

# PAT AWARD

Following recommendations made in the Winsor Report II

December 2012

Winsor recommendation	Key issues	Staff Side position
<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>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. Forces should be empowered to offer financial compensation on the same terms as are available under the Civil Service Compensation Scheme.</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>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>Staff Side asked that discussion on these recommendations was deferred until the impact of the Winsor Part One changes, introducing a voluntary exit scheme and a more targeted approach to the use of Regulation A19, and the introduction of Police and Crime Commissioners have been properly assessed.</p>

## PAT decision/award and Federation reaction

**Recommendation 46** – NO DECISION. The Sides are to be given up to July 2013 to conclude negotiations on this issue

**Recommendation 47** – NO DECISION pending the outcome of negotiations relating to Recommendation 46

**Recommendation 48** – NO DECISION pending the outcome of negotiations relating to Recommendation 46

*PFEW is pleased the PAT has recognised the severity of this issue. All Staff Side asked for was more time to consider this, which the PAT has now granted, although we do not feel the time allowed will be sufficient to make a judgement on the impact of voluntary exit and changes to Regulation A19, together with the impact of the election of Police and Crime Commissioners.*

Winsor recommendation	Key issues	Staff Side position
<p><b>Recommendation 74</b> – Chief Constables should be given discretion to pay regional allowances up to the current maximum level, as set out in Determination Annex U made under Regulation 34 of the Police Regulations 2003, and the discretion to apply eligibility criteria based on location and performance.</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>Staff Side was willing to consider allowing flexibility to reduce the current minimum level of the South East allowance, subject to there being no reduction in the total value of the amount of money currently allocated for the payment of regional allowances.</p> <p>Also, if it did not apply to the London allowance, Staff Side would have considered the removal of regional allowances from officers on long-term sickness absence in circumstances where they were no longer in receipt of police pay.</p> <p>Any removal of a regional allowance would have to be subject to the same protections which would normally apply to officers in respect of the removal of all other elements of their pay. This would also apply to officers in London.</p>

PAT decision/award and Federation reaction
<p>MODIFIED – 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 tribunal 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><i>PFEW is disappointed that the Metropolitan and City of London, which were not included in Winsor's recommendations, will be subject to the same flexibility as the South East allowance. However, the PAT has accepted Staff Side's position that performance should not be used as a criterion in awarding regional allowances.</i></p>

<b>Winsor recommendation</b>	<b>Key issues</b>	<b>Staff Side position</b>
<p><b>Recommendation 83</b> – Competence Related Threshold Payments should be abolished by April 2013 at the latest, and all accrued CRTP payments up to that date should be made on a pro-rated basis.</p>	<p>There is a long-term and permanent impact upon police officer pensions from the removal of CRTPs 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>Staff Side proposed that from April 2014 the top pay point for serving officers should incorporate the value of the CRTP and that progress to this pay point would be subject to satisfactory performance.</p> <p>The new top pay point would also be subject to removal when an officer is subject to formal performance procedures.</p>

<b>PAT decision/award and Federation reaction</b>
<p>MODIFIED – CRTPs are to be phased out over three years from April 2013 to April 2016 as follows: 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><i>Despite being modified so officers will lose CRTP over three years, this is extremely disappointing as this is pensionable pay. The outcome will have a detrimental impact upon officers for the rest of their lives.</i></p>

Winsor recommendation	Key issues	Staff Side position
<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, and should be paid monthly. It should be removed when an officer leaves the qualifying role. The EPAA should be abolished when the Specialist Skills Threshold is introduced.</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.</p> <p>The EPAA was actually a recommendation from Winsor Part One. 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.</p> <p>This allowance would restrict current levels of flexibility in the deployment of officers.</p> <p>Officers who achieve all of the skills necessary to qualify for the allowance but who are posted to a role outside of the four priority functions they will not receive the allowance.</p>	<p>Until a proper evaluation of roles has taken place, Staff Side cannot agree to the introduction of the EPAA in its current format.</p> <p>The EPAA was only recommended as an interim allowance. Staff Side was willing to consider modifying the basis for the award and retention of the top pay point to the Specialist Skills Threshold, which Winsor proposed to replace the EPAA in the long-term, subject to a proper evaluation of roles being carried-out that both provided a justification for differences in pay and avoided unfairness and potential legal challenge.</p>

PAT decision/award and Federation reaction
<p>REJECTED</p> <p><i>PFEW is pleased with this outcome which avoids the introduction of a payment more divisive than Special Priority Payments (SPPs) that would have widened the gender pay gap.</i></p>

Winsor recommendation	Key issues	Staff Side position
<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>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 high level of skills required to be possessed 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>	<p>Staff Side continues to believe that on-call is voluntary and that the requirement to be placed on-call should form part of the evaluation of all police officer skills and roles in terms of the demands placed upon them.</p> <p>Staff Side also believes that the current economic situation will make it difficult for forces to find the funds that would appropriately compensate officers.</p> <p>Therefore, Staff Side does not propose to pursue a national payment for officers who are currently required to be on call. Given the long-standing nature of this claim, this is a significant step by Staff Side.</p>

PAT decision/award and Federation reaction
<p>MODIFIED – 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><i>PFEW is pleased that the PAT has recognised that every session of on-call is an imposition, but is disappointed that the PAT has gone with £15 per session given that it previously thought this was on the low side. However, the key issue is that the PAT has recognised that on-call should remain voluntary and that officers should be paid for each occasion.</i></p>

Winsor recommendation	Key issues	Staff Side position
<p><b>Recommendation 54</b> – A new, shorter pay scale for constables should be introduced for new entrants from April 2013 as outlined in Table 7.12 of the report. 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 major reduction in starting salary from £23,259 to £19,000 and the impact of this upon the calibre of new entrants.</p> <p>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.</p> <p>The impact of the proposed scale on the gender pay gap, which would rise from 6.6% to 7.5%. Staff Side's alternative payscale would reduce the gender pay gap to 3.2%.</p>	<p>Staff Side wanted to link this to agreement of Recommendation 55 in respect of the constables' payscale and Recommendation 56 in respect of the sergeants' payscale, both of which Staff Side accepted.</p> <p>Staff Side proposed an alternative payscale for constables to that proposed by Winsor, although accepting the principle of a shortened scale with incremental progression being subject to an annual satisfactory assessment, an assumption of competence and automatic progression in the event of no assessment taking place. These principles in respect of incremental progression would also apply to sergeants and inspecting ranks. Staff Side also accepted the principle of a foundation skills threshold at such time as the service was able to develop an agreed process for its introduction.</p> <p>In reaching agreement on the reform of the pay structure, Staff Side proposed that at the end of the progression freeze in April 2014, officers should move to the pay point on the revised Staff Side scale commensurate with their reckonable service.</p> <p>These Staff Side proposals would have reduced the gender pay gap and been fairer and more equitable to constables younger in service whose increments are currently frozen.</p>

PAT decision/award and Federation reaction
<p>The Official Side's proposed payscale is ACCEPTED</p> <p><i>PFEW is very disappointed with this outcome, especially since the PAT accepted the constructive nature of our alternative and the concerns about the large gaps at the top of scale.</i></p>