

**DECISION**

**OF THE**

**POLICE ARBITRATION TRIBUNAL**

**Winsor Report Part 1**  
**January 2012**

**POLICE ARBITRATION TRIBUNAL**

Present at the hearing held at the London Office of the Advisory, Conciliation and Arbitration Service, 23rd floor, Euston Tower, 286 Euston Road, London NW1 3JJ on Tuesday 8 November 2011 and Tuesday 22 November 2011.

## **Police Arbitration Tribunal**

**Professor J F B Goodman CBE (Chairman)**

**Ms V Branney**

**Mrs M Salmon**

**Mr A Sen (Secretary)**

## **Representing the Staff Side of the Federated Ranks Committee**

Ian Rennie (Staff Side Secretary and Gen. Sec. Police Federation of England and Wales)

Graham Halliday (National Secretary, Police Superintendents Association (England and Wales))

Dave Jones, ACC (National Negotiating Secretary, Chief Police Officer Staff Association)

Raj Jethwa (Head of Research, PFEW)

Calum Steele (Staff Side Deputy Secretary)

Denis van Mechelen (Research Department, PFEW)

Karen Pinfold (Research Department, PFEW)

Elaine Parker (Research Department, PFEW)

## **Representing the Official Side of the Police Negotiating Board**

Sarah Messenger (Official Side Secretary)

Graham Baird (Official Side Secretariat)

Emine Ali (PNB Official Side Secretariat)

Anne Barnes (APA)

Malcolm Doherty (APA)

Kathie Walker (Northern Ireland Dept. of Justice)

Peter Williams (APA)

Oliver Shaw (APA)

Rob Price (ACPO)

Simon Ash (ACPO)

Andrew Wren (Home Office)

Sara Aye Mounq (Home Office)

Tara Deshpande (Home Office)

Allan Falconer (COSLA)

## INTRODUCTION

By a minute dated 24 October 2011, the Advisory, Conciliation and Arbitration Service gave notice that a meeting of the Police Arbitration Tribunal had been convened to consider a difference between the two Sides of the Federated Ranks Committee of the Police Negotiating Board (PNB); the two sides of the Superintendents Committee of the Police Negotiating Board; the two sides of the Chief Officers Committee of the Police Negotiating Board.

The agreed terms of reference were:

**“To consider a failure to reach agreement between the two Sides of the Police Negotiating Board and its Standing Committees on the following matters covered by the attached letter of Direction from the Home Secretary dated 6<sup>th</sup> April 2011:**

|   |
|---|
| <p><b>Recommendation 2</b> – Police constables, sergeants, inspectors and chief inspectors should receive an additional 10% of their basic pay, on an hourly basis, for hours worked between 8:00pm and 6:00am (non-pensionable).</p> |
|---|

|   |
|---|
| <p><b>Recommendation 5</b> – Determination Annex E, made under Regulation 22 of the Police Regulations 2003, should be amended to require the chief officer to consult, rather than agree, with the local joint branch board and individual officers in connection with the bringing into operation of a variable shift arrangement. That consultation should take place over a period of at least 30 days. Before making his decision, the chief officer should be required to consult the affected officers and take full account of their individual circumstances, including the likely effects of the new arrangement on their personal circumstances. New shift arrangements should not be brought into effect earlier than 30 days after the communication of the decision of the chief officer.</p> |
|---|

|  |
|--|
| <p><b>Recommendation 6</b> – Determination Annex G, made under Regulation 25 of the Police Regulations 2003, should be amended to replace time and a third premium pay for casual overtime with plain time. The minimum hours for being recalled between duty should be abolished and instead paid at plain time for the hours worked, with travelling time.</p> |
|--|

|   |
|---|
| <p><b>Recommendation 7</b> – Determination Annex H, made under Regulation 26 of the Police Regulations 2003, should be amended to remove double time premium pay and the notice period of five days for working on a rostered rest day. Time and a half premium pay should be payable for working on a rostered rest day with fewer than 15 days' notice.</p> |
|---|

**Recommendation 8** – Determination Annex H, made under Regulation 26 of the Police Regulations 2003, should be amended to allow the payment of overtime at double time for 25 December and seven other days chosen for the next financial year by the officer before 31 January. Cancellation with fewer than 15 days' notice should require the authority of an Assistant Chief Constable.

**Recommendation 11** – Police officers on mutual aid service should be paid for the hours they are required to work each day, plus travelling time to and from the place of duty. Where those hours coincide with the unsocial hours period, or the duty has been required at short notice and they are eligible for the new overtime rates, the officer should be paid at the applicable premium rates.

**Recommendation 12** – The definition of 'proper accommodation' should be revised to describe a single occupancy room with use of en suite bathroom facilities. Where such accommodation is not provided, the officer should receive a payment of £30 *per* night. The current definition of 'higher standard accommodation' should be removed and not replaced.

**Recommendation 13** – Officers held in reserve on a day and who have not been paid for any mutual aid tour of duty that day, should receive the on-call allowance of £15 for that day.

**Recommendation 20** – Police officers and all members of police staff below the top of their pay scale should be suspended at that increment for a two-year period commencing September 2011.

**Recommendation 25** – The chief officer bonus scheme should be suspended for a two-year period commencing September 2011.

**Recommendation 27** – The bonus scheme for superintendents and chief superintendents should be suspended for a two-year period commencing September 2011.

**Recommendation 29** – Competence Related Threshold Payments should be abolished from 31 August 2011 and all outstanding CRTP payments up to that date should be paid on a pro-rated basis.

**Recommendation 33** – Special Priority Payments should be abolished from 31 August 2011 and all outstanding SPPs up to that date should be paid on a pro-rated basis.

**Recommendation 34** – An interim Expertise and Professional Accreditation Allowance of £1,200 *per annum* should be introduced from September 2011 for officers meeting the skills or length of service criteria in the four stated priority functions. It should be paid monthly and pro-rated where an officer works part-time. It should be removed when an officer leaves the qualifying role.

**Recommendation 43** – The replacement allowance for housing should remain. However, the amount an officer receives should not increase from 31 August 2011 with changes in personal circumstances, such as promotion. The existing framework, by which the amount an officer receives reduces when he lives with another officer also receiving the allowance, should remain.

**Recommendation 44** – A national on-call allowance for the Federated ranks should be introduced from September 2011. The amount of the allowance should be £15 for each occasion of on-call after the officer in question has undertaken 12 on-call sessions in the year beginning on 1 September. An on-call occasion should be defined as the requirement to be on-call within any 24-hour period related to the start-of-the-police-day.

**Recommendation 45** – The national on-call allowance should be reviewed by the Police Negotiating Board three years after its introduction in the context of better management data.

**Recommendation 59** – Regulation 5(4) of the Police Regulations 2003 should be amended so that an officer giving written notice to return from part-time to full-time working, must be appointed by the Police Authority within two months if the force has a suitable vacancy, and within four months of the notice being received.

1. Prior to the hearing the parties supplied the Tribunal with, and exchanged copies of, their written statements of case which they developed orally at the hearing.

## **BACKGROUND**

2. The difference arose from the Sides' failure to agree the above recommendations contained in Part 1 of the Independent Review of Police Officer and Staff Remuneration and Conditions (HMSO Cm 8024) which came within the remit of the Police Negotiating Board (PNB). The review was commissioned by the Home Secretary on 1 October 2010 and conducted by Mr. T. P. Winsor to be reported in two Parts. The first part of the review was published on 8 March 2011. In accordance with the terms of reference set by the Home Secretary, the report focused on short term reforms. In particular, the report covered:
  - the deployment of officers and staff (including allowances, payments for overtime, and for assisting other police forces)

- incremental progression in the pay scales for all officers up to the rank of Deputy Chief Constable and bonuses for senior officers
- post and performance related pay (including special priority payments, competency related threshold payments and a proposed Expertise and Professional Accreditation Allowance)
- how officers leave the police service.

Following the release of the first part of the review, henceforth referred to as the Winsor Report Part 1, the PNB set up a joint working party to consider the recommendations in Part 1. The PNB was directed by the Home Secretary, in her letter dated 6 April 2011, to consider and make recommendations to her in respect the matters contained in Recommendations: 2, 5-8, 11-13, 20, 21, 25, 27, 29, 31, 33, 34, 37, 39, 43-46, 48, 55, 57-59 of Part 1, by 26 July 2011 at the latest.

3. The Sides discussed the recommendations contained in Part 1, on several occasions between 6 April and 26 July 2011. The Staff Side had tabled a set of alternative proposals to those contained in the Winsor Report Part 1 at a meeting dated 14 July 2011. Subsequently, agreement in principle was reached on nine matters but at a meeting of the full PNB on 26 July 2011, agreement could not be reached on the matters referred to in the Introduction above and it was agreed by the Sides that these outstanding matters would be referred to this Tribunal.
4. The matters dealt with in the Winsor Report Part 1 and covering officers in England and Wales, are many, varied and complex. Nevertheless it is the case that the Sides are very familiar with the issues in dispute. In the Tribunal's view therefore, it is not helpful or necessary to set down in great detail the respective arguments put forward by the Sides. Accordingly, what follows therefore is a distillation of some of the main points made by the Sides in their written submissions and during their presentations on 8 and 22 November 2011, rather than a comprehensive account of each and every point made by the Sides on the issues in dispute.

