



REVIEW OF REMUNERATION AND CONDITIONS OF SERVICE FOR POLICE OFFICERS AND STAFF

PART 2

**THE POLICE SUPERINTENDENTS' ASSOCIATION OF ENGLAND
AND WALES
SUBMISSION
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FOREWORD

We are in an era where the debate about Police Reform is framed around failure not success, problems not challenges and the workforce is perceived as the problem rather than the solution.

Our police service is recognised as being world class, and it should be the responsibility of all involved in shaping and implementing reform in policing to acknowledge the successes and all that is good and productive. However, that does not mean that we should not be prepared to accept that there are aspects of policing that can be improved and modernised.

The Police Superintendents' Association of England & Wales (PSAEW) welcomes the invitation to make submission to the Winsor Review Part 2. Our approach has been to offer the views of the Association using the experience and professional judgement of those who have the day to day responsibility, and privilege, to be the senior operational leaders of the police service.

This submission forms just one part of our contribution to the Review and we will consider and respond to the other formal submissions made by individuals and organisations. We welcome the invitation from Tom Winsor to engage with him and his Review Team and offer our assurance that the PSAEW will participate in a spirit of openness and genuine desire to improve policing for the future.

We share with Tom Winsor the express desire that fairness is an essential part of any new system of pay and conditions; and that the Office of Constable should remain as the bedrock of British policing.

Policing is primarily an evidence based function and the members of the PSAEW have an expectation that any recommendations arising from the Review will be founded firmly on evidence.

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EXECUTIVE SUMMARY

The recent riots have demonstrated the ability of the police service to respond and mobilise effectively and expeditiously. It has allowed the opportunity to highlight the flexibility of the workforce and has questioned the arguments that suggest Police Regulations act as an inhibitor to effective management of resources. The response of the police service has also brought into question the assertion that the time of the omni-competent police officer has passed. Arguably, on the contrary, during the riots we saw the ability of police officers from all parts and disciplines within the service to provide added resilience to the front line and it is a timely reminder of the unique nature and responsibilities of police officers.

This submission has sought to answer the 151 questions posed in the call for evidence either individually or, where appropriate to do so, by summarising our answers around a general theme. Whilst we have sought to widen the scope of our responses to embrace the wider police service, it is important to recognise that primarily our raison d'être is that of a staff association and where it is clearly appropriate we have given a staff association perspective.

Basic pay

The purpose of the present pay scales is to attract, reward, retain and motivate officers and staff who are performing a difficult, complex, stressful and at times dangerous role in society. It should be noted that in 1978 when the Edmund Davies Review was published, the new rate of pay for Constables put them above the 75th percentile. More recently Professor Disney's work for Winsor 1 put Constable pay at the 75th percentile. This represents a worsening situation over time.

However, the PSAEW believes that the current ten year pay spine for the rank of constable is in need of reform and that people should only be rewarded with progress where their contribution is satisfactory and that additional reward should be available to those whose contribution merits additional pay.

We believe that, in moving from existing arrangements to new arrangements for pay, a non-worsening clause should be included so that no officers at any rank, who currently earn a certain level of pay, see that pay reduced due to changes introduced as a result of the Part 2 recommendations.

In view of the reductions in the number of superintendents in England and Wales (-12% in 2011), we feel that there is a strong emerging business case for chief inspectors pay to rise to reflect the extra responsibilities and tasks that they are now required to take on.

There is sufficient evidence that shows that the costs of living in and around London and working in London are higher than elsewhere. That is why, over time, the London allowance and the London weighting allowance have been negotiated and agreed. We see no reason to change the current arrangements.

We do not support the introduction of spot salaries for superintendent and chief superintendent. We support the retention of the current pay scales for both ranks and for the retention of the performance related bonus/double increment award together with the post related allowance, all of which were introduced in the 2003 PNB agreement. At no time since 2003 have any members within the Official Side of the PNB raised any concerns over the current pay arrangements for the superintending ranks.

We have recently, and in support of the process being undertaken in Winsor 2 in this area, commissioned research by the Hay Group into how the responsibilities of superintendents and chief superintendents have changed over time and how the current pay of our members compares to that in the wider public sector and in the private sector. The results of that research are contained at Appendix 'A' of this report.

These results provide a strong argument to say that some superintendents and chief superintendents are currently paid beneath the median for similar roles elsewhere in the public sector and in the private sector. We ask that the Review considers this evidence and supports moves to address this issue.

We believe that the current rates of pay for Chief Constables and Deputy Chief Constables are appropriate. However, we have a concern that newly introduced tax arrangements and the Annual Allowance and Lifetime Allowance changes in respect of pensions, which are now hitting members of the ACPO ranks, are a disincentive to seeking promotion and that the service may increasingly put off the best applicants for these top posts. We feel that this situation should be reviewed by the Winsor team.

We would refer to our previous submission to Winsor 1 in respect of regional pay (Question 58). Currently pay for police officers is determined nationally with some regional allowances payable where the cost of living is higher than average (e.g. London allowance, London weighting allowance and South East Regional allowance).

This system has worked well over many years and we see no reason to change it. National pay structures reduce the number of local negotiations which would be required to set pay at a local level. A move away from the current system would be costly and would increase bureaucracy.

Moreover, a move towards regional and local pay for police officers would undermine collaboration processes and inter-operability at a time in which police forces are increasingly collaborating at regional and local levels. It would also potentially discourage police officers from undertaking secondments.

Contribution-related and role based pay

The PSAEW would support a pay system that rewarded both experience gained in the rank and performance/contribution.

Where individuals receive enhanced payments as a result of their performance/contribution, we consider that this should count for pension purposes.

Subject to the caveat at Question 2.2, the provisions of the PRB/Double Increment scheme for superintending ranks is a good example of how performance-related pay can work effectively in the public sector when performance priorities are properly negotiated. We are not sighted sufficiently on the detail of other schemes to make informed comment; however, performance payments for bankers and GPs have been the subject of widespread public criticism, as have schemes where individuals have been rewarded for 'narrow' performance achievements within organisations that have otherwise been seen as failing. Such schemes should be avoided. We would also comment that performance-related pay for superintending ranks has been capped at around 5% of salary. This is significantly less than payments that are available to chief officers and many other areas of the public and the private sectors.

The PSAEW agrees with the premise that an individual should be assumed competent unless there is evidence to the contrary. This assumption should apply at all ranks.

The concept of introducing an element of an individual's pay which is 'at risk' in the event of poor performance is not supported. Where an individual's performance is considered to fall short of the standard required then that individual should be dealt with by means of the existing Unsatisfactory Performance Procedures (UPP). If the performance of the individual concerned does not improve, then he/she can be reduced in rank or, ultimately, be dismissed.

