



**POLICE SUPERINTENDENTS' ASSOCIATION OF ENGLAND  
AND WALES**

**CRITIQUE OF SUBMISSIONS TO WINSOR REVIEW OF OTHER  
INTERESTED PARTIES**

**DECEMBER 2010**

## Introduction

On 11<sup>th</sup> November 2010, at the conclusion of the third of three Seminars which were held by Tom Winsor and his team, all parties present were asked, after having presented their own submissions to the Independent Review of Police Officers' and Staff Remuneration and Conditions, to read and then supply a critique to the Winsor team of the submissions made by all of the other parties.

The PSAEW welcomes this opportunity. Apart from our own submission there were 26 other parties who, to date, have made a submission to the Winsor Review. We have read, summarised, and reviewed each of these documents in what has been an extremely worthwhile process.

We have formatted this response in terms of our summary of other parties' views collated under the key headings of the Winsor Review accompanied by our comments under each section.

### **Pay Machinery (PNB/PAB) and National vs. Regional Pay**

#### **Recommend that Pay Machinery should stay the same:**

- \* **The Association of Scottish Police Superintendents** – “Fully committed to the Police Negotiating Body and will continue to engage in all matters relating to pay and conditions through this mechanism.”
- \* **Unite** – “It is the strong view of Unite that this national pay spine and negotiation should continue to operate, be supported and strengthened. National bargaining delivers for both the police force and staff, saving the duplication of costs and resources at a local level where negotiations would need to take place if not conducted at a national level.”
- \* **Police Staff Council Trade Union Side** – “The Trade Union Side makes it clear that we are committed to the continuation of free collective bargaining for police staff pay and conditions at national level in England and Wales. We can see no credible arguments for devolving national negotiations to regional or local level. Indeed, we agree with the Government's view, set out in its consultation paper 'Policing in the 21<sup>st</sup> Century' that ‘...there are some things that need to be done just once, nationally’ in the Police Service, and include bargaining on pay and conditions in this definition. We wonder how, in a time of public sector austerity, it could be argued to the taxpayer that forces should employ more staff than at present to set up local pay bargaining, rather than deliver frontline policing? We are also totally opposed to any pay review body option, which would replace effective partnership arrangements with a remote, arms-length machinery. The Police Staff Council is a successful collective bargaining body and we wish to build on its achievements in the future.”
- \* **Police Staff Council Trade Union Side** – “The Trade Union Side believes strongly that a national pay and grading structure can provide the necessary guarantee that police staff pay is free from gender discrimination and bias... If we want efficiency, not fragmentation; if we

want fairness not inequality; if we want a set of tools to align pay with workforce modernisation, skills and workforce productivity, the Trade Union Side submits that the Police Staff Council initiates work to develop a national pay and grading system for all police staff in England and Wales.”

- \* **CPOSA** – “Pay structures should be nationally agreed and adhered to by Police Authorities....The pay structure should be transparent, consistent, equitable and covered by an appropriate Code of Practice....Over time, there have been signs that the 2004 nationally negotiated pay agreement for Chief Officers has begun to break down....There has been widespread concern expressed for some time by ACPO, CPOSA and the APA in relation to the increasing number of these locally negotiated special allowances being paid to Chief Officers. We believe that the wide differences in terms and conditions of appointment that currently exist should be subject to a process of standardisation and regularisation, subject to an agreed Code of Practice.”
- \* **CPOSA** – “CPOSA’s current desire is to remain within the existing PNB structure, subject to its methods of operating being reviewed and modernised. An alternative arrangement might be to have PNB replaced by with an effective police-sector specific Pay Review Body. Either way, the concept of binding arbitration for both sides (without any scope for Ministerial over-rule) is essential to the concept of fairness in any future arrangements, especially given the unique status of police officers and our inability to withdraw our labour.”
- \* **Unison** – “The Police Staff Council is a success, and has a good track record in reaching negotiated outcomes. UNISON supports the continuation of the Council as a national free collective bargaining body. We are opposed to local or regional pay determination or to a pay review body for police staff pay. UNISON believes that the Council can develop and agree a new settlement on police staff pay and reward, but this will need political backing if it is to be successful. We call upon the Government to provide this support in the interests of policing.”
- \* **Independent Chair of PNB and PAB** – “The 1919 Act was a trade off between what are sometimes called ‘industrial rights’ and a statutorily based system of negotiation. The joint negotiating and consultative machinery represented by PNB and PABEW gives the representatives of police officers a direct voice in the determination of their remuneration and conditions of service. That, of itself, is part of the 1919 trade off. The machinery is provided for in primary legislation. As bodies constituted by statute, PNB and PAB cannot be set aside by an administrative act of government. The consent of Parliament would be required for any change of substance to the negotiating and consultative machinery. That entrenchment of the right to negotiate and the right to be consulted is a significant part of the trade off. There is a powerful case for the machinery remaining one in which the major interests are able to participate directly. On the official side, this enhances the accountability of the new Police and Crime Commissioners, and provides them with a direct voice to which they are likely to feel entitled. On the staff side, this is seen as a part of the trade off for the lack of industrial rights.”

### **Favours a Pay Review Body instead of Pay Negotiating Body:**

- \* **Northern Ireland Police Service** – “We are convinced that there is a need for a national body to establish pay parameters and basic conditions for engagement but that current arrangements have no place in the future. Any future arrangement has to take into account more fully the view of the leadership of the service and reach more speedy and relevant determinations. We consider the current structure of the Police Negotiating Board and to some extent the Police Advisory Board to be cumbersome and a mechanism whose time has passed. The matter was a consideration by a previous administration in 2007 as a result of which the establishment of a Pay Review Body was a recommendation. We believe that the thinking around this recommendation should be revisited by the Review Body.”
- \* **NPIA** – “Given the practice of pay review bodies for so many other areas of the public sector, this is an area that policing could align itself to. The benefits of this would be to create a long-term, independent and transparent decision making process for officer and staff pay, as well as decreasing industrial tensions in the medium term by having a pay awarding body which is seen to be independent from the parties involved and able to make recommendations based solely on the facts presented to them.”
- \* **MPA** - “Some form of Pay Review Body dealing with an annual claim would seem preferable. The strength of the review body approach is that it is more strongly evidence based and analytical. The detachment of a review body from the day to day running of policing would enable experience from outside the service to be brought to bear on deliberations. The review process, involving as it would a single body that receives and evaluates evidence, could be more proactive in driving a single agenda. Against this there may be a high premium on securing the confidence of all the parties in the current negotiating machinery, e.g. the current trade off between the prohibition on industrial action and guaranteed negotiating rights.”
- \* **British Transport Police Authority** - “Regarding the example question on pay machinery, consideration should be given to having an independent third party to recommend pay and conditions to remove the adversarial nature of pay bargaining. If not considered appropriate we would not then envisage a change in governance, with the BTPA continuing to adopt Police Regulations and involve BTP’s Federation in the negotiating process. Whether or not PNB (or an equivalent collective bargaining body) is retained or is replaced by a pay review body, BTP envisages continuing to be one step removed from a direct involvement in this work. In summary no change is envisaged to the way police officer pay is currently determined for BTP. As a national force, BTP favours a national framework of pay and conditions for officers; however acknowledges that the regional determination of pay may have its attractions for geographic forces given the imperative to contain costs and reflect the communities they serve.”

