



Home Office

Implementing a Police Pay Review Body: The Government's Response

April 2013

Contents

Executive Summary	4
Introduction	5
The Current Position	5
The Police Negotiating Board	5
The Police Advisory Board for England and Wales	6
Tom Winsor Review: Police Pay Machinery Recommendations	6
Proposed Remit of the Police Remuneration Review Body (PRRB)	7
Name of the Body	7
Operating Model for the Police Remuneration Review Body	7
Terms of Reference for the Police Remuneration Review Body	8
Summary of Responses	8
Government's Response	13
Revised Terms of Reference	13
Membership of the New Police Remuneration Review Body	14
Summary of Responses	15
Government's Response	17
Revised Proposed Criteria for Membership of the New PRRB	18
Implementation Date	18
Summary of Responses	18
Government's Response	20
Pay Award Cycle	21
Summary of Responses	21
Government's Response	23
Evidence Gathering - Providing Evidence to the PRRB and Conducting Force Visits	23
Summary of Responses	24
Government's Response	26
Evidence Gathering - List of Interested Parties	26
Summary of Responses	26
Government's Response	28
Proposed List of Interested Parties	28
The Police Advisory Board for England and Wales - Police Pensions	28
Summary of Responses	29
Government's Response	30
Senior Salaries Review Body (SSRB) - Chief Officer Ranks	31
Summary of Responses	31
Government's Response	34

Executive Summary

1. In October 2012, the Government launched a consultation to seek views on how best to implement recommendations made by Tom Winsor on replacing the current police pay machinery with an independent police pay review body. In seeking views, the Government set out its belief that Tom Winsor's report as a whole provided a good basis for discussion and consultation. It is our view that a move to an independent police pay review body represents the fairest and most appropriate method of determining police officer pay and conditions.
2. The Home Office received 56 responses to the consultation, from a combination of members of the public, individual officers, staff associations and policing partners. Not all respondents answered all questions set out in the consultation document. This document provides an analysis of consultation responses from question four onwards, which was the start of the substantive questions in the consultation document. The most substantive responses came from key policing partners, including the police staff associations and the Association of Chief Police Officers (ACPO), as well as the Local Government Association. Broadly speaking, the primary concerns of the staff associations were to ensure that their 'voice' is heard in determining police officer pay, and there are provisions to ensure that they are able to make their case. In contrast, ACPO are supportive of Winsor's proposals on a pay review body. The PCCs who submitted responses were supportive but were concerned that provisions be made to ensure that their voices are heard as budget holders.
3. We have carefully considered the detailed issues which were raised in the consultation. Our overriding concern has been to establish a body which is able to take as holistic a view of police remuneration as possible, act in a strategic, forward looking manner and not be constrained by the inefficiencies and time delays brought about by the current system of collective bargaining. These aspirations are entirely in keeping with the thrust of Tom Winsor's recommendations and we believe that the body we are proposing will achieve this vision.
4. The most significant features of the new Police Remuneration Review Body are:
 - with the exception of pensions, it will cover all aspects of police remuneration currently covered by the Police Negotiating Board including hours of duty, leave, pay and allowances, or the issue, use and return of police clothing, personal equipment and accoutrements;
 - the name of the body will be the Police Remuneration Review Body (PRRB);
 - the PRRB will cover police officers in England and Wales, and Northern Ireland;
 - the consultative forum for police pensions will now be the Police Advisory Board for England and Wales (PABEW);
 - representatives from Northern Ireland will attend meetings of the PABEW to ensure consistency in approaches to police pensions across these jurisdictions;
 - Chief Officer pay will be determined by the Senior Salaries Review Body (SSRB), to ensure consistency across the public sector in the remuneration of our most senior public servants, though the Home Secretary will retain the power to refer matters relating to chief officer pay to the PRRB if it is in the strategic interests of policing; and
 - police officer pay for all ranks will continue to be on a September to September cycle, rather than changing to April to be aligned with the financial year.
5. Subject to Parliamentary approval, we anticipate that the new PRRB will be operational by autumn 2014, with a view to making recommendations in time for the 2015/16 pay year.

Introduction

6. Police officers deserve to have pay and workforce arrangements which recognise the vital role they play in fighting crime and keeping the public safe, and which enable them to deliver effectively for the public. We believe that the framework for a new Police Remuneration Review Body (PRRB) set out in this consultation document will deliver this goal. This new body will ensure that the particular responsibilities and restrictions of the office of constable are taken into account when determining police pay, whilst also ensuring that any recommended pay awards are affordable for the taxpayer. This approach will help to provide pay and conditions that are not only fair to police officers, but are fair to the public as well.
7. The Government recognises that the move to a review body for police officers to determine pay and conditions is a change from the current system of collective bargaining, representing a move to evidence based pay determination, rather than negotiation. Unlike the current system, the body making recommendations on police officer pay will not be representative of the interested parties but, rather, independent of the interested parties. Their role is not to represent the interests of each group, but to collect, probe and analyse evidence which is presented by bodies representing the interested parties to the PRRB's business. Interested parties will be invited to submit evidence in both an oral and a written format. The PRRB will then make a formal recommendation on police officer remuneration, having taken into account the submissions of interested parties and any other relevant evidence. Our proposed list of interested parties can be found in the "Evidence Gathering – List of interested parties" section.

The Current Position

The Police Negotiating Board (PNB)

8. The PNB's remit is to facilitate negotiations between the Staff Side (representing police officers at all grades) and the Official Side (representing Police and Crime Commissioners (PCCs), the Secretary of State responsible for policing in England and Wales, and Ministers responsible for policing in Scotland and Northern Ireland, and the Association of Chief Police Officers (ACPO)) when discussing changes to police officer pay and conditions, specifically looking at the following:
 - Pay;
 - Allowances;
 - Hours of duty;
 - Leave;
 - The issue, use and return of police clothing, personal equipment and accoutrements; and
 - Pensions.
9. It has been in place since 1980 and is provided for in statute by section 61 of the Police Act 1996. It has an independent chair and a deputy chair appointed by the Prime Minister and is provided with secretariat support from the Office of Manpower Economics (OME). OME also provides the secretariat support for other independent pay review bodies as well as the Police Advisory Board for England and Wales (PABEW).
10. If the two sides are able to reach agreement following negotiation, a recommendation is made to the Home Secretary and Ministers responsible for policing in Northern Ireland and Scotland who are required to take them into consideration. Ministers will then make a decision on whether to implement the changes or not, by making changes to the regulations for police officers.

11. The PNB includes a dispute resolution procedure for matters considered by it which cannot be resolved. This is set out in the PNB's constitution as required by section 62(2) of the Police Act 1996. It includes a conciliation process and referral to arbitration if no agreed conclusion can be reached. The Official and Staff Sides make representation to the Police Arbitration Tribunal (PAT), which considers both sides and makes recommendations to Ministers for their consideration. Recommendations are not binding, though Ministers must consider them carefully before reaching a decision. The three members of PAT are appointed by the Prime Minister and act independently of the PNB.

The Police Advisory Board for England and Wales (PABEW)

12. The PABEW is a separate body set up in 1965 to advise the Home Secretary on general questions which affect the police. The PABEW must also be consulted on regulations on workforce issues not covered by the PNB. Workforce issues covered by the PABEW include business interests, probation and training. Statutory provision for the PABEW is to be found in section 61 of the Police Act 1996. It also has an independent chair and deputy chair appointed by the Prime Minister.

Tom Winsor Review: Police Pay Machinery Recommendations

13. The Home Secretary launched the Independent Review of Police Officer and Staff Remuneration and Conditions of Service on 1 October 2010. The review was led by Tom Winsor, supported by Sir Edward Crew (former Chief Constable of West Midlands Police) and labour market economist Professor Richard Disney. The terms of reference for the review requested that the report be broken into two parts, the first considering short term improvements and the second considering longer term reforms.
14. The police pay machinery recommendations formed part of the second report and was published on 15 March 2012. The report included the following recommendations:
 - The Police Negotiating Board should be abolished and replaced by an independent police pay review body by late 2014;
 - The membership and terms of reference for the new police pay review body should be as specified in Chapter 10 of the report;
 - Once the police pay review body has been established, police pensions should be handled by the Police Advisory Boards for England and Wales, Scotland and Northern Ireland; and
 - The Senior Salaries Review Body should take responsibility for setting the pay of Chief Constables, Deputy Chief Constables and Assistant Chief Constables by 2014. (These ranks, and the equivalents in the London forces, are referred to in this paper as “the Chief Officer ranks”).