The relationship between a Chief Constable and Police and Crime Commissioner should be one of mutual professional respect and engagement. The PCC will have the power to appoint and dismiss a Chief Constable which brings with it enormous responsibilities and the expectation that that relationship will be discharged with absolute clarity, transparency and probity.

Chief Constables should, quite properly, be held accountable for their performance as should any police officer. However, we do not support the contention that matters of unsatisfactory performance should be dealt with by what amounts to a financial sanction. The term 'poor performance' is meaningless unless measured by objective criteria. Chief Constables should be judged no differently than any other police officer in relation to performance, i.e. there should be clear and objective criteria agreed between the Chief Constable and the PCC, by which performance can be judged. If there are issues of probity or conduct, these should be dealt with under misconduct or criminal process.

We do not support the concept of 'at risk' pay at any rank.

The overall remuneration and reward package for Chief Officers should be based on agreed national criteria. For absolute transparency and to remove any suggestion of impropriety we believe that all pay and rewards packages should be in the public domain, as is the case for all other police officers.

Regulation 11 of the Police Regulations 2003 (requiring all Chief Constables to have held a post at ACC and DCC in a different force) appears to have been circumvented by exception on a number of occasions. If Police and Crime Commissioners have the ability to promote an officer to Chief Constable, they should have the option, subject to other selection criteria in relation to qualification and experience, to select a candidate who is in their view most suited and qualified for the post from a central pool of suitable candidates. The current regulation is obsolete and should be removed.

The matter of Fitness Testing is one that has been examined in some detail within the Police Advisory Board for England and Wales (PABEW), including the implications in respect of the Equality Act 2010, and is available to the Review.

In 2003 the PABEW considered the piecemeal approach adopted by police forces in England and Wales and concluded that it was unconvinced that universal, periodic fitness testing was appropriate for the police service. However, fitness testing should take place for police officers undertaking specialist roles such as authorised firearms duties or specialist public order roles, where it is clear that enhanced levels of fitness are required to meet legitimate public expectations relating to public safety.

The PSAEW has been conducting regular surveys to monitor members' health and wellbeing for over ten years.

The results demonstrate consistently that officers are experiencing levels of stress and demands upon their personal well-being and resilience that have the potential to lessen their effectiveness. In addition, rather than taking days off sick, officers are using annual leave and weekly leave days to hide their absence through ill-health.

The Executive Summary is attached to this submission at Appendix B.

We would therefore suggest that, rather than fitness testing, the police service directs its efforts towards providing an effective occupational health service for all police officers and police staff. Enhanced health screening will, arguably, produce a healthier and more effective work force, in turn reducing levels of health-based absences.

The PSAEW supports the concept of professionalising the police service with individuals taking more responsibility for their personal development; however, we do not feel that there should be a direct reward for personal development. Our preference is that the reward should be provided as a consequence of an improvement in personal performance

as a result of the individual putting their learning into practice in the workplace, which should be assessed via a robust PDR process.

The use of overtime is a cost-effective tool for responding to unforeseen demands, as well as some that are anticipated or planned, in a way that delivers value for money as well as ensuring that police officers do not become victim of poor management practices; that work/life balance is maintained wherever possible and, where additional hours are required to be worked, that proper compensation is paid. It should be remembered that police officers can be ordered to work overtime and it is not necessarily always performed voluntarily. It should also be borne in mind that, where an officer is engaged in dealing with an incident, or a prisoner, at the end of their tour of duty, it can be more cost effective to pay that officer overtime to remain on duty for a limited period of time to complete the task, than to hand it over to another officer to complete.

The payment of overtime allows flexibility to be maintained within the workforce and also means that fewer officers are required overall. If compensating officers for additional hours worked was not an option, then force establishments would need to be greater to cope with peaks in demand or, alternatively, service delivery to the public would be adversely affected as resources would need be switched from one policing activity to another to cope with such fluctuations.

The use of paid overtime is sound in principle and much progress has been made over recent years to reduce the amount of money spent in this way. This has been achieved through effective management.

Overtime could be 'bought out' as was the case with the inspecting ranks in 1993. Whilst this worked relatively well for a period of time in some areas, the additional payment did not effectively compensate the majority of detective inspectors, or detective chief inspectors, who frequently work excessive hours way beyond the value of the original 'buy out'. This unfairness is likely to become more widespread as forces reduce the number of officers within the inspecting ranks in order to meet budgetary constraints. We are not aware of any evidence that suggests that either the workload, or the expectations placed upon these officers, has reduced commensurately. If overtime were to be 'bought out', there would inevitably be winners and losers amongst the constable and sergeant ranks. Some officers routinely work overtime, whilst others do so only occasionally. To develop a 'buy out' scheme that would be fair to all, and that could adequately take account the flexibility required for officers moving between different roles within the same rank would, we consider, present a significant challenge. We would not support such a proposal.

Entry routes for officers

The PSAEW does not support the view that there is a need for direct or multi-point entry for police officers into the police service.

The lack of diversity at senior ranks in terms of women and officers from a BME background in particular has also been cited as a reason to introduce direct or multi-point entry into the service. The PSAEW would echo concerns regarding the service's poor performance at increasing the number of women and BME officers (and officers with other protected characteristics) at superintending and chief officer ranks, however we have yet to see any evidence that direct or multi-point entry will resolve this issue. It is essential that the underlying cultural reasons for the lack of diversity at these ranks is fully understood and addressed otherwise a female or BME officer who joins the ranks as a direct entrant will enter that same culture and their retention could prove to be an issue.

The service has been successful in recruiting increasing numbers of women and officers from BME backgrounds into the service in recent years, and there is a risk that the introduction of a direct entry scheme might actually restrict the opportunities for these more recent recruits to achieve higher ranks in the future. The scheme could, in fact, contribute to a new 'glass ceiling'.

Many comparisons have been made with other organisations, particularly the armed services; however, it is our view that these comparisons are simplistic and are not comparing like with like. It is also highly unlikely that entrants from a military background will improve the diversity of the senior ranks in the police service.

The experience of existing commanders is that, when challenged and examined in court, irrespective of their accredited skills, particular attention and focus is paid to their operational credibility and experience.

The main risks in relation to a direct entry scheme relate to a lack of operational command experience. At the superintending ranks these risks are potentially increased by the widening roles and responsibilities of superintendents and chief superintendents, many of whom now perform Gold command roles in relation to firearms and public order incidents (a role previously performed by Chief Officers). A Gold Commander's decisions are made without the ability to refer upwards, which means that the individual's decision-making skills are not necessarily challenged or tested by another in what are often life or death situations, or other critical incidents.

Furthermore, the reduction in numbers across the country means that many superintending ranks are now performing roles that were previously performed by two or three colleagues who have left those roles and have not been replaced. Consequently, our members not only have to deal with one specialised operational area but, on many occasions, two or three. Often this is done whilst 'on call' when there are no obvious support networks available.