- \* **APA** – “We understand the need to tread with caution in whatever changes are made to pay machinery. We are, however, firm in our position that the current model is ineffective and would require significant re-shaping or replacement. Time constraints have prevented the APA from fully considering alternative options. But broadly, these will consist of either a reconfigured and tasked PNB or a completely different vehicle, such as a pay review body. The APA is unable to take a firm view on the best way forward until a proper, full assessment of the options has been undertaken.”
- \* **APA** – “The APA questions the continued merit of separate negotiating for police officers and staff. The ever-increasing convergence of functions in the police workplace makes it timely to assess the continuing relevance of existing structures. Furthermore, for the purposes of achieving an integrated approach, we do not have difficulty with consideration given to extending restrictions on strike action to police staff.”
- \* **ACPO** – “The current PNB machinery for police officers:
  - a. Is not well geared to taking a strategic approach to pay and conditions.
  - b. Is slow and cumbersome.
  - c. Has in recent times resulted in the most significant decisions being handed to the arbitrator.
  - d. Is time consuming and costly.

Essentially the choice now is the same as that faced by Sir Clive Booth back in 2007 between collective bargaining and pay review bodies. ACPO’s position that police officers and staff should be treated alike unless there is a justifiable reason why they should not be. Accordingly, ACPO favours retaining a national approach to determining pay and, on balance, supports a move to a pay review body approach to determining pay and conditions for police officers and police staff.”

**Favours retaining a national framework for ‘basic pay’ but also identifies benefits in introducing local flexibility:**

- \* **National Trans Police Association** – “There is considerable disparity for pay and conditions depending on which force one works for, regionally this is unlikely to become levelled across the country due to the regional differences that exist – what happens in England most likely does not happen in Scotland and Wales. A single base line for pay and conditions to which regional forces can add so that the best talent is attracted in would seem to be a suitable mechanism for providing opportunity for recruitment and retention – question is always who is forces really want to retain and how would that look in light of budget cuts and redundancies”
- \* **British Transport Police** – “BTP does not envisage a change to its governance, with the BTPA continuing to adopt Police Regulations and involve the BTP’s Federation in the negotiating process. Whether or not PNB (or an equivalent collective bargaining body) is retained or is replaced by a pay review body, BTP envisages continuing to be one step removed from a direct involvement in this work. In summary no change is envisaged to the way police officer

pay is currently determined in BTP. As a national force, BTP favours a national framework of pay and conditions for officers however acknowledges that the regional determination of pay may have its attractions for geographic forces given the imperative to contain costs and reflect the communities they serve.”

- \* **Local Government Association** – “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 current focus on localism in 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. 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.”
- \* **CBI** – “The current system of national pay agreements provides little incentive for individual officers to improve their performance.”
- \* **CBI** – “The CBI believes there is a case for a greater diversity of approaches to pay in the Police Service. More account needs to be taken of the relevant market or markets to decide what form of pay determination should apply. This is because it is easy to see that living costs differ enormously. The labour markets in those areas differ to reflect this and so it does not make sense for the police forces serving those areas to all pay the same for police officers or staff.”
- \* **Northern Ireland Policing Board** – “It may be opportune to review the structure of PNB and the relationship with the Government. This could assist constructive future negotiations and remove some of the obstacles which delay the decision making. NIPB consider there is merit in continuing to be represented on body which conducts national negotiations rather than negotiations at local level. Whilst the overall structure of pay and conditions can be agreed nationally via a national body, there is still provision to reflect local conditions of individual police forces. This ensures continuity of police officers pay and conditions across all forces and also ensures a level playing field for recruitment and the movement of officers between forces. The alternative to a national body in which all parties within the police family can participate would be a Pay Review Body. It is not considered that this format would be able to effectively capture the complex nature of policing and ensure that authorities, forces and associations/representatives, fully support nationally determined agreements and would be particularly detrimental to Northern Ireland Pay and Conditions of Service.”
- \* **MPA** – “Basic pay should be sufficient to recruit, retain and motivate, and that police forces should be given a degree of pay flexibility. Within any new pay arrangements we should be

able to use the funds currently allocated over and above basic pay to address our operational and organisational needs.”

- \* **MPA** - “An alternative option would be regional negotiations using – for pay - a single spine for police officers and police staff, but allowing different regions to adopt different levels on the spine to meet their needs and local circumstances in order to recruit, retain and motivate. The Chief Constable or Commissioner of Police of the Metropolis and PCC could agree such an approach and have the confidence to ensure it is delivered in a timely manner. The Met is perfectly capable of carrying out such negotiations and already does so for its 19,000 police staff.”
  
- \* **Chair of Police Staff Council & Lancashire Police Authority** – “The current pay and conditions negotiating process is cumbersome and slow and the cost of administering the pay structure is high. There is need for a radical approach to reforming the structure and process, making it more transparent and accountable to residents. It is acknowledged that this may conflict with interests of groups such as the Police Federation. The National negotiating bodies should be retained but it is felt that they would benefit from significant simplification and improvement of the national roles. The tripartite arrangements need considerable rebalancing here, the role of the Home Office is out of kilter with its responsibilities and can lead to both extremely protracted negotiations together with an adverse effect on the ability of the employer's side to negotiate.”

#### Pay Freeze:

- \* **Unite** – “In unilaterally announcing its public sector pay freeze Unite believes that the Government rode roughshod over the national, collective bargaining that exists in many areas of the public sector. This pay policy is also based on a false perception of what took place in the private sector regarding pay over recent years and is unfairly penalising those who work in the public sector...The proportion of employees covered by pay freezes in 2009 according to IDS monitoring did not go higher than 1 in 10.”

#### Pay Machinery (PNB/PAB) and National vs. Regional Pay and Pay Freeze

#### Commentary:

There is a clear consensus of parties within the Staff Side of PNB that the existing PNB structure is fit for purpose and should continue. Powerful evidence in support of this is covered in submissions. The ACPO contrary view is noted. Our view is that the current difficulties within PNB in terms of delivering reforms to police pay are rooted in a failure by the Home Office, the APA and ACPO to engage with the process. It is clear that even those parties who contemplate a move away from the existing arrangements – most notably the APA – say that they are unsure whether PNB should continue. In our view the submission by John Randall, the Independent Secretary of

PNB, makes a powerful case for retaining PNB/PAB. What we think is beyond dispute is that if a decision was made to replace PAB with a Pay Review Body, something similar to PAB would need to continue.

None of those who recommend moving to a Pay Review Body are clear on how such a system would work in practice and how it would avoid the poor reputation for 'independence' which has developed around other existing Pay Review Bodies. We are pleased to note that most parties who favour a move to a Pay Review Body agree that police pay should be set nationally and not locally/regionally. The MPA has long held a contrary view which is well expressed in its submission. The CBI view is well expressed but fails to take account of how the work of police officers differs from workers in the Industrial Sector.

We hope that this crucial element of police pay and conditions can be discussed more fully in the second part of the Winsor Review before any final recommendations are made and we would suggest that Tom Winsor attends the next PNB/PAB meetings which are due to be held in January so that he can see for himself how the current arrangements work.

Unlike the APA and ACPO we do not favour a bringing together of police officer and police staff negotiating machineries. Such a move, we think, would prove costly and incongruous given the widely differing nature of the work of warranted officers and police staff.

