

CONSTITUTION

OF THE

POLICE NEGOTIATING BOARD

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Preamble

1. The constitution of the Police Negotiating Board ('the Board') set out in the following paragraphs has been agreed by the Secretary of State in accordance with the provisions of Section 61 (3) of the Police Act 1996.
2. Any reference in this constitution to pensions matters will be construed, for both Great Britain and Northern Ireland, as including any matter which, for Great Britain, is or may be dealt with by regulations under the Police Pensions Act 1976.

The Board

3. The Board will meet as appropriate to consider matters affecting all ranks that are not appropriate to its standing committees. It may also consider matters affecting its own constitution.

Functions

4. The functions of the Board are to consider the questions listed in Section 61(1) of the Police Act 1996 – hours of duty; leave; pay and allowances; the issue, use and return of police clothing, personal equipment and accoutrements; and pensions – and to make recommendations on such questions to the Secretary of State, to Scottish Ministers and to the Minister of Justice for Northern Ireland.

Representation

5. The Board will consist of an Official Side and a Staff Side representing, and appointed by, the authorities and bodies ('the constituent bodies') listed in Tables 1 and 2 below. Each constituent body will have the number of representatives shown.

Table 1 – OFFICIAL SIDE (Full PNB)	
Constituent body	Total
The Secretaries of State (Home Secretary, Minister of Justice for Northern Ireland, Scottish Ministers)	3*
The Association of Police Authorities of England and Wales (until 21 st November 2012); The Association of Police and Crime Commissioners (from 22 nd November 2012)	10
The London Mayor's Office for Policing and Crime	1
The Convention of Scottish Local Authorities	3
The Northern Ireland Policing Board	1

Association of Chief Police Officers (to include the Metropolitan Police Commissioner) and Association of Chief Police Officers in Scotland	4
TOTAL	22

* If either the Minister of Justice for Northern Ireland's representative or the Scottish Ministers' representative is unable to attend a meeting the Home Secretary may send an additional representative.

Table 2 – STAFF SIDE (Full PNB)	
Constituent body	Total
The Chief Police Officers Staff Association	2
The Police Superintendents Association of England and Wales	2
The Police Federation of England and Wales	7
The Association of Chief Police Officers in Scotland	1
The Association of Scottish Police Superintendents	1
The Scottish Police Federation	4
The Superintendents Association of Northern Ireland	1
The Police Federation for Northern Ireland	2
All Police Staff Associations acting jointly for the appointment of Staff Side Chairman and Secretary	2
TOTAL	22

Committees

6. There will be four standing committees of the Board, namely:-

- (a) the Chief Officers Committee, for the consideration of matters affecting ranks above chief superintendent in England and Wales and in Northern Ireland;
- (b) the Superintendents Committee, for the consideration of matters affecting the ranks of superintendent and chief superintendent in England and Wales and in Northern Ireland;

- (c) the Federated Ranks Committee, for the consideration of matters affecting ranks below that of superintendent or affecting police cadets in England and Wales and in Northern Ireland;
- (d) the Scotland Committee, for the consideration of matters affecting all ranks in Scotland.

7. A matter which impacts on more than one standing committee will be considered by the Board or a sub-committee of the Board unless the Board decides that it should be considered by the committees concerned.

8. Each standing committee will be authorised to make recommendations in the name of the Board to the Secretary of State and the Minister of Justice for Northern Ireland or, in the case of the Scotland Committee to Scottish Ministers, about matters affecting the ranks with which it is concerned.

Representation on Committees

- 9. (a) The Chief Officers Committee will comprise:-
 - (i) an Official Side consisting of 10 members, and
 - (ii) a Staff Side consisting of 7 members.
 - (b) The Superintendents Committee will comprise:-
 - (i) an Official Side consisting of 13 members, and
 - (ii) a Staff Side consisting of 11 members.
 - (c) The Federated Ranks Committee will comprise:-
 - (i) an Official Side consisting of 16 members, and
 - (ii) a Staff Side consisting of 12 members.
 - (d) The Scotland Committee will comprise:-
 - (i) an Official Side consisting of 6 members, and
 - (ii) a Staff Side consisting of 6 members.
 - (e) The relevant constituent body members of the Official Side of the Board will appoint Official Side members to the standing committees.
 - (f) The relevant staff association members of the Staff Side of the Board will appoint Staff Side members to the standing committees.
 - (g) Constituent bodies may nominate people who are not members of the Board to serve as members of the standing committees or their sub-committees.
10. The Board and the standing committees may constitute such sub-committees or working parties as they think fit.
11. Subject to the agreement of the Independent Chair, any member of the Board,

