the next year or two the difference between basic and total settlements in the private sector is liable to yield opportunities on the appropriate scale.

8.22 We also note that in the private sector, whatever the increase in discretionary elements being negotiated now, there is an existing base allocation for such pay flexibilities as bonuses: many of these benefits will have been built into contracts. The police service, on the other hand, has no such provision in its funding arrangements at present.

8.23 Set against this, we consider that there is some room, in a developing process which involves adjusting differentials and moving all scale midpoints to the median (see Chapter 7), to slow the rate of growth of basic pay at some levels until a further levels check can be conducted.

8.24 Accordingly we make the following recommendations with a view to providing room, at an early date, to introduce the pay flexibilities we recommend:

- a) **for the first three years following implementation of new pay arrangements, the formula used to inform additions to the pay bill should be the total OME private sector pay settlement figure;**
- b) **that regardless of the difference between the total and basic settlement figures over this period, only two-thirds of the total settlement figure should be added to the total cost of basic pay for the police service. One-third should provide a guide to the element in the total pay bill which might be used to fund pay flexibilities on a local basis;**
- c) **thereafter there should be a check of the broad position of police pay in the market;**

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- d) **scale midpoints should be adjusted towards the median and any necessary adjustments made to differentials;**
- e) **the basic private sector settlement figure should then be applied to the total cost of police basic pay;**
- f) **the difference between this and the total settlement figure should inform local decisions as to what additional pay flexibilities or increases in flexible pay elements might be introduced**
(Recommendation 70).

8.25 The above proposals should not, in our view, limit the power of chief officers, in consultation with police authorities, to fund necessary minimum and/or further pay flexibilities from savings made elsewhere in the budget. This would, however, be subject to the proviso that a proper balance should be maintained between pay running costs and investment in non-pay running costs, including, for example, updating or installing management information systems (see Chapter 16).

Pay uprating: which quartile?

8.26 LAAOS evidence recommended use of the median of pay settlements for all sectors of the economy as the basis for uprating police pay. It suggested that negotiations should take place around the median. We have already set out our reasons for recommending private sector non-manual settlements as the basis for uprating police pay rather than a mixture of public and private sector or manual and non-manual rates. **We do, however, agree with the LAAOS that the median figure is the appropriate benchmark to choose** *(Recommendation 71).*

8.27 Our reasons for taking this view are precisely the same as our reasons for choosing the median of the private sector as a benchmark for establishing the market position of police pay levels (Chapter 7 refers).

The median as a benchmark: single value or a range?

8.28 One of the criticisms of the Edmund-Davies formula (see Chapter 2) was that almost invariably, despite the room for negotiation envisaged by that Inquiry, the formula was applied to every scale point at each rank level. This provided no possibility for increases in basic pay and earnings to be offset against other changes in conditions of service. It also distorted differentials between ranks.

8.29 The benefits of a range-based rather than a single-value formula were put strongly to us by LAAOS. It was said that this would provide for a more realistic balance to be struck in negotiation as between costs deriving directly from basic pay increases and those deriving from pay-related allowances and other conditions of service. It was pointed out that the latter (for example, decreases in hours worked and increases in annual leave), have the potential to add to pay costs.

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8.30 We entirely agree that, nationally, there is a need for increases in the total police pay bill to be settled in the light of all the factors determined at national level which constitute pay bill costs. It is nevertheless the case that the police service has a relatively weak bargaining position (related to the absence of the right to strike). We therefore depart from LAAOS in so far as we do not consider the best way of handling these issues is through negotiations within a set range around the median.

8.31 We also consider that a number of elements to the package we recommend militate against the range approach to applying our preferred formula. These include reductions in the number of pay-related allowances currently available, and in the range of conditions of service to be settled at national level.

8.32 One of our objectives is to achieve greater realism in claims for improving conditions of service at national level. We also wish to control growth in the overall pay bill while providing for a very large measure of flexibility at local level. **At national level greater realism can in our view best be achieved by costing the pay bill implications of any nationally agreed changes in conditions of service. These costs should then be offset directly against the settlement figure yielded by the formula. We so recommend** (*Recommendation 72*).

8.33 We take a different view in relation to the cost of discretionary elements of the package to be decided at local level. The Home Secretary has proposed relaxation of central manpower controls and within a broader cash limited budget, larger measures of budgetary discretion for chief officers.

8.34 We consider that **chief officers should have the responsibility and the maximum possible degree of discretion to decide matters locally. They should be able, in consultation (as opposed to negotiation) with the Staff Side to adjust pay flexibilities, manpower levels, investment in pay and non-pay running costs so as to secure the most effective use of resources.** Subject to the proposals at paragraph 8.24 (including those concerning arrangements for funding pay flexibilities initially), we do not wish to recommend a precise formula for uprating local discretionary pay elements. **Nor should there be a particular approach to balancing local pay additions against locally agreed changes in conditions of service** (*Recommendation 73*).

8.35 We consider that the most effective approach to securing balanced decision-making at this level is an approach based on performance measurement. This should link rewards at all levels in the service to performance and be so designed as to take account of the effectiveness of decision-making in terms both of budgetary considerations and staff welfare (see Chapter 6). **Accordingly we recommend that once a settlement has been reached nationally as to the percentage increase to be applied to**

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the total bill for basic pay (taking account of any adjustments in nationally negotiated conditions of service), it should be open to chief officers, in consultation with their Staff Side, to make such adjustments to aspects of local conditions of service and pay flexibilities as they consider justifiable and affordable (*Recommendation 74*). Decisions will need to be taken in the light of budgetary and management considerations. They should take account of the need to have the freedom to secure additional efficiencies through a balanced application of available funds to both pay and non-pay running costs. This means that we see no reason to require chief officers directly to offset against one another, changes in locally determined pay additions and conditions of service.

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9.1 One other factor to be taken into account in recommending new pay structures for the police service is pay-related allowances. At present, police regulations provide for allowances and pay additions falling broadly into two categories:

- a) allowances directly related to earnings and time worked;
- b) allowances designed to reimburse expenditure.

9.2 They also deal with such entitlements as pay in relation to sick leave.

SICK LEAVE AND RELATED PAY ENTITLEMENTS

9.3 The current entitlement is to unlimited sick leave on full pay. Evidence on this was divided. Some lead interests suggested a reduction in the current sick leave entitlement. Others supported the present arrangements on the grounds of the special nature of police duties.

We recommend that:

- a) **this open-ended entitlement should change;**
- b) **sick leave on full pay should be limited to a period of 6 months; with a further period of 6 months on half pay;**
- c) **the periods in respect of full and half pay should be capable of extension or reduction in individual cases at the discretion of the chief officer;**
- d) **the arrangements should be specified in the National Code of Standards (*Recommendation 75*).**

We commend recent initiatives to improve the local management of short term sick leave and to establish occupational health services.

OTHER ALLOWANCES AND PAY ADDITIONS

9.4 Special pay additions relating to Northern Ireland are dealt with in Chapter 14. Current allowances and pay additions applicable in England and Wales and Scotland are as follows:

- a) detective duty allowance;
- b) dog handlers' allowance;

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- c) firearms allowance and other allowances payable with the approval of the Secretaries of State (where payable);
- d) foreign language allowance;
- e) housing and transitional rent allowance;
- f) overtime, rest day and public holiday working payments;
- g) force and regional allowances.

9.5 Of these we consider a number will be taken into account in our proposed approach to determining basic pay scale points in the light of roles and responsibilities including policing circumstances and experience/skills. **They should accordingly cease to be paid. Allowances falling into this category are:**

- a) **detective duty allowance;**
- b) **dog handlers' allowance;**
- c) **foreign language allowance;**
- d) **firearms allowance and other allowances payable with the approval of the Secretaries of State (*Recommendation 76*).**

Overtime

9.6 The position with regard to overtime is accounted for partly by our proposed matrix which, in evaluating roles, takes account of shift working and related questions as well as disturbance to personal life. But this issue needs to be addressed in greater detail, taking account of the special circumstances associated with policing.

Inspectors

9.7 We have received a great deal of evidence concerning overtime. A good deal of this suggests that it is inappropriate to pay overtime rates in management grades. Particular points have been made about the legitimacy or otherwise of paying overtime rates to inspectors and chief inspectors. **We concur with those who believe that these ranks, or in the light of our revised rank structure proposals, the rank of inspector, should not attract overtime payments. We recommend that this change should be taken into account by revising the midpoint of the inspectors' scale by two scale points as illustrated in the revised scale (Chapter 7) (*Recommendation 77*).** Chapter 7 makes the point that this adjustment is also intended to reward the enhanced professional management role which this rank will undertake and the requirement to achieve closer alignment of basic pay to market rate.

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9.8 Our recommendations on the approach to roles and responsibilities evaluation at this level (Chapter 5) will separately allow overtime requirements in various roles within the existing inspector and chief inspector ranks to be taken into account. Lastly, recommendations at paragraph 9.23 below allow for flexible payments at all levels. This is to deal with circumstances where features of the post (including the need to work exceptionally long hours) make it difficult to fill and this cannot be dealt with through any other pay flexibility provided.

PCs and Sergeants

9.9 We have considered the position of PCs and sergeants. It seems to us that the special factors associated with policing mean there will always be circumstances in which, to make effective use of manpower and to meet emergency needs, exceptional hours will need to be worked by these ranks to deal with exceptional circumstances. Accordingly we have adopted a three-way approach to overtime at these levels.

9.10 In the first place we recommend that **“incidental overtime”, including overtime associated with travelling to and from duty; overtime incurred at the end of duty periods in order to complete particular tasks as well as pre-planned overtime on a duty day, should not attract additional payment or time off in lieu. Given the relationship between the basic scales and the private sector median at these levels, the basic scale should not be uprated to take account of this change (Recommendation 78).**

9.11 We would draw attention to the need to give due consideration to staff welfare in relation to overtime working including the length of time an officer is expected to remain on duty. Requiring staff to work excessive hours on a regular basis is a poor use of resources since it is likely to lead to increased sickness rates. We have already indicated that **a suitable objective for line managers would be balancing resource considerations against staff welfare needs, including in respect of overtime (Recommendation 79).**

9.12 Our second approach to overtime at these levels is through the job scoring matrix which, as indicated in Chapter 5, allows for regular overtime commitments to be taken into account in setting the basic scale point for the particular role.

9.13 This leaves the issue of special circumstances. It seems to us that whereas policing invariably involves a good deal of overtime working there are exceptional circumstances which justify additional payments over and beyond what might have been expected of a professional in any other occupation or what might be rewarded through job banding. Examples of such circumstances include:

- a) exceptional overtime working associated with policing public order incidents which cannot be dealt with by rostering

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arrangements – this category is intended to include such events as riots and also large scale management needs associated with, for example, carnivals and sporting events;

- b) the policing of crises and emergencies including such incidents as air and rail crashes;
- c) the investigation of serious criminal offences including, for example, serial murders and rapes.

9.14 We consider that for the front line ranks of PC and sergeant, additional payments are justified to allow the service sufficient flexibility to recognise these exceptional circumstances through pay. We do not, however, consider an appropriate approach to such events is to pay on the basis of hours worked: it seems to us that such an approach does not allow either the reality of the circumstances to be taken into account or the system to be managed in the most cost-effective way. In the circumstances **we recommend that, at the discretion of the chief officer, officers at the ranks of PC and sergeant should be offered a cash premium for undertaking such work (Recommendation 80). In the event of mutual aid incidents, a set cash premium relating to the type of incident involved might, in some cases, be determined in advance at ACPO level. In all other cases the level of premia in respect of mutual aid should normally be determined by the chief officer(s) of the force area(s) in which the incident takes place. As at present, the force setting the level of premium in mutual aid cases should reimburse the cost of premia paid to officers from other forces (Recommendation 81).**

9.15 To summarise, we recommend that:

- a) **“incidental overtime” should not be paid;**
- b) **the numbers of hours regularly worked as a feature of the role fulfilled should be recognised through the job evaluation matrix;**
- c) **in the case of PCs and sergeants, cash premia should be payable in exceptional circumstances to deal with exceptional events (Recommendation 82).**

Recall to court for witness appearance

9.16 There is a percentage of overtime which relates to recall to court for witness appearances. This is beyond the control of police management except through rostering arrangements. At present overtime relating to court recall accounts for a figure in the region of 3% of all overtime payments (£8 million in Scotland where the problem is particularly acute). It seems to us that the level of these payments is controllable only by the Criminal Justice System. Accordingly **we recommend that:**

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- a) **the portion of the police pay bill which is accounted for by court recall of PCs and sergeants should be for the Criminal Justice System to administer and payments should be made to force budgets which reflect the amount of additional cost necessarily resulting from court attendance;**
- b) **payments to those officers involved in court recall should, subject to revision of rostering arrangements recommended in Chapter 11, be made as cash premia;**
- c) **cash premia levels for court attendance and related rostering arrangements should be the subject of an agreement between the Procurator Fiscal or Crown Prosecution Service (CPS) and the different courts at local or national level; and**
- d) **court attendance and related rostering arrangements should be agreed between courts and chief officers locally**
(Recommendation 83).

Rest day and public holiday working for the federated ranks

9.17 Evidence to the Inquiry was divided as to future arrangements.

Proposals included:

- a) retaining existing entitlements;
- b) retaining existing entitlements but reviewing notice periods;
- c) replacing current entitlements with a day off in lieu only;
- d) increasing compensation for rest day and public holiday working in exchange for removing entitlement to additional days off in respect of short notice periods;
- e) increasing compensation to double time for rest days and double time plus a day off in lieu for public holidays.

9.18 We take the view that **front line police officers, i.e. officers in the ranks of PC, sergeant and inspector should continue to be entitled to compensation for working rest days and public holidays and that the basis of compensation as well as notice periods should be revised to provide greater flexibility for management regarding notice periods**

(Recommendation 84). The latter should reflect, for example, minimum notice periods required in public order legislation. In the light of staff welfare considerations, the arrangements should also favour the granting of time off in lieu of rest days rather than payment. **We accordingly make the following recommendations regarding rest day and public holiday working:**

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- a) **rest day working with 6 days' notice or less should attract:**
 - i) **payment at the rate of time and a half, or**
 - ii) **time off in lieu at plain time rate;**
- b) **rest day working with more than 6 days' notice should attract:**
 - i) **payment at plain time rate, or**
 - ii) **time off in lieu at plain time rate;**
- c) **working on a public holiday should attract:**
 - i) **payment at double time rate, or**
 - ii) **time off in lieu at double rate;**
- d) **we consider that as a matter of good practice, management should provide at least 28 days' notice of a requirement to work on a rest or public holiday unless the requirement could not be foreseen (*Recommendation 85*).**

9.19 In respect of officers above the rank of inspector, **we recommend that the same arrangements should apply in respect of public holidays and leave days as at present (*Recommendation 86*).**

9.20 In respect of payment for rest day and public holiday working due to court recalls, **we recommend that the relevant budget should, as in the case of overtime, be held by the courts. Officers' entitlements should be as outlined in paragraph 9.18 above (*Recommendation 87*).**

9.21 **We further recommend, having regard to equal opportunities, that officers should be able to nominate other days in lieu of the Good Friday and Christmas Day public holidays:**

- a) **Good Friday and Christmas Day (if the latter falls on Monday to Friday): officers should be permitted to apply to nominate for treatment as public holidays, two other days of religious significance to them:**
- b) **If Christmas Day falls on a Saturday or Sunday and other officers are therefore entitled to treat an extra day as a public holiday, those officers who have nominated another religious holiday in lieu of Christmas Day should also be entitled to an additional day (*Recommendation 88*).**

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Relationship between cash premia and rest day/public holiday entitlements

9.22 **Officers should not be entitled to a premium in respect of overtime working under paragraph 9.15 c) where the additional hours are worked on a rest day or public holiday. It should be open to chief officers to offer a total pay addition or scale of additions for the job where, as in the case of the Notting Hill carnival, for example, an event spans periods including rest days and public holidays. The pay addition rate should take account of rest day and public holiday working entitlements (*Recommendation 89*).**

Other discretionary payments

9.23 **We recommend that, from within available funds for pay flexibility, it should be open to chief officers to offer additional non-pensionable payments at some or all ranks below ACC. These should be made to cope with particular problems which cannot be met by means of any of the pay flexibilities mentioned in this or the previous chapters. Examples could include:**

- a) the need to secure essential operational cover during periods of significant staff shortage;
- b) cases where the features of a particular post are such that serious problems arise in filling it; or
- c) there is a regular need to work exceptionally long hours (e.g. officers in the Royalty and Diplomatic Protection Squad or, for example, Special Branch Protection Officers).

Such payments could be made on a one-off or standing basis but should be non-pensionable. They should be subject to review, reduction or phasing out in the light of changing needs (*Recommendation 90*).

9.24 **Consideration should be given to whether payments made under this recommendation should be discounted against other entitlements, e.g. entitlements of PCs and sergeants to one-off overtime premia. Where standing payments are made in respect of difficulty in filling the post and this difficulty is due to a recurring or permanent need to work exceptional amounts of overtime, officers should not also be entitled to one-off overtime premia or payment for rest day and public holiday working (*Recommendation 91*).**

An approach to determining premium rates

9.25 **The recommendations in the previous paragraphs mean that forces will need to monitor much more accurately the resources being devoted to various types of additional hours working. We consider this a pre-requisite for effective resource management, even under the present arrangements.**

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Chapter 16 makes separate recommendations concerning improvements in force management information systems for this and other purposes.

9.26 Forces will also need to plan ahead, in order to allocate available funds between various approaches to recognising long hours working and other special factors, including through different types of premium payments. Forward planning will be needed inter alia to set premium rates.

9.27 Due to the limitations of existing force data, we have not been able to provide worked examples in respect of this in the same way as we have later in this Chapter in respect of bonus payments (paragraph 9.38 and Appendix XXIV). It nonetheless seems helpful to provide some guidance with particular reference to the redistribution of existing overtime budgets between:

- a) funding to recognise the overtime element built into basic pay levels;
- b) funding for premium payments.

This is provided in Appendix XXIII and has been used as the basis for costing our proposals in Chapter 15.

Housing

9.28 The payment of housing emoluments at various levels dates from a period when police officers were equated with manual and in particular, agricultural workers. It also reflects a period when very strict controls were exercised as to where and in what standard of accommodation police officers lived. Some of these controls continue to exist but not all; policies vary. It is rare in England and Wales for police officers to be required to live very close to their place of duty; a number of forces have extended the area within which an officer may live quite considerably in the light of improved transport arrangements. There remain, however, quite substantial controls over the use to which officers' private accommodation can be put and where they live.

9.29 It seems to us that the modern police service should not treat its officers as though they were agricultural workers in need of tied accommodation. Similarly it seems to us that many of the controls over where a police officer should live and what use his premises might be put to, are much better addressed through a system which allows sensible judgements to be exercised by the individual concerned. The chief officer would then intervene only where it is clear that a sensible judgement has not been exercised (guidance can be provided as appropriate).

9.30 **We accordingly recommend that restrictions on where an officer may live and related matters such as taking in lodgers should cease (see**

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Chapter 11) (*Recommendation 92*). **We do not recommend that the basic pay scale for new recruits should be adjusted to take account of housing costs. Nor do we consider that new recruits should be entitled to receive housing emoluments (*Recommendation 93*). Where necessary or appropriate it should remain open to forces, at the chief officer's discretion to provide accommodation free of rent on the same basis as at present. Arrangements in respect of serving officers are set out in Chapter 10 (*Recommendation 94*).**

Case for a shift allowance?

9.31 We considered the case for a shift allowance to recognise disruption to personal life suffered by officers working 24-hour rotating shifts. We note that a number of those submitting evidence to the Inquiry also favoured such payments. Evidence also, however, stressed the difficulty of ensuring that payments were made on an equitable basis. Issues of affordability also arose.

9.32 In the circumstances we recommend that all jobs involving 24-hour rotating shifts should carry a policing circumstances rating of at least 1 out of the possible 3 points available in respect of this key variable in the job matrix (*Recommendation 95*).

Regional allowances

9.33 RUC allowance is dealt with separately in Chapter 14. We consider that the existing allowance in respect of the Scottish Islands, which is in our view partly related to expenses and partly to difficulties in filling posts, should be met by:

- a) the payment of necessary expenses associated with policing in the Scottish Islands;
- b) through job weighting under the matrix to take account of difficulties in filling the post, lack of support and related issues; and
- c) as necessary through pay flexibilities recommended at paragraph 9.23 (*Recommendation 96*).

9.34 We do, however, consider that there is a special case for a pay lead for London. Evidence from the Metropolitan Police Service referred to a number of respects in which policing in London is different from policing elsewhere in the UK. These differences centred on:

- a) the indigenous population in London (over 7 million people with 520,000 daily business commuters, 60-70 million non-regular day-trippers, 9.8 million overseas and 7 million British visitors staying overnight);

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- b) “London as the natural focal point for the majority of political demonstrations and gatherings” and for many other major events;
- c) “its position as the permanent home of the Royal Family, the seat of Government, the heart of the diplomatic corps and the headquarters of a range of businesses, economic institutions and trade unions”;
- d) the national and international policing functions undertaken by the Metropolitan Police Service (MPS) e.g. in respect of international and organised crime and the anti-terrorist, royalty and diplomatic protection branches;
- e) “London as a magnet for certain types of serious crime. Whilst MPS has one-fifth of the total police officers in England and Wales it deals with approximately:
 - 75% of the illicit drugs market;
 - 75% of major frauds;
 - 50% of armed robberies;
 - 33% of all murders and rapes;
 - 80% of all terrorist offences”.

9.35 We also acknowledge the extent of travelling involved in working and living in the capital. The part which the Metropolitan Police Service plays in international police co-operation is also particular to this force.

9.36 At present London weighting and London allowance combined amount to a figure of £2,355. London weighting is pensionable and London allowance is not. We consider that to recognise the factors that are identified in paras 9.34 to 9.35 above, a non-pensionable lead should be added to the pay of MPS officers. We recommend that this lead, which should subsume existing London weighting and London allowance, should be higher than the combined figure for both. This is to recognise particular policing difficulties and travelling costs associated with London as well as to ensure that pay levels in the MPS are in line with the market. The amount which we consider should compensate adequately for these elements would be £4,000 per annum. **We accordingly recommend that a £4,000 non-pensionable pay lead should be payable in the Metropolitan Police Service** (*Recommendation 97*).

CHAPTER 9: PAY ADDITIONS – PAY-RELATED CONDITIONS OF SERVICE AND BONUSES

BONUSES

9.37 Chapter 5 sets out our approach to rewarding performance through positioning on the pay scale, Chapter 6 provides recommendations on performance measurement and appraisal including the method of determining the performance rating to be applied in the matrix.

9.38 We have also recommended that both individual and team bonuses should be available and that a significant proportion of pay at senior officer level should be dependent on the award of bonuses. Paragraphs 9.47 to 9.54 below and Appendix XXIV suggest an approach to the distribution of bonuses and illustrate, using the establishment of an actual force, bonus opportunities that are likely to be possible using funds which are due to become available under our proposals for pay uprating (Chapter 8). It is first necessary, however, to outline our proposals for pay progression at senior officer level taking account of the part bonuses are to play in this.

Bonuses and pay progression at chief officer level

9.39 We have suggested (Chapter 5) that single pay scales should be available for chief constables and assistant chief constables. Positioning on these scales will be a matter for reformed police authorities in the case of chief constables and chief constables in consultation with reformed police authorities in the case of ACCs. In Chapter 6 we have recommended that as soon as the future composition of police authorities is determined by legislation and any changes have been implemented, bonuses based on performance agreements should inform pay at chief officer level. Lastly we have said that over the next 3-5 years, basic pay scales at this level should be moved towards the median with bonus opportunities available over and above the scale to reward outstanding performance (Chapter 7).

9.40 Separate recommendations are made in Chapter 10 as regards officers already serving at these ranks. The following paragraphs bring together the various recommendations regarding chief officers' pay to show how they should determine pay progression for chief officers both before and after the scales have been adjusted to the median and once performance agreements have been made.

9.41 The reforms proposed by the Home Secretary and those in this Report will significantly expand the role of chief constables. Our recommendations are as follows:

- a) **for chief constables, progression through the pay scale amounting to at least 4 scale points (see Chapter 7) should be available to chief officers within a force (based on responsibilities, experience and skills of recommendations for other ranks);**
(Recommendation 98)

CHAPTER 9: PAY ADDITIONS – PAY-RELATED CONDITIONS OF SERVICE AND BONUSES

- b) **pay progression should also be available through taking up a more highly weighted post in another force; (*Recommendation 99*)**
- c) **for assistant chief constables, progression through the scale points in the total scale should be determined by the chief constable in consultation with the police authority on the basis of the size of the role, circumstances, experience/skills and performance in the context of agreements (cf matrix for the lower ranks); (*Recommendation 100*)**
- d) **as in the case of ranks below chief officer level (see Chapter 5), unsatisfactory performance at chief officer level should lead to non-payment of annual scale uprating with other action considered as appropriate; (*Recommendation 101*)**
- e) **bonuses should be available for above satisfactory performance in the context of performance agreements; (*Recommendation 102*)**
- f) **in the 3-5 years during which the midpoint of the chief officers' scale is moved to the median, performance agreements should focus *inter alia* on transition to the new chief officer roles and we envisage that during this period the award of bonuses will be based on performance above and beyond the existing role; (*Recommendation 103*)**
- g) **thereafter, once the transition to the new role has been achieved and the midpoint of the scale has been adjusted to the median, we envisage that bonus allocation will focus on performance above and beyond the new role (*Recommendation 104*).**

9.42 In assessing bonus eligibility at senior ranks it will be particularly important for allocation to be undertaken rigorously with regard to the achievement of objectives. There are two potential approaches:

- a) bonus allocation at the end of the reporting year by reference to the pool available;
- b) agreeing in advance the contribution achievement which each objective will make to the bonus.

9.43 The latter approach is more open and allows changing priorities to be reflected in the weighting of objectives each year.

Bonus levels (all ranks)

9.44 We propose in Chapter 8, that in order to provide a basic pool of funding from within which pay flexibilities can be financed, the uprating

CHAPTER 9: PAY ADDITIONS – PAY-RELATED CONDITIONS OF SERVICE AND BONUSES

to be applied to the total cost of the basic pay scale for the first 2-3 years after implementation should be two-thirds of the total private sector non-manual settlement figure.

9.45 Due to particular pay constraints operating in respect of public sector pay this year, the need for legislation and for forces to prepare for implementation, this arrangement seems unlikely to begin until 1 January 1995 (see Chapter 16).

9.46 It nonetheless seemed helpful to illustrate, using certain assumptions about future pay settlement rates but actual manpower for a particular force, what level of bonus pool might be available at various levels following implementation of our recommendations. An illustrative example is provided at Appendix XXIV.

Bonus distribution

9.47 The speed at which bonus arrangements can be introduced will depend upon the actual level of bonus pool accrued in each year. It may, for example, be necessary for the introduction of team bonuses to be delayed until Year 3 to ensure that individual bonus opportunities are worth striving for in the early years. An element of the bonus pool may need to be devoted to premia in respect of overtime and other pay additions (see paragraphs 9.25-27 and Appendix XXIII). It will be necessary to ensure that equitable bonus opportunities are available at senior levels where, initially, bonus payments provide the means of achieving pay levels in line with the median. For the purpose of the guidance provided here and the illustrative example in Appendix XXIV, we have assumed, for the time being, that the whole of the fund created by our pay uprating recommendations will be available to fund bonuses.

9.48 We have assumed that using performance assessments derived from the appraisal system and performance agreements:

- a) a sum is set aside from the available pool to fund bonuses for senior ranks;
- b) in the case of chief constables and ACCs, where bonus eligibility will be based on performance agreements, allocation is undertaken rigorously against objectives set out in these and, in particular, agreement is reached in advance as to the contribution which achievement of each objective makes to bonus;
- c) a similar approach is taken in respect of superintendents above the midpoint of the scale, in this case on the basis of objective setting in the context of the annual appraisal form;

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CONDITIONS OF SERVICE AND BONUSES

- d) having earmarked a global sum for payment of bonuses at senior level (this should not assume that all eligible officers will receive a maximum bonus), the remainder of the pool is divided between individual and team bonuses;
- e) the proportion of the bonus pool available for individual and team bonuses is identified centrally with allocation for individual bonuses taking precedence;
- f) the pool deriving from e) above is distributed to superintendents differentially on the basis of transparent criteria declared in advance and clearly related to force objectives and priorities;
- g) the same criteria are used by superintendents to award individual bonuses to inspectors (on a differential basis) and to allocate, again differentially, funds for inspectors to use in awarding team and individual bonuses within their commands.

9.49 Our illustrative example assumes that individual bonuses are made available to those officers who have delivered outstanding performance for two years in any role and have no further scope for increasing their scale position e.g. because they already have maximum scores for performance, policing circumstances and experience/skills but cannot move to a larger role or secure promotion. Normal distribution curves regarding performance rating suggest that this could apply to about 5% of inspectors; 4% of sergeants and 2% of constables.

9.50 We have also assumed that by performing effectively both on an individual basis and as team leaders/first line supervisors, inspectors and sergeants would have an opportunity to earn both team and individual performance bonuses.

9.51 Lastly it has been assumed that members of teams whose individual performance rating is below “satisfactory” would only be eligible for a team performance bonus if their rating were attributable to a learning curve. They would not be eligible if performance was unsatisfactory for other reasons (see suggested performance ratings in Chapter 6, paragraph 6.42).

9.52 On this basis it would be possible:

- a) to provide the chief constable in our sample force with a bonus rising from around £6,300 to around £14,000 or 10%, 20% and 20% of basic salary over the three years;
- b) for the four officers at ACC/DCC¹ level to have room to earn bonuses within a pool of around £21,000 to around £29,000;

1 The suggested approach set out in Appendix XXIV used the current establishment of an actual force, which included a DCC; chief superintendents, etc.

CHAPTER 9: PAY ADDITIONS – PAY-RELATED
CONDITIONS OF SERVICE AND BONUSES

- c) for the 48 officers currently at superintendent/chief superintendent level to earn bonuses within a pool of around £16,000 to around £35,000;
- d) for a total bonus pool of around £654,000 to around £1.1 million to be available for awarding individual and team bonuses to the 3,043 officers below the rank of superintendent.

9.53 Our illustrative example provides around £141,000 rising to around £148,000 for differential distribution between officers at PC to inspector rank in the form of individual bonuses and around £512,000 to £1 million for differential distribution to reward teams. Decisions as to what proportion of the available pool should be devoted to individual and team bonuses respectively will, in fact, be a matter for local discretion. The chief officer will wish to spell out his policy on this and related matters so that all officers are aware of the criteria for bonuses.

9.54 We consider that, even were pay settlement rates in the years 1994-1996 to be well below those used in the illustration, the arrangement we have proposed would yield worthwhile bonus opportunities at all levels.

CHAPTER 10: APPLICATION OF NEW ARRANGEMENTS TO SERVING OFFICERS

10.1 In considering how best to achieve, for serving officers, transition between the existing and the new scales, our objective was to ensure that officers should not suffer any immediate cut in basic pay or in the proportion of earnings accounted for by existing pay-related allowances and emoluments.