#### Performance Related Pay:

#### Not in favour of performance related pay:

- \* **Northern Ireland Police Service** - "In general the introduction of these pay arrangements was never sought by police managers and in some cases their introduction was not even discussed. It is fair to say that the universal view of those in policing is that these provisions are both divisive and labour intensive in operation. Within PSNI we have little evidence that such payments have either increased motivation or assisted us in filling difficult posts. It is appropriate that all such provisions are reviewed, with the potential for sums paid to be reinvested in some other manner."
- \* **Police Staff Council Trade Union Side** – "The Trade Union side is totally opposed to the concept and practice of performance related pay. Policing relies on a strong teamwork ethic and the idea that individuals should be singled out for particular reward fails to recognise this most basic of facts about the Service. In addition, there is no evidence whatsoever that performance related pay actually works."
- \* **CPOSA** – "In recent years the agreed CPOSA position has consistently been that a private sector style pay structure including performance related bonuses does nothing to motivate Chief Police Officers and is incompatible with the public service ethos of policing. This has been our shared view since long before bonus payments fell into general disrepute in other employment sectors. Our proposal for some time within PNB has been that the bonus scheme should be abolished in favour of a modest uplift to basic Chief Officer pay."

- \* **Northern Ireland Policing Board** – “There has been no in depth evaluation conducted on the costs of the schemes and any contribution made to authorities and forces achieving objectives and targets. It is unlikely that such a study would indicate that the monies invested in these schemes produced any measurable results.”
- \* **APA** - “Consolidation of existing add-ons to the pay structure is a significant feature of APA reform proposals and a pre-requisite for the effective implementation of pay bands. The shift to a role-based regime ensures that officers get paid for the particular roles they perform. This is not possible in the current system. Our approach would eliminate most existing add-ons, including overtime pay, allowances, bonuses and performance payments. That said, the intent of consolidation is clear: increased flexibility, improved pay targeting for performance and recognition, transparency, reduced bureaucracy and cost reduction.”
- \* **APA** - “All existing performance-related payments for both police officers and police staff be abolished. This includes bonuses (including those for Chief Officers), Competency Related Threshold Payments (CRTP) and annual increments for Federated ranking Officers. Furthermore, the APA does not support any form of additional payment to officers and police staff based on performance (nor for any other purpose such a recruitment and retention – e.g. SPP). In this regard, the APA is intent on introducing a reward system that encourages and supports the continuing development and up-skilling of police officers and staff. We do not advocate any additional payment for up-skilling. Rather, we expect officers and police staff members to be sufficiently motivated by new career progression opportunities to up-skill. We do believe, however, there is scope to consider a more diversified training regime, with funding, to allow officers and police staff to pursue personal training and development opportunities.”
- \* **ACPO** – “Although the attributes of performance related pay (PRP) are understood, it is ACPO’s position that this is at odds with the vocation that is policing. Whilst there may be examples where PRP works well in some sectors, research has shown there is a requirement for PRP to be in the order of 20% or more of total pay for this to be effective in enhancing performance. The reality therefore is that this is unlikely to be achievable in the police service even with wholesale change to pay and conditions structures. The current Competency Related Threshold Payment (CRTP) is a form of performance pay but, at an annual estimated cost of more than £96m, there is no evidence that there is any impact on output or performance in any terms. This is not to say that pay in the service shouldn’t focus on outcomes i.e. achievements but skills and competence are equally important as long as pay focuses on the utilisation of skills and expertise. It is in this area that there will be a positive application and outcome for policing.”
- \* **ACPO** – “Other than in the short term, it is not ACPO’s position to retain post related pay for either police officers or staff. This should be replaced with pay that is clearly still representative of level of responsibility within the organisation but which also rewards level of skill, competence and achievement. To support this, it is ACPO’s long term quest that the

service is professionalised, our roles and learning is accredited externally and that our staff engage in continuous professional development (CPD) be awarded certificates to practice as is customary in other professions. It is against this backdrop that ACPO submits the following points.”

- \* **Police Federation** - “Until the Police Service has a consistent system for reviewing performance that is proven to be fit for purpose and able to deal with the concerns set out below the PFEW will resist a direct link between performance and pay.

The concerns are:

- a. The PFEW would be particularly concerned about the “crowding out” effects of any performance incentive systems, especially where police forces felt the need to promote targets which create undesirable outcomes. Incentive systems, however, may result in more difficult crimes receiving a lower priority in order to increase output.
- b. Furthermore, managers may only focus on incremental improvements so as not to deliver more substantial improvements in subsequent years.
- c. The impact of the existence of a performance pay regime upon the perception of the criminal justice system itself. The PFEW is alert to the threat to criminal prosecutions of accusations that suspects would only have been arrested in order to meet a pay-related performance target. This suspicion could jeopardise otherwise straightforward prosecutions.
- d. Many achievements of police officers may be difficult or impossible to measure.
- e. Given the difficulties in measuring performance within policing, the high monitoring costs and transaction costs must be at least matched by the value of increased performance. However, ensuring that assessment is sufficiently robust could entail a massive increase in bureaucracy with officers being required to produce reams of evidence to substantiate good performance.
- f. Performance related pay may also encourage divisiveness among officers, as only one individual can be credited with performing an arrest or issuing a sanction on any one occasion, regardless of the number of colleagues who have attended an incident.
- g. Officers may well achieve targets if money is attached to them, but blunt targets that do not take account of the need for discretion in policing run the risk of criminalising people unnecessarily.

The fundamental challenge for any reward-system based on performance in the police service is that it would require performance to be objectively assessed to a consistent standard.”

- \* **Police Federation** - “The view of the PFEW is that CRTPs must be retained.”

- \* **Police Federation** – “The PFEW believes that pay should not be linked directly to skills acquisition or hard-to-fill posts, especially since the power exists within Police Regulations for officers to be directed to work in any role or part of the force by their chief constable

(Regulation 20, Police Regulations 2003). However, if posts were genuinely hard-to-fill, then a premium would be offered for those posts prior to officers applying to take on those roles. The closest form of payment in policing to such a premium is the Special Priority Payment (SPP). SPPs and bonus payments were introduced as part of a comprehensive package of pay reform and followed specific requests from the Official Side that chief officers be able to reward officers locally. The PFEW was resistant to the introduction of SPPs. In the subsequent years since their introduction, these payments have proved so divisive that the PFEW understands that ACPO no longer supports their use either. Despite this, the PFEW is concerned that there still appears to be a demand from some chief constables for the power to reward officers locally. The PFEW position is that such an approach has been demonstrated to be divisive and that the SPP pot should be redistributed into other elements of police pay.”

#### **Performance Related Pay to be retained but reformed:**

- \* **National Trans Police Association** – “I would like to see pay tied in with performance and capability alongside an appreciation of all the other skills that are brought in to the role that often are called upon, not part of the job yet none the less have assisted in problem solving. This applies to both officers and staff. Everything a person brings into their role should be rewarded and not to do awards, commendations, QSRs in isolation.”
- \* **British Transport Police** – “While BTP favours the ability to recognise good performance it is important to make a preliminary point about what the call for evidence refers to as ‘performance or post related pay’. BTP’s view is that the pay for a particular post should be set by reference to the duties and responsibilities of the role. This should be determined by open and transparent means so that work rated as being of equal value is rewarded on the same rank, band or grade. If an individual does well at their job, their individual performance is strong, or their particular contribution to how a job is carried out excellent, it is this that should be considered for additional recognition.”
- \* **Local Government Association** – “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.”
- \* **CBI** – “The CBI propose that the police service use a pay bill freeze to move to a system of performance related pay for employees, paid to those who make the biggest contribution or those with desirable specialist skills. Where officers and staff are to be awarded a pay rise, the costs could be offset elsewhere so the overall pay bill does not increase. This would concentrate everyone in the service’s mind on increasing efficiency and effectiveness.”

