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Dear Mr Winsor

Thank you for providing an opportunity to contribute to your important review of the remuneration and conditions of service for police officers and staff. The Local Government Group (LG Group) includes both the Local Government Association (LGA) and Local Government Employers (LGE), who provide the secretariat service to the Official Side of the Police Negotiating Board and the Employers' Side of the Police Staff Council. You have written separately to Sarah Messenger in her capacity as Official Side Secretary but we have decided to submit a LG Group response to your questions which incorporates the views of the LGA on relevant matters and the professional view of LGE colleagues where it is appropriate for them to comment.

### **Entry routes**

With 43 forces in existence, and each having differing recruitment needs at different times, the most appropriate means of recruiting officers and staff is for each force to operate its own recruitment process. Any means of recruiting police officers and staff at a level above the force would be overly bureaucratic and would need complicated assessments of future demand for officers and staff that would all too likely be ineffective at providing what forces needed. Retaining local recruitment should however continue to rely on national recruitment standards so that applicants do not face differing requirements, and forces can be assured that all officers and Police Community Support Officers (PCSOs) have met the same eligibility and physical criteria, and have gone through the same assessment process.

As the police now routinely tackle a wide range of offences spanning anti-social behaviour, through to child protection issues to complicated fraud cases the officers and staff they recruit need to be able to meet these challenges. The police also work in a wide range of communities some with considerably different experiences of policing and crime and disorder issues. More than ever the police need a range of skills and expertise if they are to be successful in fighting crime. Additionally if they are to successfully engage the public and communities and gain their trust they also need to reflect the communities they are policing.

The police have traditionally sought to develop that expertise in warranted officers, but as a number of forces have demonstrated costs can be lowered and performance increased by making more use of specialist non-warranted staff. Entry into the police should allow for a range of routes into the police service to make it clear that it is no

longer just about being a 'bobby on the beat', and that a range of skills and expertise are needed. In order to do this the police need to become more proactive in seeking out skills and expertise they need, and encouraging people to consider a career in the police. A key element in this approach should be increasing the diversity of the police.

PCSOs and special constables have provided a very useful source of applicants to warranted officer roles and doing so from a more diverse background than the recruits the police have traditionally attracted. For instance the Metropolitan Police has been looking to increase the number of special constables and from January to May nearly 37 per cent of applications to be specials were from black and minority ethnic applicants. Future police recruitment models need to build on this experience, with police staff also providing another source of a diverse range of recruits as warranted officers. Indeed the Metropolitan Police are looking to change their recruitment model so that applicants would in the main come from special constable with the remainder from PCSOs and other target groups such as graduates.

In taking this approach there is a risk however (as highlighted by the Metropolitan Police's own equalities impact assessment) that adopting this approach to recruitment could affect the diversity of the recruits into the police force, particularly those from less well-off backgrounds. The police will have to address these risks and we would suggest closely and regularly monitoring the diversity of applicants being recruited and any attrition amongst the applicants to then ensure that any problems revealed are promptly addressed.

Alongside these changes it would also seem appropriate to move to recruitment through discreet time limited processes, rather than having a waiting list and the costs associated with maintaining that. Few other bodies recruit through waiting lists and doing so at a time of reductions in public expenditure when there is little demand for new recruits means that some applicants may have been on the waiting list for some time and made plans accordingly and will not now become trainee officers.

Educational attainment should only be one amongst a number of factors that determine the suitability of applicants given the range of challenges facing the police. Such recruitment could involve schemes at a force and national level. Local authorities operate their own graduate recruitment schemes while the LG Group operates the National Graduate Development Programme. This has been running for eight years and looks to provide the future chief executives and senior officers local government needs. A mixture of national and local schemes would allow the police to attract a range of graduate applicants with some being specifically recruited for their potential as the future senior officers for the police.

There are a number of advantages in our view in allowing external candidates to join the police above the rank of constable. When police budgets are reducing and there is a need for significant transformation and need for improving efficiency and productivity it would be useful to bring in expertise from outside the police, for example from the private sector or local government. Councils have for some time sought to bring in expertise from outside the sector including having police officers run councils' community safety teams. Though this has on occasion been a steep learning curve for those involved it has provided new skills and perspectives and helped improve the performance of councils. There should also be opportunities for senior police officers to go on

secondments out of the service for a while as a means of gaining additional skills and broadening their experience.