Were the decision taken to adopt such an approach, a way in which risk may be mitigated would, once training was completed, be to adopt an approach of total immersion. These opportunities would be more readily available within the larger metropolitan forces and a regional approach may be required to enable this.

Candidates following such a route need to be at least as successful and competent as those who have come through more traditional routes. There can only be one standard for competence.

Officer career length and pension age

We consider policing to be a vocation, not an occupation that can be 'dipped in and out of'. In our view, 'shorter commissions' would not be cost-effective either in view of initial training costs, or the length of time that it takes for an officer to become fully competent. We have read the transcript of the seminar where this issue was discussed and are not persuaded that such provision is either necessary or desirable. Once police officer numbers have been adjusted to take account of the budget reductions, we are of the view that force establishments can be managed up and down through normal recruitment mechanisms. In other words, there should be no need for a system to manage police officer numbers through either fixed term or extendable contracts.

The term 'shorter commissions' suggests parallels with the military model where newly commissioned junior officers join the armed services for a fixed short term period. The support mechanisms in place in the military to support such officers do not exist in policing and it would not be possible, practical or affordable to replicate them.

A trend has developed to place officers on restricted duties rather than to ill-health retire them. This has largely been done on economic grounds; however, it would also have been impacted upon by the provisions of the Disability Discrimination Act. Although retaining officers on restricted duties can save money, it impacts negatively on the effectiveness and flexibility of forces. Reducing officer numbers will make this even more critical if forces are to remain responsive to demands. There should be no reluctance to ill-health retire officers where there are bona fide reasons for so doing. We consider that any problems rest largely with the interpretation of the restricted duties system, rather than the system itself. It would, however, benefit from review.

We support officers on restricted duties occupying posts where there is a need for the post-holder to have police powers, specialist police knowledge or police experience to carry out such roles effectively, provided that they are actually capable of fulfilling the role requirements. As stated previously, we do not support 'job creation' in order to accommodate officers on restricted duties (as distinct from recuperative duties), nor do we support officers on restricted duties being placed in roles that can be performed by police staff members.

Where no police officer posts exist that are suitable to be occupied by officers on restricted duties, even with reasonable adjustments, then the officer concerned should, in our view, be subject of ill-health retirement. He/she should not automatically be given a police staff post but should be allowed to apply for such posts as part of a competitive process as vacancies arise. To do otherwise would be fundamentally unfair to police staff colleagues.

Where officers are entitled to a police pension, then they should be allowed to benefit from it as well as being paid as a police staff member.

Pay negotiating machinery

PNB and PAB have brought stable industrial relations to the police for the past 30 years. It has the support of the Police Federation and the PSAEW. It is in need of reform but it is seen by us as the best vehicle to continue to determine police pay and conditions of service and much preferable to alternative methods like a Pay Review Body.

In terms of outlining the history and workings of the PNB and PAB we would draw the Winsor Team's attention to the paper submitted by the Independent Chair of PNB, John Randall, to the Winsor 1 Review (paper dated 26 November 2010). This in our view gives a comprehensive outline of the value and work of PNB and PAB to the police service.

Police officer pay is currently determined within PNB. Given the limited industrial rights that police officers have, it is essential that there should be a process for negotiating pay which is fair and transparent. The makeup of PNB is well known to the Winsor team. In the past five years, however, PNB's effectiveness has been badly affected by the failure of the Official Side in general and the Home Office in particular to engage meaningfully in negotiations with the Staff Side. In addition, the effectiveness of the Police Arbitration Tribunal has been adversely affected by recent decisions of Home Secretaries to ignore PAT recommendations.

Devolved powers given to Scotland and Ireland have put pressure on PNB to negotiate on behalf of the UK wide police service. This is particularly true in the case of Scotland.

We believe that PNB should be retained, but it should be reformed and membership reduced.

There should be a move back to an annual up-lift of police pay to keep it in line with the pay of other workers in the public and private sectors.

Currently negotiations in respect of police pensions are very limited. A police pensions working group sits within the PNB process with the staff associations and the employers' representatives. The group is chaired by the Home Office and there is very limited 'negotiation' around pension issues. Currently police pensions are one of the most contentious issues in the 'pay and conditions' arena.

Unlike PNB, which is independently chaired, there is no facility in the pensions working group to register a failure to agree. Nor is it possible to refer a disagreement over pensions to the PAT.

This is an anomaly of PNB that should be addressed. Currently all of the main public sector unions are negotiating with the Government over imposed increases in member contributions. There is no such facility available to police officers. The PSAEW calls upon the

Review Team to expand the terms of reference for PNB to include pensions as part of pay and conditions of service and to allow failures to agree in respect of pensions in the future to be referred to the PAT.

The Police Arbitration Tribunal should remain. It has the confidence of all of the staff associations and has proved to be both independent and efficient in the way that it has conducted itself in recent years. However, the current remit of the PAT is limited in the same way as PNB, in that, in coming to a finding, its role is to 'advise' the Home Secretary who has the power to implement - or not - a PAT finding.

This situation is in need of reform. In future, decisions of the PAT should be binding upon the Home Secretary who should only be able to overrule a PAT finding by securing a majority in the House of Commons to do so.

The PSAEW believes that in future the Home Office should not sit on PNB but should retain the right to direct PNB to discuss certain matters and to ratify PNB agreements or PAT decisions.

It is arguable that past Governments' role in PNB in recent years has been one of the main causes of the current weaknesses that exist in the PNB structure.

Police officers within the federated and superintending ranks draw trust and confidence from the fact that the senior leaders of the police service within ACPO have served in each rank from constable to ACC, and that the way in which pay and conditions are determined is the same across the service. We see no business case for moving the pay and conditions of service for senior officers to a different body to that which is used for all other ranks of the police service.

4.1 BASIC PAY

Overall

1.1. What are the future challenges facing policing and to what extent should the pay and conditions of officers and staff be reformed to meet these?

- a) Strategically the main challenge facing the police service is to do more with less. The current threat assessment is likely to increase as the Olympic Games approach. Crime and disorder on the streets are also likely to increase as unemployment rates rise and benefits are cut. There is a gap that needs to be filled between top level (international) crime and more local serious and organised crime. The arrival of new Police and Crime Commissioners has the potential to erode operational independence further and the danger is that reduced police resources will be skewed towards local priorities and away from the less obvious risks posed by serious and organised crime. In addition technological changes, for example the growth of social media, will pose new challenges to the service. Lastly, the trend in recent times for the police service to become increasingly involved in dealing with major incidents resulting from extreme weather and climate conditions looks set to continue.
- b) For an occupation that has limited industrial rights, there has never been a more important time for police officers and police staff to be fairly remunerated for their contribution; and to remain highly motivated in their desire to protect and serve the public.
- c) There is a need for further reform of certain aspects of officer and staff pay and conditions of service.

