

## Winsor 2 ruling undermines police officers' unique place in society

By Simon Roberts, chairman of Cheshire Police Federation

**As an organisation, we hoped that the Police Arbitration Tribunal would restore in us some faith that we would be treated fairly as it considered the Winsor 2 proposals. Having now read the final report, that is not the case. Not only is it fundamentally unfair but it also undermines the key and unique position we hold in society.**

For the tribunal to reduce the starting salary of a constable by £4,000 is nothing short of a disgrace. We will be asking police officers to work unsociable hours, deal with complex and dangerous situations and all for less than the average wage in this country. This is against a backdrop of trying to recruit the very best which we have proudly done for many years. What will the average police officer look like in 10 years and, more importantly, how able will they be to fulfil this demanding role?

The phasing out of Competency Related Threshold Payments (CRTP) is simply a pay cut for thousands of officers. This issue was considered in Winsor 1 and by the subsequent Police Arbitration Tribunal hearing, has anything changed since then?

I welcome the introduction of an on-call allowance. Many officers should be entitled to this payment. But can it be right that the payment to officers is far less than our police staff colleagues receive for also being on-call?

The biggest issue in my view is that compulsory severance is clearly still on the table although a decision has been deferred until July 2013 to allow for more

consultation. Chief Constables up and down the country, we are told, want this as another tool in the box but would use it only as a last resort. I am afraid that is not good enough. If we are expected to hold a unique position within our society this must come with some assurances and the starting point for me is that we should not be subject to compulsory severance. We have no industrial rights and are all frustrated by the way we are expected to negotiate our pay and conditions. Introducing compulsory severance is wrong and we must avoid it at every cost.

The difficult and key role we play in policing our communities needs to be recognised. We have not been treated fairly. We have been let down badly by this Government. It has recklessly set out on a path of ideological reform and used the economic backdrop as an excuse.

We all know the way we police is changing, all we ask is that we are treated fairly and that the decision-makers - whether that be the Government, Chief Constables or our Police and Crime Commissioner - are honest with us and the communities we serve.

As we go forward, the Home Secretary has to consider the tribunal findings and then decide if they will be ratified. If that is the case, the Home Office will publish final determinations which will explain how the recommendations will be implemented. As further information is available, I will circulate it to you via the Force email system, it will also be available on the Cheshire Police Federation, website and Facebook page.

## Just £19,000 for new recruits, under PAT ruling

**New recruits joining the police service could soon be receiving just £19,000 a year, £4,000 less than the current starting salary, under a ruling by the Police Arbitration Tribunal (PAT).**

And the PAT decision on the recommendations in the second part of Tom Winsor's Government-commissioned review of pay and conditions offered very little comfort to serving officers, although a decision on proposals for compulsory severance has been deferred until July 2013 to allow for further consultation.

"I find it really difficult to understand how reducing a new recruit's salary by £4,000 is going to help the police service attract the very best recruits," says Simon Roberts, chairman of Cheshire Police Federation.

"Policing is a very demanding and challenging career. Each and every day police officers put their lives on the line as they go about their duties, fighting and preventing crime, keeping order and protecting the vulnerable. While you need a true sense of vocation to become a police officer, it is reasonable to expect fair recompense. A starting salary of £19,000 just does not seem right to me. It is below the average starting salary in many other careers and they are careers where people are not routinely expected to run towards danger as others run away.

"The Government says it wants to attract the very best recruits to policing but this move completely flies in the face of that."

The PAT ruling, while binding on both sides of the Police Negotiating Board, has to be ratified, in full or in part, by Home Secretary Theresa May before any changes are implemented.

## Winsor 2 - outcomes

**The ruling of the Police Arbitration Tribunal (PAT), which considered the recommendations in the second part of Tom Winsor's review of police pay and conditions, was announced on Thursday 6 December 2012.**

The Winsor 2 report had been published in March this year and was referred to the Police Negotiating Board (PNB) for discussion.

It was then referred to the PAT when agreement could not be reached at PNB which is made up of the Staff Side, including the Police Federation, and the Official Side, including representatives of

the Government.

Key outcomes of the PAT ruling on Winsor 2:

- **Proposals for an Expertise and Professional Accreditation Allowance were rejected**
- **Negotiations on plans for compulsory severance were extended until July 2013**
- **Competency Related Threshold Payments (CRTP) – part of pensionable pay - will be phased out between 2013 and 2016**
- **On-call will be paid at £15 a session.**

The PAT ruling has to be ratified, in full or in part, by the Home Secretary before any changes can be implemented.