## SUMMARY OF THE CASE MADE BY THE OFFICIAL SIDE

5. In presenting their case, the Official Side began by expressing regret at having to refer this issue to the Tribunal for resolution. This referral was in the Official Side's view the most important one ever made to the Police Arbitration Tribunal (PAT). The Official Side characterised the recommendations of the Winsor Report Part 1 as the result of an independent, thorough and credible review of police pay and conditions which would begin a process to make them fit for the 21<sup>st</sup> century and the Official Side had no hesitation in endorsing its findings. So, it was not surprising that most of the Official Side's proposals reflected closely the recommendations contained Part 1. Thus in what follows, the Official Side views are largely consistent with those expressed in Part 1, unless otherwise stated.
  
6. Broadly, the Official Side approach focused on two areas: that of reform and modernisation of the police service on the one hand and, given the Government's deficit reduction programme, the need to make substantial monetary savings on the other.
  
7. The twin imperatives underpinning the Official Side's position were reflected in their decision to group together under six headings, the areas of disagreement and their relationship to the two principal themes of reform and savings. These groupings had been adopted in the earlier PNB discussions. The first grouping consisted of two recommendations:  
  
*"Recommendation 57: The criteria for the use of the powers in Regulation A19 should be amended, with service-critical skills and performance being explicit considerations."*  
  
*"Recommendation 58: As quickly as possible, police forces should be provided with the ability to offer voluntary exit terms to police officers, substantially on the terms contained in the Civil Service Compensation Scheme 2010."*

Agreement in principle on this grouping was reached leaving five groupings on which agreement could not be reached.

8. Group 2 consisted of Competency Related Threshold Payments (CRTPs), Special Priority Payments (SPPs) and the proposed Expertise and Professional Accreditation Allowance (EPAA) which were recommendations 29, 33 and 34 respectively in the Winsor Report Part 1. In the Official Side's view, both allowances had failed to operate in the manner envisaged when they were first introduced. CRTPs had been introduced in order to provide an incentive for those federated ranks officers who had reached the top of their pay scale, to continue to develop their professional standards. However, there was little evidence that the allowance had this effect. It was argued that it had simply become an allowance – currently worth £1,212 per annum - that became payable when an officer who had reached the maximum on the pay scale submitted a formal application. The Staff Side had raised the point about the effect on the pensions of those officers who were close to retirement. However, the current pension arrangements could be based on an officer's best salary in the last three of service years before retirement. Therefore, the Official Side said, the removal of CRTPs would not affect the pension of any officer due to retire within the next three years. Similarly, SPPs which had been intended to reward and recognise those in the most demanding frontline roles, were not accomplishing this objective and the Official Side noted that the Staff Side was also dissatisfied with the way in which the system had operated. In fact the Staff Side had offered to agree to a suspension of SPPs as part of a package of measures. In the Official Side's view, the funds currently being spent on SPPs would be better used if they were re-distributed and targeted elsewhere. The Official Side, quoting estimated savings from the Winsor Part 1, said that the abolition of CRTPs and SPPs would yield savings of £49m and £86m respectively per annum.
9. Recommendation 34 in Part 1 proposed the introduction of an interim, nationally accredited Expertise and Professional Accreditation Allowance (EPAA) of £1200 per annum for every officer who held the appropriate

recognised accreditation and performed one or more of the following key roles identified: investigation, public order and specialist operations (firearms). In a fourth role, neighbourhood policing, the EPAA was to be payable to those with three or more years service in the same neighbourhood policing team. The allowance would be removed from an officer who no longer held the accreditation, was no longer in the role which attracted the allowance or who had left the neighbourhood policing role in that neighbourhood policing team. This new qualification-based payment was consistent with the Official's Side's desire to reward skills and contribution and the proposal had the full support of the Official Side. The Official Side noted that the Staff Side had raised concerns about the EPAA particularly in relation to its equality impact on women. The Official Side said that this had been considered and referred the Tribunal to the Equality Impact Assessment Report contained in the Winsor Report Part 1. This assessment showed, the Official Side said, that any potential adverse gender impact of introducing the EPAA would in fact be less than was currently the case for SPP payments. The Official Side continued that there was also no reason to conclude that the adverse impact on other groupings was significant. The Official Side estimated that the cost of introducing the EPAA would be £99m in 2012-13.

10. Group 3, covering overtime and shift working, was made up of recommendations 2, 5, 6, 7 and 8. The first of these recommendations proposed the introduction of an additional, non-pensionable 10% on basic pay, calculated on an hourly basis, for all constables, sergeants, inspectors and chief inspectors who worked between 8.00pm and 6.00am. The Official Side argued that officers who worked these 'unsocial' hours should be paid this allowance in recognition of this although it was accepted that officers' basic pay already contained an element, introduced earlier, which recognised the disruption such hours caused to daily life. The Official Side estimated that the cost of introducing an unsocial hours allowance in 2012-13 would be £106m.
11. Recommendation 5 sought to address the position whereby under existing Police Regulations a chief officer is required to agree new variable shift

arrangements (VSA) with the local branch board and individual officers before putting them into operation. In the Official Side's view, this arrangement threw up a number of issues which the general public, for example, would find surprising. One such major issue was that of accountability. Chief officers are accountable for the operation of the forces under their command so it was right, the Official Side said, that they should have the final say in deciding how best to deploy resources. It was argued the retention of what the Official Side called a 'veto' on changes to working arrangements was unique to the police service. While the Official Side acknowledged that there was no evidence that the existing arrangements were preventing chief officers from meeting operational demands, it was felt that the requirement to agree such changes to shift arrangements had a moderating effect which did not necessarily lead to the chief officer's preferred option being adopted. The proposed introduction of recommendation 5 would allow chief officers to deploy their resources as they thought best while the requirement to consult would ensure that there was a safeguard against any potential abuses of officers' work-life balance.

12. The police service relied on the use of overtime to manage and deploy resources effectively. In the view of the Official Side the current notice and payment arrangements were too complicated and did not represent good value for money. In regard to its proposals, the Official Side emphasised the distinction between payment of premium rates for hours worked on a rostered work day – casual overtime - and hours worked on a rostered rest day. The Official Side argued that the former should not attract a premium rate of payment (given that an element of compensation was already built into salary) but that the latter should continue to do so, in recognition of the disruption caused to officers' family lives, albeit at time and a half instead of double time. In the Official Side's view, recommendations 6 and 7 would ensure that officers were paid at fair rates for actual hours worked in a simplified administrative regime and would provide better value to the taxpayer. The Official Side estimated that these two measures would generate savings of approximately £63m.

13. Recommendation 8, the final one in Group 3, sought to reflect changes in working practices and society generally. The Official Side said that allowing officers to select the days which they wish to treat as statutory holidays would enable them to express their personal preferences in this regard, instead of being constrained by the statutory public holidays.
14. Recommendation 20 was the sole item in Group 4 of the Official Side's submission and dealt with the issue of incremental pay progression. The Official Side had amended this recommendation so that the first increment for constables was to be excluded from the two-year suspension. Thus the amended Official Side position as presented to the Tribunal was:

*' Police Officers below the top of their payscale should be suspended at that increment for a 2 year period commencing September 2011, with the exception of the first increment for constables.'*

As this amended position was not accepted by the Staff Side, the original recommendation as contained in Part 1 has been referred to the Tribunal. The Official Side supported the view as stated in Winsor Part 1, that the current incremental pay progression system was no longer the fairest pay structure and that this recommendation would generate the single largest amount of savings – estimated by the Official Side as being £190m in 2012-13 after taking into account the amended Official Side position as stated above. The Official Side clarified that while officers in the federated ranks below their scale maximum received a pay rise every year based on time served, this did not apply to the first increment on the constables' scale. Constables received their first increment on completion of their initial training which marked the point at which a constable attained national standards and was fit for independent patrol. The time / service related pay structure was not however applied to superintending ranks, or to Assistant Chief Constables and their London equivalents. Progression pay for these ranks was based on satisfactory performance. Notwithstanding the fact that these ranks were not subject to incremental

progression simply by time served, the Official Side said that it was unfair to expect only ranks below that of superintendent to bear the burden of annual pay progression being suspended. Therefore in the interests of fairness and in order to display the requisite level of leadership, the Official Side argued that the two year suspension should be extended to include superintendents and ACCs too. The Official Side acknowledged that longer term pay structures would be considered in the second part of the Winsor review and that reform of the existing system was necessary. In the Official Side's view, the current system of automatic progression which covered the majority of officers was outdated; not fair; not effective; and not value for money. Moreover, given the economic climate, there was a pressing need for sustainable savings to be generated now ahead of any future reforms that might be introduced in the light of the Winsor review's conclusions in part 2.

15. The Official Side said that it had considered the Staff Side's arguments in connection with this recommendation and in particular the Staff Side suggestion that a reformed pay structure could link incremental progression to individuals achieving satisfactory performance. However, in the Official Side's view, supporting the stance taken in the Winsor Report Part 1, the appraisal systems used in the police service for the grades in question, were inadequate for the task. The Staff Side had also said that student officers who would be expecting an increment on the completion of their initial training would be especially hard hit by the suspension of incremental progression. It was in order to address this particular issue that the Official Side had amended the Part 1 recommendation so as to exclude these officers from the suspension of incremental progression. This measure, while demonstrating the Official Side's commitment to reducing the impact on the lowest paid officers and on linking reward to skill and performance, was also affordable. The Staff Side argument for similarly exempting newly promoted sergeants from the suspension of pay progression did not, in the Official Side's view, carry the same weight. The Official Side said that there was no linkage between the payment of the first increment and the successful completion of probation. If a newly promoted sergeant failed to complete probation, that officer reverted to

the rank of constable; the issue of withholding an increment did not arise so the two situations were not comparable.