- \* **CBI** – “Existing attempts to reorientate payment around the performance of officers and the successful outcomes they achieve for the public have failed to have the impact that was desired. Some Chief Officers feel frustrated that the regulations for using the special priorities payments scheme, as drawn up by staff groups, undermined the purpose of it.”
- \* **MPA** – “Basic pay should be sufficient to recruit, retain and motivate, and that police forces should be given a degree of pay flexibility. Within any new pay arrangements we should be able to use the funds currently allocated over and above basic pay to address our operational and organisational needs.”
- \* **MPA** – “Pay and progression should be reformed to keep more of the skilled staff in front line roles and should be linked to skills accreditation and performance. The advantages would be a new performance management that focuses on the key drivers of performance e.g. operational effectiveness, resource management, organisational benefit or influence rather than the Integrated Competency Framework. In earlier pay negotiations, the Staff Side made a submission to PNB outlining proposals to create a new advanced constables’ pay threshold which would give access to a payment above the current maximum salary for constables dependent on the acquisition of accredited qualifications. This would enable excellent constables to remain on the beat and develop their careers without having to seek promotion. This could be paid for by scrapping the Competency Related Threshold Payment.”
- \* **Chair of Police Staff Council & Lancashire Police Authority** - Incentive schemes should not just be linked to "productivity" – but should support improving public service, partnership working etc. Any incentives and enhancements need to be fair, clear and transparent to avoid undermining public confidence and trust in police. “
- \* **British Transport Police Authority** – “Turning to performance or post related pay (PRP) whilst we favour the ability to recognise good performance it is important to make a preliminary point about what the call for evidence refers to as ‘performance or post related pay’. Our view is that the pay for a particular post should be set by reference to the duties and responsibilities of the role and the incentive required to fill it. Not all posts are as attractive and some require experience and qualifications which are hard to come by. This should be determined by open and transparent means so that work rated as being of equal value is rewarded on the same scale and there is a transparent rationale behind any incentivisation. In essence flexibility is required to retain our best people. The implication is that not every one of the same rank will be paid the same. That said the Special Priority Payments (SPP) has not been universally effective, indeed our experience is that it has been divisive. If an individual does well at their job, their individual performance is strong, or their particular contribution to how the job is carried out excellent, it is this that should be considered for additional recognition. We must recognise that police work is not unique in relying on teamwork. There must be a connection between the force, group and individual performance. Good organisational performance may be put at risk if too much emphasis is placed on individual or personal targets.”

## Performance Related Pay

### Commentary:

We would not challenge the ACPO position that recommends the end of Performance Related Pay and bonuses at their rank. If bonuses are to be retained for Chief Officers, they should be limited to those which were negotiated through PNB.

We reiterate our view that the bonus/double increments payable to Superintendents and Chief Superintendents for 'outstanding performance' have brought about improvements in police performance. They are modest, do motivate members, and should be retained.

Similarly no respondents have suggested that the 'Big Job Allowances' payable to some Chief Superintendents since the 2003 pay deal should be removed or changed. This remains our position.

### Pay Progression:

**Pay progression to be based on performance, rather than length of service:**

- \* **Northern Ireland Police Service** – “Pay progression is of benefit in recognition that officers learn their skills over a period of time. If progression is to be retained then greater benefit would be achieved by basing this on the achievement of a particular skill or experience and not on a time served platform.”
- \* **Crown Prosecution Service** – “There is an increasing awareness of the length of service and progression following anti discrimination legislation relating to age. Therefore it is not always appropriate to link pay to length of service but more to performance.”
- \* **CBI** – “A reformed pay and remuneration system should prioritise contribution made, not the number of hours or years worked. At the moment, the latter is the key feature of the system with opportunities to emphasise reward the former possible only tangentially.”
- \* **CBI** – “Police pay and conditions should reflect individual contribution as well as the skills and experience brought to the job, and not simply length of service. It should also ensure officers do not depend exclusively on promotion, time in service or overtime to secure pay rises.”
- \* **Northern Ireland Policing Board** – “The present system where people move on to the next scale point due to completing a further year of service, without any regard to individual performance should be considered during the review, although any change would need to be cost effective. Progression should be performance based and the annual performance reviews should be monitored, any change must be cost effective. This would require further

examination of existing performance review systems and the introduction of more accountable national standards.”

- \* **MPA** – “Pay and reward based upon skills and performance rather than length of service. This would not be a static approach to pay and reward since there may be a need to attract a different range of skills at different levels.”
- \* **Chair of Police Staff Council & Lancashire Police Authority** – “There are some benefits to current progression arrangements but they do not fully reflect achievement and outcomes. PDR processes are cumbersome and do not reflect rewards for innovation and customer focus. Particularly for police staff, it would be helpful to encourage movement between public sector organisations without loss of benefit. Current arrangements on length of service for officers mean that competent staff are lost too early. There may be merit for retaining retirement rates in their 50's for front line constables for whom agility is a key part, but there is limited rationale for applying this to senior officers whose primary function is to direct and manage operations and staff.”
- \* **British Transport Police Authority** – “As far as the pay scales themselves are concerned, the current incremental scales add cost without value and ‘bake in’ inflation. If an individual does well at their job, their individual performance is strong, or their particular contribution to how the job is carried out excellent, it is this that should be considered for additional recognition.”
- \* **ACPO** – “Pay should be assessed annually as part of rigorous performance assessment and there should be no automatic assumption, as there is now, that incremental progression will occur. ACPO’s position is that pay should go up or stay the same according to possession and utilisation of advanced skills, competence and achievements and, conversely, could go down in the event of demonstrable poor performance. ACPO supports a long term move to pay that is recognition of level of responsibility within the organisation and which rewards level of skill, competence and achievement. Long term, police officer and many police staff roles should be professionalised, our learning accredited externally and our staff engage in continuous professional development (CPD), securing ‘certificates to practice’ as is customary in other professions.”

**Pay progression to be introduced for those who wish to stay in the same rank rather than get promoted:**

- \* **MPA** – “At present pay scales relate to specific ranks, but moving up the ranks is the only way for officers to improve their salary and career. These rank structures prevent rewards being based on the demands of the role, the skills and abilities of the individual, performance delivery or regional recruitment market focus. With no incentive to specialise or professionalise, career ambition is directed narrowly to promotion rather than recognising development of outstanding or advanced frontline staff. This has a tendency to

pull many of the best officers and role models from the roles where they excel, reducing continuity in key roles such as neighbourhood policing.”

- \* **Chair of Police Staff Council & Lancashire Police Authority** – “It would also be useful to consider rewarding people for horizontal progression in order to ensure that specialism is seen as a career end in itself. Management progression is not appropriate for all staff and there is a need to value contributions in other ways.”