or any nominee of a Board member, not being a member of a Standing Committee, having a proper interest in the business of a meeting of that Standing Committee, may attend the meeting as an observer.

Independent Chair and Deputy Chair

12. The Independent Chair of the Board and the Deputy Chair will be appointed by the Prime Minister in accordance with Section 61(2) of the Police Act 1996.

13. The Independent Chair or the Deputy Chair will preside at all meetings of the Board and its standing committees.

14. The Deputy Chair will exercise the full functions of the Independent Chair in his or her absence, or if the post is vacant.

Independent Secretariat

15. An Independent Secretariat acceptable to the Board will be provided by central government.

16. The Secretariat will be answerable to the Independent Chair and responsible for:-

- (a) The administrative arrangements for meetings of the Board and its standing Committees, sub-committees and working parties.
- (b) Taking the minutes and notes of such meetings.
- (c) Researching and assessing data on pay and all other matters of concern to the Board and its committees. The results of such research will be supplied to both Sides of the Board.
- (d) Providing information to the Sides, either on request from the Sides or as the Secretariat in consultation with the Independent Chair considers appropriate.
- (e) Other matters determined by the Board.

17. The Secretariat will, where possible and consistent with their independent status, provide any other assistance requested by either Side.

18. Where necessary the Secretariat will prepare, in consultation with the Official and Staff Sides, explanatory memoranda giving agreed interpretations of:-

- (a) Police Regulations which give effect to agreements reached by the Board or a standing committee;
- (b) agreements reached by the Board or a standing committee which are not embodied in Police Regulations.

Members

19. The constituent bodies listed in paragraph 5, Tables 1 and 2, will nominate those

who are to represent them on the Board and its standing committees and will specify the period for which their representatives will serve.

20. The representatives of the Association of Police Authorities of England and Wales will be current members of police authorities. The representatives of the Association of Police and Crime Commissioners will be such persons as may be nominated from time to time by that Association. The Northern Ireland Policing Board may be represented by an official from its Secretariat.

21. A constituent body may fill a casual vacancy in its representation on the Board or a standing committee, or nominate a replacement for a representative who is absent from a meeting.

Officers

22. The Official Side and the Staff Side of the Board will each appoint a Side Secretary.

23. The Official Side and the Staff Side of the standing committees constituted in accordance with paragraph 9 will each appoint a Side Secretary.

24. One person may hold more than one appointment and may be appointed whether or not that person is a member of the Board or of a standing committee.

Quorums

25. The quorum for full PNB and each standing committee will be a majority of members present from each Side.

26. If a meeting of the Board or of a standing committee is found not to be quorate, the Independent Chair will suspend the meeting.

Meetings

27. All meetings of the Board, its standing committees, and any sub-committees or working parties, will be called by or on behalf of the Independent Chair. Three months' notice will be given of those Board meetings called to consider constitutional change. The Independent Chair will call a meeting at the request of either side, on his or her own initiative, or in such other circumstances as the Board may determine.

28. The proceedings of the Board or of a standing committee, sub-committee or working party will not be invalidated if all its members have not been appointed or if it is subsequently discovered that there was some defect in the appointment of a member or of a deputy for a member.

29. Subject to the other provisions of this constitution, the Board and each standing committee will determine their own procedure.

