

# Anti-social Behaviour, Crime and Policing Bill

## Fact sheet: Police Remuneration Review Body (clauses 117 to 120)

### Background

1. Existing police pay and conditions were designed more than 30 years ago and the Government wants to ensure that police officers and staff have pay and workforce arrangements that recognise the vital role they play in fighting crime and keeping the public safe. Following a commitment in the *Coalition Programme for Government*, the Government commissioned Tom Winsor to conduct an Independent Review of Police Officer and Staff Remuneration and Conditions. In his two reports,<sup>1</sup> Tom Winsor made a range of recommendations to modernise pay and conditions, help chief constables to manage their resources, maximise officer time and improve the service to the public. All of these changes will help the police to fight crime. The Police Remuneration Review Body (PRRB) is an important part of this reform programme.
2. Police officers' pay and conditions are set out in regulations and in determinations made by the Home Secretary under them. They are determined by the Home Secretary following a statutory process of negotiation or consultation. Police officers are subject to restrictions on their rights to take industrial action, including a prohibition on their right to strike, and the negotiation and consultation arrangements were originally established to compensate officers for these restrictions. The UK-wide Police Negotiating Board (PNB) considers matters relating to pay, allowances, hours of duty and the issue, use, and return of uniforms and equipment. It includes representatives of police officers and those responsible for maintaining and leading forces (including Police and Crime Commissioners and chief officers), who seek to make agreed recommendations to the Home Secretary. Where they cannot agree, there is an independent system of arbitration, the Police Arbitration Tribunal, which can make a recommendation in the PNB's place.
3. Tom Winsor's Review found this system to be cumbersome, inefficient and adversarial. He noted that, despite the PNB's focus on negotiations, its most significant failing is that it has proved itself incapable of ensuring that the two sides reach agreement on the most significant issues. The most significant matters in recent years have been decided by the Police Arbitration Tribunal; this process is time consuming, costly and does not best serve police officers or the public. Tom Winsor therefore recommended that the PNB should be replaced with an alternative system, a pay review body – which is similar to that used to set pay for the Armed Forces, prison officers, school teachers and other public sector

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<sup>1</sup> Published in March 2011 and March 2012. <http://www.review.police.uk/publications/>

workers. The Government consulted on how best to implement his proposals.<sup>2</sup>

4. The Government's overriding concern is to establish a pay review body which is able to take as wide a view of police remuneration as possible, to act in a strategic, forward looking manner and not be constrained by the adversarial nature, inefficiencies and time delays of the current system.
5. The PNB is a UK-wide body that considers the remuneration of officers across England, Wales, Scotland and Northern Ireland. The Northern Ireland Department of Justice indicated its wish that the new PRRB should also make recommendations on the remuneration of police officers in Northern Ireland, and this was provided for in the Bill on introduction. The Department of Justice subsequently consulted policing partners in Northern Ireland on the future implications of this change. The Northern Ireland Minister for Justice is continuing to consider very carefully the views expressed and we will continue to work closely with the Department of Justice on this matter.
6. The Scottish Government has brought forward legislation in the Scottish Parliament (the Criminal Justice (Scotland) Bill) to establish a Police Negotiating Board for Scotland.<sup>3</sup>

### **The Police Remuneration Review Body**

7. The Bill abolishes the PNB, replacing it with the Police Remuneration Review Body ("PRRB") and modifying the functions of the Police Advisory Board for England and Wales.
8. It is intended that the PRRB will be a body composed of seven members and one chair appointed by Ministers. Its remit will cover officers up to and including the rank of chief superintendent and will require it to make recommendations on all matters of police officer remuneration except pensions, and also on leave, hours of duty and the issue use, and return of uniforms and equipment. This will allow it to take as wide a view of police officer remuneration as possible, and to act in a strategic manner.
9. The Government will send the PRRB an annual remit letter, setting out the issues for it to consider. It is expected that the contents of the letter will be informed by discussions with employer representatives (including chief constables and Police and Crime Commissioners) and organisations representing the views of police officers. The PRRB will be able to make any recommendations and report on any issues that, in its view, arise out of the matters in the letter. For instance, if the PRRB was asked to

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<sup>2</sup> The Government's *Consultation on Implementing a Police Pay Review Body* was published on 25 October 2012. The response to the consultation was published on 25 April 2013. Both documents are available on [www.gov.uk](http://www.gov.uk)

<sup>3</sup> [http://www.scottish.parliament.uk/S4\\_Bills/Criminal%20Justice%20\(Scotland\)%20Bill/b35s4-introd.pdf](http://www.scottish.parliament.uk/S4_Bills/Criminal%20Justice%20(Scotland)%20Bill/b35s4-introd.pdf)

consider remuneration connected to maternity, it would also be able to consider the pay, leave or hours arising from adoption, as the matters are clearly related.