Proposed Remit of the Police Remuneration Review Body

15. It is clear from the responses we have received to the consultation that the proposed terms of reference for the Police Remuneration Review Body did not sufficiently set out how wide the remit of the PRRB is intended to be. The current legislation requires the Home Secretary to consult the PNB before making regulations or determinations on any matters relating to police officer “hours of duty, leave, pay and allowances, pensions or the issue, use and return of police clothing, personal equipment and accoutrements.” We propose to legislate to reproduce this remit for the PRRB, with the exception of pensions. This wide ranging remit will enable the PRRB to take a holistic view of police reward (rather than, for example, simply limiting the PRRB’s remit to “pay”). This approach fits with our desire for the PRRB to go as far as possible in determining police reward, and fits with Tom Winsor’s vision to allow the PRRB to operate in a strategic manner. We intend the new PRRB’s remit to extend to England and Wales and Northern Ireland, but not Scotland.

Name of the Body

16. Given that the remit of the new police pay review body will go beyond simply ‘pay’ to include most aspects of police remuneration, we intend for the body to be called the Police Remuneration Review Body and be referred to as such in legislation.

Operating Model for the Police Remuneration Review Body

17. The detail of how the PRRB operates, including its membership, terms of reference, interested parties to the process and the manner in which evidence is gathered will all be set out in a separate document which will be issued by the Home Secretary after consulting with interested parties. The remaining sections of this document set out our approach to these matters, which we will continue to keep under review during and after the passage of legislation.
18. Based on the experience of other pay review bodies and the consultation responses that we have received, we intend to work with the OME, the PRRB and policing partners to establish a programme of visits to familiarise PRRB members with the work and conditions of officers. Much like the Armed Forces Pay Review Body, the Government also intends to develop a programme of work for the PRRB, which spans across a number of years to allow it to take a truly strategic approach to considering police pay and conditions. We will ensure that there is flexibility in this programme of work to allow for any unexpected issues that may arise.
19. As part of the regular pay review cycle the Home Secretary and Northern Ireland Minister of Justice will be required to provide the PRRB with a remit letter setting out the specific issues that they wish it to consider at that time before making any recommendations, in addition to any issues which the PRRB considers in fulfilling its Terms of Reference. We will work with policing partners to ensure that the content of this remit letter best reflects both the strategic and immediate needs of members of police forces in England, Wales and Northern Ireland and the persons and bodies who between them maintain and are responsible for those police forces.

Terms of Reference for the Police Remuneration Review Body

20. Tom Winsor recommended that the terms of reference for the police pay review body should be modelled on those of the equivalent Armed Forces and NHS bodies. His suggested terms of reference were as follows:

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

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

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

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

Question 4 asked “To what extent do you agree or disagree with this approach to the terms of reference for the body?” and for the reasons why.

Summary of responses

Those in favour

21. Of the 56 responses received, 14 respondents either tended to or strongly agreed with the proposed terms of reference. Of those 14, 12 respondents provided comments. The response submitted on behalf of **ACPO** strongly agreed with the terms of reference as proposed, which in their view effectively reflected the current role of the PNB with the exception of pensions. ACPO’s response stated that widely drawn terms of reference would most likely allow the PRRB to be effective in delivering strategic change, when needed by the service in a timely manner. In ACPO’s view any new arrangement must have the ability to drive reform and achieve greater flexibility and efficiency in the policing workforce. ACPO also commented that there must be clarity as to what the PRRB can consider and how parties get issues onto the agenda without undue bureaucracy.

22. The responses submitted on behalf of **Police and Crime Commissioners (PCCs)** in regard to the proposed terms of reference were diverse and raised the following concerns:
- that the terms of reference appeared comprehensive but omit consideration of inputs gathered as part of “evidence gathering” from interested parties;
 - the reference to the work of PCCs should be strengthened, as the references to “representations” and “work of” could be viewed as a poor reflection of the responsibilities of PCCs for the totality of policing in their area;
 - since pay costs amount to 80% of the policing budget, the proposals represent a loss of control for ‘employers’ (PCCs and Chief Constables);
 - the terms of reference should include all matters in respect of remuneration and allowances and there should be no scope for local negotiations on these matters;
 - the current proposal for the PRRB includes no provision for a negotiating mechanism on issues not covered by the PRRB;
 - the particular relevance of the need for the PRRB to take account of the pressures facing the economy or the public; and
 - many of the issues currently addressed through the PNB would not fall within the scope of either the NHS or Armed Forces, the models recommended by Winsor.
23. The response submitted on behalf of the **British Transport Police Authority (BTPA)** was supportive of the proposals but did not provide further comment on their reasoning.
24. The remaining responses that were supportive of the proposals consisted of individual officers, members of the public and one staff association. They echoed the comments outlined above. One further respondent commented that the terms of reference appear to cover aspects of such a review that would be important considerations for serving officers but are clearly underlined with a financial consideration to government spending. The respondent went on to state that “the methodology used to objectively review the considerations must be clearly set out to ensure transparency and fairness. There should also be a review process.”

Those not sure or where no direct opinion expressed

25. One response submitted on behalf of an **individual officer** was not sure about the proposals and expressed concern about the following: the independence of the body; whether the Home Secretary will abide by the new body’s decisions given that she currently has to ratify any PAT decisions; what protection there will be for officers given that they cannot take industrial action; whether there will be any protection for the unique role of a police officer when the actions of the government show that they do not consider them to be a special case any more and want to treat them like any other worker.

26. The response submitted on behalf of the **Police Superintendents' Association of England and Wales (PSAEW)** indicated that the proposed terms of reference were a useful starting point but went on to express a number of concerns:
- how their voice would be heard in the new model;
 - the proposed terms of reference provide the Home Secretary with the power to refer specific issues to the PRRB. The PSAEW stated that it is vital that a similar facility be explicitly incorporated into the terms of reference for staff associations;
 - that the terms of reference should state that the PRRB's decisions are binding on all Chief Constables and PCCs and are to be implemented consistently; and
 - that there are functions currently carried out by the PNB, such as dispute resolution, which will not be covered by the PRRB.
27. The PSAEW also sought clarity on exactly how far the PRRB will go in determining police reward, and whether it would extend beyond pay uplift.
28. The response submitted on behalf of the **Metropolitan Police Service (MPS)** expressed concern about the ability of a traditional pay review body solution to deliver ongoing reforms to workforce arrangements and whether such a model would be sufficiently future proofed given the challenges of the years ahead. Specifically the MPS response raised the following issues that in their view needed to be considered:
- The scope of the PRRB's remit – should it be limited to an annual uplift of existing pay rates or more widely drawn to encompass work on broader remuneration issues and terms and conditions?
 - How will issues outside the PRRB's remit be dealt with? – is it time to consider again the balance between central and local negotiation on a range of issues?
 - Should the PRRB's recommendations automatically translate to basic pay “across the board” or should they form a “source of funding for modernisation initiatives across the workforce”?
 - How urgent issues would be raised, discussed and resolved.
 - The extent to which recommendations would be prescriptive across the whole of UK policing or facilitative i.e. providing a framework or standards within which Chief Constables and PCCs could operate.
 - The role of the PRRB in resolving local disputes or matters of dispute concerning national arrangements and the right of recourse of any of the parties to dispute resolution mechanisms.
 - How current unresolved strategic issues such as centrally versus locally determined terms and conditions, specialist versus generalist “omnicompetence”, the significance of the office of constable versus the emerging role of part warranted police are to be taken forward.
 - The division of responsibility between the retained PABEW, the new PRRB and other functions discharged by the College of Policing with a proposed link between skills and pay.
29. The **Northern Ireland Minister of Justice** echoed a number of concerns raised by consultation respondents such as the unique position of police officers being warranted officers rather than employees and therefore employment law not automatically applying to them. He too asked how wide the remit of the PRRB would be and whether it will simply cover salaries, or if it would also consider elements such as increments, bonuses and allowances both national and local. The response also queried whether the PRRB would consider indirect pay related matters such as mutual aid provision, on-call, the various leave entitlements, hours of duty and flexible working.

30. A key point raised was the vital need to maintain common conditions across the UK to enable police officers to relocate without having to consider difficulties in pay rates or differing application of various terms and conditions. The response supported the views expressed by Winsor that “police officer pay should remain based on a national pay scale for the foreseeable future” and in this context the Northern Ireland Minister of Justice supported the current position of UK wide pay scales across all ranks. The response also commented that ensuring the terms of reference are drafted in such a way as to allow the PRRB to consider geographical differences in policing, which is currently dealt with primarily through allowances would also be welcomed.
31. The response received on behalf of the **Police Federation of England and Wales (PFEW)** was one of the more detailed responses received but did not address a lot of the consultation questions directly. Nevertheless a large number of the points made are issues that we would want to consider when developing the terms of reference for the PRRB. The PFEW echoed a number of issues previously raised by other respondents:
- the unique employment status of officers;
 - staff losing their voice as they will no longer be able to table issues for consideration directly;
 - what the remit of the PRRB will be – whether it will deal with hours of duty and leave in addition to pay scales and pay uplift;
 - a mechanism for addressing issues not covered by the PRRB;
 - an unnecessary lengthening of timescales before placing agreements into regulations; and
 - how the independence of the PRRB will be safeguarded.
32. Specifically the response submitted on behalf of PFEW makes clear that they are against the introduction of a PRRB but does go on to do state that if a PRRB is to be introduced it must have regard to the following considerations:
- the particular front line role and unique 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;
 - that the PFEW should be consulted on all items for inclusion in the remit letter for the PRRB;
 - that PFEW should have the right to be consulted on members’ appointments;
 - that there is no need for the PRRB members to make visits to forces because the PFEW is the statutory body to represent them in all matters of welfare and efficiency;
 - where items related to employment provisions that do not automatically apply to police officers would be dealt with;
 - how the Home Secretary will fulfil her duty to consult on draft regulations; and
 - whether the PRRB will be responsible for producing guidance.