10.2 This needed to be achieved whilst taking account of affordability. We needed to allow for other changes, including recommended changes in certain pay-related allowances such as overtime. We also needed to ensure that pay for all officers reflected roles, responsibilities and performance. **We recommend the following approach.**

ALIGNING SERVING OFFICERS TO THE REVISED BASIC PAY SCALE

Ranks below Assistant Chief Constable

10.3 We recommend that:

- a) **the matrix recommended at Chapter 5 should be applied to the post and individual;**
- b) **in reaching a score for the individual in question, performance rating should be based on completion of an appraisal on the lines recommended at Chapter 6;**
- c) **the points score achieved should be matched against the points scores on the revised basic pay scale recommended at Chapter 7.**
(Recommendation 105)

Officers whose current pay point exceeds the pay point justified by their job achievement score

10.4 We recommend that where an officer's existing scale point exceeds the pay point on the revised scale which is justified by the job achievement score reached under 10.3 a) – c) above, the following arrangements should apply:

- a) **where possible, management should look to move the officer to another post or expand the responsibilities of the existing post with a view to achieving a closer match between the existing scale point and the point on the revised basic scale which matches most closely the score achieved;**

CHAPTER 10: APPLICATION OF NEW ARRANGEMENTS TO SERVING OFFICERS

- b) where this is not possible or possible only to a limited extent, the officer's existing basic salary should be "red circled" i.e. protected, and
- c) the officer should benefit in monetary terms from future scale upratings only to the extent of the monetary uprating in the scale point matching his score;
- d) in the case of an officer whose scale point is below the maximum, incremental progression should not take place except on the basis of the matrix;
- e) such officers should, however, be able to benefit from team bonuses as outlined at Chapter 9 and Appendix XXIV.
(Recommendation 106)

Officers whose current pay point is below the pay point justified by their job achievement score

10.5 We recommend that where an officer's existing scale point is below the scale point on the revised scale which is justified by the job achievement score reached under paragraph 10.3 a)-c), the officer should normally be moved immediately to the appropriate point on the new scale.
(Recommendation 107)

10.6 If in any force, the seniority profile and the scoring distribution is such that immediate movement of all such officers to the appropriate scale point is not affordable, the following special arrangements should apply:

- a) the officer should benefit from future scale upratings to the extent of the monetary uprating in the scale point matching his score (cf 10.4 c));
- b) on the settlement date for each year, the impact on the total pay bill of, for example, wastage of officers at higher points on the scale should be reviewed and any resultant savings redistributed to allow these officers to progress more quickly to their appropriate scale point;
- c) distribution of any savings identified under b) should be at management discretion but should generally be made so as to favour officers whose points score is furthest from their scale point. *(Recommendation 108)*

10.7 Illustrative examples of the impact of these arrangements are set out in Appendix XXV.

CHAPTER 10: APPLICATION OF NEW ARRANGEMENTS TO SERVING OFFICERS

Chief officers

10.8 As a result of the Home Secretary's proposals, our Report and its many recommendations, there will be major changes to the nature of the chief constable's job. The chief constable will be chief executive and accounting officer with greatly increased discretionary powers and responsibilities. In short, the role of the chief constable will be very significantly enhanced. Arrangements for aligning chief officers to the new basic pay scales will need to take account of this.

10.9 In Chapter 7 (paragraphs 7.27 to 7.32) we have made specific recommendations in respect of basic pay for certain senior officers (including, for example, the Commissioner of Police of the Metropolis and the chief constable of the RUC) who enjoy a pay lead above the top of the chief constables' scale. **For officers serving in these posts the new pay arrangements should be implemented according to the timetable set out in Chapter 16 (i.e. by January 1995).** (*Recommendation 109*)

10.10 In respect of other chief constables a decision will need to be made as to the point on the new basic scale to which their post should be aligned. **We recommend that such decisions should be made in the context of a joint review by the officer concerned and reformed police authorities. Transitional arrangements are recommended in Chapter 16 in the event that the new police authorities are not in place by 1 January 1995.** (*Recommendation 110*)

10.11 In the light of the new role, serving chief constables and those senior officers specifically mentioned in Chapter 7, will wish to consider whether they wish to continue in post. **If any of these officers leave voluntarily in the light of the new role or following the review recommended in paragraph 10.10 above, he/she should be entitled to a preserved pension at normal retirement age and a lump sum on the same terms as serving officers of other ranks who leave voluntarily on structural grounds** (see Chapter 13, paragraph 13.44 – subject to special considerations outlined in Chapter 14, discretion in this instance, would be exercised by the police authority). (*Recommendation 111*)

Reviews

10.12 When the constitution of reformed police authorities has been settled, it will be their responsibility to review the force they have inherited: its strengths, weaknesses, assets and liabilities. It would be sensible for them to review at an early stage, and certainly within 12 months, the force structure, the adequacy of senior management and the appropriate level of pay for chief officer appointments. They will also wish to discuss with chief officers their requirements in respect of leadership and management of the force for the foreseeable future.

10.13 **Subject to the outcome of these discussions, it should be open to reformed police authorities, in all cases except those specially referred to in**

CHAPTER 10: APPLICATION OF NEW ARRANGEMENTS TO SERVING OFFICERS

Chapter 7 (the Commissioner, the Chief Constable of the RUC) to vary the terms of the chief constable's appointment. (*Recommendation 112*)

10.14 We understand that to allow for these arrangements to be implemented, special provision will be required in primary legislation.

Alignment of chief constables to the new scales

10.15 Where the chief constable chooses to remain in post following the review referred to in paragraph 10.10, the scale point for the post should be assessed by the police authority on the basis recommended in Chapter 5 in respect of new appointments:

- a) if the scale point determined is above the incumbent's current basic salary level (including any payments in respect of seniority under the existing scheme), his/her pay should be raised to the determined point;
- b) where the determined scale point is below the incumbent's current basic salary level (including any payments under the existing scheme in respect of seniority), the difference should be "red-circled" and the 30% bonus opportunity reduced to take account of this;
- c) scale progression, as opposed to bonus opportunities for chief constables, should be limited to four scale points above the determined rate for the job. (*Recommendation 113*)

ACCs and former DCCs

10.16 Alignment to the new scales for serving ACCs (and former DCCs who remain in post and are regraded ACC) should be undertaken by the chief constable, in consultation with the police authority. The procedures for pay alignment should be similar to those for chief constables (see 10.15) (*Recommendation 114*). The appropriate scale point should be assessed on the same basis as for newly appointed ACCs (see Chapter 5). This will yield a rate for the job which takes account of the experience/skills of the individual. Where current basic pay is above or below the relevant scale point, arrangements for increasing pay and for "red circling" should be the same as those recommended for chief constables in 10.15 a) and b). (*Recommendation 115*)

10.17 As in the case of chief constables, Chapter 16: Implementation, provides for special transitional arrangements in the event that newly constituted police authorities are not in place by the first pay review date following implementation of legislation required to establish them.

Pay-related allowances

10.18 To cater for these we recommend the following approach:

CHAPTER 10: APPLICATION OF NEW ARRANGEMENTS TO
SERVING OFFICERS

Overtime, rest and public holiday working

10.19 We recommend that serving officers should be transferred to the new systems. *(Recommendation 116)*

Housing

Ranks below chief officer

10.20 To cater for existing housing entitlements we recommend the following approach:

- a) housing emoluments on date of implementation of the new arrangements to be “red circled”;
- b) where officers move to fixed term appointments, on transfer to another force or on promotion, option of a lump sum amounting to the maximum value of 5 years’ payments under existing housing entitlements to buy out “red circled” housing emoluments. (Payments to exclude compensatory grant where payable);
- c) chief officers to consider offering further “buy outs” to serving officers on the same basis, as and when these can be funded. *(Recommendation 117)*

Chief officers

10.21 In the case of assistant chief constables, all chief constables, the Commissioner and Deputy Commissioner of Police of the Metropolis and the Commissioner of the City Police there should be the option to retain existing entitlement to housing emoluments on a “red circled” basis or to take a lump sum “buy out” of 5 years’ payments. Chief officers should also, however, have the opportunity to trade-in existing housing entitlements for other benefits as part of a flexible package agreed with the police authority. *(Recommendation 118)*

All other pay-related allowances

10.22 We recommend that serving officers should be transferred to the new system. *(Recommendation 119)*

PART IV: CONDITIONS OF SERVICE

CHAPTER 11: TERMS AND CONDITIONS – GENERAL

11.1 Our Terms of Reference require us to examine conditions of service and recommend what changes, if any, would be sensible to ensure that these reflect the current roles and responsibilities of police officers.

11.2 The purpose of this Chapter is to provide an account of the Inquiry's views on the manner in which police conditions of service are laid down. It also considers a number of specific conditions of service which do not fall into the broad categories dealt with in chapters dedicated to pay, tenure and pensions.

HOW CONDITIONS OF SERVICE ARE LAID DOWN

Primary legislation

11.3 This provides various broad powers to be exercised by the Secretaries of State, police authorities and chief officers as well as certain entitlements, such as, for example, to pensions. They also provide for such matters as negotiation and arbitration arrangements. We assume that enabling powers will continue to be provided by primary legislation.

11.4 The majority of police conditions of service are, however, laid down in statutory regulations. These are prescriptive rather than permissive. Only a very few matters are subject to the exercise of discretion on the part of police authorities or chief officers.

Secondary legislation

11.5 A certain amount of evidence was submitted to the Inquiry concerning the manner in which conditions of service are laid down: LAAOS, ACPO, HMIC and the Home Departments all favoured, in one way or another, an end to the practice of enshrining police conditions of service in statutory regulations. Alternative suggestions included the issue of circulars (LAAOS/HMIC) and the publication of a Code of Conditions of Service (ACPO).

11.6 The Police Federations of Scotland and Northern Ireland favoured retention of statutory regulations on the grounds that these provided the "only safeguard for the employment of police officers who are not covered by the majority of employment legislation". Others, including HMIC (Scotland) suggested simplification on the grounds that the current regulations were, from a management point of view "too detailed and unwieldy" and in the case of discipline regulations, in particular, "a legislative minefield".

INQUIRY VIEWS

11.7 As Chapter 1 makes clear our overall approach to the Inquiry's remit was to enhance the ability of the police service to manage itself and

CHAPTER 11: TERMS AND CONDITIONS – GENERAL

its staff effectively. We consider that having pay and conditions of service enshrined in centrally negotiated statutory regulations both deters and prevents the implementation of change. It also inhibits the sensible exercise of local management discretion and effective prioritisation. **Some police conditions of service, including some recommended by the Inquiry, will need to continue to be laid down in primary legislation (see Chapter 16). Otherwise we have no hesitation in recommending that the practice of laying down police pay and conditions of service in statutory regulations should cease (Recommendation 120).**

11.8 We also consider that the majority of matters which are at present agreed and laid down nationally should be decided locally (see paragraphs 11.14 to 11.71 below). **We accordingly recommend that existing police regulations should be replaced by:**

- a) **a non-statutory National Code of Standards of limited scope, and**
- b) **arrangements to be decided by the chief officer in consultation with his officers and their representatives.**
(Recommendation 121)

11.9 **There should be specific statutory provision to allow for the establishment of the National Code of Standards. The Code should prescribe minimum standards and form part of the terms and conditions of police officers' appointments. Matters laid down in the National Code should not be subject to chief officers' discretion. The National Code should not take the form of statutory regulations (Recommendation 122).** The establishment of the National Code and the removal of statutory regulations in favour of local discretionary arrangements will free management to manage flexibly according to local needs, circumstances and priorities. Neither will prevent agreement being reached on common arrangements in the case of mutual aid or in any other circumstances e.g. where a service-wide agreement seems necessary or convenient. We also commend the removal of statutory regulations on the grounds that this will:

- a) speed the implementation of decisions and agreements;
- b) allow the sensible exercise of discretion in the circumstances of individual cases;
- c) clarify terms and conditions for serving officers *inter alia* by making them comprehensible, and
- d) sweep away the extremely costly and bureaucratic machinery which currently surrounds the drafting, implementation and interpretation of regulations in parliament and the courts as well as in central and local government and in the police service.

11.10 Whilst we have not attempted to cost the regulations “industry” in the police service we have no doubt that it is both enormous and unnecessary.

A NATIONAL CODE OF STANDARDS

11.11 The current statutory regulations have evolved over a period of more than 70 years. Many of them appear to us entirely anachronistic and unnecessary. As well as being extremely difficult to interpret in some cases, they are far too detailed. Many appear to have been drafted to deal with what must frequently have been a one-off “worst case” in terms of either staff conduct or management decision-making.

11.12 It is important that an over-lengthy and detailed set of regulations should not be replaced by an even more lengthy Code. **We recommend that the National Code of Standards for the police service should be extremely limited in scope. It should deal only with matters in respect of which a common approach is essential. These include primarily:**

- a) **basic pay scales;**
- b) **the minimum number of hours normally to be worked in a year;**
- c) **annual and maternity/paternity leave entitlements;**
- d) **rank structure;**
- e) **reference to arrangements for handling misconduct and inadequate performance;**
- f) **arrangements for fixed term appointments, pensions and other post-service benefits;**
- g) **attendance at staff association and joint staff association/management meetings.**
(Recommendation 123)

11.13 This would not preclude advice being issued or common approaches agreed and publicised where this appears helpful or convenient.

COMMENTS AND RECOMMENDATIONS CONCERNING MATTERS CURRENTLY DEALT WITH BY STATUTORY REGULATIONS

11.14 The following comments and recommendations refer to statutory regulations currently in force in England and Wales. In matters other than pay-related allowances, Scottish and Northern Ireland regulations make broadly the same provisions.

Part I: General

Regulations 1-6

11.15 These are concerned with the interpretation of those following and are not relevant to our task.

Part II: Government

Organisation

Regulation 7: Authorised establishments

11.16 We have already noted and welcomed the Home Secretary's proposal to end central establishment controls.

Regulation 8: Ranks

11.17 We consider it would be helpful to set out the national rank structure in the National Code. Our recommendations as to what the future rank structure of the police service should be are set out in Part II, Chapter 3 of this Report.

Regulation 9: Beats, sections, sub-divisions and divisions

11.18 This regulation is already widely ignored and to excellent effect (see Chapter 3 which refers to police management structure, including reorganisation into basic command units). **We recommend that force management structure should be a matter to be decided at the discretion of chief officers without reference to the National Code** (*Recommendation 124*).

Regulation 10: Restrictions on the private life of members

11.19 This regulation and the related schedule "prevent chief officers and police authorities from imposing restrictions on the private lives of police officers other than ones designed to secure the proper exercise of the functions of a constable". **We consider there are good reasons why a police officer should not take an active part in politics. This should be laid down in primary legislation** (*Recommendation 125*).

11.20 **Other matters dealt with in this regulation seem to us to be best handled by general local guidance. Inappropriate activities could then be dealt with through procedures for handling misconduct** (*Recommendation 126*).

11.21 **As indicated in Chapter 9 (pay additions) we see every reason to end the practice of requiring chief officer approval for premises occupied by police officers, as well as the requirement to request permission to take in lodgers or to sublet police officers' private houses should end. Matters relating to debt should be dealt with through procedures for handling misconduct and relevant local guidance** (*Recommendation 127*).

Regulation 11: Business interests

11.22 We recognise that some business interests may not be compatible with being a police officer. But **we recommend that the bureaucratic and**

costly notification and appeals procedure enshrined in this regulation should end. Local advice and guidance should be issued. This should be backed by appropriate action in respect of misconduct or inadequate performance (*Recommendation 128*).

Regulation 12: Appointment, probation and retirement

11.23 Our recommendations in respect of this regulation are the same as in respect of Regulation 11. Such procedures are unnecessary. Chief officers have the discretion to appoint an applicant or not (*Recommendation 129*).

Regulation 13: Qualifications for appointment

11.24 We see some sense in agreeing central standards for promotion but no need for these to be included in regulations or the National Code. It may save time and money to agree common fitness and entry tests on recruitment. **But we do not consider that this should inhibit the ability of chief officers to determine their own forces' fitness and entry standards or that any reference need be made to them in the National Code** (*Recommendation 130*). (See also more general reference to promotion arrangements at paragraph 11.69 (Police Promotion Regulations) below.)

Regulation 14: Appointment of chief constable

11.25 We understand that procedures for the appointment of chief constables and for Secretary of State approval are currently the subject of discussion. We certainly recommend that these procedures be **much more open with information provided to candidates as to the assessments made of them, how they have fared and the nature of the procedures involved** (*Recommendation 131*).

11.26 We assume that the Secretaries of State, acting on the advice of HM Inspectorates of Constabulary, will continue to have some part in these procedures. **We see no reason why there should be a standard requirement in respect of the length of service of the individual concerned** (*Recommendation 132*).

Regulation 15: Appointment of deputy chief constables

11.27 Our recommendations on reform of the rank structure refer.

Regulation 16: Probationer service in the rank of constable

11.28 We appreciate that the two-year probationary period ties in with centrally agreed training provisions. We agree there should be local discretion to reduce or extend probationary periods or dispense with them. **We do not consider it is necessary to seek Secretary of State approval for the extension of probation** (*Recommendation 133*).

Regulation 17: Discharge of a probationer

11.29 Our recommendations on tenure (Chapter 12) refer.

Regulation 18: Retirement

11.30 Periods of notice are referred to in Chapter 12 and can be included in the National Code.

11.31 **We assume that arrangements in respect of retirement during suspension for misconduct will be developed in the context of reform of procedures for handling misconduct. We so recommend** (*Recommendation 134*).

Regulations 19-21: Personal records

11.32 We consider these regulations to be entirely unnecessary. Such matters are best dealt with according to common sense. **We recommend that any necessary procedures in relation to personal records be decided locally** (*Recommendation 135*).

Regulation 22: Fingerprints

11.33 This matter could be dealt with in central guidance if necessary. We see no reason, however, why it should not simply be dealt with as part of the recruitment procedure.

Part III: Duty, overtime and leave

Regulation 23: Duty to carry out lawful orders

11.34 **Police officers should clearly be under a duty to carry out lawful orders. This should be laid down in primary legislation** (*Recommendation 136*).

Regulations 24-25: Limitations on duties assigned to members statutorily transferred and work not required to be performed.

11.35 We recommend that such matters be subject to the exercise of sensible local management discretion (*Recommendation 137*).

Regulation 26: Normal daily periods of duty

11.36 We recommend that minimum number of hours normally to be worked should be specified on an annual basis in the National Code (*Recommendation 138*).

11.37 **All other matters dealt with in this regulation should be the subject of local management discretion** (*Recommendation 139*).

11.38 **The length of shifts should be tailored to suit local needs and take account of staff welfare considerations. Matters associated with shifts should be determined in consultation with officers, staff associations and where practicable (e.g. in the case of officers operating in isolated areas or part timers), individuals** (*Recommendation 140*). We do not accept that it is right to allow staff associations any kind of veto in respect of the shift patterns for the force, the area or individuals. Where used, ballots which require specific majorities before shifts are changed should end in favour of broader consultation arrangements.

CHAPTER 11: TERMS AND CONDITIONS – GENERAL

11.39 Subject to local management discretion to manage manpower resources in accordance with local needs, we recommend that opportunities for part-time working and job sharing should immediately become available throughout the police service (*Recommendation 141*).

Regulation 27: Rostering of duties

11.40 The Inquiry has received a good deal of evidence on this subject. A number of lead interests recommended that the requirement to publish planned starting and finishing times in an annual roster should be abolished. **We recommend that:**

- a) **the requirement to have an annual roster should cease;**
- b) **rostering arrangements be determined by the chief officer in consultation with staff association representatives;**
- c) **joint agreement be reached between officers and their line manager as to annual leave, normally at least three months in advance (for individual and management planning purposes and to allow leave arrangements to be made);**
- d) **officers should be given reasonable notice of the likely pattern of their rest days. (Part III, Chapter 9 contains recommendations as to arrangements in respect of the cancellation of rest days), and**
- e) **sensible planning and notification arrangements in respect of cancellation of rest days and annual leave should be the subject of performance-related objectives for line managers (good management in respect of such matters will therefore influence the performance rating and hence the pay of the line manager)**
(Recommendation 142).

Regulations 28-31: Overtime; Public holiday and rest day working; Public holidays and leave days for the higher ranks; Travelling time treated as duty

11.41 Part III, Chapter 9 contains Inquiry recommendations on these subjects.

Regulation 32: Meetings of Police Federation treated as police duty

11.42 **We recommend that:**

- a) **Police Federation and other staff association representatives should be paid and considered to be in execution of their duty when attending joint meetings with management or preparing for them but not for attending meetings concerned solely with staff association business;**

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- b) **the revised arrangements should be included in the National Code;**
- c) **in implementing this recommendation, a distinction should be made between ACPO meetings associated with policy determination in respect of police service management (which should count as duty and be paid) and ACPO Staff Side meetings which should count as duty and be paid or unpaid on the same basis as meetings of the other two staff associations** (*Recommendation 143*).

Regulation 33: Annual leave

11.43 We recommend that:

- a) **annual leave arrangements should be included in the National Code;**
- b) **entitlements should remain as they are for the present and any changes to annual leave entitlements should be subject to the arrangements specified in Part III, Chapter 8 (these allow changes to annual leave to be offset against increases in basic pay)** (*Recommendation 144*).

Regulation 34: Sick leave

11.44 This issue is dealt with in Chapter 9, para 9.3.

Regulation 35: Maternity leave

11.45 We recommend that provisions for maternity and paternity leave be:

- a) **included in the National Code;**
- b) **brought in line with relevant provisions of employment protection legislation and EC directives** (*Recommendation 145*).

11.46 We also recommend that any central guidance should allow for the exercise of local discretion to extend periods of unpaid maternity/paternity leave (*Recommendation 146*).

Regulation 36: University scholars

11.47 We recommend that the detailed provisions as to the entitlements of officers undertaking courses of study should be a matter for local management discretion (*Recommendation 147*).

Regulation 37: Rate of pay

11.48 We recommend that rates of basic pay should be set out in the National Code (Part III, Chapter 7 refers) (*Recommendation 148*).

Regulation 38: London weighting

11.49 Our recommendations on this subject are set out in Part III, Chapter 9.

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Regulations 40-43: Reckoning of service

11.50 **We recommend that matters associated with the counting of service for pension purposes should be contained in the National Code (see Chapter 13) (Recommendation 149).**

11.51 Since our recommendations on pay envisage the ending of incremental progression by reference to length of service, it should be unnecessary to make detailed provision on this subject in the National Code.

Regulations 44-46: Pay calculation

11.52 **We recommend that relevant statutory provisions be applied as necessary. Pay periods are at present determined at local discretion and we recommend that this should continue to be the case (Recommendation 150).**

Part V: Allowances and other emoluments

Regulations 47-71

11.53 Our recommendations on pay-related allowances are set out in Part III, Chapter 9. We envisage an entirely different approach to the reward of skills and such matters as hours worked. We do not consider that Secretary of State approval should be necessary in relation to the exercise of discretion to introduce local pay flexibilities. **We recommend that:**

- a) **such matters be determined by the chief officer in consultation with staff association representatives;**
- b) **the appropriate exercise of management discretion in such matters should be taken into account in assessing line managers' performance for pay purposes**
(Recommendation 151).

11.54 Our recommendation that the bulk of allowances and other emoluments should become matters for local discretion clearly has implications for all the provisions in this section of regulations.

11.55 Allowances dealt with in Chapter 9 include:

- a) housing allowance and related entitlements (regulations 49-52a);
- b) detective duty allowance (regulation 57);
- c) foreign language allowance, firearms allowance and other allowances payable with the approval of the Secretary of State (regulations 47 and 67);
- d) dog handler's allowance (regulation 63);

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- e) London allowance (regulation 65) and other force or regional allowances.

11.56 This section of regulations also includes, however, a number of other allowances, some of which are intended to reimburse expenses. **We recommend that the following allowances should cease to be paid. Chief officers should instead make, at their discretion, any arrangements to reimburse expenses which they consider necessary, convenient or appropriate:**

- a) **uniform allowance (regulation 54);**
- b) **women's stocking allowance (regulation 55);**
- c) **plain clothes allowance (regulation 56);**
- d) **detective expenses allowance (regulation 57);**
- e) **bicycle allowance (regulation 61);**
- f) **typewriter allowance (regulation 62);**
- g) **promotion examination allowances (regulation 66);**
- h) **university scholars (regulation 70)**
(Recommendation 152).

11.57 Some existing allowances require special mention and are dealt with in the following paragraphs.

Regulation 48: Restriction on payments for private employment of police

11.58 **A provision to reflect this regulation should be included in the National Code. We do not consider, however, that there should be a blanket restriction on the ability of police officers to receive payment for work they undertake in a private capacity or any general restriction on their ability to undertake paid work outside the police service: matters associated with the propriety of undertaking particular kinds of work and/or its impact on performance should be dealt with through arrangements for handling misconduct and inadequate performance. Local guidance may be appropriate**
(Recommendation 153).

Regulation 53: Removal allowance

11.59 **We recommend that:**

- a) **such matters should be decided at the discretion of the chief officer;**

- b) **in the case of chief officers, rapid and sensible arrangements in respect of removals, including the use of relocation agencies where this is cost effective, should be agreed as part of a flexible package to be determined in the context of fixed term appointments** (*Recommendation 154*).

Regulation 58: Subsistence, refreshment and lodging allowances

11.60 We consider that too much detail has been built into this regulation on the basis of “worst case” scenarios. **We recommend that these matters be settled at the discretion of the chief officer on the basis of good resource management, common sense and staff welfare** (*Recommendation 155*). Where mutual aid is concerned, it may be convenient for common arrangements to be agreed.

Regulation 59: Advances to cover expenses when away on duty

11.61 **We recommend that this be a matter for the discretion of chief officers** (*Recommendation 156*).

Regulation 60: Motor vehicle allowances

11.62 The existing rates for motor vehicle allowance are considerably above the market. **We recommend that arrangements in respect of the reimbursement of expenses incurred in the use of private cars for official purposes be made at the discretion of chief officers. It should also be open to chief officers to provide cars or introduce car leasing arrangements where this makes economic sense. We recommend that any necessary amendment to legislation required to authorise car leasing arrangements should be made** (*Recommendation 157*).

Regulation 64: Allowance in respect of medical charges

11.63 We see no justification whatever for the reimbursement of NHS charges to police officers. **We recommend that such reimbursement should cease** (*Recommendation 158*).

Regulation 68: Continuation of allowances when member ill

11.64 This should be a matter for local discretion (*Recommendation 159*).

Regulation 69: Allowances in respect of periods of suspension

11.65 This should be a matter for local discretion, taking account of the merits of the case (*Recommendation 160*).

Part VI: Housing, uniform and equipment

11.66 **We recommend that all the matters dealt with in these regulations should be for the discretion of the chief officer. We see no reason at all for the kind of detailed provisions which at present apply** (*Recommendation 161*).

POLICE FEDERATION REGULATIONS

11.67 We recommend that matters concerning the management of the Police Federation should be left to the Police Federation. We see no reason for such matters to be dealt with in the National Code (*Recommendation 162*).

THE POLICE CADET REGULATIONS

11.68 In so far as police forces continue to employ cadets, we recommend that their pay should be settled as part of national negotiations and referred to in the National Code. All other matters should, in our view, be a matter for local discretion (*Recommendation 163*).

THE POLICE PROMOTION REGULATIONS

11.69 We recommend that arrangements in respect of police promotion should cease to be included in statutory regulations. Arrangements for promotion should, however, reflect the fact that the recommendations in this Report and other changes in planning and in prospect place a high premium on leadership and management qualities. Our proposals place much greater emphasis on the appraisal system and much less emphasis on some issues which have formerly been, and in some cases still are, the subject of formal promotion examinations.

11.70 It may be helpful to agree some national arrangements and to link these to national training (this can be done in the context of the National Code on a limited basis). Subject to any agreed need for national arrangements and training, we consider that matters of promotion should be for the discretion of chief officers.

11.71 Our recommendations on pay (Chapter 5) make clear that we see scope for fast tracking within pay scales for each rank. There is also a case, in our view, for accelerated promotion arrangements for graduates and other suitable officers. Subject to the need to make limited provision in the context of the National Code, we consider that these matters should be for the discretion of chief officers (*Recommendation 164*).

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12.1 A major aspect of conditions of service in all forms of employment is the position relating to tenure. It is and has for some time been uncommon for “jobs for life” to be offered in the private sector though many individuals may, in practice, be employed in large corporate structures for the whole of their working lives. For many people employed in the private sector, job security is no greater than their notice period which is rarely above 3 months. For senior posts a greater degree of security is introduced on the basis of fixed term contracts. In some cases contracts may be renewable on a rolling basis (so that, for example, a contract which is in any event likely to be reviewed annually may also be extended by one year at a time after a set period – normally at least a year before it is due to end).

12.2 In the public sector the general expectation is that tenure lasts until retirement age and this has generally been the case (the armed services are one notable long term exception to this). Though terms and conditions in the public sector have usually provided arrangements in respect of severance on structural grounds, it would appear that until relatively recent times, it has been comparatively rare for these to be invoked. It has not been uncommon for job security to be cited as a factor in determining public sector pay.

12.3 Government and public sector employers have increasingly sought, however, to explore alternative approaches to resource management. They have begun more frequently to recruit outside professional expertise at senior levels. This has led to a growing tendency to re-examine issues of tenure and the more frequent use of severance arrangements.

12.4 Despite these developments, which have occurred across major areas of the public sector in the UK and abroad, it has, until now, been relatively rare for radical changes to police service tenure arrangements to be considered. Albeit normal police retirement age and expected length of service vary quite radically from one country to another, only relatively minor adjustments have usually been made to largely historical tenure patterns. Exceptions have included certain forces and agencies in the USA and more recently in New Zealand and Australia.

12.5 For some ranks of the UK police service, the normal retirement age is lower than elsewhere in the public sector. There have been several periodic adjustments to police retirement age, largely to overcome retention problems. Otherwise tenure in the UK police service has tended to follow the general public sector pattern, i.e. the expectation of appointment for a relatively lengthy period. Only RUC full and part-time reservists have been the subject of fixed term appointments and this in the light of the special circumstances of policing in Northern Ireland

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(see Chapter 14). Otherwise the present arrangements with regard to retirement age are as follows:

Rank	Metropolitan police	Other home police forces
Constable, Sergeant	55	55
Inspector, Ch Inspector Superintendent Ch Superintendent	55	60
Commander, Deputy Assistant Commissioner	57	–
Assistant Commissioner	60	–
Assistant Ch Constable Deputy Ch Constable Chief Constable Assistant Commissioner or Commissioner, City of London police	–	65

12.6 Tenure in the UK police service has some features which mirror police service conditions in most other countries and/or most of the public sector and some which are relatively unusual:

- a) there are stringent rules for handling misconduct;
- b) there are relatively generous arrangements in respect of medical retirement and retirement following injury on duty;
- c) unusually, once probation has been satisfactorily completed, there are at present no arrangements for dispensing with officers' services on grounds of inadequate performance (as against culpable misconduct) or severance on structural grounds, save that:
 - i) chief officers may be required to retire at any time in the interests of efficiency (for example, sections 5 and 29 of Police Act 1964);
 - ii) other officers who are entitled to a full pension may also be required to resign in the interests of efficiency.

FIXED TERM APPOINTMENTS

12.7 In the light of recent developments in Australia and New Zealand, a good deal of evidence was submitted on the subject of fixed term appointments (FTAs). There was some limited support for their introduction on the grounds that they could:

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- a) provide greater flexibility in the management of resources by allowing force size to be adjusted “painlessly”;
- b) help free-up promotion blockages in the existing system thereby allowing officers with potential to progress to positions “where their skills could be of benefit to the service” (MPS);
- c) “provide greater clarity in roles and expectations” (Home Departments);
- d) provide a mechanism for ensuring that police officers maintain high standards of fitness, performance and competence;
- e) otherwise allow for periodic reconsideration of whether an officer should stay in the service (HMIC).

A membership survey conducted by the Superintendents’ Association of England and Wales found:

- 24% of members strongly in favour of FTAs;
- 34% slightly in favour, and
- 42% against.

12.8 Most of those whose evidence provided a degree of support for the introduction of FTAs nonetheless expressed reservations. These were broadly on the grounds that FTAs might:

- a) deter quality recruits such as graduates;
- b) deter officers from seeking promotion;
- c) cause retention problems in a tight labour market encouraging talented officers to leave (LAAOS);
- d) “militate against the vocational nature of policing” (Police Federation of England and Wales) which many officers would describe as a “way of life” as much as a career (MPS);
- e) cause additional stress around the time of renewal (Superintendents’ Association of Northern Ireland);
- f) open the way for political pressure to be brought to bear on chief officers and others.

12.9 As well as these potential objections a number of issues were raised for consideration as follows:

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- a) whether there was any need for FTAs given the proposed introduction of flexible procedures to deal with sickness, misconduct and inadequate performance;
- b) the need for rights of renewal, safeguards, and appeal mechanisms;
- c) the need to avoid inhibiting or devaluing officers with experience or specialist skills;
- d) the absence of external accreditation of police qualifications;
- e) the need to ensure that the costs of lengthy training could be recouped;
- f) the process by which FTAs should be introduced, i.e. whether they should apply to all ranks or only senior ranks.

Inquiry views

12.10 Our own view is that the benefits of introducing fixed term appointments outweigh the potential disadvantages referred to in paragraph 12.8. We consider that the introduction of FTAs would:

- a) provide a better motivated and more accountable work force by:
 - i) enabling officers who wished to leave the service to do so with dignity and a fair settlement;
 - ii) allowing greater management flexibility to dispense with the services of officers who are no longer motivated;
 - iii) providing a periodic two-way review of performance;
 - iv) favouring improvements in line and personnel management;
 - v) providing enhanced promotion opportunities for the most able;
- b) assist in the planned management of staff resources by:
 - i) encouraging a greater focus on and facilitating manpower planning;
 - ii) providing a means of adjusting the age and skills profile of forces more rapidly, thereby allowing greater flexibility to meet changing demands;
 - iii) allowing manpower levels to be adjusted at various ranks to meet changing management needs and achieve necessary efficiency savings.