#### **Removal of pay spines to be replaced by pay bands:**

- \* **APA** - “The APA proposes eliminating the existing pay spine for both police officers and Police staff, to be replaced with incremental pay bands. The advantages of pay bands include:
  - a. Broad-brush increased organisational flexibility
  - b. Increased scope for job differentiation within each rank
  - c. Better matching between reward and role
  - d. Better matching of skills with roles
  - e. Powerful incentives for officer up-skilling and personal performance
  - f. Anticipated cost reduction
  - g. Removal of automatic annual pay uplifts – with no performance-based pay incentives

We believe that pay bands provide an effective approach to ‘mopping up’ inflexibilities of the existing regime. In particular, role based pay will permit more transparent recognition of roles requiring overtime, shift work, particular complexity, specialist capabilities (such as dive squads or firearms units) and rank.”

- \* **APA** - “Consolidation of existing add-ons to the pay structure is a significant feature of APA reform proposals and a pre-requisite for the effective implementation of pay bands. The shift to a role-based regime ensures that officers get paid for the particular roles they perform. This is not possible in the current system. Our approach would eliminate most existing add-ons, including overtime pay, allowances, bonuses and performance payments. That said, the intent of consolidation is clear: increased flexibility, improved pay targeting for performance and recognition, transparency, reduced bureaucracy and cost reduction.”
- \* **APA** - “The APA concedes that experience matters in policing, as indeed in most occupations. We refuse to accept however, that time served is necessarily the best indicator of experience and that, in fact, experience itself is the sole or greatest source of value in any role. Whatever the final approach, pay progression regimes for officers and staff need to ensure congruity. This involves a split scale, with ‘competence’ being the main delineating factor. Three pay bands constitute the training and development phase. Uplifts in pay coincide with officers attaining ‘competent’ ratings as they progress on a simple linear route through the intervals. These are not performance payments in the sense of bonuses, but rather reflect an individual’s increasing capability and career progression. Where an officer

fails to achieve competence at each interval, they fail to receive uplifts. Sustained, underperformance throughout the phase may ultimately subject an officer to dismissal proceedings.”

- \* **APA** - “Individuals who fail or refuse to increase their capability simply self-select themselves out of new opportunities. It is conceivable that an officer or member of staff lock themselves into a particular pay grade for the entirety of the police careers. Our response to any detractors of this approach will always be assert our belief that timebased increments in pay do not incentivise individual performance improvement. Such an approach is bad for morale, bad for business, and provides poor value for money to the public.”

#### **Reduction in number of pay bands:**

- \* **Police Federation** – “The current highest pay point for constables should reflect a fair level of remuneration for those who have reached the top of scale. The PFEW believes that constables should be able to reach that pay point within a shorter period, by reducing the length of the pay spine. This would also help to address one of the factors contributing to a gender pay gap among the constable rank, as identified in the PNB Equal Pay Audit.”

#### **Pay Progression**

#### **Commentary:**

A number of respondents suggest radical reform to the current arrangements for pay progression. Among those are ACPO and the APA. It is disappointing to note that their ideas on pay progression which could have been discussed and processed within PNB over the last three years have never been raised in that forum. The APA proposals seem to be very complex and unclear and risk undermining the transparency of the current arrangements. They are also likely to be costly to implement and administer.

The current pay scales are transparent; they reward experience and motivate police officers over 30 years of service. However, building on the discussion during the three Seminars, the ten year band for the rank of Constable may be discriminatory and would merit further discussion for reform. Incremental progression remains the norm in most public sector organisations. The Police Federation submission makes a strong case in favour of current arrangements.

The experience of other parts of the public sector, eg the NHS, of moving from an incremental system of progression to a different system has been very complex, costly and painful in terms of morale. Great care needs to be taken if changes are to be made to avoid this experience.

## Allowances:

### Reduce/Reform Allowances:

- \* **Crown Prosecution Service** – “Allowances should be appropriate to the role or location and should be in line with other public sector organisations.”
- \* **British Transport Police** – “As a general rule, BTP considers allowances should be rationalised with a view towards a reduction in the number of allowances payable within what must be an easy to administer process.”
- \* **Local Government Association** – “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.”
- \* **Local Government Association** – “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.”
- \* **Local Government Association** – “The London payments for police officers are higher than for other public sector workers working within London...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.”
- \* **Chair of Police Staff Council & Lancashire Police Authority** – “The Review must consider those areas where allowances are paid because of a historical entitlement rather than rewarding complexity or disruption. The so called "Spanish practices" need to be rooted out and removed.”
- \* **British Transport Police Authority** – “As a general rule, we believe allowances should be rationalised with a view towards a reduction in the number of allowances payable within what must be an easy to administer process.”

- \* **APA** - “Consolidation of existing add-ons to the pay structure is a significant feature of APA reform proposals and a pre-requisite for the effective implementation of pay bands. The shift to a role-based regime ensures that officers get paid for the particular roles they perform. This is not possible in the current system. Our approach would eliminate most existing add-ons, including overtime pay, allowances, bonuses and performance payments. That said, the intent of consolidation is clear: increased flexibility, improved pay targeting for performance and recognition, transparency, reduced bureaucracy and cost reduction.”
  
- \* **APA** – “The APA opposes all pay-enhancing allowances, including regional allowances. We advocate abolishing all allowances contained within Regulations and Determinations, but also those applied by individual forces on a unilateral basis. This does not include allowances aimed at reimbursing officers and police staff for out-of pocket expenses (e.g. dog handler’s allowance, motor vehicle allowance), but does include:
  - a. Special Priority Payments (SPP)
  - b. Rent, housing and replacement allowances
  - c. London Weighting and London allowance
  - d. South East allowances

In our view, allowances, or add-ons, are an inefficient and crude mechanism for rewarding additional role responsibilities and/or correcting for recruitment and retention challenges. They constitute incremental wage ‘creep’, distort natural price (wage) equilibriums, increase bureaucracy (and therefore administrative costs), obfuscate total pay entitlements and reduce transparency. The APA believes that police officers have largely come to view such supplements as entitlements, rather than ‘perks’, irrespective of their original (or ongoing) intent. Moreover, this psychological contract with police officers especially has meant that negotiations within PNB only ever produce one outcome - escalation.”
  
- \* **ACPO** – “As with SPP, allowances other than London weighting and the SE allowance, should be reviewed for continued applicability and, where possible, abandoned and directed into total pay packages to reduce the administrative burden and bureaucracy across the service.”

#### **Introduce/Increase Allowances:**

- \* **Police Federation** – “The PFEW believes that there should be a national allowance for being on-call. This is in line with the finding of the Police Arbitration Tribunal in August 2009. At present some forces compensate officers at varying levels for being on-call, while others do not compensate officers at all.”
  
- \* **Police Federation** – “The PFEW would, propose an increase in the level of London Weighting of £1,871.”
  
- \* **Police Federation** – “The PFEW believes it is essential that officers required to use their own cars for police duties should continue to receive a MVA which reflects the costs to officers of using their own vehicles. Earlier this year both Sides of the PNB agreed to the up-rating of motor vehicle allowances and, as has been the normal practice, a PNB circular was issued to

forces informing them of the new rates. However, several months later the Home Secretary refused to ratify the up-rating into Determinations and instructed forces to return to paying the rates approved for the previous year. This situation underlines the degree to which police officers have little control over the way their terms and conditions are determined, even after a negotiated agreement has been reached.”