Those against

33. Of the 56 responses received the majority, 32 in total, either tended to or strongly disagreed with the proposed terms of reference. Of those 32, 19 provided comments and of those 19, 9 comments were from individual officers. The **Local Government Association (LGA)** was amongst those that disagreed with the proposals. The response submitted on behalf of the LGA stated that they did not agree that the terms of reference should be modelled on the Armed Forces or NHS pay review bodies. In their view the complexity and volume of police officer conditions of service would make it very difficult for a PRRB to deal promptly and effectively with reforming them.

34. The LGA response went on to state that whilst there is a clear employer agenda to reduce the number of allowances and additional payments and to ensure the implementation of terms and conditions is simpler and less bureaucratic. The LGA believe this will be more effectively achieved by limiting the PRRB's remit to pay and leaving the "employers" and staff associations to address all other issues. The LGA expressed the view that the consultation was limited to considering one particular pay review body model without fully considering realistic alternatives. The terms of reference for other pay review bodies allow for the establishment or a continuation of more detailed terms and conditions negotiation. This approach in the LGA's view would provide the advantage of on-going direct engagement between the representatives of the "employers" and the police officer workforce and provide Chief Constables and PCCs with the responsibility and opportunity to directly shape terms and conditions to meet future challenges and needs of the service.
35. The response submitted on behalf of the **Police Superintendents' Association of Northern Ireland (PSANI)** also disagreed with the terms of reference proposed as they exclude Northern Ireland from the remit including the individuals and structures referred to. The PSANI response stated that the remit should reflect the wider UK set up. The response also proposed that rather than the PRRB being required to consider specific issues as directed by the Home Secretary, it would seem appropriate to have some sort of mechanism to allow any elements of the current PNB membership to table issues that are relevant to their particular constituencies. The responses submitted on behalf of the PFEW and PSAEW also raised this issue. The response also echoed the concerns expressed by the PSAEW in relation to the status of existing PNB agreements, the transfer of current PNB business to any new PRRB, dispute resolution, the binding nature of PRRB recommendations and the genuine independence of the PRRB.
36. The response submitted on behalf of **a former chair of ACAS** disagreed with the proposed terms of reference for the PRRB and stated that the consultation does not spell out the implications of losing the dispute resolution mechanisms of the existing PNB and Police Arbitration Tribunal for a wider range of issues. The response echoed concerns about the unique employment status of police officers and their inability to take industrial action. The response went on to state that "the ILO Committee on Freedom of Association has said that a prohibition to strike should be accompanied by 'adequate, impartial and speedy conciliation and arbitration proceedings in which the parties concerned can take part at every stage and in which the awards once made are fully and promptly implemented.'"
37. The respondent went on to state that the move to a PRRB is clearly a political one and ACAS would not be able to comment, but as a former chair of ACAS the respondent wanted to comment on the importance of having a safety valve of conciliation and arbitration procedures for the police as exists at present. The respondent went on to comment that "procedures have not been used very often but their existence has helped to diffuse situations which could have led to considerable difficulties. The relationship between the police and successive governments is traditionally difficult and sometimes toxic and mechanisms should be in place to allow an escape route as much for politicians as for the police." In responding to the comment that the proposals are in line with those of the armed services and prison officers, the respondent accepted that the armed services are different, but the changes made to negotiating procedures for prison officers have not led to an improvement in industrial relations or morale with prison staff.

38. Of the comments made by those that disagreed with the proposals, 4 were from **members of the public**. One respondent stated that the members of staff affected by the other pay review bodies on which Winsor considers modelling to be appropriate, have employment rights. Unlike police officers, they have legal redress, and as such a comparison is neither appropriate nor reasonable. Another stated that they could see no problems with the existing system and that staff side should have the ability to negotiate on police pay. A further respondent thought that much of the arguments that form the Winsor recommendations were fatally flawed and they had no confidence that Winsor's views on this issue were right either. The final comment made by a member of the public was that the police are heroes and do not get enough pay as it is.
39. The comments made by **individual officers** who disagreed with the proposed terms of reference focused on the special status of the office of constable, restrictions on police officers undertaking industrial action, and the ability of the PRRB to remain independent and to take account of these unique characteristics.

Government's response

40. We recognise that there are a broad range of views on this issue and a large number of respondents sought clarity on what the actual remit of the PRRB would cover as it was felt that the terms of reference proposed by Tom Winsor could be open to interpretation. As a result the vast majority of consultees were against the proposed terms of reference and made substantial comments identifying additional issues the terms of reference should cover. We have listened carefully to the comments made and have continued to work closely with policing and other partners to address the concerns raised, building on the original terms of reference proposed by Winsor.
41. We believe the following terms of reference better reflect the intended remit of the PRRB and hope this revised version addresses the concerns raised.

Revised Terms of Reference

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.

42. We will continue to review these terms of reference during and following the passage of the bill to ensure that they address the needs and requirements of interested parties.

Membership of the New PRRB

43. Tom Winsor recommended, based on the membership of other equivalent bodies, that “the new police pay review body should be made up of 6 people, and should be constituted as follows:

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

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

Question 5 asked “To what extent do you agree or disagree with this proposed approach to the membership of the new PRRB?” and for the reasons why.

Summary of responses

Those in favour

44. Of the 56 responses received in total, 14 respondents either tended to or strongly agreed with the proposed approach to membership. Of those 14, 12 provided comments with their responses. The response submitted on behalf of the **Local Government Association (LGA)** stated that it is the LGA's expectation that the membership of the PRRB should be consistent with other pay review bodies and the proposed membership appears to be appropriate. The responses submitted on behalf of **Police and Crime Commissioners (PCCs)** in favour of proposals made the following points:
- the “balance Tom Winsor is trying to achieve looks about right. Whilst recognising the problems associated with non attendance it would be important if the numbers are increased to 8, that the “balance” of skills and background remains intact”; the proposed membership would cover all expected areas (echoed by the response submitted by Cheshire Constabulary); and
 - the suggested structure should mirror that of other existing/established pay review bodies for other sectors. This should provide a more proportionate structure which has a membership with the capacity, knowledge and experience to provide a fair unbiased assessment.
45. The response submitted on behalf of the **British Transport Police Authority (BTPA)** commented that the proposed membership covers the range of experience that they would expect to see represented and they agreed with the increase to eight members to manage the risk of non attendance. The BTPA response went on to comment that they would expect the attendance of the retired senior police officer to be required for quorum. It was their view that this role would clearly provide an important input to the PRRB, particularly in fulfilling the requirement of the PRRB to have consideration of “the particular frontline nature of the office of constable.”
46. The response submitted on behalf of **ACPO** agreed that the practical reasons for increasing the membership of the new PRRB to eight were entirely understandable and were supported by ACPO. The response went on to recommend that the additional two members should have significant knowledge and understanding of current policing practices to improve the balance of the membership. They may include a further retired senior police officer and a senior HR representative, maybe from the Police CIPD (Chartered Institute of Personnel and Development) Forum, who has worked extensively within the police service.
47. The response submitted on behalf of the **Police Superintendents' Association of England and Wales (PSAEW)** favoured a PRRB with eight members for the reasons set out in the consultation document. The response agreed that the backgrounds of the individual members appeared appropriate and not dissimilar to those of other pay review bodies. In terms of the proposal to include a “recently retired senior police officer, for example a former chief constable”, the response made clear that in their view this was unduly prescriptive and that a more appropriate person specification would be a recently retired senior officer with credibility within the service and experience of operational policing and police pay and conditions and should not be rank specific. The response went on to draw comparisons with the existing method to appoint the independent chair of the PNB and the fact that staff side are consulted on any extensions of their contract. The PSAEW commented that it is likely that the credibility of the retired police officer who is eventually appointed to hold this role on the PRRB membership will be absolutely critical in securing the confidence of all of the staff associations with the new arrangements. Therefore the PSAEW response stated that they would wish to be consulted on this appointment.

48. The response submitted on behalf of the **Police Superintendents' Association of Northern Ireland (PSANI)** agreed that the greater number of eight PRRB members represented a more practical solution. The PSANI also echoed concerns expressed by the PSAEW on the specificity of the rank of the retired senior police officer. It was their view that given that the chief officer ranks may, as a result of the proposals, be dealt with by the SSRB, it may be more appropriate to adopt a more general approach in relation to identifying the suitable retired senior officer as operational credibility, close identification with the service and the confidence of the service are critical in his or her selection.