16. The Official Side did not accept the Staff Side's suggestion that the suspension of pay progression was a matter on which they had not been consulted. In the Official Side's view, this issue was dealt with in the Part 1 review's call for evidence as well as a seminar on 11 November 2011.
17. The Staff Side had raised a concern that the pensions of those officers nearing retirement would be affected. This was acknowledged by the Official Side. However, the Winsor Report Part 1 had drawn a distinction between a reduction in pay received by an officer and a reduction in what that officer might have expected to receive by way of pension, in the future. The Official Side said that the pressing need for reform and savings was such that the suspension of incremental progression was necessary.
18. The Staff Side had raised concerns about the impact of this recommendation on women and black and ethnic minority officers. The Official Side said that it too had considered the impact on those groups likely to be most affected. The probable unfavourable effect on these particular groups was acknowledged by the Official Side. But there were other groups, for example white male officers with many years service who would be similarly affected by other proposals such as the removal of competency related threshold payments (CRTPs). Therefore, in the view of the Official Side, these various impacts had to be seen in the overall context of the recommendations contained in the Winsor Report Part 1.
19. Group 5 of the Official Side's proposals consisted of five items covering four areas: mutual aid, held in reserve, the standard and cost of accommodation associated with being held in reserve and, lastly, on-call. Recommendation 11 in Winsor Part 1 refers to the situation when an officer is directed to serve or work away from the normal place of duty, usually defined as a police station or some other police establishment in order to provide assistance to another police force (mutual aid). The

current provisions allow for the payment of all hours spent on duty plus travelling time provided that the officer can return home. When an officer is unable to return home they are paid for either 16 hours of the day or 24 hours if "proper accommodation" is not provided regardless of the actual number of hours worked. In the view of the Official Side these arrangements are outmoded and unfair because officers who work longer tours of duty are paid the same as those who work for shorter periods. The Official Side said that officers who are on mutual aid should be paid only for the hours actually worked plus traveling time. Where overtime was applicable, officers would be compensated for the additional time at the appropriate premium rates.

20. Recommendation 13 dealt with the issue of being held in reserve. The Official Side put forward similar arguments to those outlined in the previous paragraph. In particular, emphasis was placed on payment for hours actually worked and the need to sever the current link between the requirement to be available to return to duty on the one hand and compensation for inadequate accommodation on the other. The Official Side supported the view expressed in Winsor Part 1 that there was a similarity between being held in reserve and being on-call. The Official Side's basis for drawing this analogy was the fact that being held in reserve did not mean that an officer was actually working but simply available for duty and that this was akin to being on-call. Therefore, the payment of an allowance of £15 per day for being held in reserve was both fair and provided the taxpayer with better value for money.
21. Associated with being held in reserve is the issue of accommodation for officers when they are on this form of duty and are unable to return home. The Official Side agreed with recommendation 12 that the term currently being used to define the standard of accommodation that officers were entitled to use in this context required updating along the lines suggested in Part 1. Where the standard of accommodation as defined in recommendation 12 was not provided, the proposed allowance of £30 was, in the Official Side's view, both fair and affordable.

22. Recommendation 44 identified £15 as being the appropriate allowance payable for being on-call which, in the Official Side's view, was analogous to being held in reserve. The Official Side noted that the issue of on-call had come before the Tribunal in 2009. Then the Tribunal had decided that a national on-call allowance should be introduced but that the details attached to its introduction were to be determined by the Sides through negotiation. The Official Side said that negotiations between the Sides were held in abeyance at the request of the Staff Side pending the outcome of Part 1 of the Winsor review. The Winsor Report Part 1 recommended a national allowance of £15 per day to come into effect from 1 September 2011, payable after an officer had undertaken 12 on-call sessions in the year from 1 September. This was a measure that the Official Side endorsed. The Official Side also supported recommendation 45 that the on-call allowance should be reviewed by the Police Negotiating Board three years after the introduction of the allowance, informed by improved management data regarding on-call.
23. Group 6 of the Official Side's submission consisted of four recommendations: recommendation 43 concerning the replacement housing allowance; recommendation 59, dealing with the amount of notice required to be given by an officer wishing to return from part-time to full-time working; recommendations 25 and 27 which propose that the bonus schemes for all superintendent ranks and chief officers respectively should be suspended for two years commencing September 2011. The Official Side said that in 1994 it had been decided to end housing allowance payments for those joining the police service as such allowances were out of keeping with the character of a modern police force. That being the case, the Winsor review considered whether the replacement housing allowance should be retained for those officers who had been in service before 1 September 1994 and who were continuing to receive it. The review concluded that the complete removal of this allowance would be unfair to the officers already in receipt of it, but that the allowance should not increase from 31 August 2011. The Official Side welcomed this amendment to the current arrangements on the grounds that it was inappropriate to increase the amount due to a voluntary

change in the officer's circumstances, such as promotion. Moreover, the Official Side said that there would be some small amount of savings resulting from this change, although the amount was not specified.

24. When an officer has been working on a part-time basis but then wishes to return to full-time working, the current provisions require that officer to give the Police Authority a minimum of one month's written notice. Where a 'suitable' vacancy was available, the officer should be appointed within one month or in any event within a maximum of three months. The Official Side supported the Winsor Part 1 proposal under recommendation 59 to increase the notice period to two months where a suitable vacancy exists and to increase the maximum time available to the Police Authority to appoint the officer to a full-time position to four months. The Official Side said that this measure would allow the authority more time to find the most suitable post while retaining a provision to appoint the officer earlier (within two months) if a suitable vacancy existed.
  
25. The Official Side said that Recommendations 27 and 25 must be seen in the context of other proposals about incremental pay, most notably recommendation 20. The Official Side acknowledged that the arguments which applied to incremental progression were not appropriate in this case since the ranks affected by these particular recommendations were paid according to assessed performance. The Official Side noted the Staff Side's comments that the available savings from the suspension of the bonus schemes were relatively small; that the schemes were working well and provided good value for money. However, the Official Side said that in the current context, it was necessary to take advantage of any savings since by so doing police forces would be able to make the best possible use of their resources. Moreover, there were improvements which could be made to the existing bonus schemes. In the Official Side's view it was also important that senior ranks display the leadership required to take forward the kind of changes that were needed to reform the police service.

26. At the first hearing the Official Side presented updated figures on the costs and savings of the elements in its package of proposals. These had been updated from those published in the Winsor report Part 1 and it said took into account the most recently available statistics and projections. These were applied to the costs and savings for the financial year 2012-13. The figures included employers' pension and national insurance costs. The savings were: SPPs – £86m; Overtime - £63m; Chief Officers and superintendents' bonus costs – £2m; CRTPs- £49m; Progression freeze (after the first increment concession) – £190m. Total savings: £390m. The additional costs were: unsocial hours payment – £106m; EPAA - £99m; on-call -£11m; maternity pay increase – £6m. Total additional expenditure: £222m. Net savings in 2012-13: £168m.
27. The Official Side emphasised that the case for reform and savings as outlined in the Winsor Report Part 1, which the Official Side supported, had to be viewed as a totality which formed a coherent package of proposals designed to deliver sustainable savings in the difficult economic circumstances and also to bring about police service reforms that are required to deliver effective, value for money policing to the taxpayer. The Official Side pointed to the proposed removal of outdated, discredited measures such as SPPs; the move away from time served automatic progression; the recycling of savings towards better service delivery; the introduction of measures, such as revised rostering arrangements, that would enable forces to better deploy and manage their resources; the abolition of outdated, sometimes opaque systems of payment and their replacement by transparent mechanisms such as those relating to mutual aid, held in reserve and on-call; an emphasis on reward according to contribution, such as the proposals to introduce an unsocial hours working allowance and professionalise the police force through the new, national EPAA qualification. In conclusion, the Official Side called upon the Tribunal to find in favour of its proposals and reject the Staff Side's position.