Conciliation and Arbitration Procedure

30. An agreement of the Board or its four standing committees will be reached by the concurrence of both Sides of the Board or standing committee, as the case may be.
31. When considering any of the questions listed in section 61(1) of the Police Act 1996 with a view to making a recommendation to the Secretary of State or the Minister of Justice for Northern Ireland or, in the case of the Scotland Committee to Scottish Ministers, either the Official Side or the Staff Side may formally register a failure to agree and, through the Chair, seek to initiate the conciliation process.
32. If the Chair is satisfied that there is no further scope for agreement in the Board or the standing committee on the question under consideration, he or she will seek to secure the most appropriate method of conciliation under the circumstances.
33. A conciliator appointed for this purpose will meet the parties either separately or jointly, and will seek to promote a voluntarily agreed recommendation to be reported back to the Board or appropriate standing committee as a possible basis for reaching a settlement.
34. Where the Chair refers a question for conciliation, it will take place as soon as reasonably practicable and, in any event, will commence within a period of one month from the date of a failure to agree being recorded.
35. Where conciliation fails to result in agreement, the matter may be referred to arbitration, at the instance of either Side and under the terms of paragraph 36, without being referred back to the Board or appropriate standing committee.
36. If the Official Side and the Staff Side of the Board or of one of its standing committee fail to agree on a recommendation to the Secretary of State or the Minister of Justice for Northern Ireland or, in the case of the Scotland Committee to Scottish Ministers, and if conciliation does not result in an agreed recommendation, the dispute will at the instance of either Side be referred to the Police Arbitration Tribunal (PAT). The PAT will consist of three arbitrators appointed by the Prime Minister. Its Secretariat will be provided by the Advisory, Conciliation and Arbitration Service (ACAS).
37. The terms of reference for any dispute referred to the PAT will be agreed beforehand by the Official Side and the Staff Side. The assistance of the Independent Chair or ACAS will be sought in the event of a dispute about the terms of reference.
38. If one or more of the arbitrators is unavailable at the required time, a reserve or reserves will be appointed by ACAS. Arbitration proceedings initiated under paragraph 36 may continue notwithstanding the death or absence of, or relinquishment of appointment by, one or two of the arbitrators.
39. Any decision of the arbitrators will be treated as though it were an agreement of the two Sides of the Board or the standing committee in question.
40. Pension matters are not arbitrable.

Powers of the Secretaries of State

41. The Home Secretary, the Scottish Ministers and the Minister of Justice for Northern Ireland will each have the power to direct the Board and its standing committees to:

- (a) consider and reach agreement on such matters as he/she may specify and/or
- (b) set deadlines for the Board to complete its consideration of such matters.

42. Both these powers will be reserved for cases where the Secretary of State, the Scottish Ministers or the Minister of Justice for Northern Ireland consider their use to be justified as a matter of serious national importance to the police service. The powers will only be used following consultation with the Independent Chair.

43. Where agreement cannot be reached by the set deadline, the Independent Chair will declare a failure to agree and (following conciliation if this is deemed appropriate by the Chair) the matter will be referred to the PAT for arbitration. Paragraphs 36-40 of the Constitution will then apply.

Annual Report

44. The Independent Chair will make an annual report to the Prime Minister, and copy it to Scottish Ministers and to the Minister of Justice for Northern Ireland. The report will cover the 12 months up to the year ended 31 March and be submitted within 2 months. The report will include:

- (a) business processed and length of time taken, with an explanation if any matter has taken over 12 months to be concluded;
- (b) attendance, and continuity of representation;
- (c) numbers attending meetings;
- (d) reference to information provided to the Sides by the Independent Secretariat, either on its own initiative or at the request of the Sides;
- (e) the use of arbitration;
- (f) evidence that the Board is monitoring its own effectiveness and improving its business processes where justified.

45. Before submitting the Annual Report as above, the Independent Chair will make available to the Sides a draft of the Report and will take into account any comments which the Sides may make on it.

Role of the PNB in Local Disputes

46. The Board will provide assistance to parties in dispute locally about the interpretation of agreements reached by the Board or its standing committees or about the application of Police Regulations covering Board matters on request. The procedures which should be followed in such cases are set out in Annex A.