Those not sure or where no direct opinion expressed

49. Of the 56 responses received 3 respondents were not sure about the proposed membership of the pay review body and all 3 provided comments. The response submitted on behalf of the **Metropolitan Police Service (MPS)** raised the following concerns:

- that issues concerning policing in London, which represents around 25% of UK policing, may receive inadequate consideration in the process;
- London faces unique policing challenges; has a broad diversity of officers employed in a huge variety of roles and specialisms and are deployed across the UK and overseas;
- London house prices are some of the highest in the UK and labour market conditions are different from those in other regions; and
- at present the Metropolitan Police Service is represented on the PNB as an official side participant. However in the new arrangements, that role will be reduced to a contributor to the debate, whose views may be taken into account to a greater or lesser extent, without any right of veto or challenge.

50. The response went on to argue that London issues justify proper scrutiny in any new model and this could be ensured in the following ways:

- ensuring there is sufficient representation on the PRRB of members with expertise in the London labour market;
- having a separate sub-committee to address London specific issues; or
- making it explicit in the terms of reference that the PRRB must consider and make recommendations recognising the significance of the workforce, its local and national role, the special factors which impact on London and the interaction between the MPS and other neighbouring forces in terms of recruitment and retention.

Those against

51. By far the majority of respondents, 30 in total, disagreed with the proposed membership of the PRRB. Of those 30, 19 provided comments and of those 19 comments, 12 comments were provided by **individual officers**. Most comments made by individual officers were about lower ranks being represented on the PRRB membership and are misconceived because officers did not appear to understand that the PRRB is not a representative body, it is an independent body. Other concerns were about the voice of the rank and file being heard and understood and the removal of a reference to “negotiation” was noted. Concern was also expressed about the legitimacy of the body’s membership due to the lack of contemporary experience at the ranks under review. It was said that this would cast significant doubt about the relevance of their experience. Proposed solutions to address this issue included: “drawing the two additional nominated persons from lower ranks; including a PC on rotation regularly, a federation rep, or some kind of representative to give some “realism” to the plight of the day to day bobby”.

52. **3 police forces** provided comments against the proposed membership. The first stated that there should be no opportunity for any MP to sit on the new PRRB as it would clearly prejudice or appear to prejudice any outcome. The second expressed concern about the independence of the PRRB with the members chosen likely to be friendly with the government of the day and told to come up with proposals that the government wants. They argued that having a retired chief officer will not mitigate against this risk. The third force again expressed concern about the former chief constable not providing support nor being representative of the police as a whole.
53. Remaining comments against the proposals were made by **members of the public and a retired officer**. One of the comments echoed concerns about the independence of the members if they are to be chosen by the Government. Others commented that using individuals with no specific HR experience relevant to the police would be inappropriate since there would be a greater degree of knowledge and understanding of the law required. The need for an economist was questioned and whether or not they would understand the vagaries involved and be relied upon to have sound judgement. The respondent also thought that economists were not involved in setting pay elsewhere. A further respondent questioned the need for two people with HR or industrial relations experience. The respondent felt that one would be sufficient and that they would also like to see either a serving officer or recently retired officer (within 2 years) who was not of a senior rank, an inspector or below representing officers. The final member should be a lay person with no experience of the police or HR.

Government's Response

54. The Government recognises that the move to a PRRB for police officers to determine pay and conditions is completely different to the current system of collective bargaining, representing a move to evidence based pay determination, rather than negotiation. A number of the responses received, made clear that this different way of working had been misunderstood by a large number of respondents, who believed that the PRRB's membership should be representative of the different interested parties involved in police officer pay. It was argued that there was too much management experience (or what could have been deemed as those able to represent the official side) and not enough operational experience (or those able to represent the staff side).
55. Pay review bodies are composed of members independent of the interested parties to the pay determination. Their role is not to represent the interests of each group, but to collect, probe and analyse evidence which is presented by the interested parties' representatives. Those that currently make up the official and staff sides of PNB will be asked to provide the PRRB with good quality, relevant and appropriate evidence to support the PRRB's analysis. The PRRB will then be in a position to make independent recommendations to the Home Secretary and Northern Ireland Minister of Justice on these issues.
56. We have carefully considered the consultation responses, the experience of other pay review bodies and advice received from the OME, and have determined that having 8 members (instead of the 6 recommended by Winsor) would best meet the needs of the PRRB. Having eight members will allow the body to operate more effectively, allowing it to manage the expected workload and the risk of unavoidable non-attendance at a meeting. In terms of how that membership should be made up, we believe the original 6 members should be as per the recommendations of Winsor, which were based on the membership of other pay review bodies with the additional members offering senior level experience of the devolved administrations and the public sector.

Revised proposed criteria for membership of new PRRB

The Police Remuneration Review Body (PRRB) should be made up of eight people, and constituted as follows:

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

Two additional members specifically offering senior level experience of:

- devolved administrations, potentially with experience of the political situation and labour markets in Northern Ireland, to advise PRRB members on their Northern Irish remit group; and
- the public sector.

57. As is the case for other pay review bodies, we intend the specifications above to be **guidelines** for the effective functioning of the body rather than requirements. For instance, it may be that one member fulfils two of the criteria. As with the proposed terms of reference for the PRRB we will continue to review the specifications during and following the passage of the bill to ensure that they address the needs and requirements of the body.

Implementation Date

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

Question 6 asked respondents: "Please outline any risks or issues that you think would need to be managed with this timescale."

Summary of responses

59. Of the 56 responses received, 31 respondents provided views on this issue. 7 respondents felt there were no identifiable risks with the proposed timescales. The response submitted on behalf of the **PCC of Durham** was content with the proposed timescales stating that they looked tight but manageable. **ACPO** were also supportive of the proposed timescales and another staff association stated "that is plenty of time to get things sorted out no point dragging this out". A couple of responses stated that the changes should be made as soon as is reasonable, whilst another commented that the longer it is left the more arguments there will be for a greater increase in pay in the first recommendation. The response submitted on behalf of the **Police Superintendents' Association of Northern Ireland (PSANI)** stated that the "target date seems to be realistic but we would emphasise the need to have the details on the operation of the PRRB as soon as possible to ensure that proper consultation and cognizance of views and recommendations is possible."

60. The response submitted on behalf of the **Police Superintendents' Association of England and Wales (PSAEW)** referred to the concerns they raised in respect of the draft terms of reference (which have been discussed earlier) and felt if they can be addressed in time and, if legislative time is available, they believed that a PRRB could begin its work in the second half of 2014. However, they also stated that it must be recognised that the move to a PRRB will constitute the most comprehensive and fundamental change in police pay arrangements in over 30 years, they were “strongly of the view that those parties involved in progressing this work should not feel artificially constrained by the imposition of an arbitrary implementation date. Notwithstanding this, the PSAEW is committed to working with other stakeholders to meet an April 2014 implementation date for the PRRB, should this be achievable.”
61. **A number of respondents** felt that the timescales were too fast; that there was already a lot of change and decisions being made within this time; that the time constraint would add to the ongoing issues leading to “plunging morale”; that the timescales appeared to be politically motivated to allow substantial changes to be made before the next general election. One respondent stated that there was a risk that those chosen to lead the PRRB would become politicised instead of being independent. **A former chair of ACAS**, who is also a member of the House of Lords, thought the timescales were very ambitious. One response suggested that for the timescale proposed, evidence gathering should begin as soon as possible to allow the PRRB to be effective. A number of respondents raised concerns about current arrangements and the lack of clarity around what would happen once the current pay restriction was removed and the fact that these proposed changes would be seen as a way to circumnavigate these issues. Further risks identified related to concerns that the PRRB would be too late as a number of officers would have left by then; that the police had no confidence in this sort of PRRB and that no thought is given to how officers and staff live. One **member of the public** called for the return of industrial rights to police officers, whilst a **retired officer** felt that the word “if” brought uncertainty and a definitive date was needed to be fair to all.
62. The response submitted on behalf of the **British Transport Police Authority (BTPA)** stated that it approves the BTPA and BTP budgets for the following financial year each December, therefore the earlier that the PRRB can begin its work in 2014 the more helpful this will be to their budgeting process. The response submitted on behalf of the **Metropolitan Police Service** made the point that we are establishing arrangements here for the long term and therefore need to be assured that they are right for the challenges of the next 10 years, not just for today. It was felt that “ensuring adequate time for debate and discussion on the role of any PRRB - and specifically how it could be used as a catalyst for further reforms as opposed to an excuse for not delivering them - must be time well spent. There is a risk of rushing to establish the body without having adequately addressed these issues.”
63. The response submitted on behalf of the **Local Government Association (LGA)** was by far the most detailed response received to this proposal. It stated that ending collective bargaining for the police service is a major change to the policing employee relations landscape. The approach had a number of risks for the service in having a PRRB that started its work in the second half of 2014 to make recommendations for 2015. The main risk identified was the likely negative impact on industrial relations within the police service. The response referred to the PFEW ballot for the introduction of industrial rights, including the right to strike, for police officers, stating that pursuing the introduction of a PRRB against this backdrop brings with it a number of additional challenges for the service which it need not face during the particularly difficult current climate. The response agreed that there was an immediate need for reform to police officer pay, conditions and pensions, with many of the proposed changes are either still under discussion or about to be implemented. But it

stated that it would be better to wait for existing changes to “bed in” before commencing a PRRB. This would be the best way to ensure we have arrangements in the future that have credibility, widespread support and can deliver fair, transparent and effective outcomes. Employee engagement is widely recognised as a crucial ingredient in achieving organisational effectiveness and higher levels of productivity. This may warrant reconsideration of the proposed timescale which would also allow time for PCCs to consider fully whether they support a PRRB or whether they would prefer a reformed approach to national negotiations.