Basic pay for constables

1.2. What is the right calibre of candidate, particularly given the structure of the police service whereby most police officers will remain as constables throughout their career?

- a) In the past ten years over 22,000 police constables joining the Metropolitan Police had five GCSEs with grade C or above. 3,460 joined with degrees. 246 of these joined with a first class honours degree. The calibre of candidates joining the police service has never been higher. The competition to secure jobs as police officers and police staff has never been greater. Increasingly, recruits join with good GCSE and A Level grades and with degrees. However, for the service to continue to reflect society as a whole it is important to retain entry routes which are accessible by men and women, who may not

have formal qualifications, but who have the experiences of life and the correct attitude and commitment to enable them to serve as police officers, or as members of police staff.

- b) Most of those people who join the service as constables stay at that rank for 30 years. There is no evidence, under current arrangements, that this causes any resentment or morale problems. This is due to the fact that most constables, hitherto, believe that they are fairly paid for the job that they do and to the fact that there is ample scope within the service for lateral progression and development.

1.3. Do the current pay rates facilitate or have little effect on recruitment and retention rates, both now and in the future?

- a) The large numbers of applications which are received whenever forces are recruiting police officers and staff suggest that the current remuneration package and the prospect of serving the public are attractive to people. The low rates of attrition, particularly amongst police officers, suggest that most recruits believe that the police service is a worthwhile occupation.
- b) The challenge for all of those engaged in reforming police pay and conditions of service is to ensure that this current situation endures as police budget cuts continue to bite.
- c) When the Metropolitan Police was established in 1829 Sir Robert Peel insisted that pay rates should not be too high. In fact they were initially linked to the rates then in place for an unskilled agricultural labourer. Circumstances have changed since then and the idea of today's farm labourers having similar skills and abilities to police officers is clearly risible.
- d) The average age of recruits to the police service in the rank of constable is approx. 27 years. Many join with existing liabilities and responsibilities such as families, mortgages, student debt and other loans. The starting salary in future needs to reflect these factors if the service is to be able to continue recruiting police officers with the skills, abilities and experience to take on a role that continues to become more difficult and demanding.
- e) We have a concern that, notwithstanding the current starting salary and salary scales, a number of police officers particularly in households where there is just one breadwinner are now qualifying for benefits which top up their salaries. In addition research conducted recently by the Police Mutual Assurance Society (PMAS) has highlighted a growing number of police officers who are falling into serious debt. This poses a risk to the health of individuals, the 'health' of the organisation and there is also the potential for it to lead to an increased risk of corruption in the police service. These factors should be borne in mind when considering making changes to police pay.

1.4. What, if any, are the best comparator roles for a constable in the wider public or private sector?

- a) The PSAEW does not have comparative data. However, we do not accept that there is a straightforward comparison with those roles often quoted e.g. fire, army non-commissioned ranks or paramedics, none of which reflect the breadth of responsibility and discretion, or the unique requirements of the Office of Constable.

1.5. What is the present purpose of pay scales in the police service – to reward length of service or denote increasing experience and eventual competence, or another reason? Do the current pay scales meet that aim? Could these aims be better met another way?

- a) The purpose of the present pay scales is to attract, reward, retain and motivate officers and staff who are performing a difficult, complex, stressful and at times dangerous role in society. It should be noted that in 1978 when the Edmund Davies Review was published, the new rate of pay for Constables put them above the 75th percentile. More recently Professor Disney's work for Winsor 1 put Constables' pay at the 75th percentile. This represents a worsening situation over time.
- b) Across all of the ranks the current emphasis of the pay scales is to reward service, experience and efficiency. At ACPO and superintending ranks, incremental progression has since 2003 been based on satisfactory performance. The ten year pay spine for the rank of Constable rewards service and experience, but is not currently linked to satisfactory performance. It should be noted that there is no evidence amongst the Federated ranks that the current pay scales and reward mechanisms are a cause for concern. However, the PSAEW believes that the current 10 year pay spine for the rank of constable is in need of reform and that people should only be rewarded with progress where their contribution is satisfactory and that additional reward should be available to those whose contribution merits additional pay.

1.6. What should the 'basic' annual salary of a constable be if a system were introduced whereby both the 'x-factor' relating to the unique nature of policing and regional variations in the employment market were accounted for separately? Should there be a pay scale and, if so, what should be the minimum upon promotion and the maximum? How many points on a pay scale, if any, should there be?

- a) The current basic annual salary for a constable starts at £23,259. Progression over ten years leads to a salary of £36,519. Potential reforms which may result from Winsor Part 2 could significantly reduce both of these figures.
- b) There should be a pay scale that rewards constables as they develop their skills and operational effectiveness during their service. In practice, constables with five years service undertake much more complex and demanding tasks than those with two years service. However, it is the view of the PSAEW that, by around six years service, a constable will normally have developed as far as he/she will do in terms of achieving competency and effectiveness for the role. In future, we believe that additional reward over and above a yearly salary upgrade to reflect price rises/inflation should be dependent upon satisfactory performance.
- c) This is not, however, to say that we recommend capping constable pay at year six of the pay spine. We believe that the current 'pay pot' between one and ten years of service in the constable rank should be retained within the Service but be allocated on the basis that those who work harder and achieve most are rewarded for their contribution.

1.7. If required, what would be the fairest way of moving from an inclusive basic salary (i.e. the present position) to one where there is a basic level of pay and then additions to reflect the particular position of the individual officer (e.g. an officer who has acquired and uses specialist skills)?

- a) The fairest way of moving from an inclusive basic salary to one where there is a basic level of pay and then additions linked to skills and performance, would be for Staff Side and the Official Side to negotiate within PNB around what the future salary structure for constables should look like, and to develop and agree a model.
- b) The most crucial factor in enabling a new model of this type to succeed would be the existence of a robust, honest and timely PDR system. In our view, this model is not yet in place for the constable rank and reform of the current PDR process will be needed before any changes in terms of incremental progression are introduced.

We believe that in moving from existing arrangements to new arrangements for pay, a non-worsening clause should be included so that no officers at any rank who currently earn a

certain level of pay see that pay reduced as a result of changes introduced as a result of the Part 2 recommendations.

1.8. In many jobs salary levels closely reflect the economic cycle and the ability of that job to attract recruits. If the police service were to look for a similar model, which would you favour and why?

- a) We believe that police officer salaries are already linked to the economic cycle. Through the PNB process police pay has risen with inflation by the use of an index which sees police officer pay linked to the pay of those in the wider economy. Since the end of the three year deal police officer pay has been frozen as it has throughout the public sector. We believe that after the two year pay freeze is over there should be a return to the annual uplift in pay linked to what those in the wider economy are earning.