### **Deployment**

The police service recognises that current arrangements do not enable the most effective deployment of officers to meet ever changing operational challenges and the expectations of the public.

The 2002 move from a 12 month roster to a 3 month roster was to enable forces to have more flexibility, avoid frequent changing of roster and help avoid the need to cancel police officers rest days, which under police regulations can be costly. There needs to be recognition that officers should not routinely be required to work excessive hours, so greater flexibility needs to be managed in the context of all police officers having a healthy work life balance.

The Official Side of the PNB wishes to move away from a position where variable shift arrangements must be **agreed** with the Staff Side. At present a chief officer has to publish duty rosters for the constables and sergeants in his/her force and is required to draw up and publish each roster after full consultation with the Joint Branch Board. So, in the case of a duty roster for a member of a police force working a "normal shift" of 8 hours, the chief officer needs to **consult** the Joint Branch Board. However, where a chief officer brings into operation variable shift arrangements for constables and sergeants, under paragraph 2(a) of Annex E, variable shift arrangements (VSA) have to be **agreed** with the Joint Branch Board. This is inconsistent and unnecessarily limits the operational flexibility chief officers require. The ability to deploy resources in the most effective way possible is a key responsibility and indeed right of any employer, within reasonable parameters and should only require consultation with recognised bodies not necessarily their agreement.

As a step towards addressing this, the PNB produced guidance on the issue of VSAs with the intention of reviewing the impact it has had in enabling chief officers to implement their preferred rostering/shift arrangements.

### **Overtime**

The issue of overtime and its costs is a hot topic in the police service at present. There is an acceptance that a sometimes unpredictable 24/7 service like policing relies on overtime to meet operational demands and it cannot be eradicated altogether. Indeed overtime is sometimes more cost effective than employing additional numbers of officers to meet demand. However the costs of overtime in the police service are considerable and the review will wish to consider the current rates of overtime premiums and the practice of paying premium rates for any overtime worked at the end of a shift.

In addition to considering the levels of payment for overtime worked the review will wish to consider whether forces are as effective and efficient as they can be at anticipating demand and planning accordingly. This will require the view of those with operational expertise, but any move to reduce enhanced payments should include measures to ensure force planning is robust and fair to minimise disruption to officers' lives.

Premium rates of pay for working outside of core hours are still commonplace in the public sector and even within the private sector there remains an acceptance that working nights or Sundays is outside of the 'norm' despite the creation of a 24 hour consumer society. However there have been moves in both sectors to both reduce the level of payment e.g. from double time to time and a half or time and a third and to widen the period during which core hours can be worked. For example some councils now consider hours worked up to 8pm in the evening to be within the range of 'normal working times'. The overtime arrangements in policing for both officers and staff should enable forces to pay only 'plain time' rates for additional hours worked at times when many of the public themselves are at work i.e. early evening and Saturdays

For police officers there are three different overtime rates, depending on the amount of notice an officer is given and whether s/he is required to work on a rest day or public holiday. In addition, overtime on a bank holiday with less than eight days' notice attracts a day off in lieu as well as an overtime payment. Overtime arrangements are set out in police regulations and contain notice periods of 5 or 8 days which add an additional layer of complexity.

The key difference between officers and staff is that overtime is not provided for those police staff paid above a certain level of reward £25,449. If this rule were applied to police officers then overtime would only be available to constables during their initial training period which is normally the first 31 weeks of employment.

The arrangements for police staff are much more straight forward and less bureaucratic. The arrangements for police staff are that an employee paid at or below point 24 of the national salary spine who works in excess of an average of 37 hours per week is paid at the following rates for the additional hours:

Mondays to Saturdays	Time and a half
Sundays and public holidays	Double time

The PSC national agreement provides, for an employee who works a regular pattern of hours in excess of an average of 37 per week, that a locally agreed salary supplement can be paid.

The anomaly of different rates, and different qualifying criteria for officers and staff working overtime, undermines the concept of a single workforce, and means officers benefit twice from higher hourly rates of pay and more favourable terms regarding overtime.