## **SUMMARY OF THE STAFF SIDE SUBMISSION**

28. The Staff Side also opened their presentation by expressing their regret at having to refer this dispute to the Tribunal for determination. The Staff Side had engaged positively with the Official Side in an attempt to find a negotiated agreement throughout the PNB process. This could be illustrated by reference to, for example, proposals made by the Staff Side between May and July 2011 on SPPs, CRTPs and the linking of annual incremental progression to performance assessment. The Staff Side also drew the Tribunal's attention to the fact that although the proposals contained in Winsor Part 1 were referred to throughout by the Official Side as a 'package' several of Winsor's proposals had been agreed in principle by the Staff Side, demonstrating again the willingness of the Staff Side to engage with the Official Side's programme of savings and reform.
29. The Staff Side acknowledged the Official Side's emphasis on savings and reform. In the Staff Side's view however the Official Side's priority was to reduce the cost of policing; pointing out that the Staff Side had waited for the Official Side's proposals on pay reform since agreement was reached on the 3 year pay deal in 2008 and that the last major reform of pay and conditions took place in May 2002, phased-in up to 2005, with a reform of police pensions in 2006. In relation to the need for savings, the Staff Side had made substantial alternative savings proposals such that the gap between the two Sides had been narrowed to £20m for the period from September 2011 to April 2014. The Staff Side's proposals could have ensured that the savings sought by the Official Side could have been realised with considerably less pain and unfairness than was likely to result from the implementation of the Official Side's package of measures.
30. The Staff Side emphasised its view that the Winsor Report's recommended freeze on incremental pay progression was essentially the only source of the net savings in the Winsor Report Part 1 – £72m against the total net savings of £71m in 2011-12; £192m of 197m in 2012-13; and £220m of £217m in 2013-14. It considered the freeze on incremental progression to be very unfair. During the negotiations prior to the

differences between the parties being referred to the PAT, and subsequently, the Staff Side put a number of costed proposals to the Official Side. These proposals, when considered in place of some of the Winsor Report Part 1 recommendations would result in net savings of a substantial magnitude. Initially, as in the Winsor Report Part 1, these were calculated for the half-year 2011-12 and the full years 2012-13 and 2013-14. These savings arose from the Staff Side's proposed suspension of the SPP pot for three years until 2014; a reduction in the payment for casual overtime which is not directed from time and a third to plain time; the suspension of the superintendents' and chief officers' non-pensionable bonus payments until September 2013; the suspension at this time of the Staff Side's long-standing claim of a national on-call allowance; and acceptance of a two-year pay freeze. These savings plus the reduction in the number of officers in receipt of the replacement housing allowance, amounted to a total saving of between £374m and £422m by 2014. Using updated figures presented to the Tribunal and the Staff Side at the hearing, the Official Side calculated the total net savings arising from the Staff Side's alternative proposal for the year 2012-13 as being £130.1m. This compared with the net saving figure of £168m for 2012-13 in the Official Side's proposal, a difference of £37.9m.

31. The Staff Side said that the Official Side's claim that there was an urgent need for reform was all the more puzzling in the light of recent trends. The Staff Side reported that crime figures were at their lowest for 30 years; that victim satisfaction with the police had increased from 58 per cent to 70 per cent; that in the last five years the proportion of people who think the police are doing a good or excellent job had risen from 50 per cent to 59 per cent; that overall confidence in the police had risen from 63 per cent to 72 per cent, while trust in the police had also risen to the same level as that for the judiciary and the clergy. The Staff Side noted that the trust rating for the police was far higher than that for civil servants, business leaders, journalists, government ministers and politicians in general. In addition to the pay reforms agreed in 2003, the police service had introduced a number of modern management practices

in recent times and this could be illustrated by reference to the following examples:

- Hampshire Constabulary was the fourth best employer in the Stonewall Workplace Equality Index 2011 with another 14 forces in the top 100
- The Metropolitan Police Service won the Large Employer Award in the National Training Awards 2010
- Leicestershire Constabulary and West Midlands Police were both in the Times Top 50 Employers for Women 2011

Generally, the Staff Side said that the package of proposals with which the Official Side wishes to press ahead, were neither necessary nor fair. If the Staff Side had felt the proposals to be fair, a referral to the Tribunal would not have taken place. As for the proposals themselves, the Staff Side had a number of concerns surrounding the matters before the Tribunal and these were addressed in relation to each item individually.

32. The Staff Side said that recommendation 2 proposing the introduction of an unsocial hours allowance for working between 8pm and 6am raised a number of concerns. In the Staff Side's view, the payment of an extra amount for working those particular hours implied that other hours worked by officers were of lesser significance and so the proposal was divisive. It was recognised that shift working was a feature of police service but there were associated adverse health implications surrounding this. While these were acknowledged in the rationale underlying the recommendation, that rationale itself was flawed. In particular, the Staff Side quoted research indicating that it was the *frequency* of changes to shift patterns that were most detrimental to health. The proposal did not, in the Staff Side's view compensate officers adequately for this, and the level of the proposed allowance was lower than the average in the wider economy. The proposal was also likely to have a detrimental effect on those, particularly women officers, who have child caring responsibilities. The case of *Manley and Blackburn v West Midlands Police* illustrated the difficulties of obtaining childcare services in the 'unsocial hours' period. So the issue, the Staff Side said, was not about being able to pay for childcare but rather about not being able to find it. In the Staff Side's

view, the gender impact assessments undertaken in Winsor Part 1 and by the Official Side were insufficiently robust and insufficiently detailed. The Staff Side highlighted further concerns in connection with this proposal. In particular, it failed to take into account that most crime occurs during the day and that the public place a high value on police visibility - to reward officers at times of lower visibility seemed to be contrary to what the public actually want. Moreover the proposal was likely to increase bureaucracy while reducing flexibility.

33. Recommendation 5 proposed the amendment of the current Police Regulations such that chief officers should be required only to consult, as opposed to agree, with the local joint branch board over the issue of variable shift arrangements (VSA). In the Staff Side's view chief officers already have considerable flexibility to deploy officers and no evidence was provided by the Official Side to suggest that the current arrangements, which covered hundreds of VSAs, were preventing chief officers from deploying their resources as they thought most appropriate. In fact the Staff Side pointed to the findings of a Home Office study in 2003 and another by Accenture in 2004 into the workings of the Regulations - both reports concluded that there were no barriers to effective officer deployment or service delivery. The Staff Side said that the current Regulations provided a measure of protection for officers' work-life balance, supported by Home Office guidance issued in 2010 which was not considered in Winsor Part 1. The proposed amendment would remove this protection and could have unfavourable effects on service delivery.
34. The Staff Side said that the Winsor Report Part 1 proposal under recommendation 6 to remove the premium rate of overtime payable to officers for 'casual' overtime had to be seen against the background of a reduction in overtime expenditure of £65 million in the last two years – a saving of 15 per cent to the public purse. Moreover, the rate of time and a third at which overtime was paid to officers was not, in the Staff Side's view, excessive when compared with practice elsewhere in the wider economy and this was without taking into account the 'Queen's half-hour'

requirement under which officers were required to disregard the first 30 minutes of duty. The proposal was of particular concern to the Staff Side since the estimated imminent reduction of officer numbers by approximately 16,000 suggested that the amount of overtime required to be worked by officers was likely to increase. The cost deterrent on management deciding to require 'casual' overtime was being reduced. This would result in unfavourable consequences for officers' work-life balance. Further, there was no evidence to support this proposal and in particular no evidence from the Official Side of abuse of the kind reported in some areas of the media. Of additional concern to the Staff Side was the fact that the issue of a 'buy-out' for overtime in some roles could be considered in Part 2 of the Winsor Review and the proposed reduction in the rates of overtime payable could be a mechanism for reducing the value of any future buy out.

35. Recommendation 7 proposed changes to the existing arrangements in Police Regulations applicable to the premium rates and notice period requirements for officers called upon to work on rostered rest days. The Staff Side characterised these amendments as cost saving measures which in particular would affect officers with domestic caring commitments. Although there was no specific equality impact assessment undertaken, the Staff Side was of the view that women officers would be most severely affected. While the measure to increase the notice given was intended to incentivise police forces' management to plan officer deployments further in advance, the Staff Side said that the reduced cost of calling on officers to work on rostered rest days would have the opposite effect. Additionally, the Staff Side was concerned about the quality of the data available to Winsor and to the Official Side and therefore the impact of any measures which flowed from the data used.
36. In the Staff Side's view, recommendation 8 proposing that – apart from 25 December - officers should be allowed to choose their own preferred 'public holidays' in recognition of the fact that the existing eight statutory public holidays are no longer significantly different from other working days would introduce greater bureaucracy and reduce the flexibility that

forces already have under current Police Regulations to plan workforce deployment. As to these days being much the same as other working days, the Staff Side pointed out that educational establishments and childcare providers normally close on public holidays. The reduced flexibility would follow from the need for forces to revert to 12-month duty rosters, even though in 2002 the Staff Side had agreed to the Official Side's request to move to three-month rosters.

37. Recommendations 11 and 13 in Winsor Part 1 indicated, the Staff Side said, that neither Winsor Part 1 nor the Official Side appreciated the distinction between mutual aid and held in reserve on the one hand and the difference between held in reserve and on-call on the other hand. Staff Side clarified that mutual aid i.e. assisting in another police force's area, provided for an officer to return home, but where the officer was not free to return home, whether on mutual aid or within their own force area, that officer was held in reserve. Held in reserve is very different from on-call. The latter allows an officer to remain at home and enjoy normal family life, subject to some specific restrictions, but to be available for duty if called upon. As the Staff Side explained, this is very different from being held in reserve. Turning to the issue of payment for mutual aid and held in reserve, the Staff Side clarified that the current arrangements for mutual aid and held in reserve were put in place to compensate officers for inconvenience, the disruption to family life, caring responsibilities and being unable to return home. Moreover, mutual aid is not voluntary. The Staff Side said that the current arrangements have worked effectively both operationally and from a cost standpoint, as demonstrated recently by forces' ability to mobilise 16,000 officers during last summer's public disorder. In the Staff Side's view the proposals put forward in Winsor Part 1 did not adequately recompense officers for being on mutual aid or held in reserve and unable to return home. The linkage between the allowance proposed for held in reserve and that paid for on-call was flawed because of a misunderstanding of the two different situations.