Basic pay for sergeants, inspectors and chief inspectors

1.9. What are the arguments for a gap, ‘butt-ending’ or otherwise between the top and bottom of salary levels of the respective federated ranks?

1.10. What evidence is there in the police service, or externally, of pay scales influencing an individual’s decision to apply for promotion?

- a) We believe that the pay differential between inspectors and chief inspectors to superintendent should reflect the growth in responsibility and that the current ‘butt ending’ arrangements should be changed.
- b) Whilst pay scales may influence an individual’s decision to seek promotion, we are not sighted on any evidence that would support, or otherwise, such a notion.

1.11. What should be the ‘basic’ annual salary of sergeants, inspectors and chief inspectors if a system were introduced whereby both the ‘x-factor’ relating to the unique nature of policing and regional variations were accounted for separately? Should there be any pay scale and, if so, what should be the minimum upon promotion and the maximum? How many points on a pay scale, if any, should there be?

- a) We agree that there should be a revision in the pay scales for the rank of Constable. Ten years is too long. However, we believe that the existing pay scales in respect of sergeants and inspectors (as set out in Winsor 1, pages 121-122) are still fit for purpose

and should remain. They reflect the 'x-factor' as it applies to these ranks. We comment further on the issue of progression at Question 2.1.

- b) In view of the reductions in the number of superintendents in England and Wales (-12% in 2011), we feel that there is a strong emerging business case for chief inspectors pay to rise to reflect the extra responsibilities and tasks that they are now required to take on.

1.12. What, if any, are the comparator posts for sergeant, inspector and chief inspector in the wider public or private sector?

- a) In our view, comparator 'grades' for the ranks of sergeant, inspector and chief inspector in the wider public and private sectors would be senior supervisor, manager and middle manager respectively. We are not sighted on any comparator 'posts'.
- b) Whilst some elements of supervisory and managerial responsibilities may be common across organisations, as we stated in our response to Question 1.4, we do not consider that there any straightforward comparisons which reflect the breadth of responsibility and discretion, or the unique requirements, of the Office of Constable.

1.13. What other considerations unique to the police service are pertinent to these ranks for pay purposes?

- a) Sergeants, inspectors, chief inspectors and constables all have aspects of employment which are unique to the police service and which have an influence upon pay. These are described in detail in our answer to question 1.30.

1.14. What evidence is there to justify London inspectors and chief inspectors receiving higher salaries than their non-London colleagues? Why, at these ranks, should there continue to be London salaries, in addition to London weighting and London allowance?

- a) There is sufficient evidence that shows that the costs of living in and around London, and working in London, are higher than elsewhere. That is why, over time, the London allowance and the London weighting allowance have been negotiated and agreed. We see no reason to change the current arrangements.

Basic pay for superintendents, chief superintendents and Assistant Chief Constables

- 1.15. How should spot payments reflecting the weight of the job done by an individual be introduced at these ranks (see page 114 of Part 1)?**
- 1.16. What factors should be reflected in any methodology developed to assess the weight of an individual's job at these levels?**
- 1.17. Could the methodology be the same as that being used for Chief and Deputy Chief Constables?**
- 1.18. Should the spot salaries be placed within minimum and maximum basic salaries for each rank? If so, what should these minimums and maximums be? How could these be determined and what relationship should the pay of these different ranks have to each other? Should the spot salaries be related to the pay of the Chief Constable and Deputy Chief Constable in each force?**
- 1.19. How regularly should the pay of a post be reassessed?**
- 1.20. What, if any, are the comparator posts for superintendent, chief superintendent and Assistant Chief Constable in the wider public and private sectors?**
- 1.21. What other considerations unique to the police service are pertinent to these ranks for pay purposes?**

- a) We do not support the introduction of spot salaries for superintendent and chief superintendent. We support the retention of the current pay scales for both ranks and for the retention of the performance related bonus/double increment award together with the post related allowance all of which were introduced in the 2003 PNB agreement. At no time since 2003 have any members within the Official Side of the PNB raised any concerns over the current pay arrangements for the superintending ranks.
- b) However, previous attempts have been made to 'weigh' the jobs done by superintendents and chief superintendents. The report, 'Senior Police Officer Pay Structure – Report to the PNB dated 31 October 2003', used the Monks Six Factor methodology by calculating job size by
 - (i) Job Complexity
 - (ii) Intellectual Ability
 - (iii) Interpersonal Ability
 - (iv) Nature of Responsibility
 - (v) Skills

(vi) Knowledge

- c) Much has changed since 2003 and our view is that the roles of superintendents and chief superintendents have become a lot 'bigger' with more responsibility. In 2003 there were 1,610 superintendents in England and Wales. Currently there are 1,441.
- d) This research could be revisited and we would support any up to date research being conducted in this area.
- e) We believe that pay for superintendents and chief superintendents should be reviewed every three years or less if some significant change that affects our members' responsibilities is introduced. The main factor that separates superintendents from all other ranks in the police service is the 'on call' responsibilities that go with the rank and which make most 'day jobs' for our members more demanding and complex than any ranks within the Federation and ACPO.
- f) We have recently, and in support of the process being undertaken in Winsor 2 in this area, commissioned research by the Hay Group into how the responsibilities of superintendents and chief superintendents have changed over time and how the current pay of our members compares to that in the wider public sector and in the private sector. The results of that research are contained at Appendix 'A' of this report.
- g) These results provide a strong argument to say that some superintendents and chief superintendents are currently paid beneath the median for similar roles elsewhere in the public sector and in the private sector. We ask that the Review considers this evidence and supports moves to address this issue.

Basic pay for Chief Constables and Deputy Chief Constables

1.22. Are the current rates of pay for Chief Constable and Deputy Chief Constable posts appropriate?

1.23. What are the methodology and matrix which stand behind these rates and are they appropriate?

1.24. What should be the pay relationship between Chief Constable and Deputy Chief Constable in terms of pay? Should the basic pay of a Deputy continue to be approximately 80% of the Chief Constable's? What justification and evidence is there for that particular percentage, or any other?

- a) We believe that the current rates of pay for Chief Constables and Deputy Chief Constables are appropriate. However, we have a concern that newly introduced tax arrangements and the Annual Allowance and Lifetime Allowance changes in respect of pensions, which are now hitting members of the ACPO ranks, are a disincentive to those

seeking promotion, and that the service may increasingly put off the best applicants for these top posts. We feel that this situation should be reviewed by the Winsor team.

- b) We do, however, have a concern with some aspects of the current arrangements for Chief Constables' remuneration. We are aware of several serving Chiefs who have either negotiated, or been offered, 'packages' of additional remuneration from individual Police Authorities. These packages can consist of cash, private health care and a number of other additional perks. They can be worth tens of thousands of pounds in some cases. None of these payments have been discussed and agreed at PNB. They reflect badly on the police service in terms of the transparency of its remuneration arrangements. We hope that the Review will recommend that such additional packages funded from the public purse be discontinued.