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12.11 It will be clear from the above that we envisage a three-way approach to FTAs which would allow:

- a) officers to leave voluntarily if they wished;
- b) management to decide not to offer a further appointment on a variety of grounds falling into two broad categories:
 - i) misconduct or inadequate performance;
 - ii) severance on structural grounds.

(Recommendation 165)

Reservations expressed in evidence

Impact on recruitment and retention

12.12 We do not accept that the introduction of fixed term appointments in the police service would deter quality recruits such as graduates from joining the service: contractual employment on fixed terms has no such effect in the private sector nor indeed has recruitment on fixed terms had such an effect on the armed services.

12.13 We recognise that allowing officers to leave rather than deterring them from doing so by such devices as fast accrual of pension rights (see Chapter 13) imposes on management the need to take positive action to encourage good quality officers to stay. On the other hand:

- a) we see this as a good rather than a bad thing;
- b) there seems no benefit in attempting to retain the services of officers who are not suitable or poorly motivated;
- c) our proposals for ensuring that police pay remains broadly in line with the market address this issue as well as the need to recruit officers of very high calibre in the first instance.

Policing as a vocation

12.14 We do not doubt that policing is a vocation requiring a high degree of resilience and commitment. It therefore seems all the more important to ensure that there are opportunities for individual officers and management to review periodically whether both consider the officer still has the necessary resilience and commitment. They will also wish to review whether the officer's potential is being used to the best advantage.

Stress in relation to tenure

12.15 We do not doubt that policing can be stressful. We do not accept it is unreasonable to allow a periodic judgement to be made by both parties as to the individual's suitability to continue in the profession. We have

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recommended there should be regular and proper performance appraisal (Chapter 6). Later in this Chapter we suggest that reviews take place before the completion of FTAs. This should mean that individuals are well aware of their position, especially as regards performance, throughout as well as near the end of a fixed term. It will be for management to ensure, through effective manpower planning, that all concerned also know where they stand in respect of the skills, experience and establishment levels needed by the force. Reviews and an effective appraisal system will provide opportunities to adjust career patterns, experience and skills as necessary.

Political Pressure

12.16 Particular concern was expressed with reference to chief constables. Virtually all those submitting evidence suggested there was a need to ensure that FTAs did not provide an opportunity for political pressure to be brought to bear on the way chief officers ran their forces or exercised their responsibilities under the law.

12.17 It was suggested that one way to counteract this would be for Secretary of State approval to be required for decisions regarding termination of FTAs or offers of appointment for a further period.

12.18 We have some doubt as to whether the Secretaries of State will wish to be involved in all such decisions. Later in this Chapter we do, however, suggest an appeals procedure.

Issues for consideration raised in evidence

Are FTAs necessary?

12.19 Some of those submitting evidence suggested that, given the introduction of improved procedures for dealing with misconduct, inadequate performance and, for example, fitness, it would be unnecessary to introduce FTAs.

12.20 First, we have made clear that we do not see matters of conduct and performance as the sole purpose of introducing FTAs. We also wish to stress that we do not see FTAs as an alternative to proper, ongoing line management especially in respect of performance, conduct, fitness and related matters. FTAs will provide an added opportunity for joint periodic review, not a reason for delaying management action. Our proposals in respect of performance appraisal (Chapter 6); reviews (paras 12.39-40 below) and financial settlements (Chapter 13) are designed to reinforce this position.

Rights of renewal, safeguards and appeal mechanisms

12.21 Our recommendations on these issues are set out in paragraphs 12.37-51 below.

Experienced officers and officers with specialist skills

12.22 Our recommendation for the introduction of FTAs is partly

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intended to enhance manpower planning and provide flexibility to match the age and skills profile of forces to needs and circumstances. Our proposed approach to job evaluation intentionally allows experience and skills to inform pay. We highly value both. It is quite clear that the service needs older officers with experience, energy and a good track record as well as individuals who are young and fit. We have confidence that chief officers are capable of making sensible judgements as to the balance required taking account of policing circumstances and changing needs.

External accreditation of police qualifications

12.23 We do not accept that external accreditation of police qualifications is a pre-requisite for the introduction of FTAs. This is not the case in other professions in which contract or fixed term employment is the norm. We are aware that the service has in any event a good record in assisting officers to secure external qualifications. **We take this opportunity to suggest, however, that external accreditation should be considered in the context of policy and planning for police training and taken forward as rapidly as possible** (*Recommendation 166*).

Recouping the cost of training

12.24 This is an issue going to the length of fixed term appointments, especially as regards FTAs on entry to the service: see paragraphs 12.30-33 below.

Introduction of FTAs

12.25 We have considered whether, as some suggest, it is appropriate to introduce FTAs on a gradual basis, starting from the top or, for example, to limit their application to senior ranks.

12.26 We certainly do not consider that FTAs should be limited to the more senior ranks. Such a limitation would mean losing the benefits of FTAs in respect of the vast majority of officers who make up the manpower resources of the police service. **We accordingly recommend that FTAs should be introduced for all ranks** (*Recommendation 167*).

12.27 **As regards speed of introduction, it seems to us entirely desirable that, once the necessary legislation is in place, all officers should be recruited on a fixed term. We so recommend** (*Recommendation 168*).

12.28 **We recommend that, on promotion and transfer to another force, serving officers should move to a fixed term appointment** (*Recommendation 169*). **We further recommend that serving officers be provided with an opportunity to transfer to the new FTA arrangements voluntarily** (*Recommendation 170*). This will also entail taking up the revised pension arrangements and benefiting from related changes in contribution rates. These matters are dealt with in Chapter 13 which also makes special provision for counting previous service. We do not accept that this will deter able officers from seeking promotion or transfers to other forces, e.g. for the purpose of gaining additional experience.

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12.29 Those officers to whom Section 2 of the Police Pension Act applies and who are prepared to move to an FTA or to take promotion or transfer to another force will need to elect to waive any rights under Section 2 if they are to enjoy the benefits of an FTA.

Duration of fixed term appointments

12.30 We entirely take the point that a great deal is invested in police training, particularly the training of recruits. Account needs to be taken of patterns of wastage as well as investment in training and the need to allow both the officer and management opportunity to make an informed judgement as to the individual's future in the service. **We recommend that newly-recruited officers should be appointed for an initial 10-year term including probation and subject to its satisfactory completion. Once the initial term has been completed or following transfer to another force/ promotion (including promotion occurring within the initial 10-year term) further appointments should be made on each occasion and these should normally be for a period of 5 years** (*Recommendation 171*).

12.31 We also recommend that neither transfers to other forces nor promotions should be constrained by the existence of an FTA and that arrangements should be made to ensure that maternity/paternity leave entitlements, career breaks, jobsharing and part-time working arrangements can be accommodated within the new system (*Recommendation 172*).

12.32 We further recommend that it should be open to the chief constable and in the case of chief constables, the police authority, to offer, at their discretion a number of separate one-year extensions to FTAs (*Recommendation 173*).

12.33 Finally we recommend that, to provide flexibility, it should be open to management to offer FTAs of less than 5 years in certain defined circumstances. Examples of circumstances which would, in our view, justify the offer of an FTA of less than 5 years would be the cases of:

- a) officers nearing voluntary or compulsory retirement age;
- b) officers whose health did not allow them to undertake the full range of police duties at the rank they held.

(*Recommendation 174*)

Fixed Term Appointments and their relationship to conditions of service

12.34 Police officers are at present holders of an office under the Crown. We wish to preserve the special constitutional status of police officers. They are not employees either at common law or for the purposes of the Employment Protection (Consolidation) Act 1978 (as amended). In view of the special character of the police service, we consider that this position should continue to obtain. This is one reason why we have recommended fixed term appointments rather than contractual employment.

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12.35 We do not wish to encourage undue bureaucratisation of appointments by the introduction of lengthy contract documents (such as some we have seen in Australia and New Zealand).

12.36 We consider that in respect of chief officers, police authorities and in the case of ACCs, chief constables in consultation with police authorities, may wish to consider and agree with the officer concerned a flexible package of benefits which suit local needs and the needs of the individual (see Chapter 9). Otherwise we consider that, to retain flexibility, appointments below that level should be made on the same basis as at present, i.e. by reference to a brief summary of conditions of service reflecting both matters which are the subject of the National Code and matters which are to be determined at local discretion (including matters agreed on an individual basis where this is practicable and makes economic sense).

Rights of renewal, safeguards and appeal mechanisms

Rights of renewal

12.37 As regards “rights of renewal” we recommend that fixed term appointments should not carry any automatic right of renewal. It should be for the officer to apply for re-appointment for a further fixed term so there should be no “right of renewal”. Where an officer does not apply to renew his/her appointment it should terminate automatically on the date when the fixed term ends (*Recommendation 175*). The specific statutory provisions relating to dismissal on the expiry or non-renewal of a fixed term appointment under the Employment Protection (Consolidation) Act 1978 have no application to police officers.

12.38 Officers will still be able to pursue a police career throughout their working lives. Equally we can see a case for consideration to be given to the extension of fixed term appointments for periods of one year at a time. (Extensions should be agreed at least one year before the end of a fixed term. Our recommendations on this subject are set out at paragraph 12.32.)

Arrangements for review

12.39 Officers and management should review the position regarding an individual’s future in the service well in advance of the ending of his/her fixed term appointment. Accordingly, we recommend there should be an informal review with an opportunity for joint discussion at least 12 months before the ending of a fixed term (*Recommendation 176*).

12.40 The review should be undertaken by the line manager in conjunction with the force personnel management department. The review should take account of:

- a) anticipated force requirements in terms of numbers, roles, skills and experience;

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- b) the career history of the officer including range of skills and experience, evidence of ability to acquire and apply new skills and performance;**
- c) the officer's aims and aspirations;**
- d) the likelihood of a further FTA being offered should the officer choose to apply;**
- e) possible changes of posting/career moves in the event of a successful reapplication;**
- f) the need for any associated training or career development moves prior to the end of the current FTA;**
- g) remedial action to be taken by the officer in respect of any shortcomings in performance and conduct;**
- h) support and guidance available in the event that application for a further FTA is unsuccessful.**

(Recommendation 177)

Failure to offer a further fixed term

12.41 It should be permissible to refuse to offer a further fixed term appointment for any of the following reasons:

- a) misconduct;**
- b) inadequate performance;**
- c) structural considerations;**
- d) medical and related grounds.**

(Recommendation 178)

12.42 It will be particularly important to ensure that the grounds for failure to offer a further FTA are clear and that they are appropriate to the case. It will also be particularly important to ensure that decisions are not taken on a discriminatory basis. Chief officers may wish to seek legal or other expert advice in each case. In any event, chief officers should ensure that such decisions are monitored on a regular basis to make sure that equal opportunities considerations are observed and that no requirements or conditions are imposed which could lead to unlawful, indirect discrimination. The following pointers may prove helpful:

- a) misconduct would be appropriate for serious disciplinary offences and in cases of serious culpable behaviour on the part of an officer;

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- b) inadequate performance would be appropriate where the officer was not culpable but nevertheless the standard of the officer's performance fell short of that expected of such an officer;
- c) structural grounds would be appropriate where factors outside the officer's control gave rise to the decision (see paragraphs 12.66-68 below).

Termination of appointment during the course of a fixed term

12.43 We consider that **an officer should be able to resign during a fixed term on giving the following notice:**

- a) **up to 2 years' service: 1 month's notice with discretion for management to pay in lieu of notice;**
- b) **over 2 years' service: 3 months' notice with management discretion to pay in lieu of notice.**

(Recommendation 179)

12.44 We also consider that **there should be a power to terminate the appointment of an officer during the currency of an FTA where retention of the officer would be injurious to the interests of the police service or on structural, medical or related grounds.** *(Recommendation 180)*

12.45 **Whether the appointment is to be terminated summarily or on the giving of notice should be a matter for the discretion of the person or persons taking the decision to dismiss** *(Recommendation 181)*

Failure to offer a further fixed term appointment or termination in the course of a fixed term: representations and appeals

Representations

12.46 **Where an officer applies for a further fixed term appointment, no final decision to refuse a further appointment should be made without first giving the officer concerned an opportunity to make representations. Such representations should be made to the countersigning officer who should take the advice of the force personnel management department or legal advice. In the case of the chief constable or an ACC there should be an opportunity to make representations to the police authority.**

(Recommendation 182)

Appeals: Officers below chief constable level

12.47 **We consider that there should be two opportunities for formal appeal: the first internal and the second external. The internal appeal should be heard by the head of the personnel management department sitting with an ACC designated by the chief constable.**

12.48 We have considered various options as to the nature of the external appeal. Options include a small local or national standing body or, for example, a lawyer selected from a panel appointed by the Lord Chancellor, sitting alone either to hear an appeal or to act as an arbitrator.

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Another option is appeal to an industrial tribunal (this does not imply changing the employment status of officers since industrial tribunals already hear discrimination cases involving police officers). Appeal to an industrial tribunal is the approach proposed in the previous Home Secretary's recent papers on matters of misconduct and inadequate performance. Consultations are not yet complete. **We recommend that the second external appeal body in respect of FTAs should be the same as that finally agreed in respect of the Home Secretary's proposals regarding misconduct and inadequate performance.** (*Recommendation 183*)

Special appeal provisions for chief officers

12.49 **In respect of all chief officer ranks, we consider appeal should be to the Secretary of State.** (*Recommendation 184*)

Pay pending appeal

12.50 Lastly we have considered the treatment of an officer pending appeal against a decision not to offer a further fixed term appointment. In relation to other appeal provisions available already in the police service, the general practice at present is to suspend on full pay, pending the exhaustion of all avenues of appeal. **We recommend that in the case of officers on fixed term appointments, suspension on full pay should be for the duration of the fixed term appointment only. If the officer appeals, he/she should continue to receive full pay until expiry of the fixed term, but not thereafter, unless the appeal body so decides. If an officer's appeal is successful at any stage and he/she is reinstated, the appeal body should have the discretion to award back pay in respect of any period of suspension without pay.** (*Recommendation 185*)

Benefits on completion or termination of fixed term appointments

12.51 Our recommendations on this subject appear in Chapter 13: Pensions and Related Benefits.

OTHER ASPECTS OF TENURE

Normal Retirement Age

Officers serving on FTAs

12.52 Appointment on or movement to an FTA clearly has implications for the normal age of retirement of the officers concerned.

12.53 Evidence we have received raised the issue of retirement age for officers serving under the present scheme. It did not address the changes that might be required by the introduction of fixed term appointments. A number of lead interests suggested that disparities between forces as to normal or compulsory retirement age should be ended. It was also suggested by some that opportunities to retire at earlier career points should be offered. Most supported the continuation of the existing discretion to extend normal compulsory retirement age.

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12.54 Many of these points have been addressed by our recommendations concerning fixed term appointments. For example we have recommended provision for fixed term appointments of less than five years in the case of officers nearing retirement age and flexibility to review appointments on a rolling annual basis (paragraphs 12.32-33).

12.55 **We agree that following the introduction of fixed term appointments there should continue to be discretion to extend service beyond normal compulsory retirement age (*Recommendation 186*).** This should be achieved by exercising one or other of the two flexibilities referred to in paragraph 12.54 above.

12.56 As regards disparities between forces concerning normal or compulsory retirement age, we agree with those who have suggested that disparities between forces are inappropriate. **We accordingly recommend that under the new fixed term appointment scheme a common age of normal retirement should be established. (*Recommendation 187*)**

12.57 As to what that age should be, our recommendation to introduce fixed term appointments makes a considerable difference to the position. HM Inspectorate of Constabulary made the point that “the introduction of term contracts will eventually end the debate about retirement ages”. Whilst this may not be entirely true, fixed term appointments certainly provide opportunities for both officers and management to review career lengths at regular intervals. Our proposals regarding benefits payable on completion of fixed term appointments and cessation of fast accrual arrangements under the new scheme (see Chapter 13) provide a great deal more scope than is available at present for officers to consider and explore other employment possibilities at times when they may no longer feel motivated or able to continue with the rigours of a career in the police service.

12.58 In the light of this **we recommend that in the case of officers appointed on or moving to fixed term appointments, the compulsory retirement age should be 60 at all ranks in all forces with a full pension payable after 40 rather than 30 years’ service.** Officers who change careers may then contribute to other pension plans associated with their second career, as well as having the option, as at present, to pay additional voluntary contributions or to contribute to a private pension plan. We see no particular reason why the police pension scheme and the taxpayer should bear the cost of officers’ retiring and ceasing gainful employment at an age below normal retirement age for the rest of the population. **There should be provision for officers to retire at age 55 but with benefits reflecting their contributions to that date (see Chapter 13 which also recommends, in consideration of this and other matters, that officers serving on FTAs should pay a lower pension contribution) (*Recommendation 188*).**

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Officers continuing to serve under the existing scheme

12.59 **The pension entitlements and the compulsory retirement age of serving officers who do not move to a fixed term appointment should not change. There should, however, be discretion to extend service beyond normal compulsory retirement age. (Recommendation 189)**

12.60 The remainder of this chapter reviews other aspects of tenure which will be relevant both in respect of:

- a) serving officers who are not appointed on a fixed term, and
- b) officers who are so appointed or who move to a fixed term.

Where different arrangements will need to apply to these two groups of officers, this is made clear.

Misconduct and inadequate performance: all officers

12.61 Both these issues can be taken to fall squarely within the remit of the Inquiry: arrangements for handling misconduct and inadequate performance on the part of serving police officers are clearly a major aspect of conditions of service. We note, however, the previous Home Secretary's announcement of the planned introduction of arrangements both to allow officers to be dismissed on grounds of inadequate performance and to streamline arrangements in respect of police misconduct. **We welcome these proposed changes which we should otherwise have recommended (Recommendation 190). We recommend that parallel arrangements be introduced as rapidly as possible in Scotland and Northern Ireland (Recommendation 191).** We do not recommend that the revised arrangements should be enshrined in statutory regulations though reference to them may be made in the National Code.

12.62 **Misconduct and inadequate performance should be handled in the same way as regards the non-renewal of an FTA or termination of the appointment of an officer who is not on an FTA (Recommendation 192). Termination of an FTA (as opposed to failure to offer a further one) for reasons associated with misconduct or inadequate performance should only be possible on the grounds that retention of the officer would be injurious to the interests of the police service (see paragraph 12.44 above) (Recommendation 193).**

Dismissal of probationers – all officers

12.63 A Probationer constable may be dismissed at any time on the grounds that he is “not fitted, physically or mentally, to perform the duties of his office, or that he is not likely to become an efficient or well conducted constable”. **We recommend that these arrangements should continue (Recommendation 194).**

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Chief officers

12.64 The Home Secretary's proposed inadequate performance arrangements do not apply to chief officers. No doubt this is because existing legislation already includes provision to dismiss chief officers in the interests of the efficiency of the force. **We recommend that it should continue to be possible to dismiss chief officers on these grounds provided the relevant provision is examined and adjusted as necessary to ensure that:**

- a) **its ambit is at least as wide as any provision introduced in respect of the lower ranks (in implementation of the Home Secretary's proposals);**
- b) **account can be taken of chief officers' performance in relation to the performance measures we have recommended in Chapter 6;**
- c) **there are rights of appeal as indicated in paragraph 12.49 above.**
(*Recommendation 195*)

12.65 The existing discipline regulations apply to charges of misconduct against senior officers, including chief constables. **Chief officers should continue to be subject to discipline on grounds of misconduct. Adequate protections, safeguards and rights of appeal should be provided in line with those indicated in paragraph 12.49** (*Recommendation 196*).

Severance on Structural Grounds: All Officers

12.66 Police pension regulations (Regulation A.19) at present allow police authorities to require officers below ACPO rank to retire in the interests of efficiency once they are entitled to a maximum pension. Legislation makes provision for the retirement of chief officers in the interests of efficiency. Little mention was made of these provisions in evidence to the Inquiry though the Metropolitan Police Service, HM Inspectorate of Constabulary and the Superintendents' Association of England and Wales all made mention of the possible need for "a mechanism for redundancy" (HMIC) in connection with organisational reforms.

12.67 We do not consider that the present limited opportunity to require officers to retire provides sufficient flexibility in respect of manpower and resource planning needs. Our recommendations regarding rank structure and the findings of our spans of management control study add to the case for a more flexible package.

12.68 **We accordingly recommend that the opportunities should be made available, through legislation, to declare compulsory or invite voluntary severance on structural grounds to:**

- a) **allow the age and skills profile of the force to be adjusted;**

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- b) **allow manpower levels to be adjusted at various ranks to meet changing management needs and achieve efficiency savings, or**
- c) **to reflect the fact that the need for police officers in a particular rank or place, or to do work of a particular kind has ceased or diminished or is expected to.**

(Recommendation 197)

This recommendation applies to all officers whether or not serving on fixed term appointments. For benefits to be offered on severance see Chapter 13: Pensions and Related Benefits.

Medical Retirement: All Officers

12.69 We have received a good deal of evidence on the subject of medical retirement, much of which expresses concern over the current level of wastage from this cause. 1991 figures for England and Wales were supplied by the Home Office. This was on the basis of a survey of retirements and resignations undertaken as part of a wider study (yet to be published). The survey found that in 1991, 5,213 UK police officers (3.3% of all serving officers) left the service. 1,222 (23.4%) resigned, 1,760 (33.6%) retired with an ordinary pension, and 2,231 (43%) retired on medical grounds.

12.70 These figures, which were released to lead interests, were the only full and compatible data available for the whole UK police service. There was some evidence to suggest that wastage from this source was less than the UK average in both the RUC and Scottish forces. We have taken account of those regional variations drawn to our attention and individual force data submitted with some items of evidence.

12.71 We have also taken account of the particular fitness requirements associated with the nature of operational policing. These were drawn to attention in almost all items of evidence. We note that abuse of the system is “discouraged by a specific discipline offence” (Police Federation of England and Wales) and LAAOS made the point, that it was “not their view that police officers would normally seek to take advantage of the scheme if they were not genuinely ill or disabled”. The Police Federation, amongst others, mentioned that it was “quite common for police officers to challenge the decision of the force medical officer and to insist that they be allowed to perform their police duties”. It nevertheless seems to us that wastage from medical retirement in the police service is high and increasing at a worrying rate.

12.72 Recent increases in medical retirement reported in evidence and research reports were attributed to a variety of causes including:

- a) the particular rigours and stresses of police work taking in shift

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working, the risk of assault and changes in the public's perception of the police (the Police Federation of England and Wales and others);

- b) recruit selection, job design and allocation, management practices and procedures;
- c) restrictions on early retirement (Police Superintendents' Association of England and Wales);
- d) increasing civilianisation;
- e) the stringent fitness requirements set out in police regulations and for those with long service, the financial benefits of medical retirement.

Management Issues

12.73 We have already made clear that we are very much aware of the rigours and stresses of police work. Throughout our Report we have stressed the importance of effective management, particularly by line managers. We have also emphasised the need to take account of both staff welfare and resource management needs in connection, for example, with our recommendation for a more flexible approach to rostering and shift systems.

12.74 The issue of medical retirement particularly underlines the fact that staff welfare and resource management cannot be divorced from one another. Neither should they be: care over the selection of recruits and of the right person for the job at all levels is crucial to the personal welfare and motivation of individual officers and thereby to the provision of good quality, cost effective policing.

12.75 Our recommended approach to pay will certainly require greater attention both to the nature of the role an individual is asked to undertake and the extent to which an officer is able to develop, with necessary training and support, the skills needed to undertake different duties effectively.

12.76 The recommendations which follow concerning arrangements for medical retirement are made with these considerations in mind.

Criterion for medical retirement

12.77 The criterion for medical retirement set out in police pensions regulations is that the officer is "disabled from performing the ordinary duties of a member of the police force". We note evidence from a number of sources and in research to the effect that this may be "too restrictive". It

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might be taken to mean, regardless of rank and the type of duties involved, that an officer may be eligible for medical retirement on the grounds that he/she is unfit to perform all the duties of a front line operational police constable.

12.78 We entirely appreciate the point, made *inter alia* in evidence from HM Inspectorate of Constabulary that a senior officer needs to be “available for duty at all times to take control of operational situations of particular gravity”. We understand that this must be an important consideration. **It nonetheless seems to us that these concerns could still be met if the criterion for medical retirement (which should be set out in the National Code and not in regulations) were to be changed so that retirement on medical grounds with the associated enhanced benefits were available only where the individual was disabled from performing the ordinary duties of a member of the police force at the rank he/she holds. We so recommend in respect of all officers whether or not they are serving on an FTA (Recommendation 198).**

12.79 **Where an officer is partially incapacitated, as a result of a particular medical condition but is nonetheless able to perform a substantial part of the ordinary duties of a member of the police force at the rank he/she holds, a decision should be made whether the service is able to retain that officer in any capacity at the rank he/she holds. This decision should be made in the light of:**

- a) **medical advice; and**
- b) **management judgement as to the extent to which operational and manpower needs mean there would be mutual benefit in retaining the officer’s service either permanently or for a limited period.**

(Recommendation 199)

12.80 **In the case described in paragraph 12.79 above, if the officer cannot be retained, then the officer should be retired on structural grounds and be awarded benefits calculated in the same way as those payable in respect of severance on these grounds. This recommendation should apply to officers on FTAs and officers serving under the present arrangements (it should be noted that the benefits payable to officers on FTAs and those who are not, are slightly different: Chapter 13, paragraphs 25 and 44 refer)**

(Recommendation 200)

12.81 We understand that a good deal of discretion is already exercised in such matters. In the case of officers serving on an FTA our recommendations (see in particular paragraph 12.33 above) should widen the scope for the exercise of discretion by providing greater flexibility to review the position over time and in the light of changing needs.

Civilianisation

12.82 Some items of evidence have suggested it may be necessary to examine civilianisation policy. This is on the grounds that civilianisation may limit the number of posts available to officers who need a period of recuperation or who, whilst not fully fit, might use “their knowledge and experience to the benefit both of the officers themselves and of the service” (Superintendents’ Association of England and Wales). It has also been suggested that civilianisation policy has had hidden costs for the police pension scheme with particular reference to increases in medical retirements caused by a reduction in the numbers of posts available to officers in this category.

12.83 As indicated above we support the exercise of discretion in individual cases. We also support, strongly, the civilianisation of posts which do not require police expertise or the exercise of police powers. This being the case, we do not recommend a review of civilianisation policy on these grounds.

12.84 Our recommendations regarding fixed term appointments and an increase in opportunities for part-time working will provide greater flexibility in relation both to the employment of police officers who are not fully fit and to the need for periods of recuperation.

Benefits relating to medical retirement

12.85 Our recommendations regarding benefits in respect of medical retirement are set out in Chapter 13.

**Retirement following an injury on duty and injury awards:
all officers**

12.86 In considering compensation we took account of more general evidence on ill-health retirement. This stressed the need for retirement arrangements and pension provision fully to reflect the rigours of operational policing duties. Otherwise we did not receive a great deal of evidence on this subject.

12.87 Specific evidence on compensation was, however, submitted by the LAAOS. This commended “the practice already adopted in a number of forces whereby injuries are properly documented when they occur”. **We recommend that this practice be adopted in all forces** (*Recommendation 201*).

Degree of disablement for injury award purposes

12.88 LAAOS evidence also referred to the existing arrangements for assessing degrees of disablement for injury award purposes. This was a measure, not of the degree of disablement itself but of the officer’s loss of earnings capacity. Force medical officers therefore saw this as a financial rather than a medical decision. They did not consider it appropriate for

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medical advisers to be placed under a duty to make such assessments. It was suggested that such judgements should be made by “the police authority, perhaps acting on the advice of a personnel officer”.

12.89 Our view is that a medical judgement is essential to decision-making in respect of the degree of disablement involved and that medical advisers should retain an essential part in this procedure (Recommendation 202). We do, however, consider these force medical advisers should also be specialists in occupational health. Such specialists are better placed to make judgements as to the impact of disablement on future employment prospects and thence earning capacity.

12.90 We accordingly recommend that the duty to make such assessments should remain with force medical advisers. The service should either appoint medical advisers who are specialists in occupational health or ensure they have access to any necessary expert advice on such matters. (Recommendation 203)

12.91 Lastly it was suggested by LAAOS that the four bands available for the purposes of classifying degree of disablement were too wide. Greater discretion will be possible once these provisions are no longer laid down in regulations. It may, however, be helpful for broad policy on such matters to be decided by a small national working group comprising:

- a) force medical advisers who are also occupational health specialists, and
- b) representatives of ACPO.

Definition of “in the execution of duty”

12.92 Definition of “in the execution of duty” was also raised briefly by LAAOS evidence though without any recommendation for change. The present criterion for payment of pension in respect of injury on duty is that the injury was “received without default in the execution of duty”. The existing definition of “on duty” (which is applicable for this and other wider purposes), is as follows:

- a) journey between home and work;
- b) during duty hours, whether or not acting specifically in execution of duty as a constable (the existing guidelines refer to the possibility of an officer being allowed to take part in sport during rostered duty hours; attendance at some staff association meetings also counts as duty).

Officers would also be treated as having received an injury in execution of duty if:

- c) they would not have received the injury if they had not been known to be a constable, or

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- d) the police authority thought this might have been the case and that the officer should be so treated.

12.93 The Inquiry questions whether it is appropriate to treat sporting injuries in particular as “injuries sustained in the execution of police duty”. **We recommend that this be reviewed. Note should also be taken of our recommendations in Chapter 11 concerning arrangements for attendance at staff association meetings: just as we do not consider that attendance at all such meetings should be paid, we consider it doubtful whether injuries sustained in attending all such meetings should be treated as injuries on duty.** (*Recommendation 204*)

Benefits on death or retirement following an injury on duty

12.94 Our recommendations on this subject are set out in Chapter 13.

Medical Appeals

12.95 Our recommendations regarding medical appeals, which apply equally to retirement on grounds of injury on duty are as follows.

12.96 In accordance with our earlier recommendations concerning the accountability of chief officers **we consider that decisions regarding medical retirement of officers below the rank of assistant chief constable should be made by the chief constable in the light of medical advice rather than the police authority. Decisions should continue to be made by police authorities on the basis of medical advice in the case of chief constables and by the chief constable on the basis of medical advice and in consultation with the police authority in the case of ACCs.** (*Recommendation 205*)

12.97 **We recommend that appeals should be handled, as suggested by LAAOS and the Home Office, by doctors drawn from “an expert panel who, while still independent of the parties, would have the necessary knowledge of the police service and therefore be better able to make a sound judgement”** (*Recommendation 206*). This could, as suggested, be achieved by a panel including a specialist in the illness or injury concerned assisted by a force medical adviser from a different force who should be an occupational health specialist.

CHAPTER 13: PENSIONS AND RELATED BENEFITS

13.1 Clearly the changes we have recommended in the position regarding tenure have considerable implications for pension arrangements. Numbers of those submitting evidence pointed to the need carefully to consider the implications of any such changes for the police pension scheme, its costs and contribution rates.

13.2 The Inquiry was aware of this need from the outset and accordingly commissioned the Government Actuary's Department (GAD) to design and cost a revised scheme to meet our recommendation for the introduction of fixed term appointments and to advise on contribution rates. We also considered a number of features of the existing scheme, beginning with funding.

PAY-AS-YOU-GO OR A FUNDED SCHEME?

13.3 Given concerns expressed as to the costs of the present scheme, and the fact that private sector schemes are normally funded, the first matter we considered was whether it was right to continue with a "pay-as-you-go" approach to police pensions or whether a funded scheme was indicated.

13.4 We concluded that a funded scheme was not appropriate. This was on the following grounds:

- a) funding is appropriate in private sector schemes so as to secure benefits against the risk that the employer's business may be discontinued. Pension rights which have accrued under the present police pension scheme are guaranteed by statute;
- b) it is questionable whether it would be appropriate to build up funds of invested assets to secure the benefits being accrued under pension arrangements backed by the government;
- c) it is doubtful whether it would be acceptable for the government to raise revenue to provide for prospective liabilities rather than to meet its current needs;
- d) to move to a funded arrangement for future service accruals under a new scheme whilst leaving the existing scheme on a pay-as-you-go basis would incur significantly higher pension costs in the medium term (i.e. for the next 20 to 30 years).

13.5 For these reasons the Inquiry does not recommend a move to a funded scheme.

BENEFITS: OFFICERS SERVING ON A FIXED TERM APPOINTMENT

Pension arrangements and benefits on normal retirement age

13.6 We took advice on pensions and post-retirement benefits from the Government Actuary's Department. In the light of this, evidence received, private sector experience and changes we propose in the light of the introduction of fixed term appointments **we recommend a number of changes to be made to pension arrangements and benefits under the revised FTA scheme compared to the existing police pension scheme.**

(Recommendation 207)

Fast accrual

13.7 The present arrangements make provision for pension benefits to accrue at twice the normal rate after 20 years of service. There is at present a very large incentive for officers to remain in the service until becoming entitled to an immediate pension (either on ill-health grounds or retirement at the minimum age).