38. While the definition of 'proper accommodation' contained within recommendation 12 of Winsor Part 1 was accepted by the Staff Side, the amount of £30 as proposed was not seen as being a sufficient deterrent to forces wishing simply to pay the allowance instead of providing the level of accommodation specified in the recommendation as this strategy could be more cost effective for the force.
39. Recommendation 20 proposed the suspension of incremental pay progression for a two-year period with effect from September 2011, for all police officers below the top of their pay scale. This would affect all police officers except chief constables and deputy chief constables and their London equivalents, who are on spot salaries. Staff Side said that no consultation had taken place over this proposal. Therefore the Staff Side had not been afforded the opportunity to put forward its views during the period of the Winsor review. In the Staff Side's view, suspension was also unfair because other workers in the public sector were still receiving their increments despite the two-year pay freeze imposed by the Government. The Staff Side noted the Official Side's opposition to time / service based incremental progression in principle but pointed out that research had shown that pay progression in the public sector was also aimed at rewarding an individual's acquisition of skills and experience in a particular role. The Staff Side were also of the view that there was no distinction drawn in the Official Side's proposal between those in the federated ranks who were on an incremental pay scale and all superintending and some chief officers (ACCS) whose incremental progression was judged on assessed performance. This was despite the fact, the Staff Side said, that the wording of recommendation 20 seemed to suggest that where progression was not automatic, the increment should not be suspended. To then include ranks whose pay progression was based on performance in the proposed suspension seemed contradictory, the Staff Side said. The Staff Side also drew the Tribunal's attention to the impact of pay progression suspension on particular groups. The proportion of women in the police service had increased significantly in recent years. One effect of this was that there was a greater proportion of women concentrated at the lower ends of the pay

scales for all ranks. The same effect could be said to apply to Black and Ethnic Minority (BME) officers. The Staff Side also drew attention to the results of the Winsor Report Part 1 Equality Impact Assessment (EIA) which suggested that there were indeed equality issues arising from the application of this proposal. At the other end of the career ladder, officers nearing retirement would see the value of their pensions decreased as a result of this recommendation. The Staff Side said that since this recommendation was in effect the only proposal which could deliver the volume of savings being sought by the Official Side, the latter were determined to press ahead on the basis that all groups would be adversely affected by recommendation 20 - despite the evidence of its disproportionate effects on particular groups and the existence of case law determining that the equality impact of each element of the pay package should be considered separately. Aside from these concerns, the Staff Side also pointed to the fact there was no indication as to what would happen at the end of the two year suspension. It was possible, the Staff Side said, that were the suspension of incremental progression to continue beyond two years, the gender pay gap and the pay disparity between white officers and BME officers could become permanent.

40. In acknowledgement of the Official Side's desire to move away from service based incremental progression, the Staff Side had put forward a proposal to make incremental progression for federated ranks subject to the achievement of a satisfactory annual performance review, thus bringing these ranks into line with superintendents and assistant chief constables (ACCs). The Staff Side said that this proposal, which it regarded as being very significant, had been rejected by the Official Side on the grounds that the police service generally was not yet in a position to introduce and administer a performance-related pay system. The Staff Side said that the Official Side had had sufficient time in recent years to introduce such a system for the federated ranks. Indeed some elements which could be so described had been introduced into the pay structure in the last decade. It also noted that superintendents and chief officers were subject to a performance pay structure on which the Winsor Report Part 1 had commented favourably.

41. Recommendations 25 and 27 in the Winsor Report Part 1 proposed the suspension of bonus payments for two years, commencing September 2011, for chief officers and superintendent ranks respectively. The Staff Side said that no evidence had been produced to justify the suspension of bonus payments for the two groups. The Official Side had said that savings and reform were the key considerations. However, the Winsor Report Part 1 estimated that the level of savings to be made from these two proposals was approximately £2.5m in the three year period 2011-14, which was a very small proportion of the total savings being sought by the Official Side. The Staff Side said that the case for reform was also unclear. The bonus scheme for chief officers was said by the Official Side to lack support, yet police authorities who had responsibility for the scheme had in 2010 paid a bonus against a set of pre-determined criteria to the majority of chief constables and deputy chief constables. The bonus scheme for superintendent ranks was introduced in 2003 as part of an Official Side initiative for performance related pay. The Official Side's case for reform in this area was not supported by the Winsor Report part 1 finding that the scheme was working satisfactorily, said the Staff Side. Savings were being made by a substantial reduction in numbers in the superintending ranks since 2010. The Staff Side reiterated that no evidence had been produced by the Official Side to justify the suspension of bonuses for chief officers and superintendent ranks.
42. Competency Related Threshold Payments (CRTPs) were introduced in 2002 as part a package of pay reform measures. The rationale for their introduction was to incentivise federated ranks officers who had reached and spent a year at the top of their incremental scale. To be awarded a CRTP the officers had to have demonstrated and maintained a high level of professional competence assessed against nationally established criteria. Recommendation 29 of the Winsor Report Part 1 proposed the abolition of CRTPs with effect from 31 August 2011. As CRTPs were pensionable, this proposal would negatively affect officers' pensions. The Staff Side said that approximately one in three officers were eligible to apply for a CRTP. Of those, 90% applied and 99% of those applicants

were successful. Although there were some reservations around gender impacts, the Staff Side believed that on the whole CRTPs worked well. The Staff Side proposed that consistent with the Official Side's aspirations to reward contribution, CRTPs should be extended to all officers and linked to the annual appraisals. This suggestion would, the Staff Side said, encourage better management of the process and address the Official Side's desire for reform.

43. The Staff Side said that Special Priority Payments (SPPs) were introduced as part of a package of pay reform measures. Consistent with Winsor Part 1 and the Official Side's emphasis on the differentiation of roles, the measure provided chief officers with an opportunity – within a specified limit - to reward officers according to the role they filled. The Staff Side said that in practice SPPs were divisive, discriminatory (according to PNB research), inconsistently applied by forces and had lost credibility with chief officers. Nevertheless, the Staff Side acknowledged that SPPs provided a measure of local flexibility to forces and expressed surprise that the Official Side now wanted them to be abolished as proposed in recommendation 33 of the Winsor Report Part 1. The Staff Side said that the proposed introduction of an interim Expertise and Professional Accreditation Allowance to replace SPPs would not address the current shortcomings but in all likelihood would increase divisiveness and discrimination. The Staff Side said that the funds saved by their proposal that SPPs be suspended for a three year period until September 2014 would be better utilised if directed: towards areas of officers' pensionable pay; to enable officers to move up the incremental scales in this period; and to assist officers to retain CRTPs. During the hearing on 8 November 2011, the Staff Side indicated that they would accept the abolition of SPPs – rather than their suspension - if that would help to secure an agreement with the Official Side.
44. The proposed introduction of an interim Expertise and Professional Accreditation Allowance in recommendation 34 was not viewed at all positively by the Staff Side. The Staff Side expressed the view that this proposal should be regarded more properly as a matter for Part 2 of the

Winsor review, which was to focus on the bases of pay and pay structure. Turning specifically to the details of the proposal itself, the Staff Side said that it was concerned at the lack of transparency in the selection of the four roles identified in the Winsor Report Part 1. It could be argued the Staff Side said that there were other roles which could have a stronger claim to qualify for the EPAA allowance. The Staff Side said there was scope for an objective and rational approach to be applied in the assessment of police roles on a rank basis but were of the view that as things stood, the process of job selection used in Winsor Part 1 was insufficiently robust. The Staff Side noted a tension between the role-based EPAA allowance and chief officers' powers under Police Regulations to direct officers into or out of any role or part of the force irrespective of the skills or qualifications held by the officer. There was also scope the Staff side said for officers in the neighbourhood policing role to be moved just before satisfying the three-year EPAA service requirement. This could, in the Staff Side's opinion, lead to dissatisfaction with operational decisions made by senior officers if they involved moving officers from roles which attracted the EPAA allowance to ones that did not. The fact that the roles identified by the Winsor Report Part 1 were ones which were in the main performed by men heightened the Staff Side's concerns about the gender implications of EPAA. In the Staff Side's view, the Equality Impact Assessment in the Winsor Report Part 1, in respect of the EPAA, lacked depth. There were also Staff Side reservations about the accuracy of the information used, for example in relation to the number of firearms officers in England and Wales and about access to training for the roles selected. In sum, the Staff Side said that the gender and divisive shortcomings which had characterised SPPs were also evident in the proposal which was intended to replace them on an interim basis, while the robustness of the EPAA's design was questionable.

45. Recommendation 43 in the Winsor Report Part 1 proposed one amendment to the housing replacement allowance framework. The Staff Side said that the proposal that an officer's change in personal circumstances, such as promotion, should not trigger an increase in the amount of the allowance was not supported by any evidence. The Staff

Side said that when an officer was promoted from a federated rank to a superintendent rank, the allowance formed part of the package intended to attract and reward officers seeking promotion and additional responsibility. The Staff Side said that it was recognised by Winsor that the application of the allowance was in decline as the number of officers in receipt of it diminished, so the amount of savings to be realised from this recommendation was small. The Staff Side had indicated however that it would be prepared to accept recommendation 43 if the Official Side honoured a PNB agreement (PNB Circular 11/02) under which officers sharing an allowance could elect to opt for the higher amount and forego the lower one, rather than having their housing emoluments halved. The Staff Side said that the amount spent on the replacement allowance was projected to fall by £55m by 2014, but that these savings were not factored into the Winsor Report Part 1.