# Winsor 2 put forward £1.9 billion savings package

Tom Winsor put forward 'radical' proposals he said would save £1.9 billion over six years in the second part of his review of police remuneration and conditions released on 15 March this year.

The former rail regulator's report, published in two volumes, runs to 769 pages and includes 120 recommendations, building on his first report published in March 2011.

It put forward longer term changes to policing and said current pay and conditions, last significantly reformed in 1978, were designed for a different era.

Winsor, appointed this year as the Chief Inspector at Her Majesty's Inspectorate of Constabulary (HMIC), called for:

- **Direct entry into the inspectors' and superintendents' ranks**
- **Constables' starting salary to be reduced to £19,000 and their pay scales cut from 10 to six to allow quicker progression**

- **A narrowing of the gap between officers' and police staff pay and conditions**
- **The introduction of compulsory severance payments**
- **A fitness test to be introduced from September 2013 for all police and staff required to do personal safety training, and an annual fitness test for all officers from September 2018**
- **Changes to procedures for dealing with officers on restricted duties**
- **Abolition of the Police Negotiating Board**
- **Police chiefs from overseas being allowed to be a Chief Constable in England and Wales.**

Tom Winsor said at the time of the release of the report: "The reforms which I have recommended in this report are radical. They have been designed with sensitivity to

the personal circumstances and conditions of police officers and police staff, and their introduction, if accepted, would be phased over time, to ensure that the affected individuals have time to plan and adjust.

"If they are put into effect, they have the potential to effect fundamental change for the better in policing, to give police forces the means and the motives to make the very best out of their most precious assets, and to attract, retain and develop the capacities and commitments of police officers and future police officers of the highest ability and application."

The Home Secretary said a decision should be made on several key recommendations by July 2013. Where no agreements were reached, the recommendations were referred to the PAT which ruled as follows:

<p><b>Recommendation 46</b> – The Police Regulations 2003 should be amended to create a system of compulsory severance for police officers with less than full pensionable service from April 2013.</p>	<p><b>NO DECISION.</b> The Sides are to be given up to July 2013 to conclude negotiations on this issue.</p>	<p><b>Background to Recommendations 46, 47 and 48</b> Compulsory severance directly conflicts with the Office of Constable. As Lord Denning stated in 1968, police officers are "answerable to the law and to the law alone". As office-holders, police officers are empowered to resist unlawful orders as well as any undue political pressure. If an officer is to exercise his or her duties for the benefit of society and free from compromise, they must be confident that their actions will not be held against them and mark them out for selection for compulsory severance in the future. This is a particular concern with the politicisation of policing with the election of Police and Crime Commissioners.</p>
<p><b>Recommendation 47</b> – The Police Regulations 2003 should be amended to provide for the payment of financial compensation to police officers with less than full pensionable service who leave the police service by reason of compulsory severance.</p>	<p><b>NO DECISION</b> - pending the outcome of negotiations relating to Recommendation 46.</p>	
<p><b>Recommendation 48</b> – Officers who have been subject to compulsory severance should have access to employment tribunals if they wish to allege that their severance has been unfair.</p>	<p><b>NO DECISION</b> - pending the outcome of negotiations relating to Recommendation 46.</p>	
<p><b>Recommendation 54</b> – A new, shorter payscale for constables should be introduced for new entrants from April 2013. It should have a lower starting salary than the current scale, but should allow constables to move to the maximum more quickly.</p>	<p>The Official Side's proposed payscale was <b>ACCEPTED.</b></p>	<p><b>Background</b> The major reduction in starting salary from £23,259 to £19,000 and the impact of this upon the calibre of new entrants. The unbalanced nature of the incremental values contained within the proposed payscale, with pay increasing by nearly £9,000 between Points 0 to 5 and a similar sized gap between Pay Point 5 and Pay Point 7 at the top of the scale. The impact of the proposed scale on the gender pay gap, which would rise from 6.6 to 7.5 per cent. Staff Side's alternative payscale would reduce the gender pay gap to 3.2 per cent.</p>