Government’s Response

64. We have carefully considered the views expressed by respondents and intend to legislate for a PRRB as soon as Parliamentary time allows. Subject to Parliamentary time and approval for our proposals we intend to establish and introduce a PRRB by Autumn 2014 to gather and consider the evidence to allow them to make recommendations for the 2015/16 pay year.
65. We note the risks and concerns outlined by respondents in terms of the amount of reform which is currently in progress and concerns expressed about the ability of PCCs to fully engage with the proposed reforms in terms of police pay machinery. The Government recognises that change is never easy; however, we believe that this change is in the long term interests of policing and in time all officers will benefit from the more strategic, evidence based approach that the PRRB will bring.
66. We have also considered the alignment of the PRRB alongside the potential requirement for a pay review body for NCA officers designated with operational powers. The operational effectiveness of the **National Crime Agency (NCA)** must be protected from the effects of strike action. If it is not possible to agree a no-strike deal for the NCA with the relevant unions, then the legislative strike restrictions for NCA officers with operational powers will apply and a pay review body for those affected will be established. In this scenario, the NCA pay review body will join with the PRRB to create a joint police and NCA pay review body for administrative purposes only. The sponsoring minister for both pay review bodies will be the Home Secretary and the intention would be for each group (police or NCA officers with operational powers) to have their own remit, terms of reference and final reports. This approach would reduce both costs and bureaucracy. Once both pay review bodies are established they would be supported by the same secretariat within the Office of Manpower Economics, which provides the secretariat function for the other existing pay review bodies and have the same full membership of eight members. Whilst acknowledging the differences between the two groups, the clear focus of both on fighting crime makes a common membership possible.
67. We will continue to work closely with the NCA and officials at the OME in the setting up of the body, to allow it to make recommendations for police officer pay and conditions for the 2015/16 pay year.

Pay Award Cycle

68. Winsor also suggests that the first pay award recommendation from the PRRB should last for 18 months which would bring the police service in line with most other parts of the public sector (but not Home Office) by having its pay awards begin at the start of the financial year.

Question 7 asked respondents “To what extent do you agree or disagree that the timing of the pay awards for the police service should be brought in line with other public sector workforces?” and for the reasons why.

Summary of responses

Those in favour

69. Of the 56 responses received to the consultation 15 respondents either tended to or strongly agreed with the proposal to bring the timing of the police pay award in line with other public sector workforces. Of those 15, 14 provided comments with their responses. The response submitted on behalf of the **PCC for Durham** agreed with the proposals but did not provide any further comments. The response submitted on behalf of the **LGA** stated that they fully support the move to bring police pay awards in line with other public sector workers and to be implemented at the start of the financial year. **ACPO's** response indicated that they were supportive of aligning the pay award cycle to the financial year, but emphasised the need for the PRRB to ensure that any pay award is known by the September of the preceding financial year to meet the requirements of the strategic planning and budget planning cycle.
70. The response submitted on behalf of the **PCC for South Yorkshire** stated that the proposal was a “common sense approach applied to help enable the financial planning cycle in line with the Policing Plan and other associated planning cycles.” Responses on behalf of a **police force** and **staff association** stated that so long as the award reflects the additional time period and is weighted accordingly then this would be acceptable and that there was “no need to be different, if we are working for the public service we should all be on the same playing field.” A number of responses submitted on behalf of **individual officers** and **members of the public** agreed that it made sense for the police like other organisations to operate to the financial year calendar. Concerns were raised, though, about whether the award would include additional considerations to cover the additional 6 months; and why we were not considering a 6 month award instead.
71. One respondent commented that the proposal seemed like a good idea, “however if the increase is set for the beginning of the financial year it must make it more difficult to set any precept for the police on council tax bills.”

Those not sure, or where no direct opinion expressed

72. Of the 4 respondents who were not sure about the proposals, 2 provided comments. These largely expressed anxiety over the possibility of future pay cuts. 11 respondents either did not address these proposals in their responses, or did not provide a direct response. However, 4 respondents did provide comments on the proposals. The response submitted on behalf of the **PCC for Dyfed-Powys** stated “to ensure adequate time for budgetary planning, pay awards should be made in November for implementation in April.” The response submitted on behalf of the **Metropolitan Police Service (MPS)** stated “the timing of awards needs to be in line with funding and any bargaining which may be necessary around the award. An award effective from e.g. April needs to be determined before November of the preceding year, in order that it can be reflected in budgets and spending plans of PCCs and Chief Constables.”
73. The **Police Superintendents’ Association of Northern Ireland (PSANI)** had no firm views concerning the timing of pay awards but did not wish to see any changes that would be to the detriment of serving officers. The response submitted on behalf of the **British Transport Police Authority (BTPA)** had no objection to bringing the police officer pay award timings in line with other areas of public sector. They stated it would be essential that the pay award is agreed by November of each year to allow them to budget with certainty in this area for the following financial year. As their funders are commercial entities, they need to be aware of their financial obligations to the BTPA by January in order to build the liabilities into their budgets.

Those against

74. Of the 56 responses received, the majority of respondents, 26 in total either tended to or strongly disagreed with the proposals. Of those 26, 15 respondents provided comments. The response submitted on behalf of the **PSAEW** stated that they were content with the current timing of pay awards for the police service and that they were not convinced of the need to change it or the benefits of doing so. The PSAEW also commented that if the decision is taken to align police pay awards with those of other public sector organisations then any change in the timing of pay increases should not have a detrimental impact on police officers’ pay in that first year.
75. The responses submitted on behalf of **Cheshire Constabulary** and the **PCC for Cheshire** both referred to Winsor’s recommendations to harmonise police officer and police staff terms, conditions and working practices where appropriate and that it would therefore seem appropriate to ensure that the timing for pay awards correspondingly aligned. Both responses went on to say that moving police officer pay awards to April would result in a misalignment unless proposals were also made to change the award date for staff also. Any such move would attract resistance unless any award made reflected the 18 month period to ensure no detriment to officers.
76. The response submitted on behalf of **a former chair of ACAS** stated that “much would depend on the rate of inflation at the time and whether it is to be combined with any major re-organisation or changes to shift patterns. Sometimes the change in date takes on more significance than it deserves and it might be wiser to do a six month review.”

77. The remaining comments were from **individual officers** and **members of the public** who disagreed with the proposal. Comments made by individual officers referred to the unique nature of the policing profession when compared to other public sector workers; the need to sort out issues arising from the current pay freeze before considering final recommendations on the PRRB; and that bringing all public sector workers into line means that one organisation can not use the result of other pay negotiations to strengthen a particular case. It was argued that each part of the public sector should be allowed to negotiate according to the strength of their case; and that they could not see what benefit this would have for individuals or the service.

Governments' Response

78. We have carefully considered the views expressed in response to the proposals to move the pay award date to April, which would result in an initial pay award lasting for 18 months. Although instinctively it would seem to make sense to align police officer pay with the financial year, we have found no compelling argument to support the move and the Government is of the opinion that it would cause a great deal of short term disruption for little long term gain. Although some public sector workers do work an April to April pay year, many do not – including school teachers, fire fighters, civil servants below SCS, SOCA (and in the future the NCA), and police staff.
79. It is the Government's view that, because of the need to draft regulations or determinations and consult on them (and, in the case of regulations, to also lay them before Parliament) in order to implement a pay award, having an April pay year for officers would not allow the PRRB report to be considered by the Government alongside the reports from other pay review bodies, as its report cycle would be several months ahead of others. None of the respondents to the consultation, including PCCs, expressed strong views on the matter, although some PCCs did comment that the change seemed to be common sense. ACPO are of the opinion that forces could cope with the change from an accounting perspective, but could not identify any clear advantage to making the change.
80. We therefore consider that, although feasible, there would be little advantage to moving the pay cycle from September to April and without a compelling argument otherwise it is our view that it should remain the same. As with other proposals we will keep this matter under review during and after the passage of the legislation and will also specifically review the pay cycle in consultation with PCCs and the PRRB once it is operational.