## **Shifts**

By its very nature, policing is not a profession that someone who wishes to only work Mon-Fri 9 to 5pm would choose to enter. There is a strongly held view on the Official Side of PNB that police officers are well remunerated for the difficult and sometimes dangerous work that they do and that the remuneration package includes recognition of the need to work shifts. That said there is growing interest in being able to pay police officers differently according to the contribution they make and this analysis of an individual's contribution may include how flexible they are in terms of working patterns. Officers who work regularly on Friday and Saturday nights may warrant a higher rate of

pay than those who only work during the day. Consequently the review may wish to consider whether a move to a more flexible pay system is a better way of rewarding contribution than the introduction of shift payments for officers.

The PSC handbook currently rewards shift working by set out percentage increase to basic pay subject to the shift pattern meeting defined national criteria. It would be preferable for shift working arrangements to be defined and rewarded at local level as this allows for the wide range of shift patterns and operational needs that exist.

Defining shift arrangements at national level to cover the myriad of potential shift patterns that exist at local level can be problematic. While broad criteria can be set out a better approach may be for the national agreement to provide an enabling provision along the following lines; "Where employees are engaged in non-standard patterns of work, local arrangements for compensation will be negotiated. This will include, for example: shift working, free and rest day working, evening working, recall to work (including travel time), standby duty, unavoidable split shift or split duty working." This would be a significant move from the current position of national prescription but would empower forces, through effective local negotiation, to implement arrangements that better meet their needs.

### **Mutual aid**

The remuneration arrangements normally used for police officers engaged on mutual aid are the PNB agreements on held in reserve. These PNB agreements are often referred to as the "Hertfordshire" agreements. The relevant PNB circulars are 86/15, 88/9 and 95/8. The current remuneration arrangements for mutual aid are considered too generous by the Official Side of PNB.

The current arrangements were introduced in the 1980's to enable forces to deploy large numbers of officers across force boundaries to deal with the miners' dispute. At the time many officers were sent across the country at short notice and required to sleep on the floor of schools/aircraft hangars etc. The arrangements that were introduced were intended to provide a sufficient financial reward to officers whose support and morale would be important in dealing with the unrest.

However the world in 2010 is very different from the world in the early 80's and the Official Side has made clear to the Staff Side that reform to these arrangements is essential. This is in part driven by a need to control the costs of mutual aid associated with the Olympics, but is driven more by a desire to reduce costs generally and have arrangements that better reflect mutual aid in 2010. Discussions in the PNB have so far failed to produce a new agreement although the Staff Side has indicated its willingness to negotiate separate arrangements for the Olympics and some progress is being made on that front. However securing an agreement for the Olympics will not temper the desire of Official Side members to address the ongoing arrangements for mutual aid. In particular they would like any new arrangements to ensure that officers are only paid for the hours they work (Hertfordshire currently pays all officers for 16 hours work, some at overtime rates, irrespective of how many hours they actually work).

## **Specials**

The police in seeking to recruit more specials are in competition with a number of other voluntary service schemes some of which provide payment such as the Territorial Army and retained fire fighters. Consideration needs to be given to taking a more joined up approach across these bodies to attracting recruits, which is likely to encourage greater awareness of these volunteering schemes and the response from the public. Consideration should also be given to encouraging those who have become unemployed and encouraging them to become specials, as well as looking again at the restrictions on who can become specials. It would also be worth considering whether a scheme such as the retained fire fighter one, where people are paid for giving their time as police officers might encourage more people to serve, though there would be cost implications to doing so.

As has already been raised in the response to entry routes to the police there are a number of advantages in requiring potential recruits to volunteer as specials to be eligible to become police officers, not least because specials are more likely to be more diverse than the range of applicants who have in the past sought to join the police. However as was pointed out in the Metropolitan Police work on this approach there are potential problems with doing so which could reduce the range of applicants to the police. Any changes to such a scheme need to have plans in place to address the risks and would have to closely and regularly monitor the diversity of applicants being recruited and any attrition amongst the applicants to then ensure that any problems revealed are promptly addressed.