#### **Allowances should be decided locally:**

- \* **MPA** – “Basic pay should be sufficient to recruit, retain and motivate, and that police forces should be given a degree of pay flexibility. Within any new pay arrangements we should be able to use the funds currently allocated over and above basic pay to address our operational and organisational needs.”

#### **Mentions of PSAEW:**

- \* **National Black Police Association** - “Allied to the view of many commentators including the Superintendents Association that social unrest is likely in the future in the prevailing economic climate. If race is a dominant issue in future social tensions, the fact that our current state of diversity is inadequate, could buttress claims that the Police Service is institutionally racist. In effect, the spectre of 1980s police community relations could return with catastrophic social consequences not to mention the cost in financial terms.”

#### **Allowances**

#### **Commentary:**

**We strongly agree with the Police Federation that there should be an allowance paid to all ranks that are required to be ‘on call’. In addition we agree that allowances such as the London Weighting Allowance remain valid.**

**Many of the allowances that are mentioned in the submissions of those who - like the APA - favour abolition are historical allowances which are ‘withering on the vine’. It is worth noting again that each of the current allowances in existence was granted as a result of tough negotiations while other entitlements were given up. The current situation in respect of Motor Vehicle Allowance, in which the Home Secretary is able to veto a rise recommended by a long established mechanism, is in need of reform.**

**We would strongly disagree with the MPA view that more allowances should be locally agreed.**

## Redundancy:

### Introduce the ability to make officers redundant:

- \* **Crown Prosecution Service** – “By introducing the power to make officers redundant more targeted and appropriate reductions could be made under the comprehensive spending review. This would enable civil staff in support roles to keep their posts where appropriate and also community officers who may be required above of surplus officers. Without the ability to keep the support function roles there may be the need to inappropriately move surplus officers into these roles. Should this be introduced then redundancy packages should follow and support those of other public sector organisations.”
- \* **British Transport Police** – “BTP has redundancy schemes for both Police Officers and staff. For Police Officers the scheme reflects BTPs rail heritage, being based on former rail national agreements on pay and conditions, and national policing role. In the past reorganisations have been managed on a voluntary basis. Even where use of the scheme has been contemplated in terms of Police Officers, it rarely, if ever passes the value for money test. BTP considers having a national scheme essential, given the scale of re-structuring/reduction in strength that has to be achieved across the Police Service. Any such scheme must balance value for money and flexibility while having safeguards which recognise the loyalty and commitment expected of staff.”
- \* **NPIA** – “It is important that police regulations are at least examined to identify possible ways of reducing numbers of police officers, when absolutely necessary, over and above the current mechanisms of regulation A19 and ill-health retirement.”
- \* **Local Government Association** – “Whist 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.”
- \* **Northern Ireland Policing Board** – “A national redundancy/severance scheme should be considered rather than waiting until one is urgently needed. The opportunity should also be taken to examine the present scheme and consider whether it is fit for purpose to meet the changing needs of policing.”
- \* **MPA** – “It is consequently lawful for a police authority to decide to arrange for the compulsory retirement of an officer, or of a group of officers, under A19, on grounds of, for example, the need to save costs. The decision to make compulsory retirements in this way must be capable of justification on normal public law grounds but is potentially subject to challenge on the grounds of indirect age discrimination. However, if there is an objectively

justifiable reason for the discrimination (“a proportionate means of achieving a legitimate aim”) it can be argued that such action is lawful.”

- \* **Chair of Police Staff Council & Lancashire Police Authority** – “The current redundancy situation is not workable in a fast moving situation which requires flexibility. Police Authorities have been urged to look at workforce modernisation and a mix of skills but will be faced with a situation where the only group of people it can chose to make redundant are police staff. This could mean that cheaper more experienced civilian specialists are replaced with police officers who do these jobs less effectively at greater cost. Some of the key roles in policing – customer service, call handling, scientific support etc do not need to be carried out by warranted officers. The provisions of Regulation A19, are we believe, easily variable by the Secretary of State and need urgent consideration.”
- \* **British Transport Police Authority** – “In respect of exit routes and pensions, BTP has redundancy schemes for both police officers and staff. For police officers the scheme reflects BTP’s rail heritage, being based on former rail national agreements on pay and conditions, and national policing role. In the past reorganisations have been managed on a voluntary basis. Even where use of the scheme has been contemplated in terms of police officers, it rarely if ever passes the value for money test. We consider having a national scheme is essential, given the scale of re-structuring/reduction in strength that has to be achieved across the police service. Any such scheme must balance value for money and flexibility while having safeguards which recognise the loyalty and commitment expected of staff.”
- \* **APA** – “Internal job redundancy also needs consideration. If a reduction in senior ranks is necessary in any re-structuring programme, Chief Officers need the power to re appoint officers to new roles and enact internal rank redundancies. This doesn’t mean officers lose rank accreditation, just the role prescribing a particular rank. We expect that pay protection for affected officers will apply according to an overall change programme and standard employment law. We believe our proposed role-based pay structures will go some way to correcting force-level structures that are top-heavy in management.”
- \* **APA** – “The inability of the police service to make officers redundant is a significant barrier to productivity and value for money. More starkly, it is the APA’s view that without redundancy provisions for police officers forces will be incapable of taking the necessary restructuring measures to accommodate the forthcoming budgetary cuts. This places overall service sustainability in significant peril. Chief Officers must have the discretion to manage force resources. This means having control over the workforce size, mix, and functions. The Home Secretary currently has powers afforded under Section 50 of the Police Act 1996 to introduce redundancy provisions for police officers. We strongly urge her serious consideration of our proposal. The APA also supports the unfettered discretion of forces to apply Regulation A19 of police Regulations to enable the compulsory retirement of police officers with 30 years Service.”

- \* **APA** - "Where short term measures to introduce efficiency savings are possible, and don't present risks, they should be implemented as soon as possible. Redundancy is one such measure. The APA urges immediate action in this regard."
- \* **ACPO** – "There should be a review of Regulation A19 to provide a more agile mechanism to control police officer establishment and strength to reflect the scarcity of financial resources. Since the service is currently struggling to balance reducing budgets with significantly fixed police officer costs, ACPO will develop their thinking on the applicability of one off severance for police officers irrespective of service. Regard will be had to appropriate equity with police staff, either of payment and/or terms and allow individuals to leave with 'honour' balancing the interests of the taxpayer. Any proposals arising will require financial modelling to assess impact and financial consequence to forces and taxpayer alike."
- \* **Unison** – "UNISON believes strongly that police authorities and chief constables should be able to make balanced decisions over the configuration of their workforces. There is a real danger in the current cuts climate that the progress on developing a modern police workforce will be reversed if police staff face disproportionate cuts to establishment numbers. This will not be in the interests of either efficiency or effectiveness, or of maintaining a diverse workforce."

## Redundancy

### Commentary:

Agencies like the APA, the CPS and the LGA argue that there should be the provision to make police officers redundant although they also acknowledge that there will be a cost to this. Interestingly, BTP - who have the ability to make police officers redundant - note that the measure 'rarely if ever passes the value for money test'.

Our submission, together with that of the Police Federation, argues that if introduced for police officers redundancy would undermine the compact that currently exists between the Police and the Government and would further erode our limited industrial rights.