Evidence Gathering – Providing Evidence to the PRRB and Conducting Force Visits

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

Question 8 asked respondents “In your view, how should representations/evidence be provided to the PRRB?” and “Do you have any views on how force visits should be conducted?”

Summary of responses

82. Of the 56 responses received, 41 respondents provided comments on this question. The response submitted on behalf of the **LGA** was by far the most detailed and made the following comments:
- The PRB system allows a wide range of views from employers and unions to be presented in written and oral evidence. Pay review bodies can also commission independent and authoritative research covering a wide range of relevant issues; however it is questionable whether the employers' input into independent evidence gathering research will ever be as great as in a free collective bargaining arrangement where the Sides have complete control of the remit, timescale and terms of reference of any independent research undertaken.
 - The PNB currently collects pay, earnings and numerical data for all UK police officers; this data is of good quality and available to both Sides of the negotiating machinery. However, there are information gaps at force level for some other workforce data. Therefore PRRB members may wish to consider how the quality and efficiency of data collection across the service can be improved without being unnecessarily burdensome.
 - Police employer stakeholders need to consider whether they wish to submit joint evidence to the PRRB.
 - The LGA expressed concern that in terms of submitting written evidence, they are aware that pay review bodies often leave very little time between requesting evidence and the deadline for submitting it. Interested parties would need to be aware of these timescales.
 - Transparent deadlines, that are strictly adhered to, for when the PRRB report will be published would benefit stakeholders.
 - The PRRB should have the opportunity to engage with police officers of all ranks, so long as those officers selected to speak to members of the PRRB are representative of different ranks and roles, as well as the diversity of officers in terms of gender, ethnicity etc.
83. The responses submitted on behalf of **PCCs** agreed with the proposals and commented that it is important that members of the PRRB have the opportunity to engage with police officers of all ranks. Responses went on to state that any discussions with members of the PRRB should be representative from a mixture of ranks, forces in urban and rural areas of England and Wales, and differing force sizes. Additionally the opportunity to access officers at all levels and across different organisational demographics will ensure the PRRB members have a sound evidence base on which to make assessments and recommendations and a role for HMIC in identifying appropriate forces for visits could be seen.
84. A number of other responses, including from **Cheshire Constabulary**, **British Transport Police Authority (BTPA)** and **ACPO** agreed on the importance of evidence gathering, good quality data, and that force visits should take in a wide spectrum of the police. ACPO also added that visits should be tailored to address the specific issues being considered at the time. A good understanding for the PRRB members of the breadth of the policing mission, both in terms of the specialist nature of some aspects of policing and how the policing challenges vary across the country is essential. ACPO also made the point that representatives of local staff associations should also be invited to contribute to force visits.

85. The response submitted on behalf of the **Police Superintendents' Association of England and Wales (PSAEW)** commented that "Force Visits" have been a positive feature of the work of PNB for many years. It is essential, given the proposed background of most of the members of the PRRB, that they experience policing in all of its complexity at a local level. The PSAEW would expect the work of its members to be included in such force visits. The PSAEW were unclear on how their voice will be heard in the new PRRB and went on to state that it is important that within its terms of reference a mechanism is established which will enable the PSAEW both to communicate with the PRRB and to table papers on behalf of members for consideration in a way similar to that which currently exists within PNB.
86. The response submitted on behalf of the **Police Superintendents' Association of Northern Ireland (PSANI)** agreed with the proposals to have written and oral evidence submitted and that it was essential to have force visits to ensure PRRB members are aware of local conditions and operational contexts.
87. The **Police Federation of England and Wales (PFEW)** by contrast did not agree with the need for visits as in its view the programme of visits for the Armed Forces Pay Review Body (AFPRB) is necessitated by the absence of representative staff associations within the armed forces. The PFEW response stated that this is not the situation within the police service. Police officers have a statutory body to represent them in matters of welfare and efficiency and have an expectation that, given their unique status in employment, their staff association will be able to negotiate on their behalf as part of the process of determining their pay and conditions of service.
88. The response submitted on behalf of the **Metropolitan Police Service (MPS)** agreed that full written and oral evidence should be sought and provided from as wide a range of contributors as possible, supported where possible by workforce and labour market data. The MPS strongly believes that the MPS and other London stakeholders should have the right of its own independent submission, both in writing and as part of any oral evidence sessions.
89. A number of **individual officers** and **members of the public** were very supportive of the proposals for force visits, and considered them to be a very important aspect of how the PRRB members would gather information, evidence and experience about the issues facing police officers, especially those below the rank of Chief Inspector. Generally, comments focused on the importance of a wide range of police officers being consulted as part of the visit (and not always in the presence of their senior colleagues), alongside local staff association representatives, and that the details of the visits should be as transparent as possible. One respondent also commented that collaboration with the new College of Policing would also be necessary to support evidence based/peer review research into the effects of pay and conditions on morale, corruption and service provision.
90. A few **officers** and **members of the public** disagreed with the proposals for force visits to gather evidence. One respondent thought it would not be possible for six members to meet enough of the police officers in England and Wales to get a feel for the views and opinions of the service as a whole, unless they were only going to meet one specifically selected person from each force who would not argue with them. Other respondents felt that they would "not be listened to", so visits did not matter; that the question had persuaded them that this was definitely a "done deal" and the proposals will be pushed through irrespective of officers views on the matter; and a further respondent thought that the police had enough to do without the burden of visits when this information could be effectively gathered and audited electronically instead.

Governments' Response

91. We have carefully considered the views expressed on the proposals for how representations/evidence should be provided to the PRRB and how force visits should be conducted. Evidence gathering, both written and oral, and force visits are vital elements of how the PRRB will conduct its work. It is in our view essential for interested parties to be able to submit their evidence and have it examined for further detail during oral evidence sessions. We recognise the desire for interested parties to ensure that they have ample opportunity to feed in evidence to the process. All interested parties will have the opportunity to submit both written and oral evidence.
92. A number of respondents have raised the issue of the good quality and important management data gathered on police pay, earnings and numbers via the PNB, which is currently shared with both the Official and Staff Sides. We will work with policing partners to explore how this data can be gathered to enable it to inform the evidence interested parties will put to the PRRB during the evidence gathering process.
93. We will also work with PRRB members, OME and interested parties each year to decide on an appropriate schedule of visits.

Evidence Gathering – List of Interested Parties

94. Winsor proposes that the police PRRB should make its judgements on evidence from a range of sources and fully reasoned arguments from interested parties.

Question 9 asked “To what extent do you agree or disagree that there should be a list of interested parties that must be consulted by the PRRB?” and asked respondents to explain their answer.

If respondents agreed, they were asked to provide thoughts on:

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

Summary of responses

Those in favour

95. Of the 56 responses received the majority (30 responses in total) either tended to or strongly agreed with the proposals for a list of interested parties that must be consulted by the PRRB. Of those 30, 26 provided views on how the list should be decided/who should decide what constitutes an interested party and/or which bodies should be included on the list. Responses submitted on behalf of **PCCs**, who were in the main supportive of the proposals, made the following comments:
 - the list should be compiled by the PRRB and views should be sought from ACPO and the staff associations;
 - agree to a great extent that there would be benefit in having a list of interested parties who would act as core consultees for the PRRB;

- need to ensure that the PRRB has a well rounded view in terms of the operational demands and the working environments for police officers, as well as their professional development requirements and constraints;
- other groups outside the current PNB members could be identified depending on the matter being considered e.g. trade unions if the issue may have some impact on police staff;
- there needs to be a mechanism for taking PCCs' views into account when evidence gathering; and
- as the holders of force budgets PCCs must be listed as interested parties;

and suggested that the following bodies should be included on the list of interested parties: PCCs; ACPO officers; staff associations; college of policing; APCC; and BTPA.

96. The responses from **ACPO**, the **Police Superintendents' Association of England and Wales (PSAEW)**, the **Police Superintendents' Association of Northern Ireland (PSANI)**, **British Transport Police Authority (BTPA)**, the **Local Government Association (LGA)**, the **Metropolitan Police Service (MPS)**, and **individual officers** largely echoed the comments made by PCCs and agreed on the need for a list of interested parties. Some also suggested that there should be a process that allowed interested parties to co-ordinate their evidence submissions where there was agreed evidence. Both the **Police Superintendents' Association of England and Wales (PSAEW)** and the **Police Superintendents' Association of Northern Ireland (PSANI)** agreed that there should be a fair and transparent process for determining those on the list of interested parties, though these comments were also in keeping with the tenor of comments from many others.
97. The BTPA also noted that following a ruling by the 1978 Wright Committee, BTP officers were granted 100% pay parity with their Home Office colleagues. Therefore as an affected party BTPA would like to be considered as an interested party in respect of the PRRB's deliberations.