13.8 The fast accrual of pension also provides a significant disincentive for an individual to cease employment in the police service and take up another job elsewhere. Not only would double reckoning of pension benefits be lost for the remaining period of future service, but also the preserved benefits for pension accrued up to date of leaving would then come into payment at age 60, rather than the early retirement age of around 50. This "penalty" for termination of service shortly before the normal retirement age needs to be eliminated, or at least minimised, if the objectives of the new FTA-based approach are to be achieved.

13.9 **We accordingly recommend that there should be no provision for the fast accrual of benefits in the FTA-based approach. Pension benefits would accrue on a uniform basis at 1/60th of final pay for each year of service.**

(Recommendation 208)

Commutation

13.10 Under the present pension arrangements, a retiring police officer can forgo up to one-quarter of the pension benefit in exchange for a lump sum payable at the retirement date. The lump sum is calculated on the basis of actuarial equivalence for the pension given up, and the factors vary between males and females and by age, up to a figure in excess of 14 to 1. **We recommend that in the new FTA arrangements, commutation of pension should be available up to Inland Revenue limits on the basis of a unisex factor of £12 for each £1 per annum of pension given up. This factor represents approximate actuarial equivalence at the normal retirement age of 60.** *(Recommendation 209)*

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Members' contributions

13.11 **Given our recommendation that in the new scheme fast accrual be removed from the pension arrangements and that retirement age be increased to age 60, we consider that a lower rate of pension contributions should be payable by members who are employed on or move to a fixed term appointment.**

13.12 In the light of costings we have received from the Government Actuary's Department (see Chapter 15) **we recommend that officers employed under the new arrangements i.e. those who are employed on or move to FTAs, should pay a rate of 7% instead of the present 11%.**
(Recommendation 210)

Pensions in deferment

13.13 Where any officer's pension is in deferment **we recommend that it should continue to be updated by RPI under the Pensions Increase Act 1971.**
(Recommendation 211)

Pensions in payment

13.14 **We recommend that pensions in payment should continue to be linked to RPI under the Pensions Increase Act 1971.** *(Recommendation 212)*

Benefits for spouses

13.15 **We recommend that for officers on FTAs these should be in line with existing arrangements subject to adjustments to take account of the new scheme** *(Recommendation 213)*. This would yield benefits as follows:

a) Benefits on death in service

Spouse's pension	1/120 of FPP per year of enhanced service
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Lump sum	2 times pensionable pay
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b) Benefits on death in retirement

Spouse's pension	50% of member's pension
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Lump sum	5 years' pension less payments to date
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c) Benefits on voluntary withdrawal

Preserved pension	1/60th of FPP per year of actual service
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Preserved spouse's pension	50% of member's pension
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Transfer value may be taken in lieu

Benefits at the end of a fixed term appointment

13.16 We have made clear that officers appointed on a fixed term who wish to leave the service or who are not offered a further FTA should be entitled to leave with dignity and a fair settlement. We have made the same point in respect of officers not serving under an FTA with particular reference to severance on structural grounds.

13.17 In our view, fixed term appointments are a “two-way street” providing flexibility and choice for both management and the individual. This should be reflected in benefits. **We accordingly recommend that in the case of officers who decide to leave voluntarily at the end of a fixed term and in a number of other cases (see below), officers should be entitled to receive a lump sum.** (*Recommendation 214*)

Officers who leave voluntarily

13.18 We have considered what level of benefit and, in particular, what lump sum payment would be appropriate in such cases. Having examined practice in the private sector **we recommend that where an officer leaves voluntarily at the end of a fixed term, benefits should be as follows:**

Lump sum: 1/12 of Final Pensionable Pay (FPP) per year of actual service up to a maximum of 2½ x FPP.

Pension: Preserved pension at age 60 (subject to paragraph 13.20 below).

(*Recommendation 215*)

13.19 We do not consider that a lump sum should be payable in the case of voluntary resignation in the course of a fixed term. In such cases, benefits should comprise a preserved pension only.

13.20 **We also recommend that where an officer who is nearing retirement age, i.e. age 55 and over leaves voluntarily at the end of a fixed term (and in certain other cases – see below) the officer should receive immediate payment of pension – including commutation rights – based on service to date and, at the discretion of the chief constable, a lump sum payment up to a maximum of one month’s pay for every year of service and no more than 2½ x FPP.**

(*Recommendation 216*)

Inadequate performance

13.21 As regards cases of inadequate performance, we take the view that management must bear part of the responsibility in such matters. Any errors in decision-making over initial recruitment, confirmation of appointment at the end of probation or subsequent promotion are the responsibility of management. Equally, where an individual is performing inadequately it is a responsibility of management to provide the motivation, training or counselling needed to allow the individual, within the limits of his capacity, to raise performance to the necessary level. So

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management, not merely the individual, must bear the responsibility for any failure to do so. **Accordingly we recommend that lump sum payments should be available in cases where management decides not to offer a further fixed term on grounds of inadequate performance. Benefits should be as follows:**

Lump sum: 1/12 of Final Pensionable Pay (FPP) per year of actual service up to a maximum of 2½ x FPP.

Pension: Preserved pension at age 60. (Recommendation 217). In the case of officers age 55 or over there should be entitlement to immediate payment, including commutation rights, based on service to date (cf paragraph 13.20 above) and, at the discretion of the chief officer, a lump sum payment up to a maximum of 1/12 x FPP and no more than 2½ x FPP.

(Recommendation 218)

Misconduct

13.22 We do not consider it appropriate for lump sum payments to be offered in cases where the decision not to offer a further FTA is made on the grounds of misconduct. In such cases we consider the position under the new scheme should be broadly as at present. Where no further fixed term appointment is offered on these grounds, the officer should not be entitled to a lump sum or transfer value. **We recommend that entitlement should be to a preserved pension payable at age 60 (or immediately in the case of officers age 55 or over: see para 13.20 above). This is subject to the current statutory provisions relating to forfeiture in exceptional cases.**

(Recommendation 219)

Dismissal of probationers: all officers

13.23 **We recommend that entitlements should be the same as at present.**
(Recommendation 220)

Severance on structural grounds

13.24 We recommend that opportunities should be available at any time to declare compulsory or invite voluntary severance on structural grounds. **We also recommend that it should be possible to take a decision not to offer a further fixed term appointment for structural reasons (see Chapter 12).**

(Recommendation 221)

13.25 **In the case of officers serving on a fixed term appointment, we recommend that the benefits payable in the event of compulsory or voluntary severance on structural grounds at the end of or during a fixed term should be:**

- a) **Lump sum: 1/12 of FPP per year of actual service up to a maximum of 2½ x FPP;**

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- b) Preserved pension at age 60 (in the case of officers age 55 or over there should be entitlement to immediate payment, including commutation rights, based on service to date – cf paragraph 13.20 above).**

(Recommendation 222)

Medical retirement

13.26 Where an officer is disabled on medical grounds from performing the ordinary duties of a member of the police force at the rank he/she holds (see paragraph 12.78) we recommend that the new scheme should offer benefits on ill-health retirement which are broadly similar to the present arrangements. They should, however, be reduced slightly to accord better with practice elsewhere. *(Recommendation 223)*

13.27 Accordingly we recommend that in the case described in paragraph 13.26 above the period of enhancement to actual service to be taken into account under the new scheme should be the smallest of the following three items:

- a) reckonable service worked to date;
- b) seven years' reckonable service;
- c) one-half of potential service to the minimum age at which an unreduced normal pension can be earned.

(Recommendation 224)

13.28 Benefits should include 1/60 of FPP per year of enhanced service and a lump sum by commutation of £12 per £1 per annum pension.

(Recommendation 225)

13.29 In a case falling within paragraphs 12.79 and 12.80 the officer should receive:

- a) Lump sum: 1/12 of FPP per year of actual service up to a maximum of 2½ x FPP.
- b) Pension: Preserved pension at age 60 (in the case of an officer age 55 or over there should be an entitlement to immediate payment, including commutation rights – cf paragraph 13.20 above).

(Recommendation 226)

Retirement following an injury on duty

13.30 For an officer who has to be retired because of an injury suffered in the course of duty, a generous level of retirement provision should continue to be available. Benefits should be broadly at a comparable level to the present provision, but the same minor amendments should be made to fit in with the new benefit structure as have been recommended in paragraph 13.27 above. *(Recommendation 227)*

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Injury awards

13.31 We recommend that awards relating to injuries on duty which do not lead to retirement should be made on the same basis as at present.

(Recommendation 228)

Termination of an FTA

13.32 Where an FTA is terminated on structural, medical or related grounds, the benefits we have recommended in respect of failure to offer a further FTA should also be payable during an FTA's currency. Where the termination is on the grounds that the retention of the officer would be injurious to the police service (see paragraph 12.44) no compensation should be payable. *(Recommendation 229)*

13.33 A summary of recommendations on pensions and related benefits under the new scheme is at Appendix XXVI.

Credits for present members of the police pension scheme who move to FTAs

13.34 We recommend in Chapter 12 (paragraph 12.28) that serving officers should be required to move to the new arrangements on promotion or transfer to another force and that there should be an option for serving officers to transfer to the new arrangements.

13.35 Any transfer of existing staff from the present scheme to the new scheme requires separate consideration of the implications for rights accrued to date (past service) and the value of rights to be accrued under the new scheme in respect of future service.

13.36 As a continuing member of the present scheme an individual has the expectation that service accrued to date will be used to determine benefits at retirement. The incidence of that retirement may itself depend upon the extent of reckonable service, a member being able to retire from age 55 in certain circumstances. The level of benefit will be determined using the rate of salary close to the time of retirement taking account of both general pay awards and promotion/increments from the present time. However, on leaving the scheme an officer would become entitled to preserved benefits. These would be payable from age 60. The level of benefit would be determined at the time of leaving and then uprated to age 60.

13.37 An early leaver suffers potential detriments relative to the continuing member on a number of counts. The range of contingencies on which benefits are paid are reduced. Benefits are payable on retirement only from a later date. In general, pay increases exceed prices over the long-term, as the earnings level should reflect real economic growth, so that the level of pension benefit paid at retirement age for the early leaver may also be lower.

CHAPTER 13: PENSIONS AND RELATED BENEFITS

13.38 A member moving from one scheme to another would only be entitled to those preserved benefits in the present scheme. A form of transfer option therefore needs to be made available to enable individuals to acquire credits in the new scheme, in respect of past service and ensure these are of comparable value to those held in the present scheme. For some groups, there needs to be an offer of further protection. For example, to build into the new scheme measures to allow those nearing age 50 to be granted immediate benefit on their accrued service from an age earlier than normal retirement. **We recommend that the costs incurred in offering these further protections should be met by adjusting the level of service credit awarded against the rights surrendered in the present scheme.** *(Recommendation 230)*

13.39 The credits to be given would depend on age, sex and service completed and may range from 1.0 to 1.3 years in the new scheme. An average figure of 1.25 years of service has been assumed for costings purposes (see Chapter 15) but entitlements will need to be worked out on an individual basis in the light of actuarial advice.

Pensions and related benefits: members of the existing scheme

13.40 **For serving officers who do not move to FTAs and therefore remain members of the present scheme, retirement age and related entitlements, contribution and pension rates, commutation and fast accrual arrangements, benefits on retirement following an injury on duty and injury awards need to remain the same. No lump sum should be payable on voluntary resignation or on dismissal on the grounds of misconduct. We do, however, consider that certain changes should be made to the scheme.** *(Recommendation 231)*

Inadequate performance

13.41 We consider that the points we have made in respect of inadequate performance hold good in respect of all officers. **We accordingly recommend that once the new inadequate performance arrangements are introduced there should be circumstances in which a lump sum is payable, at management discretion, in respect of dismissal on the grounds of inadequate performance.** *(Recommendation 232)*

13.42 Since tenure for officers in the existing scheme is, however, far lengthier with less opportunity for review, we consider that there should be more flexibility as to the offer of benefits and **accordingly recommend the following:**

Lump sum: at the chief officer's discretion, up to a maximum of one month's pay for every year of service and no more than $2\frac{1}{2}$ x FPP.

Pension: Preserved pension payable at existing normal retirement age.

(Recommendation 233)

CHAPTER 13: PENSIONS AND RELATED BENEFITS

Severance on structural grounds

13.43 In Chapter 12 we have recommended that arrangements should be available to invite voluntary or declare compulsory severance on structural grounds. We take the view (Chapter 15) that the service would benefit greatly from an early exercise on these lines. This is so as to be able to take early benefit from our recommendations for the thinning of middle management ranks (Chapter 3).

13.44 We have considered whether it would be appropriate for a voluntary/compulsory severance exercise to be mounted on the basis of the existing provision to require officers to retire on the grounds of the efficiency of the force (para 12.66 refers). We have concluded that this would be inequitable. **Accordingly we recommend that in respect of serving officers who do not move to FTAs, compensation for severance on structural grounds should be:**

- a) **at the chief officer's discretion, a lump sum up to a maximum of 1/12 of FPP per year of actual service and no more than 2½ x FPP, plus**
- b) **preserved pension payable at existing normal retirement age.**

13.45 We also recommend that the same level of compensation should be available to chief constables who decide to leave voluntarily following the review recommended in Chapter 10. (*Recommendation 234*)

Notice periods

13.46 **In the case of officers not on fixed term appointments we consider that existing notice periods should be changed to those recommended in respect of officers serving on FTAs (paragraph 12.43).** (*Recommendation 235*)

Cost of recommendations on pensions and related benefits

13.47 The new scheme as well as changes we have recommended to the existing one have been designed to be capable of introduction on a cost neutral basis. Details as to costs are set out in Chapter 15: Affordability and Value for Money. This also provides separate maximum costings, by rank, for our recommended voluntary/compulsory severance package.

CHAPTER 14: NORTHERN IRELAND AND THE SPECIAL AND DIFFERENT CIRCUMSTANCES OF THE RUC

14.1 We were required by our remit to have regard to the position of policing in Northern Ireland and to the “special and different” circumstances affecting the RUC. We have given careful consideration to this matter throughout our Inquiry and made a number of visits to Northern Ireland to take formal evidence and to have informal discussions. This chapter sets out our views.

APPLICATION OF RECOMMENDATIONS TO NORTHERN IRELAND

14.2 Everyone we have spoken to accepts that the fundamentals of policing remain the same in Northern Ireland as in Britain. Equally, the basic structures, organisational arrangements, cultural values and objectives are similar. Everyone agrees that the police in Northern Ireland should be viewed from the same perspective as forces elsewhere in the United Kingdom. We accept this. It follows that the philosophy and precepts set out elsewhere in this Report should apply to the RUC and supporting organisations in Northern Ireland. We appreciate that nomenclature varies and there are detailed offices and arrangements which are distinct. Nevertheless, we are convinced that the thrust of our recommendations throughout the Report should apply to Northern Ireland.

THE “SPECIAL AND DIFFERENT” CIRCUMSTANCES

14.3 As the remit indicated, however, there can be no doubting that there are “special and different” circumstances in Northern Ireland. Policing is fraught with enormous difficulties. “The troubles” have sustained security threats to members of the police forces which are unparalleled in the Western World. RUC officers face daily dangers, not only while on operational duty, but during leisure hours and while they seek to live their private lives. The divisions in the community cause special problems in gaining support and intelligence. These in turn pose additional difficulties in maintaining effective police operations. The necessary costs of policing are, as the troubles continue, extraordinarily expensive. The police are supported in their regular activities by no less than 17,500 members of the armed forces.

14.4 We believe that the special measures (emergency laws, changes in operational procedures, adjustments to manning) which have been introduced during the troubles, have been necessary.

Equally, such measures will remain necessary as long as the troubles continue. When the troubles end, the special measures must end also.

CHAPTER 14: NORTHERN IRELAND AND THE SPECIAL AND DIFFERENT CIRCUMSTANCES OF THE RUC

Then the RUC and its associate organisations can return to the more normal (i.e. non-emergency) roles pursued by their counterparts in Britain.

14.5 It follows from this that **our major recommendations should be considered by the Secretary of State for Northern Ireland and, hopefully, implemented in the same way as our recommendations to the Home Secretary and the Secretary of State for Scotland, for consideration and implementation in Britain** (*Recommendation 236*). However, to avoid misunderstanding, some specific points deserve mention.

RANK STRUCTURE

14.6 **The simplification of the rank structure recommended for British police forces should also be introduced in Northern Ireland.** (*Recommendation 237*). Our spans of management control study identified the fact that in Northern Ireland management oncosts were relatively low. It also made clear that this was “largely explained by the high proportion of constables in the force which is enhanced substantially by the reserves”. Once this is recognised, the management structure in Northern Ireland is in our view more subject to the criticisms set out in Chapter 3 than the structures in forces in Britain.

14.7 We did consider the special arguments offered in Northern Ireland with particular reference to the need to match or fit with army rank structures and special operational pressures. **We have not accepted the argument for matching army rank structures.** We believe the rank structure we have proposed – paying attention to job weight, roles and responsibilities, spans of management control – is more than adequate to deal with the army liaison and co-operation. Evidence received from the military confirmed that if appropriate officers with appropriate command experience and control were fielded by the RUC, the actual rank or insignia would be secondary. We do allow that **there may be one or two exceptional cases where operational requirements require a special office or rank but they should be very limited in number.** (*Recommendation 238*)

POLICE RESERVE

14.8 We were asked by some presenting evidence to give particular attention to the police Reserve. We have not thought that this is within our remit but we do recognise that the basis on which the Reserve was first set up has been rather changed by the duration of the troubles. We note that some members of the Reserve have now been on limited contracts for approximately 20 years. Since the matter is not within our remit, we think it appropriate to suggest that the Secretary of State might constitute a separate review of the position of the Reserve.

CHAPTER 14: NORTHERN IRELAND AND THE SPECIAL AND DIFFERENT CIRCUMSTANCES OF THE RUC

REWARD STRUCTURE AND RUC ALLOWANCE

14.9 In Chapters 4-10 of this Report, we have set out our reasons for introducing a more extensive and flexible reward structure. We do not see why the measures should not, perhaps with some fine tuning, be applied to officers of the different ranks in the RUC in a way which will cover circumstances which are currently the subject of special arrangements in Northern Ireland (examples include on-call and standby allowance, financial support for intimidated officers and the Chief Constable's special allowance) (*Recommendation 239*). We note particularly the continuance, for many years now, of the RUC allowance and we recommend that it should continue. We do not think, as was suggested to us, that it should become pensionable. Along with many other special laws and measures, this allowance should end when the troubles come to an end. It should, however, in our view be raised to £4,000 (*Recommendation 240*).

REWARD PACKAGE: CHIEF CONSTABLE OF THE RUC

14.10 Elsewhere in the Report, we have set out our thinking on rewards for different ranks of officer. We believe, as we have noted, it would be inappropriate for the Chief Constable of the RUC to be on performance-related pay. The extraordinary politicisation of so many aspects of police work – very often unfairly – render this notion subject to immediate abuse and manipulation. It is, therefore, not to be recommended. We have already recommended that the Chief Constable of the RUC should receive the existing pay lead over the top of the existing chief constable scale and an additional 10% in respect of loss of bonus opportunity. We do not consider that our recommendation regarding the reviews of chief constable appointments (Chapter 10) should apply to the Chief Constable of the RUC. (*Recommendation 241*)

PERFORMANCE MEASUREMENT

14.11 With the above qualifications, we believe that the full battery of performance measures and indicators recommended for other forces should be implemented as quickly as possible in the RUC (*Recommendation 242*). A great deal needs to be done to ensure that the heavy and continuing pressures on policing in a divided society do not deflect management from pursuing much more effective policing. Motivating and rewarding the very good and exceptional performers among the various ranks is necessary just as is the need to deal with or discipline poor performers.

COST OF POLICING IN NORTHERN IRELAND

14.12 We fully accept the extraordinarily difficult and horrendous nature of policing while the troubles continue in Northern Ireland. We accept and understand why policing is also so expensive. Many simple police operations which are straightforward and inexpensive in Britain raise

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serious security concerns and are elaborately expensive in Northern Ireland because of the need for extra cover and/or army support. The stress elsewhere in this Report on the need to ensure value for money and fiscal accountability is even greater when the costs attached to policing are so huge. There must be tight management and there have to be transparent and robust controls so that people in Northern Ireland and Britain alike can know that the high expenditures of money are fully justified.

INVESTMENT IN MANAGEMENT INFORMATION

14.13 We were disappointed to learn of the poor record of investment in management information, management training and management development in the RUC. **We recommend that remedial steps to improve on all these fronts be taken as a matter of urgency** (*Recommendation 243*).

OVERTIME

14.14 We learned at an early stage of our Inquiry of the concerns there were about the use, deployment and costs of overtime in the RUC. Our views on overtime in Britain are set out in Chapter 9. We believe that necessary reforms to overtime in the RUC should follow the lines set out there. The enormous costs involved make the need to introduce change and ensure tight control urgent. We believe the Secretary of State for Northern Ireland should demand the immediate introduction of a robust and transparent system for controlling and monitoring the uses of overtime. **We were accordingly heartened to learn of the establishment, early in 1993, of an *ad hoc* group to analyse current overtime arrangements and to recommend change. We hope their proposals will accord with the general points made in this Report** (*Recommendation 244*).

POLICE AUTHORITY

14.15 In stating that the Chief Constable, his senior officers and police forces in general must be fully accountable, we have recommended that this accountability in Britain is secured through the appointment of a competent police authority. This, following the suggestions of the Home Secretary, might be based on the existing police authorities provided they are complemented with sufficient business, financial and organisational skills.

14.16 In Northern Ireland there is currently a unique authority in that the Police Authority of Northern Ireland (PANI) was established by Statute in 1970. It appears, on the face of it, to possess some of the features of the authorities the Home Secretary wishes to introduce in Britain. We do not seek to avoid the irony in saying that while we fully support the Home Secretary's recommendations in Britain, we leave it open to question as to whether PANI is the most suitable arrangement in Northern Ireland. This doubt, however, flows precisely from our recognition of the

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“special and difficult” circumstances prevailing in Northern Ireland. When nearly all matters in Northern Ireland (language, dress, name, educational background), have been or can be politicised, and operational matters are so close to political and security concerns, normal measures may not be adequate. It is our considered view that while the RUC must be fully accountable, the especially difficult nature of its role in divided communities make us wonder whether PANI ever can become the effective monitoring body that is required. In emergencies, special measures are needed. **Our recommendation is that the Secretary of State Northern Ireland should determine whether change is necessary and how an appropriate competent authority can overview the RUC for the duration of the troubles. Our hope and expectation is that when they end, the reasoning we suggest in Britain will once again become fully relevant to Northern Ireland** (*Recommendation 245*).

CONCLUSION

14.17 This Chapter is short because our messages about the RUC in Northern Ireland may be simply stated. We have no control over operational matters in Northern Ireland nor do we seek any. We believe it is for the properly constituted authorities – the Minister for Law and Order and the Secretary of State for Northern Ireland to take measures to introduce, if they will, our overall recommendations while paying attention to the features which appertain to emergency and security matters and about which they are properly possessed of privileged knowledge.

14.18 It would, however, be remiss of us if we did not record how impressed we were by the fortitude, integrity and courage of so many of the men and women who serve as officers in the RUC. They seek, against difficult odds and vicious terrorists, to maintain peace and stability. Many officers have, in the past, given their lives. We believe the serving officers are owed a great debt of gratitude for the proud jobs they do.

CHAPTER 15: AFFORDABILITY AND VALUE FOR MONEY

15.1 We were asked to have full regard to affordability and value for money. In evidence from the Home Departments we were also asked to provide proposals “robust enough to cope with changes which may occur over the next 10 years in government, the economic climate, or local needs”.

15.2 There may be some room, indeed need, for spending on the police service to go forward in real terms, and society must ensure that it is able to afford the costs of policing. On the other hand we fully understand the constraints which operate in respect of government spending. In any event, throwing money at the problem is neither a real option nor a solution. We saw our task as helping to ensure that more efficient use could be made of existing resources, allowing them to be remanaged to secure better value for money. That is our understanding of affordability and value for money in this context.

15.3 We have already made clear, in Chapter 1, that the key to all this is, in our view, flexibility and clear accountability. Thus we have sought both to empower and to make chief officers accountable for how resources are managed and service is delivered, freeing them to direct resources so as to meet changing demands.

15.4 We have also taken due account of that element of our terms of reference which, rightly, recognised the need to “recruit, retain and motivate officers of the right quality”. By virtue of both existing and future demands as well as clearer designation of accountability, the service will need to be well placed in the employment market to secure and retain the services of officers of high calibre to fulfil a wide range of demanding roles on the front line as well as in management. It will need to achieve this on a consistent basis over time.

15.5 Our recommendations have sought to:

- a) facilitate the task of establishing a flexible and adaptable management structure by reform and simplification of the police service approach to rank as well as the roles, responsibilities and spans of management control associated with it;
- b) allow contributions by individuals and their managers to be properly judged and rewarded in ways which are adaptable to changing circumstances and priorities;
- c) balance the need to provide individual incentives against wider objectives such as proper attention to staff welfare and team work;

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- d) secure a market position for police pay which adequately reflects the demands of the job and society's need for an exceptional level of integrity, skill and sensitivity in those to whom it designates the task of preserving law and order and exercising the associated exceptional powers;
- e) provide mechanisms through which the service can assess individual contributions and skills on a continuing basis in the light of emerging needs, making necessary changes in a way which is fair and reasonable for all concerned.

MANAGING CHANGE

15.6 In seeking to achieve these aims we have recommended abolition of a number of existing constraints so that best practice in organisational and resource management can more easily be applied in the police service. We have also sought to recognise the long and honourable history of the service and its special needs. We think it important to provide practical transitional arrangements which cater for the necessary degree of continuity and equity whilst allowing reform to be introduced at a sensible and affordable pace.

15.7 Chapter 16 of our Report refers back to transitional arrangements in respect of specific reforms as they have been dealt with under the various headings in our remit. It also suggests other relevant changes which either follow from or would aid transition to the new arrangements we propose. This chapter looks at the management of change in relation to costs and value for money. It proposes approaches to the transition, including planning, which are designed to meet the joint needs of affordability and equity. We begin, however, with an assessment of affordability based on a direct comparison between overall pay costs at present and those which would derive from full implementation of the reform of pay arrangements we have recommended.

ASSESSING AFFORDABILITY

15.8 It has always been clear to us that in the context of a significant reform package it would not be sufficient to take a "back of the envelope" approach to the assessment of costs. No private sector organisation would consider changing policy on remuneration, management structure, or conditions of service without undertaking a close examination of the likely resource implications. Nor would any public sector organisation consider doing so, bearing in mind current constraints and the wider interests of the tax payer.

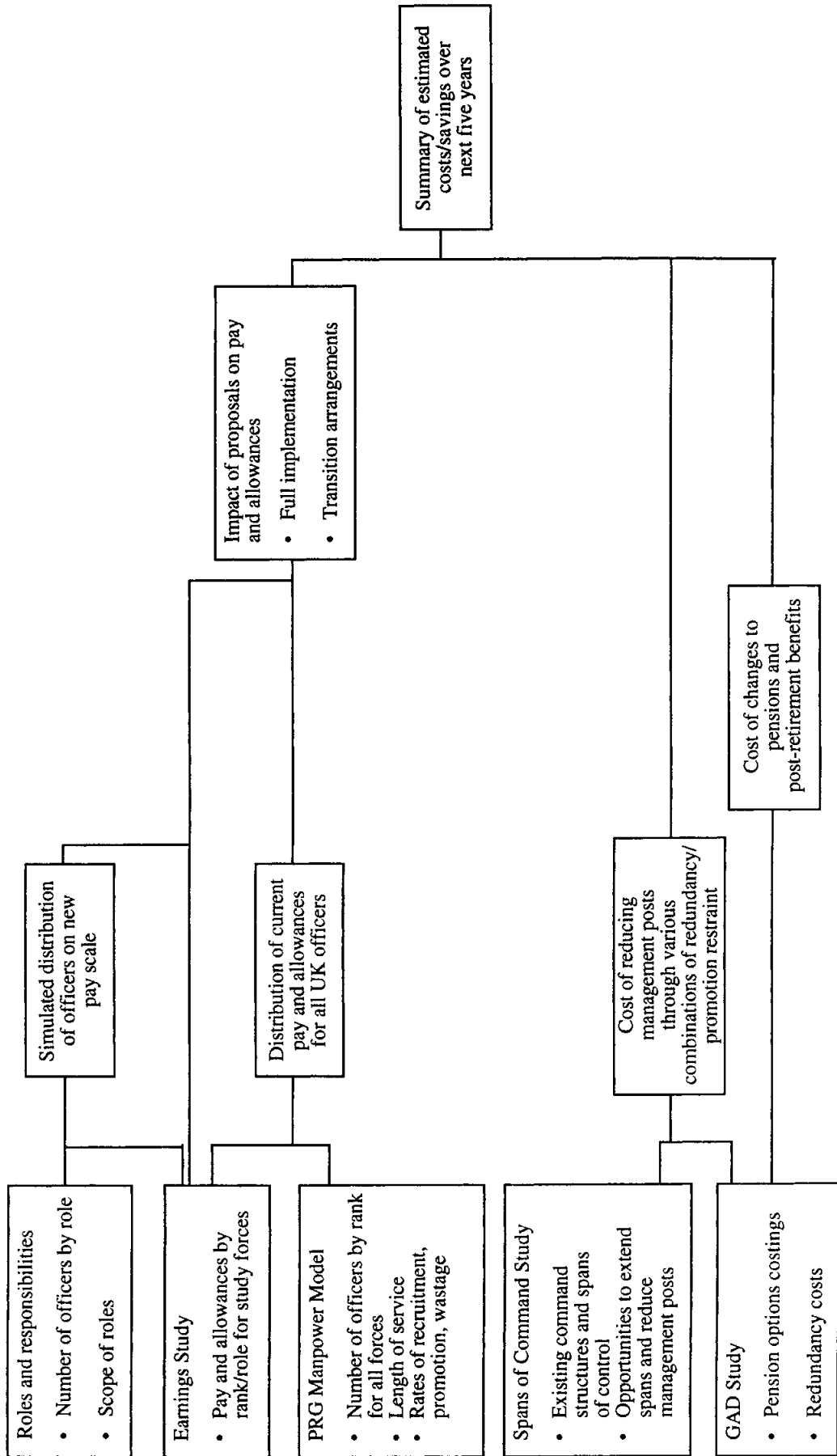
15.9 With these considerations in mind we required our management consultants, Ernst & Young and Towers Perrin, to undertake an earnings survey. This was designed to provide, for the officers whose roles and

responsibilities were being studied, data on earnings and their source (Model 1). Our objective was to allow construction of a model which would show what earnings were related to and what would be the impact of changes we were proposing. These took in not only the basic pay bill and the manner in which it was allocated, but the costs of pay-related allowances.

15.10 We also commissioned work by the Government Actuary's Department to advise on and construct a model to assess the cost of changes to pension and post-retirement benefits we were proposing (Model 2). Ernst & Young and Towers Perrin and GAD were asked to take into account and use for costings purposes the manpower model commissioned from Home Office Police Research Group prior to the start of our work (Model 3).

15.11 Finally we asked our consultants to model the overall impact of all the changes we were proposing (Model 4). A flow diagram showing how data from the three basic models fed into the final costings analysis is set out below.

OVERVIEW OF COST MODELLING (Model 4)



CHAPTER 15: AFFORDABILITY AND VALUE FOR MONEY

The roles, responsibilities and earnings model

15.12 This was constructed on the basis of two surveys:

- a) a self-reported survey of roles and responsibilities: this considered the range, nature and level of responsibilities exercised by a sample of officers in a representative range of roles at each rank. It also looked at aspects of policing circumstances including such matters as risk of assault and disruption to personal life;
- b) a survey completed by force payroll departments: this provided earnings data taking in overall spending per force on overtime and allowances by type as well as cash actually received by those who completed the roles and responsibilities questionnaires. (This was collated using numerical identification codings so as to comply with data protection requirements.)

Limitations on the data

15.13 We should make perfectly clear at this stage our awareness of the potential limitations of self-reported data on roles and responsibilities and of the difficulties inherent in collecting police service earnings data, particularly given the extremely variable state of force information systems.

15.14 Despite these difficulties the total cost analysis has produced a reliable indication of the impact of our proposed changes. It provides a more detailed assessment than has ever been attempted either in relation to ongoing negotiation of change under the existing system or the formulation of previous Inquiries' recommendations.