1.25. Is there evidence that would support, or otherwise, Police and Crime Commissioners being able to compete in terms of salary for the Chief Constables whom they appoint? If yes, should there be any restrictions on this process? If so, what should these restrictions be?

- a) We do not see the pay of the new Police and Crime Commissioners as having any bearing upon that of Chief Constables.

Basic pay for police staff

1.26. Is the current system of locally determining police staff pay scales correct and why? If not, what system should replace it?

1.27 Should there be a national pay scale with all police staff roles on the same pay scale regardless of the police force in which they work? What would the benefits and disadvantages be?

1.28 If a national pay scale system were to be introduced, how should it be phased in given that the effects would vary from force to force?

- a) We note the concerns (expressed at the Seminar on Pay held on 21 July 2011) of Trade Union leaders, for example Ben Priestley, with the current system of determining support staff pay and Unison's preference for a national pay and grading system for police staff in England and Wales. However, on balance we would agree with Graham Baird's view that the current flexibility within the Police Staff Council framework works well at a local level. The Police Staff Council national pay spine is a flexible, simple pay spine. Evidence given in the Seminar from forces like Kent, Surrey and Durham confirms that the current arrangements are working well.

- b) To move from the current arrangements to a national model would be extremely expensive and would have to be phased in gradually over perhaps 3-5 years.

Basic pay equality

1.29. In reforming the basic pay of police officers and staff, what are the implications for the protected characteristics specified in the Equality Act 2010 and what could be done to mitigate these? How do the implications and mitigations vary by rank or for police officers and staff?

- a) The reforms of basic pay for police officers and staff are likely to have implications for people who have protected characteristics as specified within the Equality Act 2010. The extent of any implications and actions that could be undertaken to mitigate these can only be established when the exact provisions of any such scheme have been defined and a comprehensive Equality Impact Assessment undertaken.

An 'x-factor'

1.30. How should a police officer's 'x-factor' be quantified? The x-factor is the level of compensation which police officers receive in their basic pay for the particular constraints on the freedoms of police officers in some aspects of their and their families' private lives. For example, this could include the risk of death and personal injury to the individual, but also the benefits to management in terms of flexibility and lack of right to strike.

1.31. What are the negative aspects which should make up a police officer 'x-factor', for instance the restrictions on an officer's private life?

- a) The Office of Constable brings with it restrictions on the private lives of police officers and the expectations made of them in terms of standards and behaviour. These are unique to the police service. In the military, where there is some comparability in relation to this matter, the 'x-factor' has been quantified at 14% of salary. In policing it is much more complex and so more difficult to quantify.
- b) Police officers have limited industrial rights and cannot engage in industrial action. They cannot become members of any political party. They cannot associate with or marry people who have criminal records. They cannot engage in secondary employment without the permission of the Chief Constable. They can be required to stay on duty after their normal shift has finished. They can be told to perform duty in other police force areas with immediate effect; requiring them to away from families and friends.

Their shifts can be changed at short notice and their days off cancelled. They are exposed to a larger risk of injury/death on duty than most other occupations and operate in an environment of intense media scrutiny. At times, they and their families have to be moved at short notice and re-housed due to threats made against them by criminals. When 'off duty' they are required to intervene and become 'on duty' if they witness criminal acts, or see members of the public at risk. They routinely have to work on public holidays, and a large proportion of them continue to work unsociable hours. In terms of their personal conduct, the Performance and Conduct Regulations, which apply to officers both when they are 'on' and also when 'off duty', are stringent. Police officers, for example, cannot refuse to pay a lawful debt without contravening those Regulations. As such, and to quote Edmund Davies, police officers perform a "*unique role*" in society. All of this makes a powerful case for an 'x-factor' but one which, unlike the military model, cannot easily be quantified.

1.32. What are the positive aspects to being a police officer which can be attributed to its unique status?

- a) There are many positive aspects of being a police officer. Levels of public trust and confidence in the police service are good and improving. They routinely exceed those for other public servants and politicians. The public overwhelmingly support police officers and this support was recently powerfully demonstrated in the wake of the riots that affected London, Birmingham, Manchester and other parts of England and Wales.
- b) Police experience is valued in other occupations and the take up rate in employment for police officers who retire with 30 years experience is high. Insurance rates for car and home insurance are lower for police officers than for other occupations. Historically credit ratings of police officers are, generally, better than for other occupations.
- c) Within the partnerships working arena, generally the reputation of police officer members as those people who actually 'get things done', is higher than most other agencies involved.

1.33. If an officer is unable to meet the full demands placed on police officers, should that officer have the x-factor withdrawn or reduced until such time as he or she can fulfil all the requirements of a police officer again? How should this be achieved fairly?

- a) Often, when an officer is unable to meet the full demands of policing, it is for a short period of time (over a 30-35 year career) and frequently as a result of either an injury received in the execution of duty, or some other work-related health issue. Therefore the notion that the x-factor – if it can be quantified – can, and should, be removed or reduced until the officer is recovered is problematical. There may be a case to review

the x-factor in cases when an officer has been absent for six months in the way that continued 'full pay' is currently reviewed.

1.34. Should the x-factor be included in the basic pay of all ranks?

- a) Our view is that the x-factor is included in the basic pay of all ranks. It is this factor which justifies current levels of remuneration and should continue.

1.35. Should some staff roles carry an 'x-factor' or something similar? If so, which roles and to what extent is this already factored in when calculating the salary band for some or all police staff roles? Should the allocation of an 'x-factor' to staff be left to local forces?

- a) We do not believe that there is a case for some support staff roles to carry an x-factor. Much of the substance behind the x-factor for police officers is based on their warranted powers, for example the power of arrest. Such powers do not apply to support staff. If such a factor were to be introduced in the future, we would favour the allocation being left to the discretion of individual Chief Constables in consultation with the unions and staff associations.

Regional Pay

1.36. Should there be additional pay, or reductions in pay, relative to the national average for police officers, based on the region in which an officer works?

- a) We would refer to our previous submission to Winsor 1 in respect of regional pay (Question 58). Currently pay for police officers is determined nationally with some regional allowances payable where the cost of living is higher than average (e.g. London allowance, London weighting allowance and South East Regional allowance).
- b) This system has worked well over many years and we see no reason to change it. National pay structures reduce the number of local negotiations which would be required to set pay at a local level. A move away from the current system would be costly and would increase bureaucracy.
- c) Moreover, a move towards regional and local pay for police officers would undermine collaboration processes and inter-operability at a time in which police forces are increasingly collaborating at regional and local levels. It could also potentially discourage police officers from undertaking secondments.