### Pensions:

- \* **Crown Prosecution Service** – "For most public sector workers the recruitment age is still 60, although for some new recruits it is still 65 in line with the private sector. As the pension age is being increased to 66 in 2020 it may be worth revisiting the normal recruitment age of 60 for Police Constables and Sergeants and bring this in line with the rest of the public sector. For example the Civil Service no longer has a retirement age, this enables staff to continue to work past 60 or 65 and supports age legislation whilst also retaining essential skills in the organisation."
- \* **APA** – "Final salary-based pensions must be abolished. In fact, our proposals on pay progression are largely irreconcilable with final salary pensions, where we aim to increase

flexibility for movement between roles and to disconnect progression with rank. Average earnings/salary pension arrangements must become the norm, which would also increase alignment between the police service and what appears to be the direction of travel in the wider public sector. We believe existing pension arrangements create an arbitrary barrier to productivity by effectively locking police officers into their jobs. Pension reform needs to facilitate the release of officers from the service at any point in their careers, without financial detriment to their pensions. This flexibility would also make a significant contribution to recruitment by appealing to a more diverse and capable cohort of candidates, knowing they won't be financially hamstrung 10 years into their policing careers. We acknowledge the need for protection of retrospectively accrued rights and pension entitlements in any proposals the government chooses to take forward."

## Pensions

### Commentary:

**Only the CPS and the APA recommend reform of the current Police Pension arrangements. The idea mooted by the CPS to consider raising the pensionable age of police officers to 65 is problematical given the need for front line staff to be fit and agile enough to deal with incidents of public disorder.**

**It should be noted that the Hutton Review of Public Sector Pensions is now well underway and we would ask that the Winsor Team pay close attention to what emerges from the Hutton Review before making any recommendations in respect of Police Pensions.**

### Removal of Ranks:

- \* **British Transport Police** – "An area not included in the consultation questions but being considered by ACPO is a review of the rank structure and management ratios within the Police Service. BTP's position is that it is currently benchmarking its management ratios against Home Office and Scottish police force ratios as well as other private sector and industry comparators where appropriate. At this early stage, BTP considers that all posts should be reviewed without necessarily specifying particular ranks to be removed."
- \* **MPA** – "For example, consideration could be given to removing one or more ranks of the police service as previously suggested in the Sheehy Report (1993) in order to make clearer the differentiation between lines of command and salary levels, and introduce more realistic spans of control. In Australia and New Zealand a similar number of ranks to the UK was seen as autocratic, centrally controlled, overly regulated, and hierarchical. It was felt this in turn led to a lack of distinction between ranks, confusion, ineffective decision-making, and reluctance to accept responsibility. Moreover, it was seen to limit mobility and exacerbate a lack of recognition of non-policing qualifications. As a result, the number of ranks was reduced."

- \* **British Transport Police Authority** – “An area not included in the consultation questions but which should be considered is a review of the rank structure and management ratios within the police service. We would expect there to be a variation in ratios to reflect the function of group within the organisation.”
  
- \* **APA** - “The APA believes that a rank-based structure embodying the traditional policing virtues of authority, discipline and accountability remains essential to protect the fabric of the service. However, our proposals reflect the desire for a significant change in the relationship between pay, progression and rank we think it timely to also review the role and relevance of the rank structure in the modern context. The APA absolutely acknowledges the important role of rank within policing. Our proposals, however, deconstruct the value proposition of policing from one predicated on rank to that of role and individual capability. We propose re-opening debate about rank along several dimensions, including spread. Is the number of ranks and size of intervals still relevant and appropriate in terms of organisational effectiveness and value for money? Further, do force rank ratios represent good practice and our desire for increasing professionalism and delivering value for money? We earlier reflected on contemporary organisation theory and the relationship between workforce design and effectiveness and links with hierarchy, control and risk adversity. The existing hierarchical management structure within British policing, prima facie, represents everything the service can ill afford, and possibly purports to no longer want. Rigid, tall hierarchies slow decision making, reduce responsiveness and relegate individual initiative, problem-solving and innovation. The APA believes such an organisational model to be inappropriate for effective 21<sup>st</sup> century policing. The same thinking applies to rank ratios. We struggle to understand the variance in ratios among forces and think the issue provides fertile ground for achieving an early, significant change in organisational culture, management practice and cost reduction.”
  
- \* **APA** – “Research in other jurisdictions supports our call for a review of the rank structure, particularly in terms of organisation theory. Police Forces in Australia and New Zealand, for example, felt their rank structures led to a lack of distinction between ranks, confusion, ineffective decision-making and reluctance to accept responsibility. Moreover, the number of ranks was seen to limit mobility and exacerbate a lack of recognition of non-policing qualifications. The APA proposes flattening organisational structures, probably by way of a reduction in the number of ranks above that of Sergeant Reduce the number of rank levels above Sergeant (probably Chief Inspector and Chief Superintendent). We propose that further analysis is necessary to establish an appropriate solution and route for implementation.”
  
- \* **APA** – “Under our proposal, officers would be able to move up AND down through pay bands while, at the same time move up and down the rank structure. This creates a possible scenario whereby an officer could drop to a lower rank while paid more in new role as a

result of weighting associated with the other aspects of the position in the same or higher pay band.”

- \* **ACPO** - “There has been comment in recent times about management or organisational hierarchy and questions posed about the number of police officer ranks. There is no strong consensus within ACPO on whether the current rank structure should be changed. The Sheehy report recommended the abolition of the ranks of deputy chief constable, chief superintendent and chief inspector. For a period of time the first of these two ranks were removed but they were later reintroduced as a result of pressure from within the Service. There is a basic problem that more and more officers are passing the promotion exams to sergeant and inspector when there will not be sufficient positions in the future. The thrust of this whole submission is that the Service should move to a system where greater recognition is given to expertise and quality of contribution rather than just rank and length of service. For now the rank structure should remain unchanged and ACPO will develop further its thinking on the issue of the rank structure for the second stage of the review. Forces should, however, be encouraged to determine structures which will differ in rank requirement as broadly prescribed nationally and which do not presume each rank will be represented in all areas. Forces should also review locally, management and supervisory ratios using HMIC national benchmarking data. To support this, it is likely that some re-regulation and flexibility in the strict allocation of powers to specific ranks should be relaxed.”

## Removal of Ranks

### Commentary:

Although none of the original questions posed by Winsor related to the rank structure some respondents, most notably the APA, queried the current rank structure. This is an old chestnut and we note that there is no strong consensus within ACPO on whether the current rank structure should be changed. There are 143,000 police officers in England and Wales. The majority of these are Constables. There are just six ranks in the Police Service. The Armed Services, the Fire Brigade and many large commercial organisations have larger rank and grade structures. The post of Chief Superintendent and Deputy Chief Constable were removed as a result of the Sheehy Review of Policing only to be reintroduced as both were so patently needed in the interests of efficiency. There is no business case made by any of the respondents for a review of the current rank structure. Indeed the Police Service is an emergency service, a disciplined organisation that deals with operational and critical incidents where a clear, flexible and resilient rank structure is essential.

In this regard research conducted by the PSAEW shows that in the past 30 years, as a proportion of the total numbers in the Police Service, every rank apart from that of Constable, has decreased. As can be seen from the table below ACPO, Superintendents and Chief Inspectors have all declined as a proportion of the Police Service. As previously stressed in our original submission and at the three Seminars, the numbers of Superintendents are declining again at present. This means that

the reduced numbers who are in post carry heavier workloads and greater responsibilities than ever before.