15.15 Chapter 16 recommends that urgent action be taken to improve force management information systems, not principally to allow our own recommendations to be implemented but as a prerequisite to effective management *per se*. This should also allow the resource implications of our recommendations to be monitored and local arrangements adjusted according to need.

Approach to costing reforms to basic pay scales and related allocation arrangements

15.16 As a first step, it was necessary to secure an assessment of affordability based on a direct comparison between overall pay costs at present and those which would derive from realigning basic pay distribution to match roles, responsibilities and performance. Using the performance assessment matrix described in Chapter 5, our consultants used data from the roles and responsibilities study to score the range of roles at each rank which had been surveyed. This work was undertaken on the following basis:

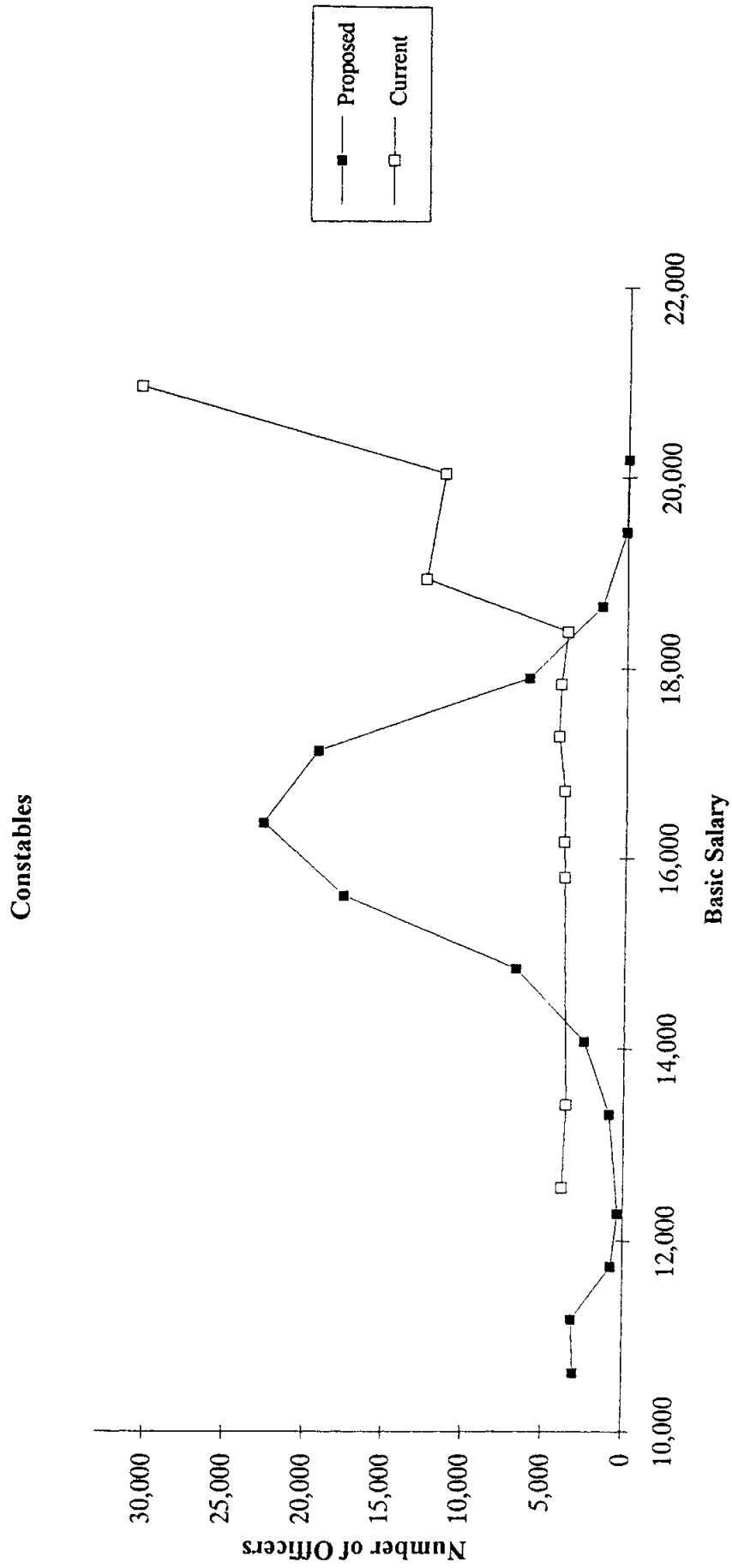
CHAPTER 15: AFFORDABILITY AND VALUE FOR MONEY

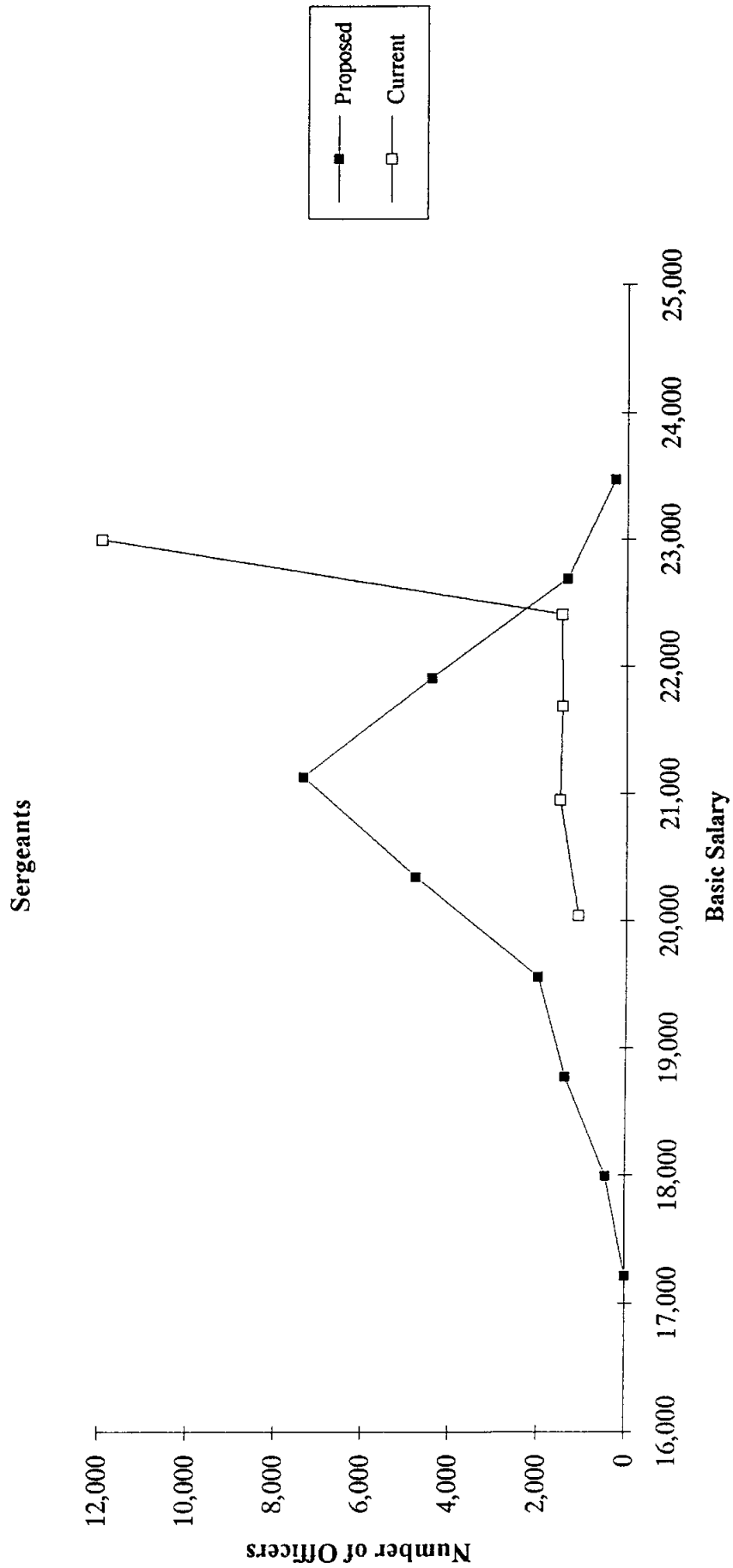
- a) *Role Scope:*** within the 1-3 scoring range provided, a score was awarded for each role surveyed in the roles and responsibilities study. The score was assessed on the basis of a range of sources of information:
- i) illustrative definitions of the responsibilities of the core roles in each rank as set out in Appendix XIII;
 - ii) the results of the roles and responsibilities survey which analysed current areas and levels of responsibility of each role in all ranks;
 - iii) the results of role evaluation modelling informed by discussions with HMCIC;
 - iv) the results of an exercise to validate the matrix in one Area Command;
- b) *Policing Circumstances:*** scores were allocated within the 0-3 scoring range. This was primarily on the basis of self-reported data on risk of assault, disruption to family life and availability of support derived from the roles and responsibilities study. Account was also taken of the known characteristics of policing in different areas and of evidence supplied to the Inquiry in respect of policing in, for example, the Metropolitan Police Service and the RUC. On this basis, assumptions were made about the distribution of officers in patrol/operational command roles between points 1, 2 and 3 (Appendix XXVII). These assumed, for example, that the RUC would have the largest proportion of patrol officers achieving a maximum “circumstances” score on the matrix, followed by the Metropolitan Police Service;
- c) *Experience and skills:*** ultimately this factor will be scored on the basis of the experience and skills required of any officer to fulfil the role effectively, together with an assessment of the individual officer’s experience and skills. For the purposes of the modelling exercise, each role was given either 0 or 1 point depending upon the requirements of the role. In addition, all roles were given one point for the individual officer’s element;
- d) *Performance:*** the costing model assumed all officers would receive 1 point for performance. This represents the expected average score across all officers. The simplifying assumptions concerning the scores for individual experience/skills and performance only have a small impact on the overall costs of the scheme (in respect of “red circling”).

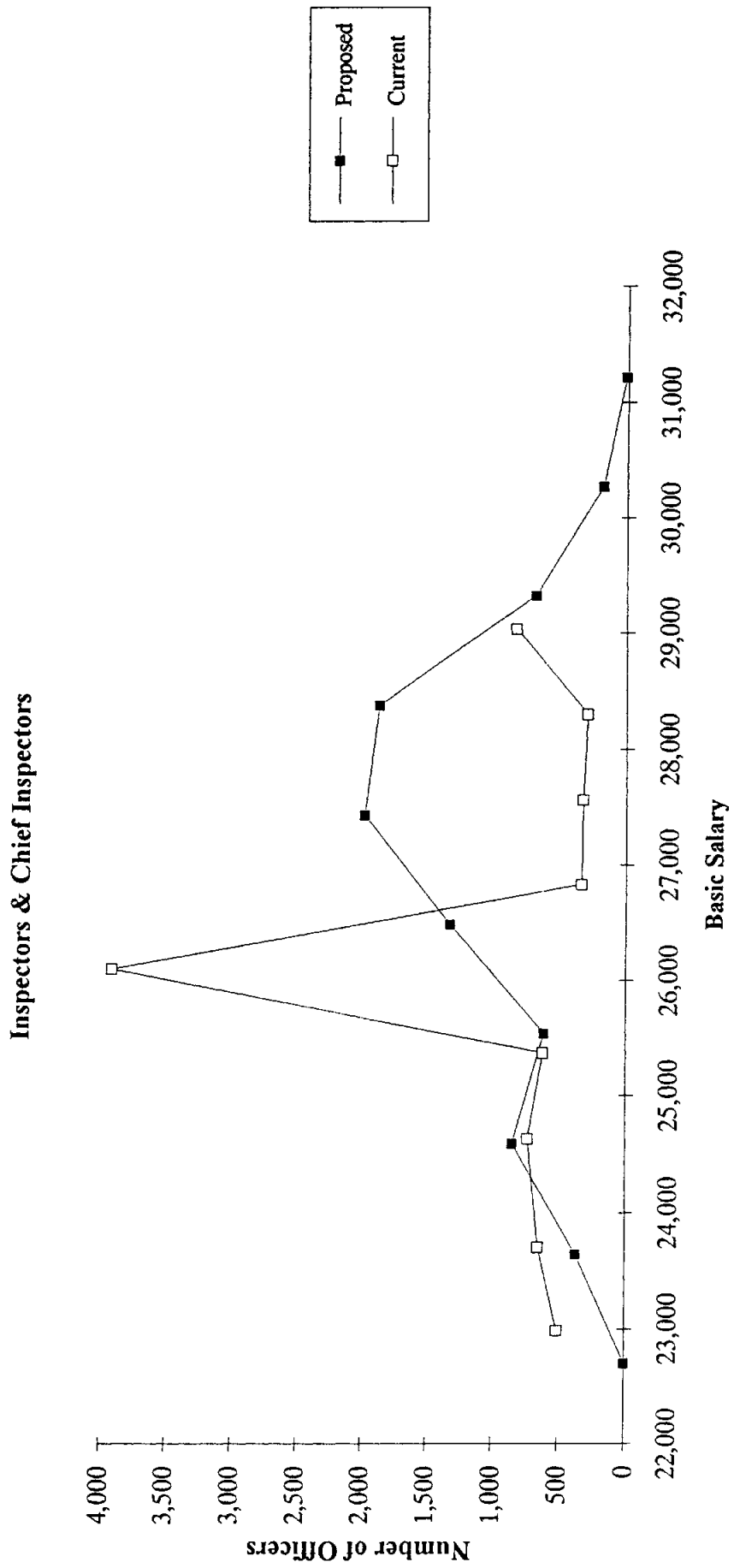
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15.17 Appendix XXVIII illustrates the resultant number of points ascribed to each role within each rank.

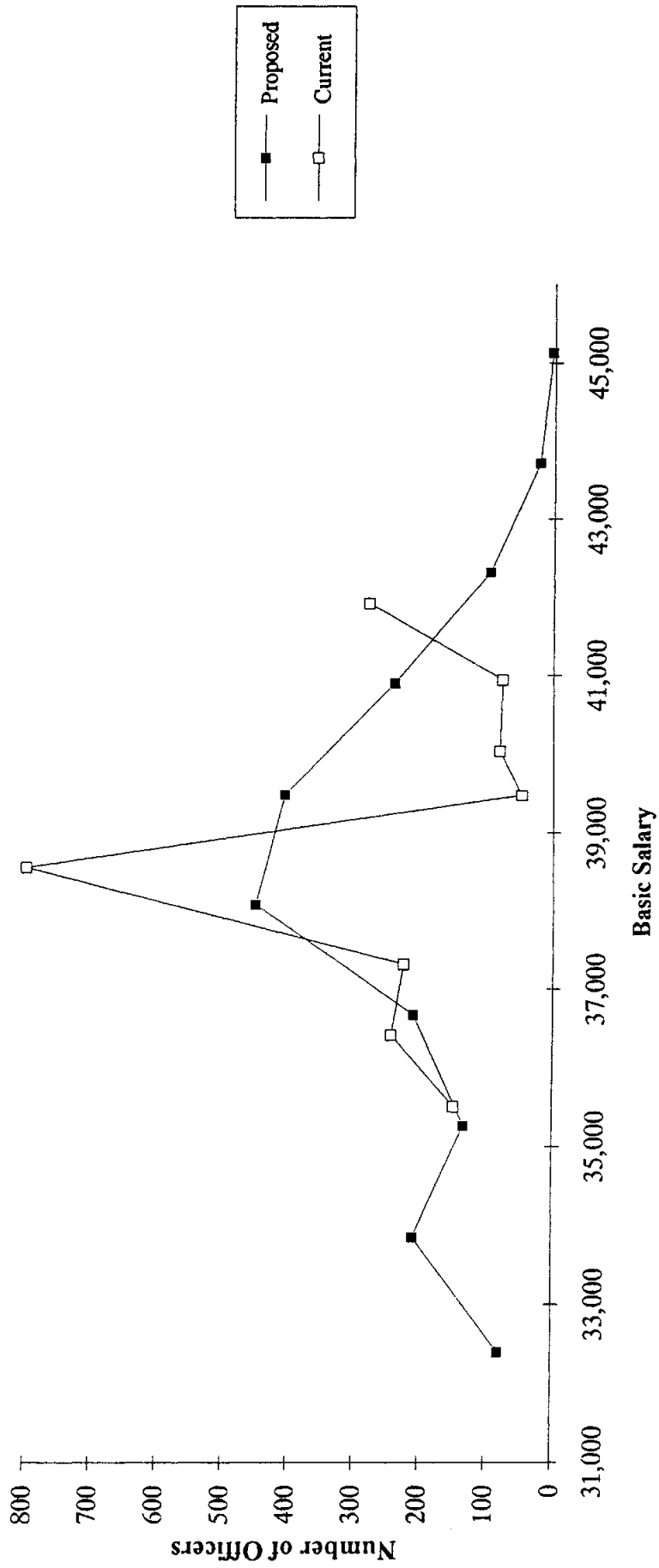
15.18 These scores were then applied to existing police strengths using data from HM Inspectorate of Constabulary matrix concerning the distribution of officers per role by rank. The resultant revised distribution of basic salary, compared with the current seniority-based distribution (derived from the PRG manpower model) is shown below.







Superintendents & Chief Superintendents



CHAPTER 15: AFFORDABILITY AND VALUE FOR MONEY

15.19 The current distributions almost all essentially show a peak at the top end of the scale. The following table shows the percentage of officers in each rank who are at the top of their pay scale.

Officers currently on top point of pay scale for rank

Rank	Percentage of officers in rank (All UK forces)
Constable	34
Sergeant	68
Inspector	60
Chief Inspector	42
Superintendent	57
Chief Superintendent	58

15.20 This table highlights the fact that, under the current arrangements, a large proportion of officers have no scope to increase their earnings other than through promotion or overtime, where available. In contrast, the simulated distributions for the proposed pay scales all have central peaks. This shows that there will be scope for officers to increase their earnings within the rank by moving to a more responsible role, performing better, accepting more difficult policing circumstances or developing their skills and experience. This is one of the major benefits of our proposals for a new pay structure.

Taking account of changes to pay-related allowances

15.21 Proposed changes in entitlements to pay-related allowances are set out in Chapter 9. The proposed changes to housing emoluments will take immediate effect for new recruits. For serving officers they will only take effect upon promotion or transfer to another force. The cost impact of these changes has been modelled by our consultants using the Home Office Police Research Group manpower model (Model 3). This provides current recruitment, promotion and wastage rates at each rank. The cost model “red circles” housing emoluments for serving officers and phases in the impact of the changes over the first five years following implementation. It takes account of recurrent savings from non-payment of the allowances and the capital cost of buying-out existing entitlements.

15.22 The proposed changes to overtime payments will take immediate effect following implementation. The cost model has separated the current costs of overtime payments into two. The first part (equivalent to around 60% of the current total) has been taken into the total sum available to fund basic salary costs. This is partly in recognition of the factor within the points matrix which compensates officers in roles required to work longer hours. The second part (equivalent to around 40% of the current total) has been earmarked to finance cash premia payments (see Chapter 9). It has

CHAPTER 15: AFFORDABILITY AND VALUE FOR MONEY

been conservatively assumed that the cost of payments for rest day and public holiday working will remain unchanged. It should be noted that proposals for changes to notice periods in respect of public holiday and rest day working should, in fact, produce reductions in these payments but these have not been modelled for costing purposes.

Transitional arrangements: “red circling”

15.23 The Inquiry has taken the view that in moving to new arrangements it is important to avoid the hardship and loss of motivation which would result from any short term reduction in the earnings capacity of serving officers. To this end we have proposed that:

- a) serving officers should be aligned to the new basic pay scale in such a way as to allow them at least to retain their existing salary (see Chapter 8);
- b) overtime entitlements should be revised immediately (see Chapter 9);
- c) phasing arrangements should be introduced in respect of housing entitlements (see Chapter 9).

15.24 The modelling has taken account of these proposals in estimating the likely flow of additional costs and savings over the first five years following implementation of the new arrangements.

Results of cost modelling

15.25 The results of the cost modelling are summarised in the table below.

Base Case

(£ millions) Year:	1	2	3	4	5
Cost of existing pay scale including overtime and allowances	4,248	4,248	4,248	4,248	4,248
Cost of new pay scale	4,107	4,107	4,107	4,107	4,107
+ red circling costs *Deflated	112	109	105	100	95
– housing allowance (savings)	(32)	(65)	(101)	(136)	(172)
+ pool for overtime premia	33	33	33	33	33
Summary of recurring costs/ (savings) of new arrangements	(28)	(64)	(104)	(144)	(185)
Cost of housing allowance commuted payments	69	72	77	78	78
TOTAL COST/(SAVINGS)	41	8	(27)	(66)	(107)

CHAPTER 15: AFFORDABILITY AND VALUE FOR MONEY

15.26 The table shows that the proposals are broadly cost neutral. There will be a small net increase in recurrent costs for the first and second year as a result of “red circling” costs. Thereafter recurrent savings outweigh these costs.

15.27 An option is proposed in Chapter 10 regarding officers whose pay is currently below the point at which they are assessed on the new scale. Under this option, pay for these officers would only increase when finance became available. In this way additional costs in the first year could be avoided. Widespread adoption of this approach is not, however, recommended on grounds of equity and because it goes against the aims of a system geared to reward responsibility and effort. Much will depend, however, on the seniority profile of the force and use of the option may be unavoidable in some cases.

15.28 It should also be noted that the lump sum payments to buy out housing allowance for serving officers (around £70-80m per annum) would reduce in future years and recurrent savings would increase.

15.29 The application of the points survey and the national costings in a trial operational command area (see 5.17 and Appendix XV) indicated that the proposals of the Inquiry team were cost neutral in terms of salary costs. On this important aspect, the findings of the trial confirmed the general pattern of expenditure identified at the national level.

15.30 In addition to the costs which have been modelled above, other proposals of the Inquiry will enable the service to obtain better use of resources. These include savings to be derived from ceasing to enshrine police pay and conditions in statutory regulations. These have not been specifically modelled because their likely impact is either unpredictable or not material in the context of a total budget in excess of £4 billion per annum. Some of the specific proposals in this category include:

- a) changes to the arrangements in respect of rostering – these will affect related eligibility to enhanced rate payments for public holiday and rest day working (Chapter 9);
- b) replacement of the existing range of reimbursement allowances with locally agreed arrangements based on the principle of costs actually incurred (Chapter 11);
- c) the replacement of the Edmund-Davies formula with the formula proposed by the Inquiry and the proposed initial two-thirds to one-third distribution thereof. (In each of the last five years, Edmund-Davies based settlements have exceeded private sector median settlements);

CHAPTER 15: AFFORDABILITY AND VALUE FOR MONEY

- d) the Home Secretary's proposed reforms to police financing arrangements. (These will provide chief officers with much greater flexibility, for instance to employ civilians thereby releasing police officers for the operational activities which require their special skills, training and constabulary powers.)

15.31 Although it is not possible to quantify the impact of these changes at this stage, we believe that, taken together with the results from the cost modelling exercise set out above, they will ensure that our package of proposals will be affordable and provide considerable opportunities for increased value for money.

PENSIONS AND RELATED BENEFITS

15.32 As indicated above, a study was commissioned from the Government Actuary's Department (GAD). This was to:

- a) allow the recommended changes in post-retirement benefits to be costed in terms of the pensions scheme;
- b) calculate necessary changes to contribution rates, and
- c) provide data to be used in the overall cost modelling exercise undertaken by Ernst & Young and Towers Perrin.

15.33 At Appendix XXIX is a detailed account of the approach GAD adopted to assessment and the assumptions made. The resultant costings data were fed into the overall costings model, e.g. to take account of the implications of possible structural change for pension costs. The following paragraphs look at the impact the revised scheme will have on this aspect of costs.

Results for new recruits

15.34 A summary of the combined employer and employee contribution rates required to meet the cost of the benefits to be provided under the present police pension scheme and the proposed alternative scheme is set out in Appendix XXX. Separate contribution rates are shown for each of the entry ages 19, 25 and 30 as well as a combined average figure for all entry ages. These figures are weighted values across both male and female recruits to the police service.

15.35 The table below summarises the average contribution cost in respect of new recruits, weighted across all entry ages and both sexes. This summary shows the figures assuming that one-third of those presently voluntarily withdrawing or retiring from service would leave the service through management decisions not to offer further fixed term appointments.

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	Total cost of benefits provided (£m)	Cost excluding lump sums for not offering a further FTA	Cost of the lump sum for not offering a further FTA
Present Scheme	35.4	n/a	n/a
Proposed Scheme Present wastage level	31.9	26.6	5.3
+ 5% wastage	31.9	26.5	5.4
+10% wastage	31.9	26.5	5.4

15.36 The results show that the proposed alternative arrangements provide benefits of lesser value than the existing pension arrangements for police officers. The extent of the shortfall is substantially dependent upon the degree to which managers do not offer further FTAs when the fixed term has expired.

15.37 On present wastage rates the average shortfall under the proposed scheme would vary from just over 9% of pensionable pay where further FTAs were always offered until normal retirement age, to a little over 6.5% of pensionable pay where levels of voluntary exit and retirement were replaced by ending FTAs. A reduction in employee contribution charge from 11% in the present scheme to 7% in the new schemes would completely offset this detriment in the latter circumstances but would result in some overall saving in pension cost in other cases.

15.38 It is difficult to estimate how many officers taking medical retirement would benefit from each of the two different arrangements specified in Chapter 12. The figures indicate that this is unlikely, in any event, to have a dramatic impact on the overall figures for the new scheme. One reason for this is that the change in benefit structure proposed for the new scheme reduces the pension cost for medical retirement (the effect of double reckoning of service is diminished).

Serving officers

15.39 The Inquiry has recommended that serving officers should be required to move to the new scheme on transfer to another force or promotion. It is difficult to assess, especially in the light of proposed reforms, the likely extent of future promotions within the expected career structure of the police service. As an illustration GAD assessed the cost of providing benefits accruing during the remaining active lifetime of present members of the schemes as a single contribution rate payable by employer and employee throughout these members' working lifetimes. Under the present scheme a joint contribution of 36.1% of pensionable pay would be required to meet these future accruals of benefit. The figure under the proposed scheme is 32.8% assuming all voluntary withdrawals and

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retirements are replaced by severance on structural grounds.

15.40 The circumstances of particular groups would need to be considered more closely. Older members' benefits are more expensive to provide and so the detriment may be larger than indicated by those average figures. However, these show that on average the employee contribution rate would have to be reduced from 11% to 7% of pensionable pay to leave current officers moving to the new scheme in a broadly comparable position to that pertaining at present. This change is recommended in Chapter 13.

RESTRUCTURING

15.41 We have recommended in earlier Chapters of this Report that arrangements be made available to allow police manpower to be adjusted through severance on structural grounds at the end of fixed term appointments. The costs of such arrangements are taken into account in the analysis provided at para 15.25 above. We have also recommended that provision be made for voluntary or compulsory severance on structural grounds in the context of reform of the rank structure, with particular reference to the need to reduce the number of officers currently holding middle management rank.

15.42 We asked our consultants to estimate, based on the findings of the spans of management control study, the overall potential to reduce the number of officers in middle management positions. Because of the diversity of local policing circumstances, such an exercise requires a number of assumptions to be made and any estimates can only be indicative. However, we consider that the scale of change which our consultants have modelled is achievable. It is based on empirical evidence of existing good practice within the service. Far-sighted senior officers can already see further opportunities to take reforms further forward once they have the new freedoms which the Home Secretary is proposing.

15.43 The overall scale of change which our consultants have estimated is summarised in the following table. This allows for an increase in the number of PCs of over 3,000, whilst reducing the number of officers in the middle ranks by some 5,000 (account has been taken of pension costs, hence a one for one replacement level is not proposed).

Scope for extending spans of command – numbers of officers by rank

Rank	Current number	Estimate under new arrangements	Change
Constables	113,126	116,276	+3,150
Sergeants	23,829	21,685	-2,144
Inspectors	8,238		
Chief Inspectors	2,744	8,598	-2,384
Superintendents	1,801		
Chief Superintendents	693	1,663	- 831
Totals	150,431	148,222	-2,209

Speed of implementation

15.44 We consider a voluntary/compulsory severance exercise represents a major opportunity for the service to improve efficiency, and value for money. For the reasons set out in Chapter 3 and elsewhere, we consider that opportunities to extend spans of management control should be taken up as soon as possible. The approaches available for moving from the current number of officers in each rank to a more streamlined structure are as follows:

- a) **new resources to be provided so as to allow a one-off voluntary/compulsory severance exercise to take place;**
- b) **phasing over a relatively short time scale;**
- c) **a much lengthier process which would seek to adjust police strength through natural wastage.**

15.45 Of these alternatives the Inquiry is firmly of the view that option c) should be rejected. The PRG manpower model suggests it would take around five years to achieve reduction in this way even if promotions were to be frozen and the numbers of recruits held down well below historic rates. We do not consider this would provide good value for money in the short, intermediate or long term. It would have a deleterious effect on morale and motivation, preventing able officers and those whose current responsibilities would justify it from progressing at a rate commensurate with their ability. It would also mean retaining numbers of officers whose roles and responsibilities are being eroded and who may therefore lack motivation (assuming distribution of their responsibilities to the lowest effective level). Alternatively, if a “role” is “found” for these officers, this is likely to obstruct the process of devolving responsibility for the management of resources.

15.46 **We accordingly recommend that subject to overriding considerations relating to public expenditure, this approach be avoided if at all possible.**
(*Recommendation 246*)

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15.47 Both the recommendations in our Report and the Home Secretary's proposals entail major change for the police service. The service has been living through a period of uncertainty whilst we have been sitting and legislation necessary to implement all the proposed changes will take at least another year. We believe it is in the best interests of the service for necessary changes, especially those designed to secure better value for money, to be implemented sooner rather than later. We accordingly invite the government, in view of the overall attractiveness of the package, rapidly to give a commitment to provide any additional funding which is needed to allow a severance exercise to go ahead as soon as possible. (*Recommendation 247*)

15.48 We asked the Government Actuary's Department to estimate the cost of a severance package. We then asked our consultants to estimate the profile of costs and savings over the first five years following implementation of the proposals under a number of scenarios as follows:

- a) a one-off severance exercise in the first year;
- b) a severance exercise spread over the first three years (with the 3,000 additional PCs recruited in years 4-5) and:
 - i) – recruitment taking place at normal rates;
 - promotions affected by thinning of middle management ranks but promotion not otherwise held back, or
 - ii)– recruitment taking place at two-thirds normal rate;
 - additional slowing of promotion rates beyond the immediate effect of thinning middle management ranks.

15.49 The severance costs associated with option a) would be in the region of £512 million in a single year. With current restraints on public expenditure, we do not anticipate that this level of finance is likely to be available. In any event, we expect police forces will need time to plan their transition to new structures and not all would be in a position to take full advantage of the package in the first year following implementation.

15.50 The profile of costs and savings associated with options b) i) and ii) are summarised in the following tables.

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Cost modelling of restructuring over three years – severance only

Table 3 – Option b) i)

(£ millions) Year:	1	2	3	4	5
Cost of existing pay scale including overtime and allowances	4,248	4,248	4,248	4,248	4,248
Cost of new pay scale	4,074	4,006	3,938	3,913	3,932
+ red circling costs *Deflated	112	107	102	96	91
- housing allowance (savings)	(42)	(86)	(133)	(180)	(227)
+ pool for overtime premia	33	32	32	32	32
Summary of recurring costs/(savings) of new arrangements	(71)	(189)	(309)	(387)	(420)
Cost of housing allowance commuted payment	69	72	77	78	78
Cost of severance package	168	175	170	0	0
TOTAL COST/(SAVINGS)	166	58	(62)	(309)	(342)

(Note all costs are at constant prices)

Table 4 – Option b) ii)

Cost modelling of restructuring over three years – Combination of severance and restraint on promotions and recruitment

(£ millions) Year:	1	2	3	4	5
Cost of existing pay scale including overtime and allowances	4,248	4,248	4,248	4,248	4,248
Cost of new pay scale	4,064	3,978	3,920	3,914	3,932
+ red circling costs *Deflated	112	106	99	94	89
- housing allowance (savings)	(30)	(61)	(95)	(138)	(181)
+ pool for overtime premia	33	32	32	32	33
Summary of recurring costs/(savings) of new arrangements	(69)	(193)	(292)	(346)	(375)
Cost of housing allowance commuted payment	37	38	41	63	63
Cost of severance package	160	155	8	0	0
TOTAL COST/(SAVINGS)	128	0	(243)	(283)	(312)

(Note all costs are at constant prices).