46. The issue of a national on-call allowance was referred to the PAT in 2009 and was dealt with in recommendations 44 and 45 of the Winsor Report Part 1. The Staff Side said that these proposals were unacceptable for a number of reasons including: uncertainty around the number of officers who undertake on-call duties; the low rate proposed (£15 per session); the fact that no distinction was apparently drawn between being on-call on a rest day, annual leave, public holiday or free day, and the stipulation that 12 on-call sessions must be worked without payment each year before qualifying for an on-call payment. The Staff Side drew attention to the formula developed within the PNB and identified the rate of £23 which had been applied without the 12 free-sessions qualifying period in Scotland. The Staff Side said that this would result in a total cost lower than the £15m estimated by Winsor. More generally however, the Staff Side felt that this was a matter best deferred for consideration under Winsor Part 2, which would consider the case for role-related pay.
47. In the Staff Side's view there was scant evidence or logic behind recommendation 59. There were, the Staff Side said, no problems associated with the existing arrangements. The Staff Side noted that there was no explanation in the Winsor Report Part 1 as to what the

recommendation was intended to achieve, nor was there any detailed consideration of the impact on part-time officers, the great majority of whom were women.

48. The Staff Side said that it had attempted to negotiate with the Official Side in a constructive and meaningful way but that the latter had changed its stated priorities during the course of discussions and failed to give proper weight to alternative proposals made by the Staff Side. The Staff Side said that there were some key themes which the Staff Side would like the Tribunal to consider. Thus, the Staff Side asked the Tribunal to consider the complexity of modern policing and the impact on officers' lives when considering proposed changes to police pay. The Staff Side had serious concerns about the financial recommendations contained in the Winsor Report Part 1 and endorsed by the Official Side, and the implications for officers which flowed from those recommendations. The Staff Side said that some of the measures proposed aimed at addressing organisational issues could be dealt with by existing systems being properly managed. In addition to the adverse impact on officers' earnings, standards of living and morale arising from the Official Side's proposals, the Staff Side also had concerns about the particular impact on the increasing numbers of officers who are women. The equality impact assessments carried out by Winsor and the Official Side were, in the Staff Side's view, inadequate and this was a feature running through many of the proposals put forward by the Official Side. In the Staff Side's view, the package of proposals contained in the Winsor Report Part 1 and supported by the Official Side, was both detrimental and unfair to police officers and would damage the quality of policing delivered to the public. Therefore, the Staff Side called upon the Tribunal to reject the Official Side's proposals.

## CONSIDERATIONS

49. We thank the respective Sides for their clear, detailed and well presented submissions. We have given full and careful consideration to all the oral and written information presented to us. In reaching our Award we have considered only the evidence put before us by the parties.
  
50. In making its recommendations, the Tribunal has had regard to the arguably unique circumstances surrounding the matters put before it and attempted to take a balanced approach. Some of the evidence presented to the Tribunal, particularly in the areas of equality assessments and the cost of various categories of overtime was of variable quality. During the course of the hearings, calculations were presented to the Tribunal by both Sides as to the quantum of realisable savings. Some of this was not as precise as the Tribunal would have wished. The Tribunal would urge the Sides to improve this aspect of their activities before embarking on negotiations over the Winsor Report Part 2 recommendations. In arriving at its estimates as outlined in Appendix 1 the Tribunal has relied on the figures provided by the Official Side at the first hearing. (In doing so, the Tribunal noted the caveat made by the Staff Side that previous to the hearing on 8 November, it had not had sight of the Official Side's updated figures on costs and savings which (as explained by the Official Side) were based on more recent data than that considered by Winsor.)
  
51. The Tribunal recognises the very special place occupied by the police service in civil society and the reliance placed on it by citizens. The Tribunal is also conscious of certain significant limitations on police officers, for example their lack of a right to strike. Against this must be placed the need for value for money at a time of straitened circumstances and also the need to modernise some aspects of the service. It is hoped that in the course of pursuing necessary savings and reform, the positive features of the police service, such as effective teamwork, are maintained.

52. This referral to the Tribunal is an unusual one and very different from those put before the Tribunal in recent years. The Tribunal notes however that nine items have been agreed in principle by the Sides during the course of their discussions within the PNB framework and these are listed at Appendix 2. The remaining matters referred to the Tribunal could in many cases have been the subject of single arbitrations in their own right. Exceptionally, the Tribunal has been asked to arbitrate on no less than 18 recommendations made by the Winsor Report Part 1, an independent review of police remuneration and conditions, commissioned by the Home Secretary. Arbitration referrals are usually very much narrower in scope, than matters concerning the re-structuring of the pay, conditions and other aspects of an entire workforce. Not only is the breadth, depth and range of the referral challenging, so are the circumstances within which this award has had to be produced. At the outset it was envisaged that the interim period between the Winsor Report Part 1 and Part 2 would be about four months. In the event, the gap has already extended to nine months, and Part 2 – concerned with longer term structural and other issues – has not yet been published.
53. These complexities meant that there were several dimensions to the Tribunal's deliberations. It considered the issues for decision as part of a package of proposals by the Official Side arising from the Winsor Report Part 1, some of which had already been agreed in principle by the parties at the PNB. Secondly, it considered each issue on its merits and having done so, how the PAT's initial views related to the broader context, including savings and reform. It further considered the implications of the delay between the publication of the Winsor Report Part 1 and the expected publication of longer term proposals in the Winsor Report Part 2. The Tribunal was also aware that none of the PNB-relevant recommendations in the Winsor Report Part 1 had been implemented although there were references in the Report to specific dates for their introduction, e.g. September 2011. Consequently, savings anticipated in the second half of the financial year 2011-12 have not commenced. The principal focus during discussion of cost savings matters at the hearings was the next full financial year 2012-13 and this has been used by the

Tribunal as the basis for its deliberations on costs and savings. The dates of implementation of specific recommendations involve both immediate practical matters and wider considerations

54. The Tribunal is conscious that the economic and financial circumstances which the Government and the nation are facing are serious and the outlook is less than promising; this has inevitably informed its deliberations in part. In particular the Tribunal was conscious of the Government's deficit reduction programme; the incidence of budget cuts including the two-year pay freeze in the public sector and the dual focus in the Winsor Report Part 1 of achieving savings and indicating the probable direction of longer term reform. As police officers' and staff pay including employers' pension and National Insurance contributions, constitute around 80% of the total cost of the police service, cost savings will potentially and necessarily impact in this area.
55. The fact that we have not alluded to each and every point covered by the Sides in their submissions and at the hearings and also in their respective summaries of case as outlined in the preceding paragraphs of this award, should not be construed as an indication that they have been overlooked by the Tribunal. In the interests of fairness, the Tribunal has worked through each of the items placed before it carefully and in turn, to ensure that both Sides' arguments have been given full and proper consideration.
56. In summary the Tribunal has approved 10 of the 18 recommendations, modified five of them and issued no award on three recommendations. The financial impact of the award, in terms of the net savings likely to be achieved in 2012-13, has been estimated by the Tribunal using the itemised figures applied to that year at the hearings by the Official Side. The net savings flowing from the PAT's award in 2012-13 are estimated at £163m. This compares with an equivalent figure of £168m under the proposals made by the Official Side. (Further details of the Tribunal's estimates are given in Appendix 1.)

## **Recommendation 2 – Unsocial hours payment**

57. The Staff Side presented some strong arguments as to why this recommendation was not in their view as well thought out as it might have been and that the proposed payment was low in comparative terms. In particular, the Staff Side highlighted the potential impact on those officers with caring responsibilities who would face difficulty in finding care services during most of the period for which the unsocial hours allowance would be paid, 8pm and 6am. This could lead to them being unable to take advantage of the new allowance and indeed could in some cases lead them to finding police work less attractive and leaving the service. The Tribunal too has some concerns around this issue given the increase in the proportion of women police officers in recent years and the possibility that the measure could widen the gender pay gap in the police force. On balance however, in the Tribunal's view, there is merit in the idea of recognising and rewarding officers who actually work these hours and it is consistent with the Official Side's desire to reward officers according to contribution.

## **Recommendation 5 – Variable shift arrangements (VSAs)**

58. The Tribunal accepts the Staff Side's observation that the current VSA practices do not appear to pose any serious operational difficulties for chief officers. However, the current arrangements whereby a chief officer is required to agree a VSA with the local joint branch board and individual officers, appeared to the Tribunal to be very unusual. We note the Official Side's comment during the hearing that the local boards can have a 'moderating' effect which perhaps does not allow the preferred option to be proposed and adopted. On balance, the Tribunal feels that senior managers must, after undertaking extensive consultation, be allowed to make operational decisions on this matter. The Staff Side's concern that allowing this recommendation to be introduced would remove an important safeguard protecting officers' work- life balance is understandable, but we are not persuaded that chief officers would operate the amended VSA provisions in a manner likely to be detrimental to the wellbeing of the officers under their command. We note also the

Official Side's assurances in this regard and would expect those assurances to be honoured.