**Comparison of Police Officer Strength by Rank 1979-2009**

*(Statistics taken from The Home Office Statistical Bulletins)*

	1979		2009		increase/decrease in total numbers
	Total Numbers	% of Police Officers	Total Numbers	% of Police Officers	
ACPO	261	0.23	217	0.15	- 16.86%
Superintendents & Chief Superintendents	2,144	1.93	1,489	1.05	-30.55%
Chief Inspectors	2,363	2.13	1,907	1.35	- 19.20%
Inspectors	6,176	5.56	7350	5.19	+ 19.01%
Sergeants	18,443	16.6	22,142	15.6	+ 20.06%
Constables	81,757	73.6	108,272	76.4	+ 32.43%

**Direct Entry:**

**In Support of Direct Entry:**

- \* **National Black Police Association** - In favour of it to improve diversity.
- \* **National Association of Muslim Police** - Support direct entry above the rank of PC
- \* **Local Government Association** – “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 to 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.”

- \* **Local Government Association** – “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.”
- \* **MPA** – “Direct recruitment into more senior roles, particularly in some specialisms and managerial roles, could tap into a wealth of diverse experience and talent outside the policing environment. The MPA is running a seminar to examine the scope and benefits of multi point entry in January 2011.”
- \* **APA** – “While continuing to advocate single-point entry in the main, the APA believes forces still require the independence and flexibility to permit direct entry where desired. We anticipate direct entry for new joiners to the service at any position above recruit level will be predominantly by exception.”

## Direct Entry

### Commentary:

While the LGA and the MPA suggest that there are advantages to the introduction of Direct Entry above the rank of Constable, neither respondent gives any details of how this would work in practice. We reiterate our view that effective operational command is based upon previous police experience, in the case of our members at each rank up to and including Superintendent, acquired over many years.

We would remind the Winsor Team that Peter Neyroud’s Report on the Future of Leadership in Policing is due to be delivered to the Home Secretary before Christmas. It is essential that his Report is considered by the Winsor Team.

### Retired Officers drawing their pension and working as Police Staff:

- \* **MPA** – “Lord Hutton’s independent pension commission provides an opportunity to address the practice of re-employing retired police officers as members of police staff, often at senior levels. One simple option would be to abate the pension whilst the officers remain employed by the police service. There is already a limited provision for abatement when a pensioner resumes service as a regular police officer.”
- \* **Chair of Police Staff Council & Lancashire Police Authority** – “Questions of re-engagement of officers and staff are directly linked to questions of retirement age. An officer in their

fifties can be working alongside a police staff member carrying out broadly similar roles but is then able to retire, draw a pension and be re-engaged. This is an uncomfortable state of affairs. We would prefer to see sensible decisions made on retirement age than make comments based on what is "fair". It may make sound business sense to re-engage an experienced professional who needs little or no training to engage with and that they are familiar. If they are the best candidate for the job, they should have the chance of applying for it. Forces may choose to set rules about not employing people within a certain time of them receiving a pension."

- \* **APA** – "In the same breath, the APA is deeply unsettled by instances of police officers retiring on full benefits at 30 years service, often in their early 50's and rejoining the service, often as members of police staff. Indeed there are examples of officers currently, who subsequent to retirement (in a technical sense) have returned to force as sworn officers at very senior rank. A simple solution to challenges of 'fairness' in such instances is to abate officers' pensions while continuing to be employed by the police service. There is already a limited provision for abatement when a pensioner resumes service as a regular police officer."
  
- \* **Unison** – "There are occasions on which forces have employed a retiring police officer in a police staff role, particularly in certain specialist jobs. However, we do not believe that forces are taking adequate care to ensure that there is an equality proofed level playing field for existing police staff, or external candidates, to compete fairly for the opportunities offered to ex-police officers. This has equality and diversity implications, particularly as the majority of ex-police officers gaining police staff roles are white males over the age of 55. We are also concerned at evidence that some forces are accelerating ex-police officer recruits to police staff roles to the top of pay scales on appointment, leading potentially to indirect discrimination against younger or female appointees to the same posts, who tend to be appointed at the bottom of the pay scale."

**Retired Officers drawing their pension and working as Police Staff:**

**Commentary:**

**Many retired police officers have valuable skills which are attractive to employers. As long as selection procedures are transparent and fair, retired officers should be allowed to compete for posts with other members of support staff. The fact that they have already earned a pension should be irrelevant.**

**Police Powers to Police Staff:**

- \* **APA** – “Linked to our proposals, we advocate further ‘loosening’ the distinction between Police officers and police staff members in certain circumstances. For example, it may seem prudent for forces to have the ability to confer defined and limited policing powers on select members of police staff on an ‘as required, by role’ basis, where doing so best supports workforce mix and organisational effectiveness considerations (e.g. investigation teams).”
- \* **MPA** – “Whilst police officers have the flexibility to respond to all kinds of emergencies, judging what needs to be done and imposing solutions, the Chief Constable or Met Commissioner and PCC also need a greater degree of flexibility to authorise particular powers, functions or duties to any member of the police service, except, for non uniformed staff – the power to arrest. This would enable other suitably trained or qualified police staff to perform roles where some, but not all, police powers and protections are needed, without requiring constant changes to legislation.”

#### Police Powers to Police Staff:

#### Commentary:

Only the APA and the MPA assert that further powers should be given to Support Staff in the interests of greater flexibility without giving any real detail. We do not believe that there is a need to change the existing arrangements. Indeed any further devolution of police powers to Support Staff will undermine the Office of Constable and would significantly cloud the clear distinction between Police Officers and Support Staff which exists in the minds of the public. The Office of Constable and the exercise of police powers is a clear element of the legitimacy of policing in this country.

#### Office of Constable:

- \* **APA** – “The APA observes within the police service a widespread and deeply engrained sense of entitlement associated with the Office of Constable. Entitlement, in this case, comprises a market premium on pay and conditions of service to compensate for constraints imposed on officers’ personal lives by their Office-holding status. We suspect, supported in particular from our participation in PNB negotiations, that officer perceptions of the impact of these constraints are inflated. Moreover, the APA regularly observes exploitation of these constraints to strengthen Staff Side justification for ever greater pay and increasingly favourable conditions of service. In this regard, police officers have exploited the failings of the service to present robust counter-arguments. The challenge we face is ‘pricing’ these constraints. Understandably, a tension exists between police officers and forces in terms of the appropriateness of any such price.”
- \* **APA** – “By definition, costs currently associated the Office of Constable reduce the ability of the service to attract candidate officers at the true market wage, negatively impacting

productivity (via an overall higher cost base). If these impositions are largely inconsequential in terms of the size of impact, we might assume the fact to be recognised by the police workforce, both existing and latent, returning wage costs to their real level. Lower overall wage costs increase productivity.”

**Office of Constable:**

**Commentary:**

**The Office of Constable carries with it a number of benefits together with a number of significant constraints. The APA concentrates on the former and makes no mention of the latter. Both the Police Federation and the PSAEW make a powerful case in their submissions of the uniqueness of the Office of Constable and we would urge Winsor to understand the need to retain current arrangements.**