Those not sure, or where no direct opinion was expressed

98. Of the 56 responses received, three respondents were not sure about the proposals for a list of interested parties. Of those, two provided comments. One respondent felt that they did not know enough about the subject to answer fully. The other response other was by **a former chair of ACAS** who commented that there will clearly be a list of interested parties which may change slightly from year to year, but suggested that there would be no harm in inviting views more generally. Recommendations may be evidence based but any outcome will be within the confines of political reality. Seven respondents did not express a direct opinion on the issue, nor did they provide any related comment.

Those against

99. Of the 56 responses received 15 respondents either tended to or strongly disagreed with the proposals to have a list of interested parties that the PRRB must consult. The respondents consisted of **individual police officers**, a **retired officer** and **members of the public**. Responses mainly focused on the importance of any arrangements recognising the unique nature of the role of police officers. Some respondents were concerned that a set list of interested parties would not allow for other interested parties to be consulted in the future.

Governments' Response

100. We have carefully considered the views expressed on whether or not there should be a list of interested parties that the PRRB should approach for evidence before making recommendations. We believe it is important that there should be and this list should in the main consist of those representing the relevant interests of persons or bodies who between them maintain the police forces in England and Wales and Northern Ireland; and persons or bodies which represent the interests of members of those police forces.

Proposed list of interested parties

The Police Remuneration Review Body (PRRB) should, prior to making independent recommendations 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 request the submission of written evidence from the following:

- the Secretary of State (the Home Secretary) and Northern Ireland Minister of Justice;
- those representing the interests of persons or bodies who between them maintain the police forces in England and Wales and Northern Ireland (including PCCs, the London Mayor's Office for Policing and Crime and the British Transport Police Authority);
- those representing the interests of Chief Officers of Police (including Chief Constables and the Commissioner of Police for the Metropolis; and equivalents for Northern Ireland);
- those representing the interests of members of those police forces at all ranks (i.e. those bodies that make up the staff associations and their equivalents in Northern Ireland);
- the College of Policing;
- Her Majesty's Inspectorate of Constabulary (HMIC);
- the Local Government Association; and
- any other such bodies or individuals as the PRRB deem necessary.

101. We believe the list above accurately reflects the key bodies and individuals which the PRRB should invite evidence from. However, we do not intend for the list to be exhaustive and think the PRRB should be able to approach others for evidence if it deems it necessary.

102. As with the revised terms of reference and the proposed specifications for PRRB members we will keep the list above under review during and following the passage of the legislation.

The Police Advisory Board for England and Wales – Police Pensions

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

- Question 10 asked “To what extent do you agree or disagree that police pensions should be handled by the Police Advisory Board for England and Wales?” and for the reasons why.

Summary of responses

Those in favour

104. Of the 56 responses received 14 respondents tended to, or strongly agreed with the proposals that police pensions should be handled separately by the Police Advisory Boards of England and Wales, Northern Ireland and Scotland. 11 respondents provided comments. The response provided on behalf of the **Metropolitan Police Service (MPS)** stated that “pensions remain a core term and condition and consultation is best handled as proposed within the PABEW, for as long as that body continues to function”.
105. The **Police Superintendents’ Association of England and Wales (PSAEW)** agreed that police pensions should, in future, be handled by PABEW. However, they also stated that the “...involvement of representatives of the employers and staff associations in discussing and agreeing matters, such as the level of contributions to the police pension schemes, is essential and clearly could not be achieved within a PRRB as currently proposed.” In their view if police pensions are to be handled by PABEW then an appeals mechanism should be developed as part of that process, as the current arrangements, where decisions on pensions are imposed are “fundamentally flawed and unfair.” The **Association of Chief Police Officers (ACPO)** agreed that in future police pensions could be handled by the PABEW. ACPO stated that other pay review bodies do not include pensions within their terms of reference and mentioned the good working relationship between the Sides of PABEW, which has delivered some difficult changes to police pensions, and that this could continue through the PABEW.
106. The **Police Superintendents’ Association of Northern Ireland (PSANI)** agreed “that the issue of pensions ought to reside within the various constituent **Police Advisory Boards.**” However they emphasised the “need for a national approach to ensure that terms and conditions as they relate to pensions are uniform throughout the United Kingdom.” A **former chair of ACAS** in tending to agree with the proposals stated that it was important that “pensions are taken out of the annual pay arena and protected from the short term thinking which normally dominates pay review.”
107. The remaining respondents in agreement with the proposals were made up of **individual police officers** and **members of the public**. Their views raised concerns about the current system – for example that PNB was too big and political, that the present system was too fragmented and that it appeared to offer no accountability to those subject to the considerations.

Those not sure or where no direct opinion expressed

108. 9 respondents, who bar one respondent mostly consisted of individual officers, or members of the public, indicated that they were not sure about the proposals. Their responses largely expressed anxieties about future changes to pensions.

109. The responses submitted on behalf of **Cheshire Constabulary** and the **Office of the PCC for Cheshire** both recommended that the PRRB and PABEW should be mindful of the impact that each body's decision has on the other if pensions are to be moved.

Those against

110. The majority of respondents (24 in total) either tended to, or strongly disagreed with the proposals and 14 respondents provided comments. The **Northern Ireland Minister of Justice**, the **Local Government Association (LGA)** and the **British Transport Police Authority (BTPA)** came out most strongly against these proposals. The key concern expressed by the LGA was that the “issues covered during discussions on the police pension scheme often have UK coverage and therefore there is significant benefit in considering these issues on a UK wide basis.” The LGA response stated that there should be a new UK wide consultative body formed to take responsibility for all issues related to the reform and operation of the pension scheme. The Northern Ireland Minister of Justice expressed similar concerns and was particularly anxious to ensure that there was parity between pensions and pay and conditions across jurisdictions to allow officers to transfer between jurisdictions.
111. The BTPA recognised that unlike pay, pensions are not negotiated, with the Government only having a responsibility to consult staff associations. However, the BTPA felt that as pensions form part of the total remuneration package, the consultation should be handled by the pay review body to retain all pay matters in one place, thus avoiding over-complicating the process. The remaining comments were made by **individual officers, members of the public** and **a retired officer**. Many felt that no further changes were necessary to pensions and that we should not replace one bad system with another. Comments made clearly indicated discontent with the reforms already made to pensions and reforms more generally rather than specifically against the proposals.

Government's Response

112. We have carefully considered the consultation responses to the proposals to have police pensions handled by the individual Police Advisory Boards for England and Wales, Scotland and Northern Ireland and have also looked at this through the context of wider public sector pension reform. Strong views were expressed on both sides. The biggest objection of substance to this recommendation came from the Local Government Association (LGA) and the Northern Ireland Department of Justice, who are concerned to ensure a UK-wide approach to police pensions to enable movement of officers across the different jurisdictions. Some consultees argued that pensions should be decided by the PRRB itself. ACPO, the Police Superintendents' Association of England and Wales (PSAEW), the Metropolitan Police Service (MPS) and PCCs were all broadly in favour of pensions moving to PABEW as a consultative body.
113. We have considered the possibility of giving pensions to the PRRB, to allow it to take a truly holistic view of the entire police reward package. However, this move would be out of step with the approach taken by other pay review bodies and would also be a major departure from how wider pension reform in the public sector is being addressed.

114. On balance, having considered all the issues at play and wider public sector pension reform, we believe it is important to ensure that police pensions are not directly tied into the wider issues to be considered by the PRRB and agree that it is best to follow Tom Winsor's recommendation that the requirement to consult on pensions should now be performed through the PABEW. However, in order to mitigate against the risk identified by the LGA and Northern Ireland that police pensions may begin to diverge significantly across the UK, we have determined that provision be made for PABEW to be the consultative body for police pensions in England, Wales and Northern Ireland, with representatives from Northern Ireland attending PABEW meetings only where the board discusses pensions. To be clear, this not only allows pensions considerations to be kept together where desirable across the jurisdictions of England and Wales and Northern Ireland, but also that we intend for the pensions considerations for all ranks to be considered in one place.
115. The Government also considers that it is important for the PABEW (with representatives from Northern Ireland), to be mindful of developments in police officer pay and conditions as a result of PRRB recommendations to ensure that there is a consistent, strategic and holistic approach to police pay and conditions.

Senior Salaries Review Body (SSRB) – Chief Officer Ranks

116. Tom Winsor proposes that once the police pay review body is established the SSRB should take responsibility for setting the pay of Chief Constables, Deputy Chief Constables and Assistant Chief Constables and the London equivalents by 2014 (referred to in this paper as “the Chief Officer ranks”). He states the work of **Chief Officers, and the responsibilities they carry, have more in common with senior members of the military and senior civil servants than with officers of lower ranks.**

- Question 11 asked “To what extent do you agree or disagree that the Senior Salaries Review Body should take responsibility for setting the pay of Chief Constables, Deputy Chief Constables and Assistant Chief Constables?” and for the reasons why.