15.51 The above analysis shows that under both scenarios recurrent savings begin to come through in the implementation year. Under both these scenarios the costs of severance on structural grounds and commuted payments to buy-out housing allowance should be exceeded by cumulative savings by the third year following implementation. It should be noted that:

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- a) these costings assume that all serving officers leaving as a result of voluntary/compulsory severance would receive the maximum possible lump sum. In fact, our proposals on this subject provide flexibility as to the lump sum offered (see Chapter 13, paragraph 13.46);
- b) they also assume that all those affected will already be of pensionable age and therefore entitled to immediate payment of pension, whereas a number of those affected may be below pensionable age and not, therefore, so entitled.

15.52 We favour option b) i). **Accordingly we recommend that reduction in spans of management control should be achieved by means of a voluntary/compulsory severance exercise involving serving officers. This should be completed within three years. Recruitment should proceed at normal rate in the meantime but accelerated recruitment of PCs to replace officers who have left on structural grounds should be deferred until years 4-5. Under this option promotion rates will be affected by thinning of middle ranks but not otherwise held back. (Recommendation 248)**

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16.1 The recommendations in this Report together constitute a significant package of reforms. It is clear that legislation will be needed to allow them to be implemented. The police service will need to prepare for the introduction of the new arrangements and manage the transition effectively. We nonetheless take this opportunity to state our view that the sooner full implementation goes ahead the better. We firmly believe that early implementation will be in the best interests of the service, its officers and the public. We accordingly invite all concerned, particularly the government, to tackle the implementation of proposed changes in a way which acknowledges this.

16.2 Once the necessary powers are available it will be a matter for each chief officer to decide how quickly implementation can be achieved. We have already suggested that the implementation of measures designed to improve management effectiveness should be one basis upon which the performance of chief officers is judged. It nonetheless seemed helpful, in the context of this chapter, to bring together the various issues associated with implementation and to suggest an approach to achieving implementation within a coherent framework and timescale.

16.3 We have needed to take account of the following points in proposing an implementation framework:

- a) the need for primary legislation;
- b) the relationship between our own recommendations and reforms proposed separately by the Home Secretary;
- c) the implications of our recommendations for other aspects of police service management, in particular the employment of civilian staff;
- d) their implications for the negotiating machinery;
- e) practical considerations associated with action which will need to be taken by the police service and others to prepare for implementation of our recommendations.

LEGISLATIVE CHANGE

Primary legislation

16.4 We have assumed that early legislation is planned for the purposes of implementing our own and the Home Secretary's proposed reforms. In considering and recommending timescales, we have assumed that legislation will be introduced and complete its passage in the course of the 1993-94 parliamentary session.

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16.5 Amongst the recommendations set out in earlier chapters which will require amendment to primary legislation are:

- a) ending the arrangement whereby police pay, conditions of service and rank structure are enshrined in statutory regulations¹;
- b) introducing fixed term appointments at all levels;
- c) changing pension arrangements and related benefits;
- d) changes to negotiation and arbitration arrangements at national level (see below).

Secondary legislation

16.6 A number of our recommendations could be implemented by amendment to statutory regulations in advance of any primary legislation. These include, for example, our recommendation that entitlement to reimbursement of national health service charges should cease.

16.7 We have considered whether it would be desirable to single out some recommendations for immediate implementation in this way. We have concluded that this would not generally be desirable for the following reasons:

- a) our recommendations form a coherent package, there are very few which it would be sensible or equitable to implement on a stand-alone basis;
- b) we are not convinced that the existing negotiation and arbitration procedures would be capable of delivering, to a reasonable timescale, such of the changes as are capable of piecemeal implementation;
- c) significant costs would be involved in attempting to negotiate what would be a few one-off changes (i.e. the cost of negotiators' and arbitrators' time, and costs associated with considering and tabling amendments to statutory instruments which would be swept away within a short period).

16.8 For these reasons, and subject to paragraph 16.46 below, we do not recommend efforts be made to implement individual changes to regulations in advance of changes to primary legislation. The Police Negotiating Board may wish to examine its own future programme on a similar basis.

1 We have proposed that two issues formerly in regulations should be taken into primary legislation: the provision barring police officers from taking an active part in politics (paragraph 11.19) and that imposing on police officers the duty to carry out a lawful order (paragraph 11.34)

INQUIRY RECOMMENDATIONS AND OTHER NECESSARY REFORMS

16.9 Though many of the reforms we propose could and should be implemented regardless of what other changes are made in police service management and accountability, we see our own recommendations as part of a cohesive package of reforms. We have referred briefly in Chapter 1 to other changes we consider essential to the objective of allowing the police service to be managed more effectively with clearer lines of accountability for all concerned. Those which are already the subject of reforms proposed by the Home Secretary include:

- a) reform of police authorities and financing arrangements;
- b) freeing up of central government manpower controls;
- c) reform of arrangements regarding misconduct and inadequate performance;
- d) changes to the employment status of police civilians;
- e) improvement of management information systems.

16.10 To this list we consider that the following should be added in the light of these and our own recommendations:

- a) reform of police civilian pay, conditions of service, negotiation, arbitration and representational arrangements;
- b) reform of police service negotiation and arbitration arrangements.

Police Civilians

16.11 The Home Secretary's proposals regarding the release of central government establishment controls should considerably facilitate and encourage the recruitment of civilian staff to the police service.

16.12 We consider that further civilianisation is critical for the purposes of matching skills to needs. A by-product of civilianisation will be to free police officers at all levels to concentrate on policing duties including the management of police officers under their command. Our spans of control study found that the use of civilian support staff varies considerably between forces. Across UK forces overall, the number of civilians working for police forces equates to 37% of the number of police officers. This proportion ranges from 19% in one force to 53% in another with an interquartile range of 32%-37%. Within this there are significant variations in the proportion of civilian staff who are deployed to territorial command

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units. In the study forces this ranged from 29% in the MPS to 60% in Northern Constabulary. Providing territorial commanders with appropriate civilian support resources is a key part of devolving responsibilities. Transferring civilian staff to territorial units is an important opportunity to improve efficiency.

16.13 We also consider that posts requiring professional technical expertise and experience, in particular posts in areas such as finance, personnel, information systems, procurement, training and management services should normally be filled by suitably qualified civilian professionals who should also take charge of the relevant Departments. This would not prevent police officers gaining experience in such matters within these Departments or service provision being informed by police expertise provided by officers acting as clients for the services concerned.

16.14 In our view, the release of central government establishment controls is only one necessary step in the process of facilitating civilianisation along the lines referred to in the above paragraphs. We take the view that the civilianisation process would also be enhanced considerably by ensuring that police civilians were employed and managed directly by police forces rather than by police or local authorities. **We accordingly welcome relevant proposals made by the the Home Secretary. We should, however, recommend in this context that urgent consideration should also be given to the reform of police civilian pay, conditions of service, representation, negotiating and arbitration arrangements. We so recommend** (*Recommendation 249*).

The Police Service Negotiation and Arbitration Arrangements

16.15 All those giving evidence to the Inquiry recognised there was a role for central negotiation. Most, but not all, supported the retention of the existing machinery subject to minor changes in the constitution of certain committees (for example, to provide chief officers with a fuller part in negotiations). Some comment was made on existing arbitration arrangements and arrangements for implementing national agreements.

16.16 We have expressed, in Chapter 1 and elsewhere, our own strong conviction that lines of accountability in the police service need to be much clearer and that the focus for management responsibility in terms of resource management as well as service delivery should be the chief officer of the force concerned. We have also proposed the replacement of statutory regulations by a National Code of Standards of limited scope and opened the way for chief officers to exercise a far higher degree of local discretion over pay and conditions of service. These changes imply a far more radical reform of the negotiating machinery than was contemplated by most of those who gave evidence to the Inquiry.

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Membership of the two sides

16.17 We have recommended that the role of chief officers should change. They should have greater accountability for resource management and increased scope to exercise local discretion over pay and conditions of service. In our view this means that these officers and their delegates, including senior civilian professionals employed by the service e.g. to head personnel and finance departments, should form the Official Side of that arm of the national negotiating body which is to be responsible for national negotiations concerning pay and conditions of service for ranks below ACPO level. They should consult police authority representatives in preparing for negotiations. **Subject to paragraph 16.19 below, we so recommend.** (*Recommendation 250*)

16.18 We consider that in respect of aspects of the National Code which relate to pay and conditions of service for officers of ACPO rank, chief officers should form the Staff Side of the national negotiating body and representatives of reformed police authorities, the Official Side. **Subject to paragraph 16.19 below, we so recommend.** (*Recommendation 251*)

16.19 We recognise a continuing role in national negotiations for both police authorities and the Secretaries of State for the Home Departments. We have already suggested police authorities should make up the Official Side of any committee considering pay and conditions of service for ACPO ranks. We also recommend that chief officers and their delegates should form the Official Side of the committee dealing with pay and conditions for other ranks with chief officers consulting police authority representatives in preparing for negotiations. **We recommend that consideration should be given to providing at least an advisory role for representatives of Home Department Ministers and HM Inspectorates of Constabulary. Subject to the views of the Secretaries of State, their formal membership of the Official Side of both arms of the national negotiating body will also need to be considered.** (*Recommendation 252*)

Chairmanship, Secretariat and Advisers

16.20 We consider that a service on the lines of that currently provided to the Official Side by the Local Government Management Board will still be needed. **We consider, however, that our recommendations concerning the constitution of the Official Side mean that the Official Side advisers will need to be specially appointed to the new body either as employees or on contract. We so recommend.** (*Recommendation 253*)

Independent Secretariat

16.21 This was established on the recommendation of the Edmund-Davies Committee of Inquiry. The relevant extract from their Report is at Appendix XXXI. This shows that, aside from problems particular to the state of Official/Staff Side relations at that time, there were two main reasons why an independent Secretariat was recommended:

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- a) to remedy a perceived imbalance of expertise and experience between the Official Side Secretariat and the various Staff Side secretaries;
- b) to deal with the suggestion that the Official Side Secretariat (who then, as now, acted across a range of public sector negotiations), were “oppressed” by the repercussions any settlement with the police might have on settlements for other bodies of workers they were responsible for.

16.22 We consider that our proposal to appoint a dedicated Official Side Secretariat, specially recruited and/or contracted for the purpose, should overcome the second problem. Regarding the first, it seems to us a matter for the Staff Side to recruit the professional expertise they need to advise them. ACPO already employs a civilian Secretary who has wide experience of negotiation.

16.23 The task of convening meetings and taking minutes should be devolved to the Side Secretaries (*Recommendation 254*).

Independent Chairmanship

16.24 The Edmund-Davies Inquiry was also responsible for reintroducing independent chairmanship arrangements (extract from Report at Appendix XXXII). This replaced a rather odd arrangement whereby the chairmanship of the earlier police negotiating body (the Police Council) alternated on an annual basis between the Official and Staff Sides.

16.25 The reasons why the Edmund-Davies Inquiry proposed an independent chairmanship appear to have been quite substantially based on the parlous state of relations at that time. This was attributed in the Report to factors other than constitution of the negotiating body. Otherwise, the principal reason seems to have been to provide “a neutral voice in the to-and-fro of negotiation and help... in bringing the two Sides to agreement”.

16.26 We would not dispute the useful role which has been played by the existing independent Chairman and his team over recent years, especially with regard to conciliation. We nonetheless take the view that the two parties to the negotiation of centrally agreed pay and conditions of service should themselves take far greater responsibility for reaching sensible agreements. This seems particularly relevant in the light of the Home Secretary’s proposals for the reform of financing arrangements and our own for holding chief officers accountable for the use of resources. Both these reforms will provide room for the parties to exercise a great deal more discretion and take more responsibility for budgetary control. The Sides are, in any event, the ones to be affected by agreements reached in terms of the distribution of resources between, for example, pay and non-pay running costs.

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16.27 We accordingly recommend the more normal arrangement whereby:

- a) the chairmanship of the two arms of the new body should be held by the Official Side in each case;
- b) the vice-chairmanship should be held by the Staff Side;
- c) conciliation, where necessary should be provided by ACAS, or if the Secretaries of State consider this would be more convenient, a Standing Body. (*Recommendation 255*)

16.28 Access to conciliation should normally be by joint agreement of the Sides. Either Side should, however, be able to ask for a conciliator to be appointed. (*Recommendation 256*)

Other matters relating to the negotiating body

16.29 We take this opportunity to draw attention to the benefits likely to be derived from reducing the numbers of individuals normally attending meetings of the negotiating body. This would, *inter alia*, help negotiations to take place on the basis of free discussion. We consider this would be preferable to the present and long-standing arrangement whereby only the Secretaries of the two Sides are permitted to speak in the course of meetings. In the light of our proposals for reform of the rank structure, related core roles and conditions of service, we believe consideration should also be given as to which of the present staff associations should represent which ranks. This is with particular reference to the extent to which our approach to pay and conditions of service has designated a very clear management role to the inspector rank. It may, for example, be more appropriate for this rank to be represented by the same staff association as superintendents.

Arbitration arrangements

16.30 Given the special position of the police service in relation to such matters as the right to strike we consider it right for both sides of the negotiating machinery to have unilateral access to arbitration. We nonetheless believe that more effective and realistic negotiations would be possible if a system of “pendulum” arbitration were adopted i.e. one which required arbitration tribunals to determine wholly in favour of one side or the other. We so recommend. We further recommend that, subject to the approval of the Secretaries of State, arbitration should be binding on both parties. (*Recommendation 257*)

Improving management information systems

16.31 We have already indicated that, regardless of our own proposals, there is an urgent need to improve the quality of management information systems in forces. This became clear not only from our own force visits but

also from the experience of our consultants who sought to secure accurate information on the current allocation of resources. It is no part of our task to apportion blame for the parlous and incompatible state of these systems at present. We wish merely to emphasise here the urgent need for systems to be enhanced and the major benefits which investment in improved systems could bring. We welcome the Home Secretary's proposals in this regard. **In our view all sides of the tripartite structure should meet as a matter of urgency to determine arrangements, including funding arrangements, for upgrading and introducing a single compatible system which can be accessed at local and national level** (*Recommendation 258*).

PREPARING FOR THE NEW ARRANGEMENTS: MANAGING CHANGE

Changes required by Inquiry recommendations

16.32 Recommendations we have made would require the following action to be taken by the service and others:

Part II: Rank structure

- a) examine responsibilities by rank on the basis of revised core role definitions and realign roles to the new rank structure accordingly;
- b) in the light of this and using the core role definitions in Appendix XIII as a guide, align individuals to the new rank structure, identifying any desirable thinning of ranks;
- c) examine in-force management structures to identify opportunities for widening spans of management control and devolving budgeting and other resource management responsibilities to the lowest effective level;
- d) establish scope of financial opportunities to offer voluntary/ compulsory severance on structural grounds and begin the necessary exercise.

Part III: Pay arrangements

16.33 Actions required include:

- a) introducing revised appraisal arrangements;
- b) aligning individuals to new pay scales using the job achievement matrix;
- c) examining the scope for developing roles and reassigning responsibilities to produce a better match;
- d) discussing the outcome with individuals;

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- e) introduction of new pay scales;
- f) settling on the basis of costings, rates for new premia payments;
- g) establishing and costing transitional arrangements;
- h) discussing the elements to be introduced in performance agreements for chief officers, relating these to force/national performance indicators and strategic plans;
- i) aligning chief officers to the revised basic scale in the light of a review;
- j) making policy decisions concerning ways in which chief officers' performance agreements, including elements relating to the management of resources and staff, should be reflected in two-way objective setting for successive ranks and management tiers further down the structure.

Part IV: Conditions of service

- a) agreeing the contents of the National Code of Standards in so far as this is unrelated to basic pay (see paragraph 16.10 a)). This includes fixing pensions and related benefits to reflect fixed term appointments and other arrangements;
- b) settling at force level revised arrangements for shifts, rostering, the reimbursement of expenses;
- c) introducing fixed term appointments for new recruits at all levels;
- d) determining, costing and managing transitional arrangements for moves to fixed term appointments on promotion, transfer to another force or on a voluntary basis.

Timetable

16.35 The timescale will to some extent be affected by that for the introduction of the Home Secretary's proposed reforms to police authorities. We have nonetheless made clear, in Chapter 1, our view that the sooner chief officers can be authorised to implement our recommendations the better. We have also called upon government to take the earliest possible opportunity to endorse this Report. Our preference would be to achieve full implementation by 1 September 1994. In the event this is not possible we would **recommend the following timetable with a view to the implementation of the bulk of our recommendations by January 1995.**

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Rank structure

16.36 **Action required by our recommendations on rank structure (summarised at paragraph 16.32 a) to d)) should begin immediately the consultation period for this Report has been completed and a government policy statement made (i.e. by approximately October 1993). The exercise should be completed by July 1994. (Recommendation 259)**

Pay arrangements

Appraisal systems

16.37 **Revised appraisal arrangements in respect of officers below ACC should be introduced with effect from January 1994. This requires the following action to be taken over the next six months:**

- a) **discussion to finalise the design of appraisal forms;**
- b) **design and planning of short in-force training programmes (using distance learning material). (Recommendation 260)**

16.38 We envisage that the system will be introduced as a rolling programme beginning at superintendent level. We do not consider that performance agreements for chief officers should be introduced formally in advance of the establishment of reformed police authorities. It will therefore be necessary for chief officers to draw up demonstration agreements and associated strategic plans. These can then inform objective setting for other ranks during the first year of implementation. These demonstration agreements and strategic plans will then be ready for discussion with the new police authorities as soon as they are established.

Aligning individuals to the new pay scales

16.39 **Work to apply the role scope, policing circumstances and experience/skills elements of the matrix should begin in October 1993. Officers should be informed of their matrix score as soon as it has been calculated. Action to adjust postings (paragraph 10.42) should be taken as soon as possible. The objective should be to complete this process for all serving officers by October 1994. (Recommendation 261)**

16.40 For the new pay scales to be introduced in January 1995 (see below), performance ratings will also need to be agreed for each officer. **In the first instance, as necessary, performance should be assessed over a period shorter than one year. In this event, dates for performance review should be adjusted accordingly. There should be at least one review during the reporting period. (Recommendation 262)**

16.41 **Pending the establishment of reformed police authorities the chief constable should conclude interim performance agreements with ACPO rank officers in their force by January 1994. They should determine, before January 1995, the appropriate scale point for ACCs and regraded DCCs in accordance with recommendations in Chapter 5.**

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(Recommendation 263). Chapter 10 recommends “red circling” arrangements for use where necessary.

16.42 If reformed police authorities have not been established by 1 January 1995 chief constables should move to the nearest scale point on the revised scale which is above their own and should receive 10% interim performance bonuses. (Recommendation 264)

16.43 Senior officers enjoying pay leads above the top of the chief constables’ scale should move to the relevant point on the revised scale on 1 January 1995. (Recommendation 265)

16.44 The pay scales recommended in Chapter 7 of the Report will need to be adjusted by any settlement reached in 1993. OME non-manual pay settlement data should be collected to a timetable which allows a one year private sector median total pay settlement figure to be available in Autumn 1994. (Recommendation 266)

16.45 Two-thirds of this one year figure should then be applied to the total basic pay bill so as to achieve a scale in line with that recommended in Chapter 7. (Recommendation 267)

16.46 One recommendation which we consider might be implemented in advance of January 1994, is the introduction of the lower scale entry points for new recruits. This can be addressed in the 1993 pay round. (Recommendation 268)

Contingency arrangements – pay

16.47 In the event of any delay to the timetable proposed above, we would recommend the following approach:

- a) 1993 pay round: adjust the scale up to 1.5% limit announced by the government last autumn as at paragraph 16.44;**
- b) 1994 pay round: on the basis of one year’s data collected by OME in accordance with 16.44 above, two-thirds of recommended formula to be applied to the *existing pay scale (the combined existing scales assuming rank reform has been achieved)* with a view to adjusting midpoint differentials towards those in the recommended scale;**
- c) scale progression on the basis of seniority to be frozen;**
- d) to recognise the existing shortfall in relation to the private sector median, 4% interim bonuses to be available to officers from the midpoint of the combined superintendent/chief superintendent scale (subject to line management/countersigning officer discretion);**

CHAPTER 16: IMPLEMENTATION

- e) **8% interim bonuses to be available to ACCs and DCCs or former DCCs (chief constable's discretion);**
- f) **10% interim bonuses to be paid to chief constables and those enjoying special pay leads over the top of the chief constables' pay scale (such as the chief constable of the RUC, the Commissioner of Police of the Metropolis and the Commissioner of the City of London Police). (Recommendation 269)**

Conditions of service

16.48 We recommend that

- a) **action to implement the recommendations summarised in paragraph 16.34 should begin in October 1993 with a view to completion by October 1994 at the latest;**
- b) **fixed term appointments should be introduced for new recruits as soon as the appropriate legislation has been introduced;**
- c) **the same should apply to officers up to the rank of superintendent on promotion or transfer to another force;**
- d) **in the case of promotions and transfers at chief officer rank, FTAs should not be introduced until reformed police authorities are in place. (Recommendation 270)**

OVERALL IMPLEMENTATION FRAMEWORK, TIMETABLE AND APPROACH

16.49 All these recommendations require a considerable amount of work to be undertaken at national and force level. It would be helpful if progress in implementing various elements of the total package of reform could:

- a) avoid unnecessary expenditure and duplication of developmental effort;
- b) allow the emerging consequences of particular individual reforms, including for example, their consequences for value for money and affordability, to inform planning and decision-making in respect of others.

16.50 To this end it will certainly be necessary to avoid the "not invented here" approach to reform at force level. Whilst it will be largely for individual chief officers to undertake work necessary to secure implementation of our recommendations by January 1995, there are likely to be some areas in which chief officers could sensibly collaborate.

Adequate resources should be made available to ACPO to help members meet the challenge e.g. by securing advice from consultants.

(Recommendation 271)

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16.51 **Work could also helpfully take place at national level to address:**

- a) **systems needs with particular reference to the improvement of management information systems (especially those relating to payrolls and delegated financial management);**
- b) **action needed to secure national monitoring and evaluation of the reforms;**
- c) **reform of negotiation and arbitration machinery;**
- d) **preparation of the National Code of Standards;**
- e) **issues associated with civilianisation, taking in employment status, management structures, remuneration, conditions of service and representation.**

(Recommendation 272)

PART VII: SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

CHAPTER 17: SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Chapters 1 and 2

The UK police service and its officers have many strikingly positive attributes. Our recommendations should further and support these. There is room for change. Our recommendations should enhance the ability of the police service to manage effectively and offer improvements to its officers.

RECOMMENDATIONS

PART II: RANK STRUCTURE

CHAPTER 3: RANK STRUCTURE

17.1 A formal, nationally agreed rank structure is needed in the police service. (*Recommendation 1 – paragraph 3.8*)

17.2 The present rank structure should be reformed by reducing the number of ranks. (*Recommendation 2 – paragraph 3.44*)

17.3 The ranks of PC, sergeant and inspector should be retained. (*Recommendation 3 – paragraph 3.45*)

17.4 The ranks of chief inspector and chief superintendent should be abolished. (*Recommendation 4 – paragraph 3.51*)

17.5 The rank of deputy chief constable should be abolished. (*Recommendation 5 – paragraph 3.53*)

17.6 Management should examine force structure; identify how many posts within the revised structure are required and decide which officers are best suited to fill them. (*Recommendation 6 – paragraph 3.61*)

17.7 The roles undertaken by officers currently holding the ranks of chief inspector, chief superintendent and deputy chief constable should be assessed by reference to the revised core role definitions by rank which are provided in the Report. Officers should then be regraded to the appropriate rank in the new structure by July 1994. (*Recommendation 7 – paragraph 3.63*)

17.8 Following reform of the rank structure, officers in the ranks of inspector, superintendent and assistant chief constable should wear the insignia currently worn by officers in the ranks of chief inspector, chief superintendent and deputy chief constable respectively. (*Recommendation 8 – paragraph 3.65*)

CHAPTER 17: SUMMARY OF CONCLUSIONS AND
RECOMMENDATIONS

**PART III: PAY AND EARNINGS –
CHAPTER 5: RELATING PAY TO ROLES,
RESPONSIBILITIES AND PERFORMANCE**

17.9 A simple matrix should be applied to the evaluation of the roles, responsibilities and performance of police officers. This should be capable of application on a service-wide basis at all ranks below assistant chief constable. It should allow adaptation to meet local needs.

(Recommendation 9 – paragraph 5.6)

17.10 Four key variables should be taken into account to assess pay. The factors to be taken into account under each of the four key variables should be:

- a) scope of the role: responsibilities, scale and specialist requirements associated with the job;
- b) policing circumstances: impact of the policing environment and related requirements;
- c) experience and skills: proven track record and skills possessed by the individual and required by the job;
- d) performance.

(Recommendation 10 – paragraph 5.10)

17.11 The factors to be assessed as relevant to determining the scope of the role undertaken compared to the core role for the rank should be:

- a) variation in the level of responsibilities around those defined for the core role;
- b) variation in the scale of the role in terms of manpower and other resources under the individual's control.

(Recommendation 11 – paragraph 5.11)

17.12 The factors to be grouped under the “policing circumstances” variable should be:

- a) relative risk of assault/availability of support;
- b) nature of working pattern/disruption to personal life;
- c) nature of policing environment;
- d) requirement to work long hours without overtime payment;

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e) particular difficulties in filling the role.
(*Recommendation 12 – paragraph 5.12*)

17.13 Factors to be taken into account under the experience and skills variable should be:

- a) the requirements of the role for specific skills and specialist training;
- b) specific skills and/or relevant experience brought to the role by the officer and which add clear value to the performance of the role.

(*Recommendation 13 – paragraph 5.13*)

17.14 The fourth key variable influencing positioning on the pay scale should be performance. An individual performance rating should be derived from the appraisal system. (*Recommendation 14 – paragraph 5.14*)

17.15 The weighting of key variables in the matrix should be as follows:

Key variables	Points range
Scope of the role:	1–3
Policing circumstances:	0–3
Experience and skills required by the job:	0–3
Performance:	0–3

(*Recommendation 15 – paragraph 5.15*)

17.16 The matrix specified in paragraph 5.15 should be used to determine scale point according to roles, policing circumstances, experience/skills and performance in the police service at all ranks below that of assistant chief constable. (*Recommendation 16 – paragraph 5.16*)

17.17 The matrix should be periodically reviewed at national level and its application monitored by HM Inspectorate of Constabulary.
(*Recommendation 17 – paragraph 5.18*)

17.18 Scoring under the matrix should be in full rather than fractions of points. (*Recommendation 18 – paragraph 5.19*)

17.19 To reflect the fact that promotion involves a move to an intrinsically more responsible role, the minimum increase in pay on promotion to all ranks from sergeant to superintendent should

CHAPTER 17: SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

normally be one pay scale point above the officer's pay scale point prior to promotion. (*Recommendation 19 – paragraph 5.22*)

17.20 Full use should be made of the opportunities which the new approach provides to accelerate pay progression: officers should be allowed to jump scale points and achieve accelerated promotion. (*Recommendation 20 – paragraph 5.23*)

17.21 One-off, non-pensionable individual bonuses should be available as should team bonuses. (Those with an “unsatisfactory” performance marking should not, however, be eligible for any share of a team bonus.) (*Recommendation 21 – paragraph 5.25*)

17.22 An “unsatisfactory” individual performance marking should lead to loss of any increase in pay resulting from annual scale uprating. (*Recommendation 22 – paragraph 5.27*)

17.23 There should be scope, at management discretion, to allow an individual to retain his scale point for a period of up to one year (variable either way at the discretion of the chief officer). This is so as to allow performance to be assessed in a new role and to allow recognition of, for example, circumstances such as ill-health which may affect performance but are beyond the individual's control. (*Recommendation 23 – paragraph 5.29*)

17.24 A single scale should be established in respect of chief constables' pay. Following the Home Secretary's proposed reform of police financing arrangements and clarification of the constitution of police authorities, the position of chief constables on the scale should be a matter for the judgement of the reformed police authorities. In setting the scale position in respect of each post, police authorities should take account of:

- a) the responsibilities to be carried out in the particular post, with particular reference to the size of the budget to be managed under the new arrangements and the core role definition for chief constable set out in Appendix XIII;
- b) the experience and skills required for the particular post;
- c) the experience and skills of the individual.

(*Recommendation 24 – paragraph 5.32*)

17.25 Pay progression and bonus opportunities should be available at chief constable level. (*Recommendation 25 – paragraph 5.34*)

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17.26 Position of ACCs on the revised pay scale should be determined by the chief constable in consultation with the police authority. As in the case of chief constables, this judgement should be exercised by reference to the responsibilities carried by the particular ACC post (in relation to the core role); the experience and skills required to fill it and the experience/skills of the individual. (*Recommendation 26 – paragraph 5.36*)

CHAPTER 6: PERFORMANCE MEASUREMENT AND APPRAISAL

17.27 An agreement should be reached between the chief constable and his/her police authority. This should set out how the chief constable proposes to meet the national and other objectives in the Statement of Common Purposes and Values and its equivalents and how he/she proposes to deliver force performance indicators. There should be an exception to this in the case of the chief constable of the RUC (see Recommendation 30 and Chapter 14). (*Recommendation 27 – paragraph 6.10*)

17.28 Performance agreements should also be reached between chief constables (in consultation with reformed police authorities) and assistant chief constables. Performance agreements for ACCs should reflect the chief constable's own performance agreement showing what contribution each ACC is expected to make. (*Recommendation 28 – paragraph 6.11*)

17.29 Performance agreements for chief officers should focus on:

- a) measures being taken to achieve the objectives outlined in the Statement of Common Purposes and Values and equivalents as well as force and any national performance indicators;
- b) the cost effectiveness of these measures in terms of use of resources (taking in finance, personnel and management control);
- c) quantitative and qualitative measures of success.

(*Recommendation 29 – paragraph 6.13*)

17.30 Agreeing and reviewing performance measures should be an open, on-going and two-way process at this as at other levels. (*Recommendation 30 – paragraph 6.19*)

17.31 Chief constables should make an assessment of ACCs' performance and discuss this with them. (*Recommendation 31 – paragraph 6.19*)

17.32 A range of specific purposes needs to be fulfilled by an appraisal system which, in the case of the police service, would encompass:

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- a) providing officers with the encouragement and motivation to perform and develop their competencies;
- b) creating opportunities for regular performance discussions and the provision of clear feedback;
- c) enabling individual officers to understand how their objectives and contribution may support force and service objectives;
- d) providing an opportunity to review skill development needs and plan career development;
- e) creating a framework for specific performance plans to be developed;
- f) reviewing delivered performance to provide a rating which inputs to reward.

(Recommendation 32 – paragraph 6.23)

17.33 An appraisal system for the police service should cover the following:

- a) planning performance;
- b) managing performance;
- c) appraising performance;
- d) the appraisal process;
- e) monitoring.

(Recommendation 33 – paragraph 6.25)

17.34 What should be done and achieved and how things should be done should be agreed in discussion between officers and their line managers to establish:

- a) specific objectives, or the main outputs expected within what timescale: it should be the responsibility of line managers, in discussion with countersigning officers, to ensure that these objectives, taken together for the unit, meet force requirements;
- b) the main enduring tasks involved in the job; and
- c) competencies, which should include skills, behaviours, technical and professional competencies required for the job.

(Recommendation 34 – paragraph 6.26)

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17.35 For a performance appraisal system to be effective it must be totally open. It must provide a role for a countersigning officer at least one rank higher than the line manager. It must also be an ongoing process rather than an annual event. The frequency of review should reflect normal working routines rather than being imposed. Initially it may be necessary for formal periodic e.g. six-monthly review dates to be agreed. (*Recommendation 35 – paragraph 6.27*)

17.36 There should be later discussion and adaptation of the outline appraisal form supplied in the Report at Appendix XIX. (*Recommendation 36 – paragraph 6.28*)

17.37 Our outline form provides for scores or narrative assessments of performance in terms of objectives, principal accountabilities and competencies. All these aspects of performance should be used to support a single overall performance rating. (*Recommendation 37 – paragraphs 6.38-39*)

17.38 Messages confirming to individual officers how they are perceived to be performing should be delivered through discussion, rather than their performance rating. (*Recommendation 38 – paragraph 6.40*)

17.39 Four performance ratings should be available, grouped into five categories:

- a) outstanding;
- b) commendable;
- c) satisfactory;
- d) i) relatively new in the role and learning, or
ii) unsatisfactory.