10. In making its recommendations, the PRRB will have regard to its terms of reference. These will be set by the Home Secretary in consultation with the Department of Justice in Northern Ireland and representatives of police officers, chief constables and PCCs. The draft terms of reference were set out in the Government's response to the consultation *Implementing a Police Pay Review Body* and are provided at Annex A. We will keep them under review during the passage of the Bill.

11. The PRRB will ask interested parties for evidence before making its recommendations about police officer remuneration. The Bill allows the Home Secretary to give general directions to the PRRB as to who it should consult. The intention is to ensure that, as a minimum, the consultees include:

- i) representatives of the interests of police officers;
- ii) chief officers;
- iii) Police and Crime Commissioners; and
- iv) the Government.

It will also be open to the Home Secretary or the Northern Ireland Minister of Justice, when referring a particular matter to the PRRB, to identify other parties who should be included in the process. The PRRB will be able to consult others as it sees fit.

12. The PRRB's recommendations will not be binding on the Government, in line with the practice of other pay review bodies. This decision reflects the fact that the Government has a duty to consider the recommendations in a wider spending context, taking into account the financial situation of the country.

13. In general, the Home Secretary and the Northern Ireland Minister of Justice must refer a matter to the PRRB before making regulations in respect of that matter. However, the Bill provides for two exceptions:

- i) where there is not enough time to do so because the need to make the regulations is so urgent (for example, in a time of national emergency, where a change had to be made to police officer hours to ensure effective policing of large scale disorder); and
- ii) where it is unnecessary because of the nature of the proposed regulations (for example, to rectify an error in regulations, because as drafted they clearly did not reflect the policy intention).

14. However, the provisions require that in all cases where regulations relating to police remuneration are made, a draft of the regulations should be

supplied to interested parties. This will ensure that interested parties are fully sighted on the regulations, and that individuals with first hand experience of how the regulations might work in practice will have the opportunity to comment. This measure will help to safeguard against any unintentional consequences of the regulations.

### **Chief officer pay**

15. The Bill provides that responsibility for making recommendations on senior officers – that is, officers of the rank of assistant chief constable (commander in the two London forces) or higher – will pass to the Senior Salaries Review Body (SSRB). The SSRB currently makes recommendations on the pay of senior armed forces officers, senior civil servants, very senior managers in the NHS, and the judiciary. The Government believes that moving chief officers into the SSRB will allow for a better comparison of the remuneration of our most important public leaders. The processes for issuing a remit letter, gathering evidence, making recommendations and making regulations will be the same as for the PRRB.

### **Recommendations on police officer pensions**

16. The current arrangements for determining police officers' pensions are slightly different to those for other aspects of police officer remuneration, because they must be considered as part of a wider policy on public sector pensions. At present, the Government must first consult with members of the PNB before making any changes, but there is no provision for arbitration. The Bill maintains this requirement for consultation but, as the PNB is being abolished, transfers the consultation function to the Police Advisory Board for England and Wales or, in the case of Northern Ireland, the Northern Ireland Policing Board and Police Association. It also makes provision for these bodies to confer on pensions in the different jurisdictions, to mitigate the risk of divergence, which would inhibit the movement of officers across the UK.

Home Office  
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## **Annex A**

### **Draft terms of reference for the PRRB**

The Police Remuneration Review body (PRRB) provides independent recommendations to the Home Secretary and to the Northern Ireland Minister of Justice on the hours of duty, leave, pay, allowances and the issue, use and return of police clothing, personal equipment and accoutrements for police officers in England and Wales, and Northern Ireland respectively. In reaching its recommendations, the review body must have regard to the following considerations:

- the particular frontline role and nature of the office of constable in British policing;
- the prohibition on police officers being members of a trade union or withdrawing their labour;
- the need to recruit, retain and motivate suitably able and qualified officers;
- the funds available to the Home Office, as set out in the Government's departmental expenditure limits, and the representations of police and crime commissioners and the Northern Ireland Policing Board in respect of local funding issues;
- the Government's wider public sector pay policy;
- the Government's policies for improving public services;
- the work of the College of Policing;
- the work of police and crime commissioners;
- relevant legal obligations on the police service in England and Wales and Northern Ireland, including anti-discrimination legislation regarding age, gender, race, sexual orientation, religion and belief and disability;
- the operating environments of different forces, including consideration of the specific challenges of policing in rural or large metropolitan areas and in Northern Ireland, as well as any specific national roles which forces may have;
- any relevant legislative changes to employment law which do not automatically apply to police officers; and
- the recommendations made by the SSRB in relation to chief officer ranks to ensure, as appropriate, that the remuneration of the remit group relates coherently to that of their superiors.

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

It is also important for the review body to be mindful of developments in police officer pensions to ensure that there is a consistent, strategic and holistic approach to police pay and conditions.