<p><b>Recommendation 74</b> – Chief Constables should be given discretion to pay regional allowances up to the current maximum level.</p>	<p><b>MODIFIED</b> – Chief Constables and the Commissioners of the Metropolitan and City of London Police are to be given discretion to vary levels of payment up to the maximum, but with no performance linkage.</p> <p>The PAT makes this award on the basis that the levels of regional allowances do not vary between officers who work at or from the same location and that Chief Constables and Commissioners of the MPS and City of London will consult their local JNCs about changes before introducing them.</p>	<p><b>Background:</b></p> <p>Staff Side has previously agreed to the flexibility that Winsor recommended in PNB Circular 1/11, but allowing forces to vary or remove regional allowances on the basis of performance is grossly unfair and impractical. It is also out of line with practice across both the public and private sector.</p>
<p><b>Recommendation 83</b> – Competence Related Threshold Payments should be abolished by April 2013, and all accrued CRTP payments up to that date should be made on a pro-rated basis.</p>	<p><b>MODIFIED</b> – CRTPs are to be phased out over three years from April 2013 to April 2016 as follows:</p> <p>From April 2013 - £900  From April 2014 - £600  From April 2015 - £300.</p> <p>The freeze on new applications would continue until CRTPs are phased out.</p>	<p><b>Background:</b></p> <p>There is a long-term and permanent impact upon police officer pensions from the removal of CRTP as it forms part of an officer's pensionable pay. All officers who were recruited into the police service under the current pay structure have a legitimate expectation that, as long as they meet the specific criteria, they will be eligible to access CRTP.</p>
<p><b>Recommendation 94</b> – An interim Expertise and Professional Accreditation Allowance (EPAA) should be introduced from April 2013. It should reward qualifying officers for the skills they use in the four stated priority functions: neighbourhood policing; public order; investigation; and firearms. The EPAA should be £600 per annum, paid monthly. It should be abolished when the Specialist Skills Threshold is introduced.</p>	<p><b>REJECTED.</b></p>	<p><b>Background:</b></p> <p>The four roles selected for receipt of an EPAA – investigation, public order, firearms, neighbourhood – do not withstand scrutiny as the only roles in the police service deserving of additional remuneration. This recommendation is, therefore, extremely divisive – possibly more so than the introduction of Special Priority Payments. The EPAA was actually a recommendation from Winsor 1. This was referred to the PAT in 2011. The PAT did not agree to the introduction of the EPAA, stating that “the question of additional reward for expertise or time served in specific roles and/or application of accredited skills or qualifications is inextricably related to issues to do with the design of a new pay structure, including how the value or relative weight of jobs will be determined”.</p> <p>The four roles selected have not been properly assessed for their impact upon gender equality.</p> <p>The EPAA is open to significant manipulation, with forces being given a financial incentive to restrict the number of officers who could qualify for the roles or the allowance. This allowance would restrict current levels of flexibility in the deployment of officers.</p> <p>Officers who achieve all the skills necessary to qualify for the allowance but who are posted to a role outside of the four priority functions would not receive the allowance.</p>
<p><b>Recommendation 112</b> – A national on-call allowance for the Federated ranks should be introduced from April 2013. The amount of the allowance should be £15 for each daily occasion of on-call after the officer in question has undertaken 12 on-call sessions in the year beginning on 1 April.</p>	<p><b>MODIFIED</b> – The rate of £15 per session is to be applied but there is to be no requirement for any ‘qualifying’ sessions.</p> <p>The tribunal's award is made on the strength of the assurance given by the Official Side that there would be no change to the basis on which officers undertake on-call. The tribunal understands that being on-call is a voluntary not a mandatory activity.</p> <p>The allowance should be reviewed in two years' time.</p>	<p><b>Background:</b></p> <p>A figure of £15 is significantly below any level which Staff Side has previously been willing to accept.</p> <p>As the PAT previously acknowledged, there is a high level of skill required by officers who are on-call.</p> <p>The proposed 12 on-call sessions qualifying period is unacceptable - every occasion of on-call is an imposition on officers' off-duty time.</p> <p>An allowance of £23 a session has been agreed in Scotland.</p>

# National Federation's response to the PAT ruling on Winsor 2

**The Police Federation issued a news release within hours of the Police Arbitration Tribunal ruling on the Winsor 2 recommendations.**

It read:

Police officers beginning their service will see their pay cut while a decision on compulsory severance – effectively redundancy – being introduced for police officers has been put back.