(*Recommendation 39 – paragraph 6.42*)

17.40 Performance in terms of objectives, principal accountabilities and competencies should influence the overall assessment of performance. The performance appraisal system adopted should provide a single performance rating. This performance rating should then inform pay using the matrix proposed at Chapter 5. (*Recommendation 40 – paragraph 6.46*)

17.41 Chief officers should ensure that appraisals and performance reviews are monitored on a regular basis from an equal opportunities perspective. This is to ensure that no requirements or conditions are being

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imposed which may lead to unlawful, indirect discrimination.
(*Recommendation 41 – paragraph 6.48*)

CHAPTER 7: PAY LEVELS AND PAY SCALES

17.42 Despite the number of different types of duty which PCs undertake, it is possible, indeed important, to look at the broad market position of police pay in relation to pay in the private sector on recruitment and in benchmark roles. Such checks should be carried out in relation to the private sector. (*Recommendation 42 – paragraphs 7.1-7.2*)

17.43 Market competitiveness should be judged in relation to basic pay levels with other elements of police pay being examined on their merits by reference to particular features of policing. (*Recommendation 43 – paragraph 7.8*)

17.44 Police officers of high calibre are and will continue to be required and this should be reflected in choosing the benchmark against which police pay levels should be judged. (*Recommendation 44 – paragraph 7.11*)

17.45 The benchmark for police pay levels should be the median of private sector pay. (*Recommendation 45 – paragraph 7.15*)

17.46 The lowest entry point on the police constable scale should be dropped to the median for 22-year-old non-graduates. (*Recommendation 46 – paragraph 7.17*)

17.47 The top of the PC entry scale should match the private sector median for graduates. (*Recommendation 47 – paragraph 7.18*)

17.48 The position of a new entrant on entry points within the scale should be determined, at local discretion, by reference to:

- a) qualifications (degree or equivalent);
- b) relevant experience of the new recruit;
- c) the state of the local employment market.

(*Recommendation 48 – paragraph 7.19*)

17.49 The top two points of the entry scale should only be available as entry points for graduates or those with degree equivalents.
(*Recommendation 49 – paragraph 7.20*)

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17.50 It is justifiable for the midpoint of the revised sergeants' scale to be slightly above the median for the present. Following the next levels check undertaken, the aim should be for all scale midpoints to be on the median. *(Recommendation 50 – paragraph 7.21)*

17.51 The midpoint of the inspectors' scale should be adjusted to take account of a variety of factors as follows:

- a) the median;
- b) the revised role;
- c) the need to take account of certain changes in conditions of service (see Chapter 9).

A combination of these factors justifies moving the midpoint to slightly above the median. As in the case of the sergeants' scale, the aim should be to adjust to the midpoint following the next levels check. *(Recommendation 51 – paragraphs 7.22-7.23)*

17.52 Midpoint of the revised superintendents' scale should be raised to a role equating broadly with that of a BCU commander and be adjusted to reflect this. *(Recommendation 52 – paragraph 7.24)*

17.53 At superintendent rank, as at other senior ranks, performance should play a particularly key role in pay. Accordingly, for the midpoint of the superintendents' scale, movement to the median should initially be achieved through a combination of opportunities for performance bonuses and scale movement. *(Recommendation 53 – paragraph 7.25)*

17.54 A bonus opportunity of up to 10% should be available for all scale points from the midpoint to the top of the superintendent scale. *(Recommendation 54 – paragraph 7.25)*

17.55 Over the next 3-5 years the midpoint of the scale should be moved to the median and opportunities made available to earn additional bonuses on the basis of performance. *(Recommendation 55 – paragraph 7.25)*

17.56 The midpoint of the revised chief constables' scale should be adjusted to provide better differentials and movement to the median should initially be achieved by means of performance bonus opportunities of up to 30%. *(Recommendation 56 – paragraph 7.26)*

17.57 Over the next 3-5 years the midpoint of the chief constables' scale should be moved to the median and opportunities made available to earn further bonuses on the basis of performance. *(Recommendation 57 – paragraph 7.26)*

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17.58 Subject to review by the Commissioner, existing links between pay rates for senior officers (below Deputy Commissioner level) in the MPS and the upper end of chief officers' pay scales should be retained. *(Recommendation 58 – paragraph 7.27)*

17.59 The Commissioner of Police of the Metropolis and his deputy, the Commissioner of the City of London Police and the Chief Constable of the RUC should retain their existing pay leads over and above the top of the chief constables' scale. In all cases except that of the Chief Constable of the RUC (see Chapter 14) bonus opportunities of 30% should also be available. *(Recommendation 59 – paragraph 7.29)*

17.60 The link between the rate for the Commissioner of Police of the Metropolis and the rate for the Permanent Secretary of the Home Department should be broken: the special features of policing mean that the jobs are not comparable. There has been substantial reallocation of duties within the Home Office and between the Home Office and other government departments. *(Recommendation 60 – paragraph 7.30)*

17.61 To maintain consistency and appropriate differentials within the police service, pay uprating for the Commissioner should be determined by reference to pay uprating of chief constables' scales. Pay uprating for the Commissioner should not be settled by reference to the recommendations of the Top Salaries Review Body. *(Recommendation 61 – paragraph 7.31)*

17.62 Pay for the Chief Constable of the RUC should be set so as to provide a lead over the top of the chief constables' scale as at present. 10% should be added to the existing pay lead in consideration of the loss of bonus opportunity – Chapter 14 refers. *(Recommendation 62 – paragraph 7.32)*

17.63 The differential between the midpoints of the PC and Sergeant scale should remain as at present. *(Recommendation 63 – paragraph 7.34)*

17.64 Assistant chief constables should have a performance bonus opportunity of up to 20%; the midpoint of the scale should be moved to the median over the next 3-5 years and opportunities then be made available to earn further bonuses on the basis of performance. *(Recommendation 64 – paragraphs 7.35-7.36)*

17.65 Rank scale ranges should be adjusted so that, for the ranks from sergeant to chief constable, the pay scales provide a range from 80% to 120% of the midpoint. *(Recommendation 65 – paragraph 7.38)*

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17.66 The combined entry and main scales for police constable provide a range around the midpoint of approximately 75% to 125%.

(Recommendation 66 – paragraph 7.39) (For revised pay scales see paragraph 7.42)

CHAPTER 8: UPDATING THE BASIC SCALE

17.67 Police pay should be updated by reference to pay settlement movements. *(Recommendation 67 – paragraph 8.11)*

17.68 The formula for future updating of police pay should be based on the survey of private sector pay settlements already conducted by the OME in connection with civil service pay. *(Recommendation 68 – paragraph 8.14)*

17.69 OME non-manual pay settlement data should be used for the purposes of providing a formula for police pay updating. *(Recommendation 69 – paragraph 8.15)*

17.70 With a view to providing room, at an early date, to introduce the recommended pay flexibilities:

- a) for the first three years following implementation of new pay arrangements, the formula used to inform additions to the pay bill should be the total OME private sector pay settlement figure;
- b) regardless of the difference between the total and basic settlement figures over this period, only two-thirds of the total settlement figure should be added to the total cost of basic pay for the police service. One-third should provide a guide as to the element in the total pay bill which might be used to fund pay flexibilities on a local basis;
- c) thereafter, there should be a further check of the broad position of police pay in the market;
- d) scale midpoints should be adjusted toward the median and any necessary adjustments made to differentials;
- e) following this, the basic private sector settlement figure should be applied to the total cost of police basic pay;
- f) the difference between this and the total settlement figure should inform local decisions as to what additional pay flexibilities or increases in flexible pay elements might be introduced.
(Recommendation 70 – paragraph 8.24)

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17.71 The median of private sector pay settlements is the appropriate benchmark to choose. *(Recommendation 71 – paragraph 8.26)*

17.72 To achieve greater realism in terms of claims for improving conditions of service at national level, control growth in the overall pay bill and provide for a very large measure of flexibility at local level. The pay bill implications of any nationally agreed changes in conditions of service should be costed and offset directly against the settlement figure yielded by the formula. *(Recommendation 72 – paragraph 8.32)*

17.73 Chief officers should be able, in consultation *(as opposed to negotiation)* with the Staff Side, to adjust pay flexibilities, manpower levels, investment in pay and non-pay running costs so as to secure the most effective use of resources. There should not be any particular approach to balancing local pay additions against locally agreed changes in conditions of service. *(Recommendation 73 – paragraph 8.34)*

17.74 Once a settlement has been reached nationally as to the percentage increase to be applied to the total bill for basic pay (taking account of any adjustments in nationally negotiated conditions of service), it should be open to chief officers, in consultation with their Staff Side, to make such adjustments to aspects of local conditions of service and pay flexibilities as they consider justifiable and affordable. *(Recommendation 74 – paragraph 8.35)*

CHAPTER 9: PAY ADDITIONS – PAY-RELATED CONDITIONS OF SERVICE AND BONUSES

Sick leave and related pay entitlements

17.75 The current entitlement of unlimited sick leave on full pay should change. Sick leave on full pay should be limited to a period of six months with a further six months on half pay. The periods in respect of full and half pay should be capable of extension or reduction in individual cases at the discretion of the chief officer. The arrangements should be specified in the National Code of Standards. *(Recommendation 75 – paragraph 9.3)*

17.76 Detective duty allowance, dog handlers' allowance, foreign language allowance, firearms allowance and other allowances payable with the approval of the Secretaries of State should cease: these matters should be taken into account by the approach to determining basic pay scale points in the light of role and by other pay flexibilities. *(Recommendation 76 – paragraph 9.5)*

Overtime – inspectors

17.77 The rank of inspector should not attract overtime payments. This, amongst other changes, should be taken into account by revising the midpoint of the inspectors' scale by two scale points as illustrated in the revised scale (Chapter 7). *(Recommendation 77 – paragraph 9.7)*

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Overtime – PCs and sergeants

17.78 “Incidental overtime”, including overtime associated with travelling to and from duty; overtime incurred at the end of duty periods in order to complete particular tasks as well as pre-planned overtime on a duty day, should not attract additional payment or time off in lieu. Given the relationship between the basic scales and the private sector median at these levels, the basic scale should not be uprated to take account of this change. (*Recommendation 78 – paragraph 9.10*)

17.79 A suitable objective for line managers would be balancing resource considerations against staff welfare needs, including in respect of overtime. (*Recommendation 79 – paragraph 9.11*)

17.80 At the discretion of the chief officer, officers at the rank of PC and sergeant should be eligible to receive a cash premium for working exceptionally long hours in exceptional circumstances. (*Recommendation 80 – paragraph 9.14*)

17.81 In the event of mutual aid incidents, a set cash premium relating to the type of incident involved might, in some cases, be determined in advance at ACPO level. In all other cases the level of premia in respect of mutual aid should normally be determined by the chief officer(s) of the force area(s) in which the incident takes place. As at present, the force setting the level of premium in mutual aid cases should reimburse the cost of premia paid to officers from other forces. (*Recommendation 81 – paragraph 9.14*)

17.82 To summarise:

- a) “incidental overtime” should not be paid;
- b) the numbers of hours regularly worked as a feature of the role fulfilled should be recognised through the job evaluation matrix;
- c) in the case of PCs and sergeants, cash premia should be payable in exceptional circumstances to deal with exceptional events.

(*Recommendation 82 – paragraph 9.15*)

Recall to court for witness appearance

17.83 The portion of the police pay bill which is accounted for by court recall of PCs and sergeants should be for the Criminal Justice System to administer and payments should be made to force budgets which reflect the amount of additional cost necessarily resulting from court attendance. Officers should be paid cash premia for attending court. Cash premia for court attendance and related rostering arrangements should be the subject of an agreement between the Procurator Fiscal or Crown Prosecution Service (CPS) and the different courts at local or national level. Court

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attendance and related rostering arrangements should be the subject of an agreement between the courts and chief officers locally. (*Recommendation 83 – paragraph 9.16*)

Rest and public holiday working for the federated ranks

17.84 Front line police officers, i.e. officers in the ranks of PC, sergeant and inspector should continue to be entitled to compensation for working rest days and public holidays. The basis of compensation as well as notice periods should be revised to provide greater flexibility for management. (*Recommendation 84 – paragraph 9.18*)

- 17.85 a) Rest day working with 6 days' notice or less should attract:
- i) payment at the rate of time and a half, or
 - ii) time off in lieu at plain time rate;
- b) rest day working with more than 6 days' notice should attract payment at plain time rate or time off in lieu at plain time rate;
- c) working on a public holiday should attract:
- i) payment at double time, or
 - ii) time off in lieu at double rate.

(*Recommendation 85 – paragraph 9.18*)

17.86 In respect of officers above the rank of inspector (in the reformed structure), we recommend that the same arrangements should apply as at present. (*Recommendation 86 – paragraph 9.19*)

17.87 In respect of payment for rest and public holiday working due to court recalls the relevant budget should, as in the case of overtime, be held by the courts. Officers' entitlements should be as outlined in paragraph 17.85 above. (*Recommendation 87 – paragraph 9.20*)

17.88 Having regard to equal opportunities in respect of:

- a) Good Friday and Christmas Day (if the latter falls on Monday to Friday) officers should be permitted to apply to nominate for treatment as public holidays two other days of religious significance to them;
- b) if Christmas Day falls on a Saturday or Sunday and other members are therefore entitled to treat an extra day as a public holiday, those officers who have nominated another religious

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holiday in lieu of Christmas Day should also be entitled to an additional day. (*Recommendation 88 – paragraph 9.21*)

17.89 Officers should not be entitled to a premium in respect of overtime working under paragraph 17.80 where the additional hours are worked on a rest or public holiday. It should be open to chief officers to offer a total pay addition or scale of additions for the job where, as in the case of the Notting Hill carnival, for example, an event spans periods including rest days and public holidays. The pay addition rate should take account of rest and public holiday working entitlements. (*Recommendation 89 – paragraph 9.22*)

Other discretionary payments

17.90 From within available funds for pay flexibility it should be open to chief officers to offer additional non-pensionable payments at some or all ranks below ACC to cope with particular problems. Such payments could be made on a one-off or standing basis but should be non-pensionable. They should be subject to review, reduction or phasing out in the light of changing needs. (*Recommendation 90 – paragraph 9.23*)

17.91 Consideration should be given to whether payments made under this recommendation should be discounted against other entitlements. (*Recommendation 91 – paragraph 9.24*)

Housing

17.92 Restrictions on where an officer may live and related matters such as taking in lodgers should cease. (*Recommendation 92 – paragraph 9.30*)

17.93 New recruits should not be entitled to receive housing emoluments. (*Recommendation 93 – paragraph 9.30*)

17.94 Where necessary or appropriate it should remain open to forces, at the chief officers' discretion, to provide accommodation free of rent on the same basis as at present. (*Recommendation 94 – paragraph 9.30*)

A shift allowance?

17.95 All jobs involving 24-hour rotating shifts should carry a policing circumstances rating of at least 1 out of the possible 3 points available in respect of this key variable in the job matrix. (*Recommendation 95 – paragraph 9.32*)

Regional allowances

17.96 The existing allowance in respect of the Scottish Islands can be met by:

- a) payment of expenses associated with policing in the Scottish Islands;

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- b) through job weighting under the matrix to take account of difficulties in filling the post, lack of support and related issues, and
- c) as necessary through pay flexibilities recommended at paragraph 9.23.

(Recommendation 96 – paragraph 9.33)

17.97 A £4,000 non-pensionable pay lead should be payable in the Metropolitan Police Service. *(Recommendation 97 – paragraph 9.36)*

17.98 For chief constables, progression through the pay scale amounting to at least 4 scale points (see Chapter 7) should be available within a force (based on responsibilities, experience and skills – cf recommendations for other ranks). *(Recommendation 98 – paragraph 9.41)*

17.99 Pay progression should also be available through taking up a more highly weighted post in another force. *(Recommendation 99 – paragraph 9.41)*

17.100 For assistant chief constables progression through the scale points in the total scale should be determined by the chief constable in consultation with the police authority on the basis of the size of the role, circumstances, experience/skills and performance in the context of agreements (cf matrix for the lower ranks). *(Recommendation 100 – paragraph 9.41)*

17.101 As in the case of ranks below chief officer level (see Chapter 5), unsatisfactory performance at chief officer level should lead to loss of annual scale uprating with other action considered as appropriate. *(Recommendation 101 – paragraph 9.41)*

Bonuses

17.102 Bonuses should be available for above satisfactory performance in the context of performance agreements. *(Recommendation 102 – paragraph 9.41)*

17.103 In the 3-5 years during which the midpoint of chief officers' scale is moved to the median, performance agreements should focus *inter alia* on transition to the new chief officer roles and during this period the award of bonuses will be based on performance above and beyond the existing role. *(Recommendation 103 – paragraph 9.41)*

17.104 Thereafter, once the transition to the new role has been achieved and the midpoint of the scale has been adjusted to the median, bonus allocation should focus on performance above and beyond the new role. *(Recommendation 104 – paragraph 9.41)*

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CHAPTER 10: APPLICATION OF THE NEW ARRANGEMENTS TO SERVING OFFICERS

Ranks below ACC

17.105 To align serving officers in ranks below assistant chief constable to the revised basic pay scale:

- a) the matrix recommended in Chapter 5 should be applied to the post and individual;
- b) in reaching a score for the individual in question, performance rating should be based on completion of an appraisal on the lines recommended at Chapter 6;
- c) the points score achieved should be matched against the points scores on the revised basic pay scale recommended at Chapter 7.

(Recommendation 105 – paragraph 10.3)

17.106 Where an officer's existing scale point exceeds the pay point on the revised scale which is justified by the job achievement score reached under a) – c) above, the following arrangements should apply:

- a) where possible, management should look to move the officer to another post or expand the responsibilities of the existing post with a view to achieving a closer match between the existing scale point and the point on the revised basic scale which matches most closely the score achieved;
- b) where this is not possible or possible only to a limited extent, the officer's existing basic salary should be "red circled" i.e. protected;
- c) the officer should benefit in monetary terms from future scale upratings only to the extent of the monetary uprating in the scale point matching his score;
- d) in the case of an officer whose scale point is below the maximum, incremental progression should not take place except on the basis of the matrix; and
- e) such officers should, however, be able to benefit from team bonuses as outlined at Chapter 9.

(Recommendation 106 – paragraph 10.4)

17.107 Where an officer's existing scale point is below the scale point on the revised scale which is justified by the job achievement score reached under paragraph 17.109 a)-c), the officer should normally be moved to the appropriate point on the new scale. *(Recommendation 107 – paragraph 10.5)*

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17.108 If, in any force, the age and seniority or the scoring distribution is such that immediate movement to the appropriate scale point is not affordable, the following special arrangements should apply:

- a) the officer should benefit from future scale upratings to the extent of the monetary uprating in the scale point matching his score;
- b) on the settlement date for each year, the impact on the total pay bill of, for example, wastage of officers at higher points on the scale should be reviewed and any resultant savings redistributed to allow these officers to progress more quickly to their appropriate scale point;
- c) distribution of any savings identified under b) should be at management discretion but should generally be made so as to favour officers whose points score is furthest from their scale point.

(Recommendation 108 – paragraph 10.6)

Chief officers

17.109 For chief officers who enjoy a special pay lead above the top of the chief constables' scale the new pay arrangements should be implemented by January 1995. *(Recommendation 109 – paragraph 10.9)*

17.110 Decisions on the alignment of other chief constables to the new basic pay scale should take account of major changes to the nature of the job and should be made in the context of a joint review by the officer concerned and reformed police authorities. *(Recommendation 110 – paragraph 10.10)*

17.111 Chief officers who leave voluntarily in the light of the new role or following the review should be entitled to a preserved pension at normal retirement age and a lump sum on the same terms as serving officers of other ranks who leave voluntarily on structural grounds. *(Recommendation 111 – paragraph 10.11)*

17.112 Subject to the outcome of discussions with the chief constable in the light of the review it should be open to reformed police authorities to vary the terms of the chief constable's appointment save that this recommendation should not apply to those officers referred to in paragraph 17.109 above. *(Recommendation 112 – paragraph 10.13)*

17.113 Where the incumbent chooses to remain in post following the review the scale point for the post should be assessed by the police authority on the basis recommended in Chapter 5:

- a) if the scale point determined is above the incumbent's current basic salary level (including any payments in respect of seniority

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under the existing scheme), his/her pay should be raised to the determined point;

- b) where the determined scale point is below the incumbent's current basic salary level (including any payments under the existing scheme in respect of seniority), the difference should be "red-circled" and the 30% bonus opportunity reduced to take account of this;
- c) scale progression, as opposed to bonus opportunities for reappointed chief constables, should be limited to four scale points above the determined rate for the job.

(Recommendation 113 – paragraph 10.15)

17.114 Alignment to the new scales for serving ACCs (and former DCCs who remain in post and are regraded ACC) should be undertaken by the chief constable, in consultation with the police authority. The procedures for pay alignment should be similar to those for chief constables.

(Recommendation 114 – paragraph 10.16)

17.115 Where current basic pay is above or below the relevant scale point, arrangements for increasing pay and for "red circling" should be the same as those recommended for chief constables. *(Recommendation 115 – paragraph 10.16)*

PAY-RELATED ALLOWANCES

Overtime, rest and public holiday working

17.116 Serving officers should be transferred to the new systems.

(Recommendation 116 – paragraph 10.19)

Housing

Ranks below chief officer

17.117 We recommend the following approach:

- a) housing emoluments on date of implementation of the new arrangements to be "red circled";
- b) where officers move to fixed term appointments on transfer to another force or on promotion, option of a lump sum amounting to the maximum value of 5 years' payments under existing entitlements to "buy out" "red circled" housing emoluments. (Payments to exclude compensatory grant where payable);
- c) chief officers to consider offering further "buy outs" on the same basis, as and when these can be funded.

(Recommendation 117 – paragraph 10.20)

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Chief officers

17.118 There should be the option to retain existing entitlement to housing emoluments on a “red circled” basis or to take a lump sum buy-out of 5 years’ payments. Chief officers should also, however, have the opportunity to trade-in existing housing entitlements for other benefits as part of a flexible package agreed with the police authority.

(Recommendation 118 – paragraph 10.21)

All other pay-related allowances

17.119 Officers should be transferred to the new system.

(Recommendation 119 – paragraph 10.22)

PART IV: CONDITIONS OF SERVICE – CHAPTER 11: TERMS AND CONDITIONS – GENERAL

17.120 Some police conditions of service, including some of those recommended by this Inquiry, will need to continue to be set out in primary legislation. The practice of laying down police pay and conditions of service in statutory regulations should, however, cease.

(Recommendation 120 – paragraph 11.7)

17.121 Existing police regulations should be replaced by:

- a) a National non-statutory Code of Standards of limited scope, and
- b) arrangements to be decided by the chief officer in consultation with his officers and their representatives.

(Recommendation 121 – paragraph 11.8)

17.122 There should be specific statutory provision to allow for the establishment of the nationally agreed Code of Standards. The Code should prescribe minimum standards and form part of the terms and conditions of police officers’ appointments. Matters laid down in the National Code should not be subject to chief officers’ discretion. The National Code should not take the form of statutory regulations.

(Recommendation 122 – paragraph 11.9)

17.123 The National Code of Standards for the police service should be extremely limited in scope. It should deal only with matters in respect of which a common approach is essential. These include primarily:

- a) basic pay scales;
- b) the minimum number of hours normally to be worked in a year;
- c) annual and maternity/paternity leave entitlements;

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- d) rank structure;
- e) broad reference to arrangements for handling misconduct and inadequate performance;
- f) arrangements for pensions and other post-service benefits;
- g) attendance at staff association and joint staff association/management meetings.

(Recommendation 123 – paragraph 11.12)

17.124 Beats, sections, sub-divisions and divisions' force management structure should be a matter to be decided at the discretion of individual chief officers without reference to the National Code. *(Recommendation 124 – paragraph 11.18)*

17.125 Restrictions on the private life of members: there are good reasons why a police officer should not take an active part in politics. This should be laid down in primary legislation. *(Recommendation 125 – paragraph 11.19)*

17.126 Other matters dealt with in this regulation are best handled by general local guidance. Inappropriate activities could then be dealt with through procedures for handling misconduct or inadequate performance. *(Recommendation 126 – paragraph 11.20)*

17.127 The practice of requiring chief officer approval for premises occupied by police officers as well as the requirement to request permission to take in lodgers in police officers' private homes should end. These and matters relating to debt should be dealt with through procedures for handling misconduct and relevant local guidance. *(Recommendation 127 – paragraph 11.21)*

17.128 Business interests: the bureaucratic and costly notification and appeals procedure enshrined in this regulation should end in favour of local advice and guidance. This should be backed by appropriate action in respect of misconduct or inadequate performance. *(Recommendation 128 – paragraph 11.22)*

17.129 Appointment, probation and retirement: the procedures set out in this regulation are unnecessary. Chief officers have the discretion to appoint an applicant or not. *(Recommendation 129 – paragraph 11.23)*

17.130 Qualifications for appointment: there is sense in agreeing central standards for promotion (see Police Promotion Regulation – recommendation 17.165 below). There is no need for promotion arrangements to be included in regulations or the National Code. Any

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agreed common fitness and entry tests on recruitment should not inhibit the ability of chief officers to determine their own force's fitness and entry standards and no reference need be made to them in the National Code. (*Recommendation 130 – paragraph 11.24*)

17.131 Appointment of chief constable: these procedures should be much more open with information provided to candidates as to the assessments made of them; how they have fared and the nature of the procedures involved. (*Recommendation 131 – paragraph 11.25*)

17.132 There is no reason for a standard requirement in respect of the length of service of the individual concerned. (*Recommendation 132 – paragraph 11.26*)

17.133 Probationer service in the rank of constable: it is unnecessary to seek Secretary of State approval for the extension of probation. (*Recommendation 133 – paragraph 11.28*)

17.134 Retirement: arrangements in respect of retirement during suspension for misconduct should be developed in the context of reform of procedures for handling misconduct. (*Recommendation 134 – paragraph 11.31*)

17.135 Personal records: any necessary procedure should be decided locally. (*Recommendation 135 – paragraph 11.32*)

17.136 Duty to carry out lawful orders: Police officers should clearly be under a duty to carry out lawful orders. This should be laid down in primary legislation. (*Recommendation 136 – paragraph 11.34*)

17.137 Limitations on duties assigned to members statutorily transferred and work not required to be performed: such matters should be subject to the exercise of sensible local management discretion. (*Recommendation 137 – paragraph 11.35*)

17.138 Normal daily periods of duty: the minimum number of hours normally to be worked should be specified on an annual basis in the National Code. (*Recommendation 138 – paragraph 11.36*)

17.139 All other matters dealt with in this regulation should be the subject of local management discretion. (*Recommendation 139 – paragraph 11.37*)

17.140 The length of shifts should be tailored to suit local needs and take account of staff welfare considerations. Matters associated with shifts should be determined in consultation with officers, staff associations and, where practicable, (e.g. in the case of officers operating in isolated areas or part-timers) individuals. (*Recommendation 140 – paragraph 11.38*)

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17.141 Subject to local management discretion to manage manpower resources in accordance with local needs, opportunities for part-time working and job sharing should immediately become available throughout the police service. (*Recommendation 141 – paragraph 11.39*)

17.142 Rostering of duties:

- a) the requirement to have an annual roster should cease;
- b) rostering arrangements should be determined by the chief officer in consultation with staff association representatives;
- c) joint agreement should be reached between officers and their line manager as to annual leave, normally at least three months in advance (for individual and management planning purposes and to allow leave arrangements to be made);
- d) officers should be given reasonable notice of the likely pattern of their rest days. (Part III, Chapter 9 contains recommendations as to arrangements in respect of the cancellation of rest days); and
- e) sensible planning and notification arrangements in respect of cancellation of rest days and annual leave should be the subject of performance-related objectives for line managers (good management in respect of such matters will therefore influence the performance rating and hence the pay of the line manager).

(*Recommendation 142 – paragraph 11.40*)

17.143 Staff association representatives should be paid and considered to be in execution of their duty when attending joint meetings with management or preparing for them but not for attending staff association only meetings. The revised arrangements should be included in the National Code. In implementing this recommendation, a distinction should be made between ACPO meetings associated with policy determination in respect of police service management which should count as duty and be paid, and ACPO Staff Side meetings which should be counted as duty and be paid or unpaid on the same basis as meetings of the other two staff associations. (*Recommendation 143 – paragraph 11.42*)

17.144 Annual leave: annual leave arrangements should be included in the National Code. Entitlements should remain as they are for the present and any changes to annual leave entitlements should be subject to the arrangements specified in Part III, Chapter 8 (these allow changes to annual leave to be offset against increases in basic pay). (*Recommendation 144 – paragraph 11.43*)

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17.145 Maternity leave: provisions for maternity and paternity leave should be:

- a) included in the National Code;
- b) brought in line with relevant provisions of employment protection legislation and EC directives.

(Recommendation 145 – paragraph 11.45)

17.146 Any central guidance should allow for the exercise of local discretion to extend periods of unpaid maternity/paternity leave.

(Recommendation 146 – paragraph 11.46)

17.147 University scholars: provisions as to the entitlement of officers undertaking courses of study should be a matter for local management discretion. *(Recommendation 147 – paragraph 11.47)*

17.148 Rate of pay: rates of pay should be set out in the National Code.

(Recommendation 148 – paragraph 11.48)

17.149 Reckoning of service: matters associated with the counting of service for pension purposes should be contained in the National Code.

(Recommendation 149 – paragraph 11.50)

17.150 Pay calculation: relevant statutory provisions should be applied as necessary. Pay periods are at present determined at local discretion and this should continue to be the case. *(Recommendation 150 – paragraph 11.52)*

17.151 Restriction on payment of allowances: Secretary of State approval should not be necessary in relation to the exercise of discretion to introduce local pay flexibilities. Such matters should be determined by the chief officer in consultation with staff association representatives. The appropriate exercise of management discretion in such matters should be taken into account in assessing line managers' performance for pay purposes. *(Recommendation 151 – paragraph 11.53)*

17.152 The following allowances should cease to be paid. Chief officers should instead make at their discretion any arrangements to reimburse expenses which they consider necessary, convenient or appropriate:

- a) uniform allowance (regulation 54);
- b) women's stocking allowance (regulation 55);
- c) plain clothes allowance (regulation 56);

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- d) detective expenses allowance (regulation 57);
- e) bicycle allowance (regulation 61);
- f) typewriter allowance (regulation 62);
- g) promotion examination allowances (regulation 66);
- h) university scholars (regulation 70).

(Recommendation 152 – paragraph 11.56)

17.153 Restriction on payments for private employment of police: a provision to reflect this regulation should be included in the National Code. There should be local guidance on the ability of police officers to receive payment for work they undertake in a private capacity or any general restriction on their ability to undertake paid work outside the police service: matters associated with the propriety of undertaking particular kinds of work and/or its impact on performance should be dealt with through arrangements for handling misconduct and inadequate performance. *(Recommendation 153 – paragraph 11.58)*

17.154 Removal allowance: such matters should be decided at the discretion of the chief officer. In the case of chief officers, rapid and sensible arrangements in respect of removals, including the use of relocation agencies where this is cost effective, should be agreed as part of a flexible package to be determined in the context of fixed term appointments. *(Recommendation 154 – paragraph 11.59)*

17.155 Subsistence, refreshment and lodging allowances should be settled at the discretion of the chief officer on the basis of good resource management, common sense and staff welfare. *(Recommendation 155 – paragraph 11.60)*

17.156 Advances to cover expenses when away on duty should be a matter for the discretion of chief officers. *(Recommendation 156 – paragraph 11.61)*

17.157 Motor vehicle allowances: arrangements in respect of the reimbursement of expenses incurred in the use of private cars for official purposes should be agreed at the discretion of chief officers. It should also be open to chief officers to provide cars or introduce car leasing arrangements where this makes economic sense. Any necessary amendment to legislation required to authorise car leasing arrangements should be made. *(Recommendation 157 – paragraph 11.62)*

17.158 Allowance in respect of medical charges: such reimbursement should cease. *(Recommendation 158 – paragraph 11.63)*

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17.159 Continuation of allowances when member ill: this should be a matter for local discretion. (*Recommendation 159 – paragraph 11.64*)

17.160 Allowances in respect of periods of suspension: this should be a matter for local discretion, taking in the merits of the case. (*Recommendation 160 – paragraph 11.65*)

17.161 Housing, uniform and equipment: arrangements should be for the discretion of the chief officer. There is no reason at all for the kind of detailed provisions which at present apply. (*Recommendation 161 – paragraph 11.66*)

17.162 Police Federation Regulations: the Police Federation should be left to the Police Federation. There is no reason for such matters to be dealt with in the National Code. (*Recommendation 162 – paragraph 11.67*)

17.163 The Police Cadet Regulations: cadets' pay should be settled as part of national negotiations and referred to in the National Code. All other matters should be a matter for local discretion. (*Recommendation 163 – paragraph 11.68*)

17.164 Police Promotion Regulations should cease to be included in statutory regulations. They should reflect the need for a high premium to be placed on leadership and management qualities and other matters following from our recommendations. Arrangements in connection with national training or promotion examination can be done in the context of the National Code on a limited basis if there is a perceived need for this. Matters of promotion should generally be for the discretion of chief officers. Recommendations on pay (Chapter 5) make clear that there is scope for fast tracking within pay scales for each rank. There is also a case for accelerated promotion arrangements for graduates and other suitable officers. Subject to the need to make limited provision in the context of the National Code, these matters should be for the discretion of chief officers. (*Recommendation 164 – paragraphs 11.69-71*)

CHAPTER 12: TENURE

Fixed Term Appointments

17.165 There should be a three-way approach to fixed term appointments (FTAs) which would allow:

- a) officers to leave voluntarily if they wished;
- b) management to decide not to offer a further appointment on a variety of grounds falling into three broad categories:

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- i) misconduct or inadequate performance;
- ii) severance on structural grounds.

