



## **PAT BRIEFING 05.12.12**

### **Federation response to Home Secretary's written ministerial statement:**

Responding to the WMS on the Police Arbitration Tribunal, Steve Williams, Police Federation of England and Wales says;

“Whilst we remain disappointed with some of the PATs recommendations we acknowledge that the home secretary has honoured the process of the Police Negotiating Board. We accept that today's decision by the home secretary's is binding on the police federation of England and Wales and we will continue to engage fully on behalf of our members.”

### **The Home Secretary has ratified the following:**

- Expertise and Professional Accreditation Allowance rejected
- Compulsory severance - negotiations to be extended until July 2013
- Competency Related Threshold Payments phased out between 2013 and 2016
- On-call at £15 a session
- No link between regional allowance and performance, but Met included
- Accept Official Side pay scale for new entrants at circa £19,000

### **What does this announcement mean?**

The Home Secretary's decision to abide by the PNB and PAT process is welcome, even though the PFEW is naturally disappointed with some significant elements of the decision. In particular:

#### **1) Starting salaries**

The £4,000 reduction in the starting rate for new officers is ill conceived and fails to reflect the dangers and demands inherent in the job. It could also serve to increase the gender pay gap in the police service.

The PFEW has always challenged the basis of this reduction. In advising the Winsor Review to recommend this reduction in pay Professor Disney compared police officers to other workers who were paid average earnings at similar levels. Disney also looked at occupations which he considered might 'in the public eye' be seen as comparable.

As pay research organisation Incomes Data Services (IDS) stated, pay comparisons between jobs should be based on their characteristics, not on jobs with similar average pay. In commenting on the approach used by Disney, IDS made the following observations:

*"...what is seen as an appropriate comparator 'in the public eye' is not a robust basis for determining a comparator. Instead, comparators should be determined by reference to fact-based analysis of the jobs in question. By contrast, the approach adopted by Disney is not analytical."*

## **2) Competence Related Threshold Payments**

The decision to remove Competence Related Threshold Payments (CRTPs) will have an impact upon officers already at the top of the payscale. The CRTP is not an allowance, but 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 are eligible to access CRTP.

## **3) Compulsory severance**

In respect of compulsory severance, the PFEW continues to have severe reservations about its impact upon the Office of Constable, particularly with the increasing politicisation of policing.

The power to make police officers redundant would directly conflict with the Office of Constable. The doctrine of the independence of the Office of Constable was given its clearest expression by Lord Denning in 1968, when he stated that 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.

The power already exists within Police Regulations to dismiss officers for professional misconduct or unsatisfactory performance. However, 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.

The PFEW believes that the extra time granted by the PAT should be used by the PNB to fully explore all of the implications of these proposals and to ensure that the unique status of police officers is fully protected.

Our response to the PAT recommendations on 6 December:

## **MEDIA RELEASE**

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 around £23,259 to around £19,000 - a reduction of around £4,000.

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

## **Background**

### **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. More specifically 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 central government. The Independent Secretariat, in addition to servicing the Board and committees, is responsible for researching and assessing data on pay and all other matters of concern to the Board and its committees. The PNB can also provide assistance to parties in dispute locally either in the form of agreed guidance and/or local conciliation.

Should a failure to agree be registered by either Side of the PNB then the matter can be referred to conciliation and (save 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 PAT for arbitration.

**What is the Police Arbitration Tribunal (PAT)?**

Police Officers in the United Kingdom are prohibited by statute from the being able to take industrial action. Under the Constitution of the Police Negotiating Board, therefore, matters on which no agreement can be reached, and which cannot be resolved by conciliation, may be referred by either Side to arbitration. Pension matters are non-negotiable and are only influenced by consultation.

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

Before referral to the PAT, the Sides agree the terms of reference of any dispute. Any decision of the arbitrators is treated as though it were an agreement of the Police Negotiating Board.

### **Why were these issues referred to the Police Arbitration Tribunal?**

When the two sides of the Police Negotiating Board met on 24<sup>th</sup> July 2012 the Staff Side brought to the table alternative offers, flexibility and solutions on the Winsor Part II recommendations. For more details on Staff Side's submission please visit the Police Federation website:

[http://www.polfed.org/PR\\_Ian\\_Rennie\\_Statement\\_to\\_the\\_PNB\\_full\\_board\\_240712.pdf](http://www.polfed.org/PR_Ian_Rennie_Statement_to_the_PNB_full_board_240712.pdf)

The two sides (The Staff Side and Official Side) failed to agree on a number of key points including:

- Compulsory severance
- Pay reform (starting salaries, resuming incremental progression, Competence Related Threshold Payments and Expertise and Professional Accreditation Allowance)
- Overtime
- On-call
- Regional allowances

These matters were then referred to the Police Arbitration Tribunal. Each Side then presented their evidence on the 18<sup>th</sup> and 31<sup>st</sup> October.