## **Business interests**

We are content with the current arrangements in place for business interests.

## **Performance/post related pay**

### **Incentivising High Performance**

There is a growing drive across the public sector to have a greater link between pay and contribution/performance. Such a pay system needs to have (i) clear measurable objectives, (ii) skilled line managers who can take fair decisions (iii) recognition of the value of teamworking in the police service, and (iv) transparency about what skills and behaviours the force values and how decisions on pay will be made.

However experience in the public sector tells us that such approaches are difficult to design and implement and where they have been tried in some cases paybill costs have gone up, not down.

In introducing a competence related pay scheme several factors need to be fully embedded within the police service before competency based pay can really be successful. An employee appraisal process must already exist (PDR system arguably falls short when linked to pay), managers must already have been fully trained to assess competencies, staff should be made aware of the competencies required and how to demonstrate them when it comes to their appraisals, all officers should give their full commitment and the system must be fair so that all officers are included. The need to have served one year at the top of the very long pay scale for constables' undermines

the fairness of the system and is a significant factor in the low rate of applications from women officers who are eligible to apply for this payment (see comments under Equality)

While some of these factors are present within the police service, a number are not, so the CRTP can only be seen as an initial attempt to introduce competence based payments in to a very rigid and traditional pay system. There has been criticism of the current CRTP scheme, and some criticism is valid, however the CRTP and SPP schemes introduced pay flexibility into the police pay system for the first time and this is something the service now needs to build on.

In April 2010 LGE, on behalf of the PNB Chief Officers' Committee, sent all UK forces a questionnaire aimed at eliciting information relating to Chief Officers' performance payments. The following numbers of officers were reported as being in receipt of a bonus payment:

Chief Constables:	57%
Deputy Chief Constables (DCCs):	67%
Assistant Chief Constables (ACCs):	35%

Across all three ranks, the numbers of officers in receipt of bonus payments in 2008/9 was higher than that reported for the preceding three years.

The performance related elements of the chief officers' pay arrangements have been adopted in forces and so introduced the concept of performance pay for the higher ranks into the service. Therefore while the current arrangements may need reforming it would be unfortunate to completely lose the now established link of pay to performance for chief officers.

### **Recognising Skills and Hard-to-fill Posts**

Most employers want flexibility to address skills shortages. Local initiatives rather than national arrangements are better at targeting any skills shortages.

### **Other allowances and entitlements**

Allowances add complexity to the totality of the police pay package and national negotiating agenda and can lead to disproportionate amounts of time being spent discussing less important elements of the pay package. A recent example of this would be discussions within the PNB on housing emoluments. It can also be argued that a pay system that incorporates large numbers of additional payments/allowances on top of basic pay encourages a culture of 'entitlements' when employers are seeking to move the relationship with their workforce to one that is more clearly based on mutual rights and responsibilities.

It is very difficult, particularly in the current economic climate, to justify maintaining the frozen replacement, rent and housing allowance for pre-1994 officers. There are not many, if any, examples of where lifetime protection for a frozen element of pay exists. There are potentially equal pay implications since the vast majority of officers in receipt of housing allowance are men (due to lower numbers of women in the service at the time). Consequently lifetime protection is contributing to the gender pay gap in policing.

The London payments for police officers are higher than for other public sector workers working within London. The London allowance payments exist to reflect the more demanding recruitment and retention issues faced within the Metropolitan police service and City of London force. Recruitment and retention is unlikely to be an issue facing these forces in the near future. Therefore there is a strong case to reduce these payments for new recruits and perhaps introducing a phased reduction for existing officers over say a four year period.

When the PNB commissioned independent pay research through Income Data Services in 2009, broadly speaking, the report confirmed that chief constables basic pay compared favourably with a number of the main public sectors groups. Therefore there is little justification for ad hoc additional benefits that attempt to attract or retain chief constables to particular police authorities/forces e.g. cars, drivers, etc

The review may also wish to consider the potential benefits of recruiting chief officers from outside the service. The current approach has created a 'closed shop' for chief officer positions and there is at least a legitimate debate about whether a background in operational policing is essential to be a chief officer. Ultimately senior leaders need strategic business, people and leadership skills and if these were the only pre-requisites for appointment a wider talent pool would be available to the police service.