The Police Arbitration Tribunal made the announcement today along with a number of decisions on key issues of disagreement between the Official Side, which includes representation from the Home Office and ACPO, and the Staff Side, which includes representation from the Police Federation, on the Police Negotiating Board (PNB).

While a decision on compulsory severance is delayed to July 2013, some constables starting in service will see their pay packets cut from £23,259 to around £19,000 - a reduction of about £4,000.

Speaking to Police magazine, Paul McKeever, chair of the Police



*Paul McKeever, chair of the Police Federation.*

Federation, reacted to the announcement, saying: 'It's a disappointing starting salary for a constable - it's lower than it is now. I cannot understand how it will attract a higher level of candidates if that is the ambition of the Official Side.

We recognise the findings of the PAT and we welcome the fact that the issue of compulsory severance has been deferred to allow common sense discussions to take place. Compulsory severance would have a detrimental impact on the service of this country and is something we will fight on.

The decision comes against a back drop of 20 per cent cuts to policing budgets, a reduction in police and police staff numbers, privatisation, a raft of reforms and changes to pay and conditions.

Among some of the key issues announced today were; on-call allowance was accepted at £15 a session and without the need for 12 'qualifying sessions' (essentially working for free for those sessions before payment is made) but Competency Related Threshold Payments will be phased out between 2013 and 2016, meaning a reduction of around £1,200 in the pay packets of officers who qualified.

Police officers on Twitter reacted first as the news came in with one from Suffolk comparing the starting salary to that of someone working in McDonalds.

## The Police Negotiating Board

**The Police Negotiating Board (PNB) was established by an Act of Parliament in 1980. It is a statutory body that exists to negotiate the pay and terms and conditions of all 160,000 police officers in the UK.**

It addresses questions relating to hours of duty, leave, pay and allowances, the issue, use and return of police clothing, personal equipment and accoutrements; and pensions.

Negotiated agreements (in the form of PNB circulars) are recommended to the Secretaries of State and to Scottish Ministers.

Police officers' terms and conditions are detailed in statutory regulations and determinations. Once a PNB agreement is ratified by the Home Secretary (in England and Wales) revised regulations are submitted for the approval of Parliament, following which they come into force and are legally binding. Revised determinations are issued by the Home Office.

The Board consists of an Official Side and a Staff Side. The Official Side is tripartite: consisting of representatives of the Secretaries of State, Police and Crime Commissioners and chief police officers (ACPO/ACPOS). The Staff Side consists of the Police Federations, the Superintendent Associations and the Chief Police Officers'

Staff Associations. Either Side can introduce an issue for discussion usually in the form of a Staff Side claim or an Official Side proposal.

The Board meets as appropriate (usually quarterly) to consider matters affecting all ranks and the three standing committees - the Chief Officers' Committee, the Superintendents' Committee and the Federated Ranks' Committee - consider matters affecting each respective rank.

The PNB has an independent chair and deputy chair appointed by the Prime Minister and is serviced by an independent secretariat provided by the Government.

Should a failure to agree be registered by either Side of the PNB then the matter can be referred to conciliation and, other than pensions, arbitration.

The Home Secretary, the Secretary of State for Northern Ireland and Scottish Ministers each have the power to direct the PNB to consider and reach agreement on such matters as they may specify within a timeframe of their choosing for matters of serious national importance to the police service.

Where agreement cannot be reached by a set deadline, the matter can be referred to the Police Arbitration Tribunal (PAT) for arbitration.

## What is the Police Arbitration Tribunal?

Arbitration is carried out by a standing Police Arbitration Tribunal (PAT), operating under the auspices of the Advisory, Conciliation and Arbitration Service (ACAS). The PAT consists of three arbitrators appointed by the Prime Minister.

Any decision of the arbitrators is treated as if it was an agreement of the Police Negotiating Board (PNB).

When the two sides of the PNB met on 24 July 2012, the Staff Side brought to the table alternative offers, flexibility and solutions on the Winsor 2 recommendations.

But the Staff and Official Sides failed to agree on a number of key points including:

- **Compulsory severance**
- **Pay reform including starting salaries, resuming incremental progression, CRTP and Expertise and Professional Accreditation Allowance**
- **Over-time**
- **On-call**
- **Regional allowances.**

These matters were referred to the PAT. Each Side then presented their evidence on 18 and 31 October.

The PAT's 42-page report on its findings was published on 6 December 2012.