1.37. If there should be such differences in pay, which factors, for example differences in the cost of living, in local pay rates of comparable occupations, local recruitment and retention issues, or indeed any other factors, would you consider to be the most important in determining these differences?

- a) If regional pay were to be introduced the main factors which would need to be included would be costs associated with housing and council tax.

1.38. If you believe there should be no change to regional pay, why is the current system fair to police officers, some of whom receive significantly less in real terms than their colleagues, and taxpayers who will be paying above market rate in some areas?

- a) We have seen no evidence that some police officers receive significantly less in real terms than their colleagues and therefore that tax payers are having to pay significantly above the market rate in certain areas.

1.39. If you believe that there should be no change, which method do you prefer and why would it be better?

- a) We see no need to change the current system.

1.40. Should the location where police officers work and/or live be taken into account in remuneration?

- a) The locality where police officers work is currently taken into account in determining remuneration (London allowance, London weighting allowance, South East Regional allowance). This situation should continue.

1.41. Should regional remuneration be paid through allowances, basic pay or another method?

- a) The most sensible way of paying a regional allowance is as the term suggests – via an allowance which can be changed without necessarily affecting basic pay, as the costs of living in certain areas rise over time.

1.42. If regional pay were introduced, how would the amounts be determined? Should this be done locally or nationally?

- a) If regional pay was to be introduced it should be done nationally to save on costs and bureaucracy and also to promote consistency of approach.

1.43. Is it feasible to quantify the cost to a force in terms of loss of investment in skills and training when an officer transfers to another force? If so, what evidence is there that there is a cost imbalance between forces, in particular between the South East forces and the Metropolitan Police Service? How should this be reformed for the future?

- a) It may be feasible to quantify the cost to a force when an officer transfers between forces, but we see it as a pointless exercise. The total 'cost' of transfers is, in the scheme of things, small and the quality of policing is enriched by officers transferring at all ranks between forces. It promotes the development of the police officer concerned and draws new blood into the forces that take on transferees.
- b) We see no need for reform of the current arrangements.

1.44. Are there other relevant examples of regional pay in either the public or private sectors of which the review should be aware?

- a) We are in agreement with the evidence put forward by Ben Priestley of Unison at the Seminar on Basic Pay which was held on 21 July. *"The idea that private sector companies pay a huge range of zonal payments depending upon whether you are in Durham or Dartford is simply untrue." "The idea that the private sector has bought into regional pay is a fallacy."*
- b) The call for evidence suggests an 'evidence based' approach to justify changes in police pay. We have yet to see evidence that regional pay is either widespread or effective in the UK or that the current arrangements in respect of local and regional allowances in police pay are unfair to the taxpayer.

1.45. Should the arrangements for paying staff regional supplements be changed? If so, how?

- a) We see no reason to change the current arrangements for paying staff regional supplements.

4.2 CONTRIBUTION-RELATED PAY AND ROLE-BASED PAY

2.1. Should progression up any future pay scales be decided by an individual's performance/contribution and, if so, how should that happen?

- a) The PSAEW would support a pay system that rewarded both experience gained in the rank and performance/contribution.
- b) We would suggest exploring the development of shortened pay spines for some ranks, along which a newly appointed or promoted individual would progress. The increase in remuneration would be in recognition of the experience gained and the enhanced effectiveness which would logically result from such increased experience. Having achieved the ultimate pay point on this part of the pay spine, the officer would be deemed 'fully competent' in that rank. Progression would be dependent upon satisfactory performance and not merely on the basis of 'years served'. The length of the pay spine may vary from rank to rank to reflect the differing levels of experience and exposure required to attain competence at each level.
- c) Any progression beyond this point should be based upon performance, contribution, professional development and accreditation relevant to the role being performed, or wider organisational responsibilities borne by the individual. We also refer to this issue in Questions 1.5, 1.6 and 1.11.
- d) Such a pay system could be managed effectively through the PDR process with personal and development objectives being agreed and set at the start of any reporting period, and subject to regular review. The current mechanism in place for managing the payment of PRBs/Double Increments to superintending ranks could be a model on which any future system could be based. As now, high performing individuals could 'skip' pay grades at any rank. We also refer to this issue in Question 2.34.
- e) Where individuals receive enhanced payments as a result of their performance/contribution, we consider that this should count for pension purposes.

- f) As pay progression resulting from an assessment of an individual's performance/contribution would be open to some subjectivity, it is important that safeguards be put in place to ensure that officers did not find that their ability to access such payments was restricted by budgetary constraints. For example, if an officer were to be entitled to pay progression due to his/her performance, such entitlement should not be withheld on the basis that the relevant departmental budget was overspent. Proper financial provision would need to be made if such a pay system was to work effectively and have credibility.
- g) We would advocate the inclusion of some form of independent monitoring process to ensure fairness, consistency and 'degree of challenge' associated with performance-related pay.

2.2. What is 'performance' in a policing context, how should it be measured, and what are the pitfalls to be avoided?

- a) What is considered to be 'performance' will vary between individual forces, and both between and within, specialist departments and territorial policing areas. Having national performance measures would be unnecessary, but consistent measures across each force would need to be established in order to ensure fairness. The question is rather too broad to elicit a detailed, meaningful response.
- b) The collection of performance data will inevitably involve bureaucracy, which should be avoided wherever possible. We suggest that performance, in whatever form it is identified, would best be measured on the basis of inputs and outcomes, rather than outputs. It is our experience that output measures can tend to skew policing activity in a way that is unhelpful and which can be quantitative rather than qualitative. For example, measuring performance in terms of sanction detections, or the issue of fixed penalty notices encourages a lack of discretion and is unhelpful in terms of building trust and confidence in policing. We also refer to this issue in Question 2.35.
- c) Difficulties can be encountered when trying to assess 'performance' where more than one agency contributes to the outcome. This is likely to become more problematic as public sector budgets become increasingly stretched leading to the potential for diverging priorities amongst partner organisations. Whilst partnership working is to be encouraged, 'performance' needs to be within the gift of individuals within the same organisation to deliver.
- d) Lessons should be learned from the application of the PRB/Double Increment scheme for superintending ranks where merely the replication of force targets within the PDRs of individual superintending ranks, rather than making them personal to the individual, have rarely been successful.

2.3. Is there a case for performance to be measured as a blend of output-based factors (e.g. personal, team, and force-wide objectively determined achievements), and qualitative assessments of the subject's inputs (commitment, application, energy etc), and what should that blend be?

- a) We would be willing to examine such a proposal in greater detail. We have commented on what we consider to be the inappropriateness of output-based performance measures at Question 2.2 and would favour an assessment of performance based on input and/or outcome measures. Any balance to be achieved between the two would need to be determined on the basis of a detailed examination of each role under consideration. Roles within policing are far from identical and some lend themselves more readily to outcome-based performance measures than others.