Requests for Guidance

1. In cases where negotiations between local parties are in progress and have not been exhausted, enquiries or disputes may be brought to the PNB by the Secretaries of the Staff or Official Side, or through the Independent Secretary to the Board. Where a local party writes in the first instance to the Independent Secretary, he or she will immediately circulate the correspondence to the Secretaries of the Staff and Official Sides and seek their views on the matter under dispute. It will normally be possible for the joint Secretaries to provide authoritative advice on the interpretation or application of PNB agreements. Where the Sides are agreed on such matters, it will not normally be necessary to inform the Chair.
2. Similar guidance may be given in cases involving disputes over Police Regulations covering Board matters; however, the right of parties to such disputes to challenge the interpretation or application of Police Regulations through legal channels is unaffected by any advice given by the PNB.
3. If the Secretaries of the Staff and Official Sides are unable to agree on the advice to be provided in any cases covered in the two paragraphs above, either of them may refer it to the relevant standing committee of the Board or the Board itself.

Conciliations

4. Where local procedures for resolving disputes have been exhausted, it may be appropriate to undertake a form of conciliation or determination which will be carried out by the Secretaries of the two Sides and the Independent Secretary. The procedures will be initiated by the Independent Chair of the Board, or by the Deputy acting on his or her behalf.

Requests for conciliation may be made by either Side Secretary, or directly through The Independent Secretary. The following procedures will be followed:

- the Independent Secretary will write to the Independent Chair of the Board, informing him or her that the dispute has been brought to the PNB and asking him or her to initiate the conciliation process;
- once he/she has received the Chair's approval to initiate conciliation, the Independent Secretary will write to the local parties and ask them to confirm that local procedures have been exhausted, and for a statement of their case;
- when this has been received, the Independent Secretary will inform the Chair, and with his/her agreement call a meeting between the Secretaries of the two Sides of the Board or the standing committee that made the agreement that is in dispute to review the basis of the dispute and to decide how best to resolve it.

5. The Board will seek to resolve requests for guidance and conciliations within two months of the matter first being raised. Where this is not achieved, the Secretary will inform the Chair. The procedures for resolving disputes beyond this point will depend on the nature of the particular case under consideration.

Disputes about the interpretation of a PNB agreement

6. Where a dispute results from the local parties' disagreement about the interpretation of a particular PNB Agreement, it will normally be appropriate in the first instance for the joint Secretaries to provide written guidance through the Independent Secretary direct to the local parties concerned. Where the joint Secretaries are agreed on such guidance, the Independent Secretary will inform the Chair of the Board, and provide an agreed written interpretation to the local parties.
7. Where the joint Secretaries are not agreed on the interpretation of a PNB agreement they may refer the matter to the appropriate standing committee of the Board or to the Board, where it will be dealt with under the procedures outlined in paragraphs 31-35 in the PNB constitution.

Disputes about the application of a PNB agreement or Police Regulations

8. Where a dispute stems from disagreement about the application of a PNB agreement in particular circumstances (including disputes about management's use of an unqualified discretion provided to the Chief Constable in a Police Regulation or a PNB agreement) it will normally be appropriate to call the parties to a formal conciliation. Such a conciliation will only be practical if the parties to the dispute are committed to finding a solution; a solution cannot be imposed.
9. If the Side Secretaries agree that conciliation is appropriate, the Independent Secretary will inform the Chair, and invite the parties to participate in a conciliation. He or she will then arrange a meeting in which the local parties concerned may put their case to the joint Secretaries who will seek to reach an agreed solution to the dispute. The Independent Secretary will notify formally the local parties of the outcome of the conciliation in writing having first cleared the joint Secretaries' advice with the Chair of the Board.
10. In the event that the local parties are unwilling to participate in a conciliation, or do not accept the advice provided through the conciliation process, the Independent Secretary will advise the Chair of the Board accordingly. At the request of both Sides, the Chair may write to the local parties to ask them to review their decision, but in the event that this request is not successful a solution cannot be imposed on the parties.
11. This does not of course remove the right of either Side to request that the PNB agreement itself, on which the local dispute is based, should be reviewed by the standing committee concerned or by the Board. In the event that agreement cannot then be reached on the basis of the PNB agreement or Regulation concerned, the matter may then proceed to arbitration as provided for in paragraphs 36-40 of the PNB Constitution.