(Recommendation 165 – paragraph 12.11)

External accreditation of police qualifications

17.166 External accreditation of police qualifications should be considered in the context of policy and planning for police training and taken forward as rapidly as possible. *(Recommendation 166 – paragraph 12.23)*

Introduction of FTAs

17.167 FTAs should be introduced for all ranks. *(Recommendation 167 – paragraph 12.26)*

17.168 Once the necessary legislation is in place, all officers should be recruited on a fixed term. *(Recommendation 168 – paragraph 12.27)*

17.169 On promotion and transfer to another force, serving officers should move to a fixed term appointment. *(Recommendation 169 – paragraph 12.28)*

17.170 Serving officers should be provided with an opportunity to transfer to the new FTA arrangements voluntarily. *(Recommendation 170 – paragraph 12.28)*

Duration of fixed term appointments

17.171 Newly-recruited officers should be appointed for an initial 10-year term including probation and subject to its satisfactory completion. Once the initial term has been completed or following transfer to another force/promotion (including promotion occurring within the initial 10-year term) further appointments should be made on each occasion and these should normally be for a period of five years. *(Recommendation 171 – paragraph 12.30)*

17.172 Neither transfers to other forces nor promotions should be constrained by the existence of an FTA and arrangements should be made to ensure that maternity/paternity leave entitlements, career breaks, job-sharing and part-time working arrangements can be accommodated within the new system. *(Recommendation 172 – paragraph 12.31)*

17.173 It should be open to the chief constable and in the case of chief constables, the police authority, to offer at their discretion a number of separate one-year extensions to FTAs. *(Recommendation 173 – paragraph 12.32)*

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17.174 It should be open to management to offer FTAs of less than five years in certain defined circumstances. Examples of circumstances which would justify the offer of an FTA of less than five years would be the cases of:

- a) officers nearing voluntary or compulsory retirement age;
- b) officers whose health did not allow them to undertake the full range of police duties at the rank they held.

(Recommendation 174 – paragraph 12.33)

Rights of renewal

17.175 Safeguards, appeal mechanisms and rights of renewal: fixed term appointment should not carry any automatic right of renewal. It should be for the officer to apply for reappointment for a further fixed term so there should be no “right of renewal”. Where an officer does not apply to renew his/her appointment it should terminate automatically on the date when the fixed term ends. *(Recommendation 175 – paragraph 12.37)*

Arrangements for renewal

17.176 Officers and management should review the position regarding an individual’s future in the service at least 12 months before the ending of a fixed term appointment. *(Recommendation 176 – paragraph 12.39)*

17.177 The review should be undertaken by the line manager in conjunction with the force personnel management department. The review, which should normally be separate from discussions associated with the performance appraisal arrangements should take account of:

- a) anticipated force requirements in terms of numbers, roles, skills and experience;
- b) the career history of the officer including range of skills and experience, evidence of ability to acquire and apply new skills and performance;
- c) the officer’s aims and aspirations;
- d) the likelihood of a further FTA being offered should the officer choose to apply;
- e) possible changes of posting/career moves in the event of a successful reapplication;
- f) the need for any associated training, career development moves prior to the end of the current FTA;

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- g) remedial action to be taken by the officer in respect of any shortcomings in performance, conduct, etc;
- h) support and guidance available in the event that application for a further FTA is unsuccessful.

(Recommendation 177 – paragraph 12.40)

Failure to offer a further fixed term

17.178 It should be permissible to refuse to offer a further fixed term appointment for any of the following reasons:

- a) misconduct;
- b) inadequate performance;
- c) structural considerations;
- d) medical and related grounds.

(Recommendation 178 – paragraph 12.41)

17.179 We consider that an officer should be able to resign during a fixed term on giving the following notice:

- a) up to 2 years' service: 1 month's notice with discretion for management to pay in lieu of notice;
- b) over 2 years' service: 3 months' notice with management discretion to pay in lieu of notice.

(Recommendation 179 – paragraph 12.43)

17.180 There should be a power to terminate the appointment of an officer during the currency of an FTA where retention of the officer would be injurious to the interests of the police service or on structural, medical or related grounds. *(Recommendation 180 – paragraph 12.44)*

17.181 Whether the appointment is to be terminated summarily or on the giving of notice should be a matter for the discretion of the person or persons taking the decision to dismiss. *(Recommendation 181 – paragraph 12.45)*

Failure to offer a further fixed term appointment or termination in the course of a fixed term: representations and appeals

17.182 Where an officer applies for a further fixed term appointment, no final decision to refuse a further appointment should be made without first giving the officer concerned an opportunity to make representations. Such representations should be made to the countersigning officer who should

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take the advice of the force personnel management department or legal advice. In the case of the chief constable or an ACC there should be an opportunity to make representations to the police authority.

(Recommendation 182 – paragraph 12.46)

17.183 We consider that there should be two opportunities for formal appeal: the first internal and the second external. The internal appeal should be heard by the head of the personnel management department sitting with an ACC designated by the chief constable. The second external appeal body in respect of FTAs should be the same as that finally agreed in respect of the Home Secretary's proposals regarding misconduct and inadequate performance. *(Recommendation 183 – paragraphs 12.47-48)*

Special appeal provisions for chief officers

17.184 In respect of all chief officer ranks, appeals should be to the Secretary of State. *(Recommendation 184 – paragraph 12.49)*

Pay pending appeal

17.185 We recommend that in the case of officers on fixed term appointments, suspension on full pay should be for the duration of the fixed term appointment only. If the officer appeals, he/she should continue to receive full pay until expiry of the fixed term, but not thereafter, unless the appeal body so decides. If an officer's appeal is successful at any stage and he/she is reinstated, the appeal body should have the discretion to award back pay in respect of any period of suspension without pay. *(Recommendation 185 – paragraph 12.50)*

17.186 There should be discretion to extend service beyond normal compulsory retirement age. *(Recommendation 186 – paragraph 12.55)*

Normal retirement age: Officers serving on FTAs

17.187 A common age of normal retirement should be established. *(Recommendation 187 – paragraph 12.56)*

17.188 Normal retirement age should be 60 for all ranks in all forces and a full pension should be payable after 40 years' service. (There should be provision for officers to retire at age 55 but with benefits reflecting their contributions to that date (see Chapter 13), which also recommends that in consideration of this and other matters, officers serving on FTAs should pay a lower pension contribution.) *(Recommendation 188 – paragraph 12.58)*

Normal retirement age: officers continuing to serve under the existing scheme

17.189 The pension entitlements and the compulsory retirement age of serving officers who do not move to a fixed term appointment should not change. There should, however, be discretion to extend service beyond normal compulsory retirement age. *(Recommendation 189 – paragraph 12.59)*

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Misconduct and inadequate performance: all officers

17.190 We welcome the previous Home Secretary's recent announcement of the planned introduction of arrangements both to allow officers to be dismissed on grounds of inadequate performance and to streamline arrangements in respect of police misconduct. (*Recommendation 190 – paragraph 12.61*)

17.191 Parallel arrangements should be introduced as rapidly as possible in Scotland and Northern Ireland. (*Recommendation 191 – paragraph 12.61*)

17.192 Misconduct and inadequate performance should be handled in the same way as regards the non-renewal of an FTA or termination of the appointment of an officer who is on an FTA. (*Recommendation 192 – paragraph 12.62*)

17.193 Termination of an FTA (as opposed to failure to offer a further one) for reasons associated with misconduct or inadequate performance should only be possible on the grounds that retention of the officer would be seriously injurious to the force. (*Recommendation 193 – paragraph 12.62*)

17.194 Dismissal of probationers: current arrangements should continue. (*Recommendation 194 – paragraph 12.63*)

17.195 Chief officers: it should continue to be possible to dismiss chief officers on the same grounds as at present, provided the relevant provision is examined and adjusted as necessary to ensure that:

- a) its ambit is at least as wide as any provision introduced in respect of the lower ranks (in implementation of the Home Secretary's proposals);
- b) account can be taken of chief officers' performance in relation to the performance measures we have recommended in Chapter 6;
- c) there are rights of appeal as indicated in recommendation 185 – paragraph 17.185.

(*Recommendation 195 – paragraph 12.64*)

17.196 Chief officers should continue to be subject to discipline on grounds of misconduct. Adequate protections, safeguards and rights of appeal should be provided in line with those indicated in paragraph 12.49. (*Recommendation 196 – paragraph 12.65*)

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Severance on structural grounds: all officers

17.197 Opportunities should be made available through legislation to declare compulsory or invite voluntary severance on structural grounds to:

- a) allow the age and skills profile of the force to be adjusted;
- b) allow manpower levels to be adjusted at various ranks to meet changing management needs and achieve efficiency savings; or
- c) to reflect the fact that the need for police officers in a particular rank or place, or to do work of a particular kind has ceased or diminished or is expected to.

(Recommendation 197 – paragraph 12.68)

Criterion for medical retirement

17.198 The criterion for medical retirement (which should be set out in the National Code and not in regulations) should be changed so that retirement on medical grounds with the associated enhanced benefits were available only where the individual was disabled from performing the ordinary duties of a member of the police force at the rank he/she holds. We so recommend in respect of all officers whether or not they are serving on an FTA. *(Recommendation 198 – paragraph 12.78)*

17.199 Where an officer is partially incapacitated, as a result of a particular medical condition but is nonetheless able to perform a substantial part of the ordinary duties of a member of the police force at the rank he/she holds, a decision should be made whether the service is able to retain that officer in any capacity at the rank he/she holds. This decision should be made in the light of:

- a) medical advice, and
- b) management judgement as to the extent to which operational and manpower needs mean there would be mutual benefit in retaining the officer's service either permanently or for a limited period.

(Recommendation 199 – paragraph 12.79)

17.200 In the case described in paragraph 17.199 above, if the officer cannot be retained, then the officer should be retired on structural grounds and be awarded benefits calculated in the same way as those payable in respect of severance on these grounds. This recommendation should apply to officers on FTAs and officers serving under the present arrangements. (It should be noted that the benefits payable to officers on FTAs and those who are not, are slightly different, Chapter 13 refers.) *(Recommendation 200 – paragraph 12.80)*

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Retirement following an injury on duty and injury awards: all officers

17.201 Injuries should be properly documented when they occur. *(Recommendation 201 – paragraph 12.87)*

Degree of disablement for injury award purposes

17.202 A medical judgement is essential to decision-making in respect of the degree of disablement involved and medical advisers should retain an essential part in this procedure. *(Recommendation 202 – paragraph 12.89)*

17.203 The duty to make such assessments should remain with force medical advisers. The service should either appoint medical advisers who are specialists in occupational health or ensure they have access to having any necessary expert advice on such matters. *(Recommendation 203 – paragraph 12.90)*

17.204 Definition of “in the execution of duty”: it is questionable whether it is appropriate to treat sporting injuries in particular as “injuries sustained in the execution of police duty”. This should be reviewed as should the position relating to attendance at certain staff association meetings. *(Recommendation 204 – paragraph 12.93)*

Medical appeals

17.205 Decisions regarding medical retirement of officers below the rank of assistant chief constable and equivalents should be made by the chief officer in the light of medical advice rather than the police authority. Decisions regarding medical retirement of chief constables should continue to be made by the police authority on the basis of medical advice. Chief constables should consult the police authority in the case of decisions medically to retire ACCs. *(Recommendation 205 – paragraph 12.96)*

17.206 All appeals should be handled by doctors drawn from an expert panel who, while still independent of the parties, would have “an expert knowledge of the police service and therefore be able to make a sound judgement”. *(Recommendation 206 – paragraph 12.97)*

CHAPTER 13: PENSIONS AND RELATED BENEFITS

Post-retirement benefits: officers serving on an FTA – pension arrangements and benefits

17.207 A number of changes should be made to pension arrangements and benefits under the revised FTA scheme compared to the existing police pension scheme. *(Recommendation 207 – paragraph 13.6)*

Fast accrual

17.208 There should be no provision for the fast accrual of benefits in the FTA-based approach. Pension benefits would accrue on a uniform

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basis at 1/60th of final pay for each year of service. (*Recommendation 208 – paragraph 13.9*)

Commutation

17.209 In the new arrangements, commutation of pension should be available up to Inland Revenue limits on the basis of a unisex factor of £12 for each £1 per annum of pension given up. (*Recommendation 209 – paragraph 13.10*)

Members' contribution

17.210 A lower rate of pension contributions should be payable by members who are on or moved to an FTA. They should pay a rate of 7% instead of the present 11%. (*Recommendation 210 – paragraphs 13.11-13.12*)

Pensions in deferment

17.211 Pensions in deferment should continue to be updated by RPI under the Pensions Increase Act 1971. (*Recommendation 211 – paragraph 13.13*)

Pensions in payment

17.212 Pensions in payment should continue to be linked to the Retail Prices Index under the Pensions Increase Act 1971. (*Recommendation 212 – paragraph 13.14*)

Benefits for spouses

17.213 These should be in line with existing arrangements subject to adjustments to take account of the new scheme. (*Recommendation 213 – paragraph 13.15*)

Benefits at the end of a fixed term appointment

17.214 In the case of officers who decide to leave voluntarily at the end of an FTA and in a number of other cases (see below), officers should be entitled to receive a lump sum. (*Recommendation 214 – paragraph 13.17*)

Officers who leave voluntarily

17.215 Where an officer leaves voluntarily at the end of a fixed term, benefits should be as follows:

Lump sum: 1/12 of Final Pensionable Pay (FPP) per year of actual service up to a maximum of $2\frac{1}{2}$ x FPP.

Pension: Preserved pension at age 60 (subject to paragraph 17.216 below). (*Recommendation 215 – paragraph 13.18*)

17.216 Where an officer leaves voluntarily at the end of a fixed term (and in certain other cases – see below) and he/she is nearing retirement age, i.e.

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age 55 and over, the officer should be entitled to receive immediate payment of pension – including commutation rights – based on service to date and, at the discretion of the chief constable, a lump sum payment *up to a maximum* of one month's pay for every year of service and no more than $2\frac{1}{2}$ x FPP. (*Recommendation 216 – paragraph 13.20*)

Inadequate performance

17.217 Lump sum payments should be available in cases where management decides not to offer a further fixed term on grounds of inadequate performance. Benefits should be as follows:

Lump sum: $1/12$ of Final Pensionable Pay (FPP) per year of actual service up to a maximum of $2\frac{1}{2}$ x FPP.

Pension: Preserved pension at age 60.
(*Recommendation 217 – paragraph 13.21*)

17.218 In the case of officers nearing retirement age, i.e. age 55 and over, the officer should be entitled to immediate payment of pension – including commutation rights and, at the discretion of the chief officer, a lump sum payment *up to a maximum* of $1/12$ x FPP and no more than $2\frac{1}{2}$ x FPP.
(*Recommendation 218 – paragraph 13.21*)

Decision not to offer further fixed term appointment on grounds of misconduct

17.219 Entitlement should be to a preserved pension payable at age 60 (or immediately in the case of officers age 55 or over). This is subject to the current statutory provisions relating to forfeiture in exceptional cases.
(*Recommendation 219 – paragraph 13.22*)

Dismissal of probationers: all officers

17.220 Entitlements should be the same as at present. (*Recommendation 220 – paragraph 13.23*)

Severance on structural grounds

17.221 It should be possible to take a decision not to offer a further fixed term appointment for structural reasons. (*Recommendation 221 – paragraph 13.24*)

17.222 Under the new scheme the benefits payable in the event of compulsory or voluntary severance on structural grounds at the end of or during a fixed term should be:

- a) Lump sum: $1/12$ of FPP per year of actual service up to a maximum of $2\frac{1}{2}$ x FPP;

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- b) immediate payment of accrued pension rights regardless of length of service.

(Recommendation 222 – paragraph 13.25)

Medical retirement

17.223 Where an officer is disabled on medical grounds from performing the ordinary duties of a member of the police force at the rank he/she holds the new scheme should offer benefits broadly similar to the present arrangements. They should, however, be reduced slightly to accord better with practice elsewhere. *(Recommendation 223 – paragraph 13.26)*

17.224 The period of enhancement to actual service to be taken into account in the case described in paragraph 17.223 above, should be the smallest of the following three items:

- a) reckonable service worked to date;
- b) seven years' reckonable service;
- c) one-half of potential service to the minimum age at which an unreduced normal pension can be earned.

(Recommendation 224 – paragraph 13.27)

17.225 Benefits should include 1/60 of FPP per year of enhanced service and a lump sum by commutation of £12 per £1 per annum pension.

(Recommendation 225 – paragraph 13.28)

17.226 In a case falling within paragraphs 17.199 and 17.200 he/she should receive:

- a) Lump sum: 1/12 of FPP per year of actual service up to a maximum of 2½ x FPP;
- b) Pension: a preserved pension at age 60 (in the case of an officer age 55 or over there should be an entitlement to immediate payment, including commutation rights – cf paragraph 13.20 above).

(Recommendation 226 – paragraph 13.29)

Retirement following an injury on duty

17.227 For an officer who has retired because of an injury suffered in the course of duty, a generous level of retirement provision should continue to be available. Benefits should be broadly at a comparable level to the present provision, but the same minor amendments should be made to fit in with the new benefit structure as have been recommended in paragraph 17.224 above. *(Recommendation 227 – paragraph 13.30)*

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Injury awards

17.228 Awards relating to injuries on duty which do not lead to retirement should be made on the same basis as at present.

(Recommendation 228 – paragraph 13.31)

Termination of an FTA

17.229 Where an FTA is terminated on structural, medical or related grounds, the benefits we have recommended in respect of failure to offer a further FTA should also be payable during an FTA's currency. Where the termination is on the grounds that the retention of the officer would be injurious to the police service no compensation should be payable.

(Recommendation 229 – paragraph 13.32)

Credits for present members of the police pension scheme who move to FTAs

17.230 The costs incurred in offering further protections to members transferring to the new pension scheme should be met by adjusting the level of service credit awarded against rights surrendered in the present scheme. *(Recommendation 230 – paragraph 13.38)*

Pensions and related benefits: members of the existing scheme

17.231 For serving officers who do not move to FTAs and therefore remain members of the present scheme, retirement age and related entitlements, contribution and pension rates, commutation and fast accrual arrangements as well as benefits following retirement in respect of an injury on duty and injury awards need to remain the same. No lump sum should be payable on voluntary resignation or on dismissal on the grounds of misconduct. Certain changes should be made to the scheme.

(Recommendation 231 – paragraph 13.40)

Inadequate performance

17.232 The points we have made above in respect of inadequate performance hold good in respect of all officers. Once the new inadequate performance arrangements are introduced there should be circumstances in which a lump sum is payable, at management discretion, in respect of dismissal on the grounds of inadequate performance. *(Recommendation 232 – paragraph 13.41)*

17.233 Since tenure for officers in the existing scheme is far lengthier with less opportunity for review there should be more flexibility as to the benefits offered. These should be as follows:

Lump sum: at the chief officer's discretion, up to a maximum of one month's pay for every year of service and no more than $2\frac{1}{2}$ x FPP;

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Pension: preserved pension payable at existing normal retirement age.

(Recommendation 233 – paragraph 13.42)

Severance on structural grounds

17.234 In respect of serving officers who do not move to FTAs, compensation for severance on structural grounds should be:

- a) lump sum at the chief officer's discretion up to a maximum of 1/12 of FPP per year of actual service and no more than 2½ x FPP, plus
- b) immediate payment of accrued pension rights regardless of length of service.

We also recommend that the same level of compensation should be available to chief constables who decide to leave voluntarily following the review recommended in Chapter 10. *(Recommendation 234 – paragraphs 13.44-45)*

Notice periods

17.235 In the case of officers not on fixed term appointments we consider that existing notice periods should be changed to those recommended in respect of officers serving on FTAs. *(Recommendation 235 – paragraph 13.46)*

CHAPTER 14: NORTHERN IRELAND AND THE SPECIAL AND DIFFERENT CIRCUMSTANCES OF THE RUC

17.236 Our major recommendations should be considered by the Secretary of State for Northern Ireland and, hopefully, implemented in the same way as the recommendations we have made to the Home Secretary and the Secretary of State for Scotland, for consideration and implementation in Great Britain. *(Recommendation 236 – paragraph 14.5)*

17.237 Simplification of the rank structure recommended for British police forces should also be introduced in Northern Ireland. *(Recommendation 237 – paragraph 14.6)*

17.238 We have not accepted the argument for matching army rank structures. There may be one or two exceptional cases where operational requirements require a special office or rank but they should be very limited in number. *(Recommendation 238 – paragraph 14.7)*

Reward structure and RUC allowance

17.239 Reward structure: the measures should, perhaps with some fine tuning, be applied to officers of the different ranks in the RUC including

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to cover circumstances which are currently the subject of special arrangements in Northern Ireland. (*Recommendation 239 – paragraph 14.9*)

17.240 The RUC allowance should continue. It should not become pensionable. It should end when the troubles come to an end. It should be raised to £4,000. (*Recommendation 240 – paragraph 14.9*)

The Reward Package – Chief Constable of the RUC

17.241 It would be inappropriate for the Chief Constable of the RUC to be on performance-related pay. In addition to the existing pay lead over the top of the chief constables' scale, he should receive an additional 10% in respect of loss of bonus opportunity. We do not consider that our recommendation regarding the review of chief constable appointments should apply to the Chief Constable of the RUC. (*Recommendation 241 – paragraph 14.10*)

Performance measurement

17.242 With the above qualifications, the full battery of performance measures and indicators recommended for other forces should be implemented as quickly as possible in the RUC. (*Recommendation 242 – paragraph 14.11*)

Investment in management information

17.243 Remedial steps to improve management information, management training and management development in the RUC should be taken as a matter of urgency. (*Recommendation 243 – paragraph 14.13*)

Overtime

17.244 The proposals of an *ad hoc* group to analyse current overtime arrangements and to recommend change will hopefully accord with the general points made in this Report. (*Recommendation 244 – paragraph 14.14*)

PANI

17.245 The Secretary of State for Northern Ireland should determine whether change is necessary and how an appropriate competent authority can overview the RUC for the duration of the troubles. Our hope and expectation is that when they end, the reasoning we suggest in Britain will once again become fully relevant to Northern Ireland. (*Recommendation 245 – paragraph 14.16*)

PART V: AFFORDABILITY AND VALUE FOR MONEY – CHAPTER 15: AFFORDABILITY AND VALUE FOR MONEY

17.246 A voluntary/compulsory severance exercise represents a major opportunity for the service to improve its efficiency and value for money.

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Opportunities to extend spans of management control should be taken up as soon as possible. It is not appropriate to seek to adjust police strength through natural wastage and subject to overriding considerations relating to public expenditure, this approach should be avoided if at all possible. (*Recommendation 246 – paragraphs 15.45-46*)

17.247 We invite the government, in view of the overall attractiveness of the package, rapidly to give a commitment to provide any additional funding which is needed to allow a severance exercise to go ahead as soon as possible. (*Recommendation 247 – paragraph 15.47*)

17.248 We recommend that reduction in spans of management control should be achieved by means of a voluntary/compulsory severance exercise involving serving officers. This should be completed within three years. Recruitment should proceed at normal rate in the meantime but accelerated recruitment of PCs to replace officers who have left on structural grounds should be deferred until years 4-5. Under this option, promotion rates will be affected by thinning of the middle ranks but not otherwise held back. (*Recommendation 248 – paragraph 15.52*)

PART VI: IMPLEMENTATION – CHAPTER 16: IMPLEMENTATION

Police civilians

17.249 Police civilians should be employed and managed directly by police forces rather than by police or local authorities. In this context urgent consideration should also be given to the reform of police civilian pay, conditions of service, representation, negotiating and arbitration arrangements. (*Recommendation 249 – paragraph 16.14*)

The police service negotiation and arbitration arrangements

Membership of the two sides

17.250 Subject to recommendation 252 below, chief officers and their delegates, including senior civilian professionals employed by the service e.g. to head personnel and finance departments, should form the Official Side of that arm of the national negotiating body which is to be responsible for national negotiations concerning pay and conditions of service for ranks below ACPO level. They should consult police authority representatives in preparing for negotiations. (*Recommendation 250 – paragraph 16.17*)

17.251 In respect of aspects of the National Code which relate to pay and conditions of service for officers of ACPO rank and subject to recommendation 252 below, chief officers should form the Staff Side of the national negotiating body and representatives of reformed police authorities, the Official Side. (*Recommendation 251 – paragraph 16.18*)

17.252 Consideration should be given to providing at least an advisory role for representatives of Home Department Ministers and HM

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Inspectorate of Constabulary. Subject to the views of the Secretaries of State, their formal membership of the Official Side of both arms of the national negotiating body will also need to be considered.

(Recommendation 252 – paragraph 16.19)

17.253 Official Side advisers will need to be specially appointed to the new body either as employees or on contract. *(Recommendation 253 – paragraph 16.20)*

17.254 The task of convening meetings and taking minutes should be devolved to the Side Secretaries. *(Recommendation 254 – paragraph 16.23)*

- 17.255
- a) the chairmanship of the two arms of the new body should be held by the Official Side in each case;
 - b) the vice-chairmanship should be held by the Staff Side;
 - c) conciliation, where necessary, should be provided by ACAS, or if the Secretaries of State consider this would be more convenient, a Standing Body.

(Recommendation 255 – paragraph 16.27)

17.256 Access to conciliation should normally be by joint agreement of the Sides. In the event of failure to reach an agreement to request conciliation, it should be open to either side to call in a conciliator.

(Recommendation 256 – paragraph 16.28)

17.257 Both sides of the negotiating machinery should have unilateral access to arbitration. A system of “pendulum” arbitration should be adopted, i.e. one which required the arbitration tribunal to determine wholly in favour of one side or the other. Subject to the approval of the Secretaries of State, arbitration should be binding on both parties.

(Recommendation 257 – paragraph 16.30)

Improving management information systems

17.258 All sides of the tripartite structure should meet as a matter of urgency to determine arrangements, including funding arrangements, for upgrading and introducing a single compatible system which can be accessed at local and national level. *(Recommendation 258 – paragraph 16.31)*

Rank structure

17.259 Action required by our recommendations on rank structure should begin immediately the consultation period has been completed and a government policy statement made (i.e. by approximately October 1993). The exercise should be completed by July 1994. *(Recommendation 259 – paragraph 16.36)*

CHAPTER 17: SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Appraisal systems

17.260 Revised appraisal arrangements in respect of officers below ACC should be introduced with effect from January 1994. This requires the following action to be taken over the next six months:

- a) discussion to finalise the design of special forms;
- b) design and planning of short in-force training programmes (using distance learning material).

(Recommendation 260 – paragraph 16.37)

Aligning individuals to the new pay scales

17.261 Work to apply the role scope, policing circumstances and experience/skills elements of the matrix should begin in October 1993. Officers should be informed of their matrix score as soon as it has been calculated. Action to adjust postings should be taken as soon as possible. The objective should be to complete this process for all serving officers by October 1994. *(Recommendation 261 – paragraph 16.39)*

17.262 In the first instance, as necessary, performance should be assessed over a period shorter than one year. In this event, dates for performance review should be adjusted accordingly. There should be at least one review during the reporting period. *(Recommendation 262 – paragraph 16.40)*

17.263 Pending the establishment of reformed police authorities, the chief constable should conclude interim performance agreements with ACPO rank officers in their force by January 1994, determine the appropriate scale point for ACCs and regrade DCCs in accordance with recommendations in Chapter 5. Chapter 10 recommends “red circling” arrangements for use where necessary. *(Recommendation 263 – paragraph 16.41)*

17.264 If reformed police authorities have not been established by 1 January 1994, chief constables should move to the nearest scale point on the revised scale above their own and should receive 10% interim performance bonuses. *(Recommendation 264 – paragraph 16.42)*

17.265 Senior officers enjoying pay leads above the top of the chief constables’ scale should move to the relevant point on the revised scale on 1 January 1994. *(Recommendation 265 – paragraph 16.43)*

17.266 OME non-manual pay settlement data should be collected to a timetable which allows a one-year private sector median total pay settlement figure to be available in autumn 1994. *(Recommendation 266 – paragraph 16.44)*

CHAPTER 17: SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

17.267 Two-thirds of this figure should then be applied to basic pay so as to achieve a scale in line with that recommended in Chapter 7.
(*Recommendation 267 – paragraph 16.45*)

17.268 The introduction of two lower scale entry points for new recruits should be addressed in the 1993 pay round. (*Recommendation 268 – paragraph 16.46*)

17.269 In the event of any delay to the timetable proposed above, the following approach should be adopted:

- a) 1993 pay round: as at paragraphs 16.41-16.43 above;
- b) 1994 pay round: two-thirds of total private sector settlement figure to be applied to the existing pay scale (the combined scales in the case of reformed ranks) with a view to adjusting midpoint differentials towards those in the recommended scale;
- c) scale progression on the basis of seniority to be frozen;
- d) to recognise the existing shortfall in relation to the private sector median 4% interim bonuses to be available to officers from the midpoint of the combined existing superintendent/chief superintendent scale (subject to line management/countersigning officer discretion);
- e) 8% interim bonuses to be available to ACCs and DCCs or former DCCs (chief constable's discretion);
- f) 10% interim bonuses to be paid to chief constables and those enjoying special pay leads over the top of the chief constables' pay scale (such as the chief constable of the RUC, the Commissioner of Police of the Metropolis and the Commissioner of the City of London Police).

(*Recommendation 269 – paragraph 16.47*)

Conditions of service

17.270 We recommend that action to implement recommendations regarding conditions of service should begin in October 1993 with a view to completion by October 1994 at the latest. Fixed term appointments should be introduced for new recruits as soon as the appropriate legislation has been introduced. The same should apply to officers up to the rank of superintendent on promotion or transfer to another force. In the case of promotions and transfers at chief officer rank, FTAs should not be introduced until reformed police authorities are in place.

(*Recommendation 270 – paragraph 16.48*)

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17.271 There are likely to be some areas in which chief officers could sensibly collaborate. Adequate resources should be made available to ACPO to help its members meet the challenge e.g. by securing advice from consultants. (*Recommendation 271 – paragraph 16.50*)

17.272 Work could helpfully take place at national level to address:

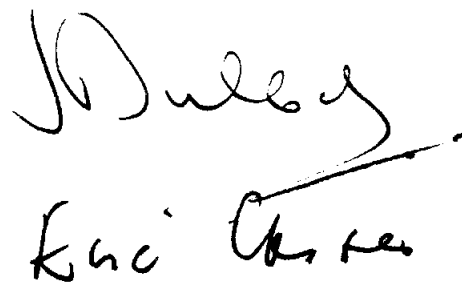
- a) systems needs with particular reference to the improvement of management information systems (especially those relating to payrolls and delegated financial management);
- b) steps to be taken to secure national monitoring and evaluation of the reforms;
- c) reform of negotiation and arbitration machinery;
- d) preparation of the National Code of Standards;
- e) issues associated with civilianisation, taking in employment status, management structures, remuneration, conditions of service and representation.

(*Recommendation 272 – paragraph 16.51*)

Sir Patrick Sheehy (*Chairman*)



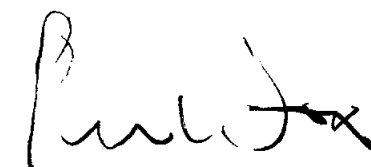
Mr John Bullock



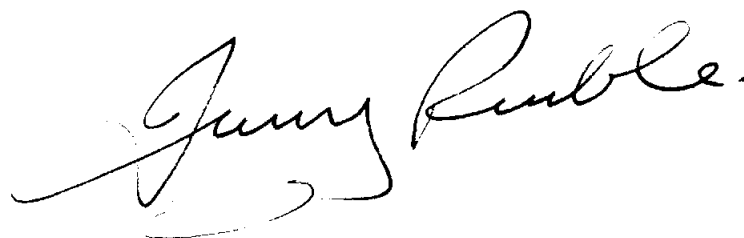
Professor Eric Caines



Professor Colin Campbell



Sir Paul Fox



Miss Jenny Rumble
Secretary

Mr Andrew Dent
(Assistant Secretary)



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