**Recommendation 6 – Payment for 'casual' overtime**

59. The Winsor Report Part 1 made more than one proposal in relation to overtime payments. Before commenting on those proposals it should be said that the Tribunal accepts the definition of overtime as provided in the Winsor Report Part 1 – that all overtime be categorised as 'casual' except where it entails working on rest days, public holidays or annual leave - in which case it should be referred to as 'planned' overtime. Secondly, we note that there is a marked disparity and indeed a range in the two Sides' estimates of the savings that would be forthcoming from the proposed changes to premium payments for overtime working, etc. This would suggest that there may be scope for seeking to improve the quality of management data in this area.

60. Having considered the evidence before us (including our understanding that officers will continue to be required to work the 'Queen's half-hour' without payment), we are not persuaded that, with the burden of overtime working likely to increase in the light of reduced officer numbers, it would be appropriate to reduce the rate payable for hours worked (and travelling time if recalled between two rostered tours of duty) from the current rate of time and one-third to plain time. We do however accept that the minimum hours payment for being recalled between tours of duty should be abolished, as stated in recommendation 6, on the basis that payment for overtime is made for the actual hours worked.

**Recommendation 7 – Overtime for working on rostered rest days**

61. Based on the Tribunal's understanding of the arguments put forward by the Sides and the data presented, we note that overtime constitutes a relatively small proportion of the total paybill, perhaps as low as 5%. It is difficult to be more precise in the light of the inadequacy of the data relating to this aspect of pay. The direction of travel underlying this proposal to reduce the premium rate is consistent with that seen in the

wider economy and signals modern practices being adopted in the police service. However, given the importance both Sides attach to work-life balance issues and the abolition of the additional premium for cancellations with 5 days notice or less the Tribunal feels that practice should be monitored to ensure that the proportion of very short notice changes does not increase unduly.

62. The Staff Side drew the Tribunal's attention to the impact of Winsor's overtime recommendations in relation to part-time workers and free day working. In the absence of any proposals in connection with this issue, the Tribunal felt unable to take the matter further.

### **Recommendation 8 – Public holidays**

63. The Tribunal is of the view that this proposal is another indication of modernity, reflecting the changed nature and composition of the society served by the police. The retention of the protection for Christmas Day for all officers is a welcome acknowledgement of the special status still associated with this particular public holiday. The Tribunal accepted the Official Side's confirmation that this change would not necessitate a return from three-month to annual rostering.

### **Recommendations 11 and 13 – Mutual Aid and and Held in reserve**

64. This was an area of some debate during the hearings. There does appear to be a lack of precision and consensus between the Sides and indeed in the Winsor Report Part 1, in their understanding as to the distinction between these two types of duty, and to some extent a third type of duty, on-call. The Tribunal's understanding of the Winsor Report Part 1 proposal is that if officers are held in reserve and are unable to return home they would receive essentially the same reward as if they were fulfilling their duties at their normal place of work – plus traveling time and a payment of £15, equivalent to the proposed on-call payment. [The issue of on-call is dealt with separately in paragraph 74 below.] The Tribunal accepts the Winsor Report Part 1's proposal that officers on mutual aid or held in reserve should be paid for the actual hours worked, but it also recognises that disruption is caused to officers' lives, especially their family lives, and

the fact that officers are/can be directed to be on mutual aid or held in reserve. The compensation measures proposed in the Winsor Report Part 1 are a major change from the existing arrangements. In the Tribunal's view, there should be an element of additional compensation for officers who are held in reserve and unable to return home (whether this is in their own force or on mutual aid operations). Therefore, the Tribunal has calculated, by approximate reference to the hourly rate for constables (at the 8<sup>th</sup> point on their scale), that an amount of £50 should be paid as an 'Away From Home Overnight Allowance'. The existing 16-hour payment would cease. However, the new allowance will be some recompense particularly for officers who are held in reserve for protracted periods. The Tribunal is of the view that the financial impact of the new allowance is likely to be broadly cost neutral as its cost will be offset against the reduced cost associated with the removal of the 16-hour payment in respect of officers held in reserve. The Tribunal accepts the second provision in recommendation 11 relating to unsocial hours, short notice and eligibility for the applicable overtime rates.

### **Recommendation 12 – 'Proper Accommodation'**

65. The Tribunal accepts that the definition of 'proper accommodation' should be replaced by that contained in the Winsor Report Part 1. The Tribunal also accepts that the definition 'higher standard accommodation' should be removed and not replaced. The level of payment specified in the absence of proper accommodation, £30, should in the Tribunal's view, be reviewed from time to time in the context of inflationary pressures. Further, the possibility exists that forces will simply pay the flat £30 allowance instead of providing officers with the level of accommodation specified in recommendation 12. Consequently, the outcome of this recommendation should be checked periodically.

### **Recommendation 20 – Suspension of incremental progression**

66. As the Staff Side pointed out, this proposal is by far the single largest source of financial savings. The Tribunal is aware of the Government's two-year pay freeze throughout the public sector and understands the Staff Side's stated concerns about what government policy might be in

relation to pay once the current two-year pay freeze comes to an end. The Tribunal is also aware that within the public sector, in the context of the two-year pay freeze, some employers are freezing the payment of salary increments while others are not. What is proposed for police officers is a complete freeze on incremental progression for a two-year period for all officers except for new entrants completing their training and moving from the first to the second point on the constables' scale. The Tribunal does not underestimate the hardship that this measure is likely to cause to the large numbers of officers in the many ranks affected by the suspension. Nor is it unmindful of the perception of unfairness felt by the Staff Side – particularly with regard to the Staff Side's position as set out in their submission to the Tribunal that the issue of incremental pay progression was not raised with them during the course of the Winsor Report Part 1's review period when consultations with stakeholders were taking place. There are other concerns around this proposal. In recent years the police force has recruited many more women and BME officers and they are, for the most part, concentrated in the lower reaches of their pay scales. The Tribunal is not persuaded that sufficient attention has been given to the equality implications arising from recommendation 20 in particular.

67. The Staff Side signalled their readiness to engage in meaningful discussions with the Official Side on pay progression being linked to the completion of satisfactory performance reviews. We recognise that for the Staff Side, this is a significant shift in their position. We note that the Official Side's response in this particular context was to state that the police service did not have sufficiently robust processes to be able to accommodate this change in relation to the ranks under consideration. We also note that officers who are in more senior ranks, i.e. not in the federated ranks, move up their incremental scales on the basis of assessed performance, albeit that the number of officers in those senior ranks is lower. The Tribunal recognises that the Official Side's case was driven by the need to make savings and also to seek reform of the police service in areas where they felt a more modern approach was necessary. Thus the suspension of pay progression was seen by the Official Side as

an important statement of intent signalling its determination to move away from time/service based progression to a structure based more on contribution and performance. The Tribunal was also mindful of the Official Side's observations on the relative job security of police officers in circumstances where reductions in forces' budgets necessitate savings across the police workforce. The Tribunal notes that the Official Side agreed to exclude new officers at the base point from the suspension on progression in order to reduce the impact on them and recognise skill acquisition. However, in the Tribunal's view further amelioration of the most severe effects of the two-year suspension of pay progression is required for the shorter service constables as they gain experience. Therefore, the Tribunal awards that the first *three* steps on the constables' pay scale are to be excluded from the two-year suspension of incremental pay progression. All other points on the scales are to be frozen in line with recommendation 20 in the Winsor Report Part 1.

68. In modifying recommendation 20 the Tribunal hopes partially to address the unfavourable impacts on those groups of officers who may be disproportionately affected by the original proposal as set out in the Winsor Report Part 1. It is also to ensure that new officers are rewarded as they would have expected for having successfully completed both their training and their probationary periods and as they develop further as increasingly experienced officers. The date of implementation is to be 1 April 2012 or earlier if administratively possible. This timescale will hopefully enable the necessary decision-making processes to be completed and allow time for administrative procedures to be suitably amended.

### **Recommendations 25 and 27 – Bonus schemes**

69. The proposal to suspend the bonus schemes for chief officers, superintendents and chief superintendents is dealt with together here as these groups of officers share the common feature that their remuneration contains a performance related element. Thus chief officers' bonus payments are based on performance against their force's policing plan; while those of superintendent ranks are judged on their personal

Performance and Development Review rating – ‘exceptional’, ‘competent’ or ‘not yet competent’. In their presentation, the Staff Side had highlighted some very positive indicators in terms of performance and public perceptions of the police service. In the Tribunal’s view a good measure of the credit for this must go to this group of officers, in the same way that when performance and public perceptions of the police take a turn for the worse, these officers must shoulder the greatest responsibility. The Official Side had conceded that possible savings from the suspension of the bonus schemes were likely to be small. However, the Official Side’s argument that it would be a sign of leadership by example if senior ranks were also to bear the sort of financial pressures that the federated ranks were facing, has some resonance. For this reason, the Tribunal accepts both of these recommendations.

### **Recommendation 29 – Competency Related Threshold Payments (CRTPs)**

70. The Official Side had stated that CRTPs were originally intended as an incentivisation measure but they had ceased to function in that way and had, in effect, become an additional increment for federated ranks officers who had reached the top of their pay scales. This was illustrated in part by the high proportion of successful applications for CRTP payments from those officers eligible to apply. The Staff Side had drawn the Tribunal’s attention to the fact that the officers awarded CRTPs had attained and continued to maintain a high degree of competence. Attention was also drawn to the negative impact abolition would have on officers’ pensions.