Summary of responses

Those in favour

117. Of the 56 respondents to the consultation, 15 either tended to or strongly agreed with the proposals to have the SSRB take responsibility for setting the pay of ACPO ranks. Of those 15, 11 provided comments. **ACPO**, the **BTPA**, the **MPS** and **Cheshire Constabulary** are all supportive of the proposals but do not provide any specific reasons for their positions.
118. Responses submitted on behalf of **PCCs** were supportive of the proposals overall but each response also had its caveats. The responses:
- fully agreed with the “importance of recruiting and retaining the best in class senior police officers” and that it warranted closer comparability with senior officers in other services. However, they went on to state that “PCCs should not only retain their discretion to vary salaries within a +/-10% banding but should have the ability to propose further discretionary limits, e.g. to +/-20%. Otherwise it would be better to drop the SSRB role altogether as it would be a serious constraint on real delegation;”

- supported the recommendations for the reasons set out in the proposals “with the caveat that the SSRB must have regard to the pay of other police officers when settling Chief Officer’s pay;” and
- stated that “the SSRB is a well established process and as stated has a capacity to set salaries reflective of and influenced by characteristics of the national framework which ultimately, would provide a more standardised approach. However the argument for the proposed pay review body to determine all police officer pay is equally compelling.”

119. The remaining supportive comments were made by **individual officers** or **members of the public**. Two of the comments made focussed on the different circumstances of the Chief Officer ranks when compared to junior ranks. Respondents felt that the work done by and the personal circumstances of the Chief Officer ranks were completely different to those in junior ranks and so it seemed to make sense to split off pay considerations, and that this would be consistent with the special managerial role that Chief Officer ranks fulfil.

Those not sure or where no direct opinion was expressed

120. Of the 9 respondents who indicated that they were not sure about the proposals, 7 providing comments. The 9 respondents were in the main **individual police officers** or **members of the public**. In the most part the comments made either reflected that the respondent would not be affected by the proposal and therefore did not have a view, or they did not feel that they knew enough about the subject to make a comment.

121. 7 respondents either did not address these proposals in their responses, or did not provide a direct response. However, 2 respondents did provide comments on the proposals. The response submitted on behalf of the **Office of the PCC for Leicestershire** expressed concern around the historically ‘cosy’ arrangements made between Chief Constables and Police Authorities but went on to state that “the SSRB should have full responsibility for objectively setting Chief Constables’ spot salaries as well as the wider chief officer team” and also said “PCC’s existing 10% discretion to adjust Chief Constables’ salaries should be removed. The reasoning behind this view is that a good force, with high operational and ethical standards, will always attract the right candidate.” The **LGA** response made clear that in their view the pay and conditions of Chief Officer ranks need to be fully considered by PCCs. The LGA felt that the “case for a review body arrangement is more persuasive for Chief Officers than for other ranks, partly because of the difficulty of Chief Constables being on both sides of the negotiating table.”

Those against

122. A large majority of respondents, 25 in total, did not agree with the proposals. Of these 25, 16 provided comments with their answers. The response submitted on behalf of the **Police Superintendents’ Association of England and Wales (PSAEW)** came out strongly against the proposals. They stated that “Police officers within the Federated and Superintending ranks derive trust and confidence from the fact that its Chief Officers have served in every rank within the service, and that pay and conditions of service are determined in the same way regardless of rank.” They went on to say that “having the pay and conditions of service for Chief Officers determined within the SSRB would undermine the trust and confidence of more junior officers. One aspect of particular and ongoing interest and concern to Superintendents and Chief Superintendents is the pay differential between Chief Superintendents who are at the top of their pay scale and newly appointed Assistant Chief Constables (ACCs). It would be more difficult to track and have influence over that differential if the pay of ACCs in particular was transferred to a separate pay review body. (There is a

specific relationship between the pay of Chief Constables and Deputy Chief Constables).” The PSAEW also expressed concern about the potential significant additional costs involved in having the pay for Chief Officers ranks dealt with by a separate pay review body.

123. The **Police Superintendents Association of Northern Ireland (PSANI)** recognised that Chief Officers will take their own view on whether they should be included in the SSRB, but also commented that the proposal “represents a disaggregation of the staff groupings within the Police Service. Additionally, under current arrangements, there is some comfort to be derived from the fact that all officers and staff, regardless of rank, are dealt with in a similar way that has regard to commonalities but which makes allowances for unique differences.” Similarly, the response submitted on behalf of the **PCC for Durham** stated that “There is danger that this may be perceived to be divisive. A ‘fractured’ approach to pay review would not be conducive to the ‘police family’ approach from which British Policing has benefited over the decades.” A response submitted on behalf of the **former chair of ACAS** acknowledged that their salary as chair of ACAS was fixed alongside others considered within the remit of the SSRB, but also expressed concern about the divisions forming part of the problem of the “haves” and “have nots” in society and have encouraged the increasing gap between the well paid and the rest of society.
124. The **Northern Ireland Minister of Justice** recognised that there may be merit in the proposals for the reasons outlined by Winsor in his recommendations, but went on to state that he would be keen to ensure that senior officers’ pay retains a link to the rest of the police service, particularly Chief Superintendents, with regard to current differentials.
125. One **officer** asked why the pay scales of senior officers should be dictated by a different body than for the rest of the force. They went on to say that “this would create a dividing line between officers and senior officers and could affect officers of lower rank having the opportunity to highlight issues and carry them forward. Things could be made very difficult for officers of the lower ranks if Chief Officers do not want to pursue any matters - matters that won't concern them. We are all working for the same force; we should all fall under the same umbrella regardless of rank.” The respondent noted the pressure and extra responsibility on Chief Officers ranks, which should rightly be reflected in their pay and the fact that they have worked so hard to achieve such positions should be rewarded. But they also pointed out that these officers choose to take on that responsibility that comes with the job title they have strived for.
126. **Other respondents** agreed that the proposals may lead to increasing disparity between the lower ranks and the senior ranks; that senior police should be seen as leaders of the organisation of which they are in charge, not separate from them and that no civilian can understand the role of the police. Of the responses submitted on behalf of **members of the public**, one commented that the proposal would be better than having PCCs decide the salaries of Chief Constables. Another respondent stated that “senior police officers are nothing like military senior officers, military officers give commands which must be followed, police give in the main directions as ultimately the power to arrest or detain etc rests with an individual officer.” The respondent went on to state that Senior Civil Servants are also unlike the police as they are more concerned, for example, with budgets and targets whilst the police are more operational.

Government's Response

127. We have carefully considered the arguments put forward in support of, and against, the proposals for the SSRB to have responsibility for considering the pay and conditions of Chief Officer ranks. The SSRB is responsible for setting the salaries of the judiciary, senior civil servants, senior military officers and Very Senior Managers in the NHS. The majority of responses to the consultation, primarily consisting of individual officers, were against separating out Chief Officer ranks into the SSRB. However, in contrast, substantive responses from policing partners tended to support the proposals.
128. We have considered the arguments against Chief Officer ranks going to the SSRB which principally focus on the belief that it is important for the salaries of Chief Officer ranks to be considered "together with the troops".
129. The argument for Chief Officer ranks being in the SSRB is that the work of these officers has more in common with senior members of the military and senior civil servants than with officers of lower ranks. We consider that this argument has particular weight in light of the proposals on direct entry, where senior officers may no longer have progressed through the ranks from the starting point of Constable. We believe a comparison of similar role types is better enabled by having Chief Officer ranks considered in the SSRB.
130. On balance we consider that Tom Winsor's recommendation to place Chief Officer ranks in the SSRB is the most appropriate course of action to take, as this approach best fits with the Government's longer-term vision for a more diverse police leadership, where these officers may have more in common with other senior public leaders, and may have joined the police from other sectors. We expect the SSRB to consider pay as well as any allowances and conditions specific to the Chief Officer ranks.
131. We are also mindful, however, that in the future it may be desirable for the PRRB to consider matters affecting Chief Officer ranks, in the event that there is an aspect of pay and conditions which would benefit from a strategic perspective covering all ranks. Therefore we will ensure that any legislation required to implement these changes will include provision for the Home Secretary to refer matters relating to the pay of Chief Officer ranks to the PRRB if it is in the strategic interests of policing, although the default would be that these considerations should go to the SSRB. We would expect the SSRB to have regard to the recommendations made by the PRRB in relation to officers below Chief Officer ranks. This would ensure that the remuneration of the remit group relates coherently to that of their subordinates and that the recommendations made by PABEW in relation to pensions are also considered as part of the wider remuneration package for Chief Officer ranks.
132. We have already put forward our proposals to retain the current pay award date for officers below Chief Officer ranks, which in effect will mean that the PRRB will provide the Home Secretary with a report containing their recommendations by June. This will allow for the relevant drafting of, and consultation on, regulations and determinations required to implement recommendations in time for a September pay award. As the pay of Chief Officer ranks will be recommended by the SSRB, recommendations on their pay would be published around February time, to be implemented in September in line with the pay award for other officers.