## **Equality**

The number of female police officers has increased over recent years, however, female officers still only represent around one fifth of the workforce.

In terms of pay and conditions issues it is the length of the police constables scale that remains a major problem in achieving pay equity within this rank. It currently has ten incremental steps and recent case law has shown that long pay scales are likely to be discriminatory towards women. Many employers and unions have taken steps to reduce the length of pay scales and this is an issue that needs urgent attention in the police service. However, the review team will be mindful of the fact that shortening pay scales inevitably costs the employers money and in the current financial climate the impact of any move in this direction will need careful analysis.

The 2002 police reform agreements introduced CRTP, SPP and bonus payments for Superintendents and Chief Officers. The discretionary elements of a number of these agreements appear to have had an unintended discriminatory impact on women officers in some forces. For example, SPP payments are targeted at posts, not individuals, in line with PNB criteria. We are aware that the discretion available to forces in applying the SPP scheme at local level has led to some forces introducing length of service as a local criterion which contributes to the pay gap between men and women.

Pay gaps have also been identified in overtime. More work needs to be done to get a better understanding of whether women are simply not being offered overtime or whether they are unable to work overtime and therefore turning down opportunities. We are unclear as to what extent women officers are choosing to opt for time off in lieu in place of receiving pay.

The PNB have established a joint Equal Pay working party examining equality issues within police pay and conditions and this work should continue.

Just under two thirds of police staff are women. The PSC has undertaken a joint survey, in conjunction with the Trade Unions on use of JE schemes and Equal Pay reviews for police staff and is currently considering the data in greater detail. However the survey does show that the majority of forces have undertaken a job evaluation exercise for police staff posts

The PSC handbook states that the pay and grading of jobs must be fair and non-discriminatory, complying with equal pay legislation and associated codes of practice. The PSC recommends that forces adopt by local joint agreement an analytical job evaluation scheme to assist in fulfilling this requirement and has developed a PSC job evaluation scheme which forces can use if they wish to. However, the Employers' Side of the PSC have consistently indicated that they do not support a national pay and grading structure for police staff. The Employers' Side believes that the local flexibility that the current pay arrangements provide are important in enabling forces to set pay rates that are fair within both the force and across the local labour market.

### **Pay progression and length of service**

#### **Officer and staff pay progression**

The police pay scales should enable forces to recruit and retain the best and support the development of competencies within the service. There is rigidity in the rank-based pay structure with incremental progression for most officers being based on service rather than performance or competence. This is a contrast with the freedom to set pay locally for police staff using the flexibility of the national pay spine, although most forces still adopt a time-served approach to pay progression for police staff, rather than a contribution/performance based approach.

Whilst contribution/performance related pay has its shortcomings and detractors the high levels of public interest in the pay of public servants and the 'value for money' agenda means that the review will wish to give this serious consideration. In doing so it will be important to take into account:

- What do we wish to reward
- How will we define and measure success
- How much support will managers at all levels need to ensure decisions are robust and fair
- Whether individual reward will undermine the importance of team working within the service
- Whether a new approach will save or cost money.

### **Exit routes and pensions**

#### **Redundancy**

The review should consider the benefits of introducing a redundancy scheme for police officers. Whilst the unique 'office of constable' is an important factor, the current financial challenges facing forces has highlighted the anomaly that police officers can't be made redundant despite being the most significant part of police authority expenditure. A redundancy scheme would introduce greater flexibility for forces to manage resources more effectively at local level and also be in line with the rest of the public and private sector.

The statutory redundancy regulations that apply to police staff are fair and transparent. The discretions that are available under the regulations allow for police authorities to ensure the scheme can be adjusted to meet the needs of the authority/force and the local council tax payer.

A service wide view of fairness is difficult to define. Terms and conditions are derived differently for police staff, MPS police staff and officers. It might be fair to have different redundancy arrangements however it is more difficult to justify differences in maternity arrangements or motor vehicle allowances. It needs to be made explicit when and why it is justifiable to treat police service workers differently.