70. The Tribunal feels that it would be unfair to take CRTPs away from those officers who had earned them. It also considers that CRTPs are an element of the current pay structure and is conscious that longer term pay structural issues are to be addressed in the Winsor Report Part 2. Thus, in the Tribunal’s view, a freeze on new applications would be appropriate in the context of the imminent Winsor Report Part 2 recommendations. Accordingly, the Tribunal considers that this recommendation should be modified so that CRTPs for those who already receive them should remain in place but that there should be a two year freeze on all new applications.

### **Recommendation 33 – Special Priority Payments (SPPs)**

71. Special Priority Payments were intended to recognise the contribution of officers who, in the view of local force management, fulfilled specific roles. Thus they allowed a measure of local flexibility to forces to additionally reward the performance of different roles. The Sides are well acquainted with the history and experience of SPPs so there is little merit in dwelling on these areas. Moreover, although the Sides differed in relation to their abolition or suspension, it would seem that both Sides have no desire to see them retained, albeit for different reasons. The Tribunal accepts the recommendation in the Winsor Report Part 1 that they be abolished. Entitlements should cease from an early date (see paragraph 76) with any outstanding payments being pro rata'd to that date.

### **Recommendation 34 – Interim Expertise and Accreditation Allowance (EPAA)**

72. The proposed EPAA was intended to be an interim measure. That, coupled with the scheduled publication of the Winsor Report Part 2 on 31 January 2012 has prompted the Tribunal to make no award on this recommendation. In the Tribunal's view, it would be better for the EPAA to be deferred until the Sides are able to give proper consideration to the contents of Part 2. However, the proximity of the Winsor Review Part 2 is not the sole reason why the Tribunal feels unable to accept recommendation 34. In the Tribunal's view, the question of additional reward for expertise or time served in specific roles and/or application of accredited skills or qualifications in specific roles 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. The structural issues surrounding the introduction of this proposal are such that the Tribunal is loath to intervene ahead of the Winsor Report Part 2.

### **Recommendation 43 – Replacement allowance for housing**

73. The Tribunal has been told by the Staff Side that the volume of savings to be realised from this recommendation is likely to be small. The view of the Official Side is similar. It is unfortunate that the issue of shared emoluments prevented the two Sides from concluding an agreement on

this issue. On balance, the Tribunal agrees with the Official Side's position and accepts the recommendation.

#### **Recommendations 44 and 45 – On-call allowance**

74. The appropriate level of recompense for being on-call has been outstanding for some time. The Tribunal's view is that being on-call is very different from being held in reserve and unable to return home, but nevertheless places some restrictions on the affected officers' private lives. The Tribunal's view is that the proposed level of recompense is rather low given (a) the generally high level of skills required to be possessed by officers who are on-call; (b) the proposed 12 on-call sessions qualifying period; (c) the fact that an amount of £23 per session has been applied in Scotland. The Tribunal agrees with the Staff Side that this is a matter which would be better left for Winsor Part 2 in the context of role-related pay. Therefore the Tribunal makes no award in respect of these two recommendations.

#### **Recommendation 59 – Return from part-time to full-time work**

75. The Tribunal notes the Staff Side's observations that little evidence was produced by the Official Side suggesting that the current arrangements were not operating effectively and that the majority of those likely to be affected by this proposal would be female officers. Overall, the Tribunal does not see the recommendation as being particularly onerous. Therefore the Tribunal accepts this recommendation but would expect the relevant Police Authority to find the most suitable post for a returning officer as quickly as practicable within the extended timescale.

## **Dates of Implementation**

76. The Tribunal is aware that the Winsor Report Part 1 gave explicit dates of implementation in eight of the recommendations which the PAT has considered. Five of these (recommendations 20, 25, 27, 34 and 44) refer to September 2011 and three (recommendations 29, 33 and 43) refer to 31 August 2011. Plainly, these dates have passed and the Tribunal is reluctant to substitute other dates for implementation other than to urge that they be as early as is practical, bearing in mind the need for decisions to be made on this award at senior government level and for administrative processes to be allowed sufficient time to operate satisfactorily. That said, it also envisages 1 April 2012 as the date by which time such processes will have been completed.

## **PAT AWARD**

The Tribunal's Award is set out below. The full text of each of the recommendations from the Winsor Report Part 1 Report referred to us, is given in our terms of reference in the Introduction and not repeated here. The Award relates to the exact wording used in each recommendation, except in Recommendation 20 as the Tribunal has no jurisdiction in relation to police staff.

**Recommendation 2 – Unsocial hours allowance**  
ACCEPTED

**Recommendation 5 – VSAs**  
ACCEPTED

**Recommendation 6 – Casual overtime**  
MODIFIED. The premium rate of time and one third to be retained for casual overtime, with payment of travelling time for recalls between tours of duty. The minimum hours payment for being recalled to be abolished as proposed.

**Recommendation 7 – Rostered overtime**  
ACCEPTED

**Recommendation 8 – Public holidays**  
ACCEPTED

**Recommendation 11 – Mutual Aid**  
MODIFIED. Both sentences of Recommendation 11 are accepted as worded. In addition, officers on mutual aid who are unable to return home are to receive a new 'Away from Home Overnight Allowance' of £50 per night.

**Recommendation 12 – 'Proper accommodation'**  
ACCEPTED

**Recommendation 13 – Held in reserve**  
MODIFIED. Officers held in reserve who are unable to return home are to receive the new 'Away from Home Overnight Allowance' of £50 per night.

**Recommendation 20 – Suspension of incremental progression**  
MODIFIED. The first three steps on the constables' scale to be excluded from the proposed suspension. All other progression on the police officers pay scales to be suspended as proposed.

**Recommendation 25** – Chief officer bonus scheme  
ACCEPTED

**Recommendation 27** – Superintendents bonus scheme  
ACCEPTED

**Recommendation 29** – CRTPs  
MODIFIED. CRTPs to remain in place for those who already receive them, but there should be a two-year freeze on new applications.

**Recommendation 33** – SPPs  
ACCEPTED

**Recommendation 34** – EPAA  
NO AWARD

**Recommendation 43** – Replacement allowance for housing  
ACCEPTED

**Recommendation 44** – On-call allowance  
NO AWARD

**Recommendation 45** – Review of on-call allowance  
NO AWARD

**Recommendation 59** – Return to full-time working  
ACCEPTED

**Appendix 1**

**PAT Estimate of net savings arising from its award, for the financial year 2012-13.**

**Savings**

|   |           |
|---|-----------|
| Suspension of incremental progression.....      | £177m*    |
| Special Priority Payments.....                  | £86m      |
| Overtime.....                                   | £10m°     |
| Chief officers' and Superintendents' bonus..... | £2m       |
| TOTAL.....                                      | £275m (A) |

**Expenditures**

|                                  |           |
|----------------------------------|-----------|
| Unsocial Hours payments.....     | £106m     |
| Maternity Pay.....               | £6m       |
| TOTAL.....                       | £112m (B) |
| Estimated Net Savings (A-B)..... | £163m     |

\*We have deducted £13m from the Official Side's figure of £190m (which included the offer of excepting the first step on the pay scale for constables). We derived the £13m by multiplying the recruitment numbers for the relevant years given in the Official Side's Submission by the amounts payable for the appropriate two incremental steps in the pay scale for constables. This (£13m) estimate does not include national insurance contributions or employers' pensions costs.

° Based on figures shown in Fig 2.6 on Page 71 of the Winsor Report, we have assumed that the Official Side's estimate of savings arising from changes to the overtime arrangements of £63m included £44m for a reduction from time and a third to plain time and £19m for the abolition of double time for short notice changes and the minimum hours for recall between duty. However, as the Tribunal is unable to verify these assumptions we have erred on the side of caution and estimated that savings of only £10m will arise as a result of our modifications.

## **Appendix 2**

### **Recommendations in the Winsor Report Part 1 agreed in principle by the Sides and not referred to the PAT.**

Recommendation 31 – Chief Officers should recognise whole teams, both officers and staff, with a team recognition award payment of £50 to £100 each for outstandingly demanding, unpleasant or important work, or outstanding work for the public.

Recommendation 37 – Police Authorities should be required to pay all reasonable costs arising from the sale and purchase of a chief officer's house, and should pay all tax liabilities arising from any relocation packages, so that, for the chief officer concerned, there is no personal financial disadvantage.

Recommendation 38 – Police Authorities should publish details of all benefits for chief officers and their values in their annual reports, itemised by officer.

Recommendation 39 – Chief officers should provide receipts for all expenses, and information as to expenses above £50 paid to chief officers should be published quarterly on the Police Authority's website.

Recommendation 46- The link between Motor Vehicle Allowance for police officers and that for local authorities should be re-established from September 2011.

Recommendation 48 – Officers' maternity entitlement should increase from 13 weeks at full pay to 18 weeks at full pay, with officers having the option, with the agreement of their chief officer, to spread the final five weeks of maternity pay over 10 weeks at reduced rate.

Recommendation 55- The Police Pension Regulations should be amended to allow chief officers to make a choice in relation to the time at which their pension benefits crystallise.

Recommendation 57 – The criteria for the use of powers in Regulation A19 should be amended, with service-critical skills and performance being explicit considerations.

Recommendation 58 – As quickly as possible, police forces should be provided with the ability to offer voluntary exit terms to police officers, substantially on the terms contained in the Civil Service Compensation Scheme 2010.