



Home Office

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Fraser Sampson
Chief Executive
West Yorkshire Police Authority
Via email: fs1@wypa.pnn.police.uk

16 November 2012

Dear Fraser

Chief Officers' pay

I understand that at the conference on 5 November, there was some discussion of discretionary payments to chief officers. Once again, I am sorry that I was not able to be at the conference, and I thought it would be useful if I wrote to you clarifying the legal framework for payments to chief officers. This is particularly timely, given the number of posts that will be filled in the coming months.

2. The provisions for police pay, allowances and expenses are set out in the Police Regulations 2003 and determinations made by the Home Secretary under them.

3. The current arrangements cover:

- Basic salary
- Performance-related bonuses (although these have been suspended from April 2012, and the Police Negotiating Board is considering abolishing them)
- Replacement allowance (for housing and rent allowances payable to officers in service before September 1994)
- Allowances are set out in Annex U of the determinations (e.g. London allowance, South East allowance)
- Expenses are set out in Annex V of the determinations

4. The Police Regulations are clear that 'allowances' cannot be paid except as provided for in the Regulations, or approved by the Home Secretary. Police authorities, and in the future Police and Crime Commissioners, have a general power to do anything calculated to facilitate, or conducive to the exercise of, their

functions, and it may be that specific payments or benefits that are not allowances could be lawful under this power. However, this will depend on the specific circumstances and it would be prudent to seek legal advice if any such payments are planned.

6. As you are aware, the Accounts and Audit (Amendment No. 2) (England) Regulations 2009 include requirements for senior police officers' remuneration to be published.

7. From 22 November, the same arrangements will apply, although you should note our intention to make one change to the determinations on basic salary. At present, Chief Constables' salaries are determined by the Home Secretary following a formal negotiating process. However, the Police Negotiating Board has recently agreed to Tom Winsor's proposal that Police and Crime Commissioners should have discretion to vary a Chief Constable's pay on appointment by up to 10 per cent more or less than the nationally determined rate. The Home Secretary has indicated that she is minded to implement this measure and we are working with the PNB make the necessary amendments to the determinations as soon as possible.

Yours

A handwritten signature in black ink, appearing to read 'S Rimmer', with a long horizontal stroke extending to the right.

STEPHEN RIMMER