### **Health Related issues**

The review should address the anomaly in Police Regulations whereby officers who are no longer entitled to sick pay remain entitled to receive various allowances. These allowances include replacement allowance (transitional rent or housing allowance), London Weighting, the London Allowance or the South East Allowance. This is because these allowances are given to qualifying officers of police forces, regardless of whether they are being paid a salary. There are cases where regional allowances are paid to officers on long-term sick leave who are living a long way from the region concerned.

The overall level of sickness absence across the public sector is too high and this has been brought sharply into focus by the need for employers to save money quickly. In some parts of the public sector an increasing number of employers want to reform the existing sick pay arrangements. For example, most public sector sick pay schemes provide up to 6 months on full pay and six months on half pay; however evidence shows that the vast majority of people who aren't back at work after 6 months sickness do not go back to work at all. However the further 6 months of half pay often encourages managers to shy away from effectively managing and supporting the person who is sick until the 12 months are almost up. The best way to reduce sickness absence in the police service is to ensure managers have the skills and knowledge to supportively and fairly manage absent colleagues but the review should consider whether the current structure of sick pay needs to be reformed. Of course, there may need to continue to be separate arrangements for officers who are injured on duty.

### **Pensions**

The final part of the Hutton review is currently awaited. This needs to be given full consideration before any changes to the existing pension arrangements are made.

### **Pay machinery**

There are only a small number of ways that police officer pay could be determined in the future. These include national collective bargaining, local collective bargaining, a combination of the two, or a pay review body.

Pay review bodies have the virtue of taking the political edge out of the process of determining pay for particularly sensitive groups. The price of this is a loss of accountability and a blurring of the role and responsibility of employers and senior managers. Employee relations are best when there is clarity about the identity and powers of the employer. This is difficult at the best of times in the police service's tripartite structure and a review body would add further complication and distance from the realities of the workplace.

National collective bargaining for the police fully involves police employers and employee representative bodies. We consider that this is an important part of police officers' identity as citizens in uniform, as opposed to members of the armed services. Under the current structure the wider strategic objectives of the police employers can be implemented through the national collective agreement while maintaining the control of, and full responsibility for, the agreed outcome.

The police staff council (PSC) provides a national framework of pay and terms and conditions of employment negotiated between the employers and employees' representatives through free collective bargaining. The local grading flexibility that the PSC agreement provides local managers is highly prized, as past PSC consultation shows, this is another reason for not seeking a merger between PSC and PNB. The PSC handbook contains state that adjustments to pay points are negotiated by having regard to; pay movements elsewhere in the public sector, pay movements elsewhere in the economy, movements in the retail price index, recruitment and retention factors and police service funding.

Local variations from/additions to national terms and conditions can arise in four ways: (a) as a result of local management determination (usually but not always after consultation); (b) as a result of local collective agreement; (c) as a result of national agreement facilitating local determination (e.g. bonus payments); or (d) as a result of national agreement determining a local condition (e.g. London Allowance).

Whilst central government will always take a close interest in matters relating to police officer pay and conditions and industrial relations generally there is scope for more local determination on some elements of the reward package within a national framework. The need to ensure there are always officers on the streets means the Home Office and other devolved administrations will always wish to be at the heart of decision making about police officer pay and reward. However the current focus on localism within the public sector suggests that decisions on pay and reward should strike a healthy balance between the need for national control and the ability of individual forces to be best placed to decide what will work best for them.

For police staff, complete local pay determination operates in four forces. In some of these it is as a result of the county councils in those areas having opted out of national collective agreements for their own staff in favour of local pay determination. Evidence suggests that pay increases in these forces are regularly higher than those negotiated through national collective bargaining.

A national collective bargaining approach to at least some aspects of pay and reward enables forces to benefit from economies of scale, expertise and advice that would be costly to buy in and consistency of approach where that suits the service as a whole. It also provides a forum for both a formal and informal relationship with the leaders of the different Staff Associations and trade unions which is important in maintaining good industrial relations.

I hope you find these views helpful to you in undertaking this important review. I am aware that Sarah Messenger has offered a face to face meeting where she would be happy to pick up any questions or points that you might like to raise.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Ransford', written in a cursive style.

John Ransford,  
Chief Executive of the Local Government Group