2.4. Are there any experiences, positive or negative, of performance-related pay in the public or private sector which the review should take into account when considering its recommendations?

- a) Subject to the caveat at Question 2.2, the provisions of the PRB/Double Increment scheme for superintending ranks is a good example of how performance-related pay can work effectively in the public sector when performance priorities are properly negotiated. We are not sighted sufficiently on the detail of other schemes to make informed comment; however, performance payments for bankers and GPs have been the subject of widespread public criticism, as have schemes where individuals have been rewarded for 'narrow' performance achievements within organisations that have otherwise been seen as failing. Such schemes should be avoided. We would also comment that performance-related pay for superintending ranks has been capped at around 5% of salary. This is significantly less than payments that are available to chief officers and many other areas of the public sector and the private sector.

2.5. The Part 1 report set out some factors which could potentially be assessed to come to a view of an individual's performance: contribution; continuous professional development; fitness; and/or team, peer, or force performance. What are the advantages and disadvantages of these? Are there other factors which should be considered, bearing in mind the need for simplicity and phased introduction of any reformed regime?

- a) We consider that the factors identified above are a helpful starting point for establishing assessment criteria which would need to be refined and developed further dependent upon each rank and role to which it was to be applied. We would also suggest that consideration be given to assessing performance in the context of the complexity of the

role undertaken, together with the degree of difficulty involved, personal challenge and responsibility borne.

- b) The most obvious difficulty associated with the assessment of individual performance is ensuring that objectivity is maintained and that consistency of decision-making is achieved across the organisation. There would doubtless be plenty of opportunities for challenge! We also refer to this issue at Question 2.35.

2.6. Should different ranks be assessed differently on any performance measure which is directed more widely than individual performance? If so, what level would be most appropriate for each rank or rank group?

- a) We agree that this is something that could be considered and would suggest the following areas for assessment in addition to individual performance:

- Constables and sergeants - team performance.
- Inspectors - team, unit and/or departmental performance.
- Chief inspectors and superintending ranks - departmental or BCU (or equivalent) performance (although we have commented elsewhere on the risks of assessing individuals' personal performance in the context of partnership delivery, this could also be considered with appropriate safeguards)
- Chief Officers – individual portfolio performance, overall force performance and strategic partnership performance.

We would, however, add a note of caution. At 2.2 (b) we commented on the need to avoid bureaucracy. Should such a system be introduced, great care would need to be taken to ensure that any benefits associated with such a scheme were not out-weighted by the costs of operating it, both in 'real' terms and opportunity costs.

2.7. What is your opinion of a model of performance-related pay, which starts with an assumption of competence and application and, rather than rewarding outstanding performance, focuses on penalising poor performance by making 'at risk' a percentage of the remuneration a given rank expects?

- a) The PSAEW agrees with the premise that an individual should be assumed competent unless there is evidence to the contrary. This assumption should apply to all ranks.
- b) The concept of introducing an element of an individual's pay which is 'at risk' in the event of poor performance is not supported. Where an individual's performance is considered to fall short of the standard required then that individual should be dealt with by means of the existing Unsatisfactory Performance Procedures (UPP). If the

performance of the individual concerned does not improve, then he/she can be reduced in rank or, ultimately, be dismissed.

- c) Assessment of an individual's performance should be undertaken on an ongoing basis as part of a review process. Management action should be taken against under-performing individuals when such issues are identified and not be allowed to remain unchallenged until the end of any reporting period.
- d) UPP currently only applies to officers up to and including the rank of chief superintendent. It should be extended to include Chief Officers.
- e) UPP provides a structured, robust and transparent way of dealing with under-performance whilst providing safeguards for individuals and the organisation.
- f) Any pay mechanisms should seek to differentiate between those individuals who are 'outstanding' and those who are only 'competent'. It would seem counter-intuitive to remunerate those individuals who are 'competent' and those who are 'outstanding' at the same rate, whilst seeking to reduce the pay of those deemed 'less than' competent.

2.8. The Part 1 report stated that the review would examine the case for at-risk pay. If such a model were introduced, what percentage of pay should be 'at risk' in a case of poor performance? Should this percentage be the same for all ranks?

2.9. If required, should any reduction in pay be assessed on an individual's total package, including benefits where applicable, or on basic pay alone? Should an individual's pension receive a corresponding reduction?

2.10. How could 'at risk' pay be implemented given a judgment on performance in any given year would be made retrospectively?

- a) As stated at Question 2.7, the PSAEW does not support the concept of 'at risk' pay and will therefore not offer a response to these supplementary questions.

2.11. What would need to be in place before any model for performance-related pay could be implemented?

- a) Any model for performance-related pay would need to be heavily reliant on a simple, but effective, PDR system that made use of SMART objectives. Ideally, this should be to a national standard to ensure consistency in approach across the country. The experiences of the performance-related pay mechanism for superintending ranks should be learned from - where a simple system of grading that had three levels of achievement (not yet competent/competent/exceptional) was subsequently departed from by some

forces. This served to undermine the effectiveness of the scheme. We also refer to this issue at Question 2.34.

- b) All supervisors would need to be trained in the use of a PDR system prior to implementation. We would also recommend the inclusion of some form of independent monitoring process, or dip-sampling, to ensure fairness, consistency and 'degree of challenge' associated with pay-related performance. This should help to avoid subjectivity and favouritism, factors to which such schemes are vulnerable. We also refer to this issue at Question 2.35.
- c) An effective appraisal system is good management practice regardless of whether an individual's level of pay is linked to it. Whilst supervisors should be spending time in observing, assessing, coaching and developing their staff, many forces are reducing the number of people engaged in supervisory duties which could make such a proposal potentially more challenging to introduce as the span of responsibility placed upon people of supervisory rank/grade increases.
- d) Should a system of performance-related pay be introduced across the service, it is assumed that there would be a desire to achieve fairness and that police officers and police staff at the same rank/grade would have equal chance of accessing enhanced pay on the basis of personal performance. Whilst it could be potentially difficult to introduce meaningful performance-related pay for some administrative grades (see Question 2.17), it should be recognised that not all roles performed at the same rank/grade are capable of being easily assessed. It is easier to demonstrate and measure personal performance in some roles than it is in others. For example, the performance of a constable on a neighbourhood team in reducing anti-social behaviour would be easier to measure than the performance of a constable on a child protection team in reducing incidents of child abuse.

2.12. What safeguards should be put in place to ensure that reports, which would have a bearing on pay, are fair to both officers and staff, bearing in mind the need to balance scrutiny with minimising bureaucracy?

- a) Any assessments would need to be made against the role profile, person specification and behaviours for the relevant post-holder. Standards, expectations and any objectives would need to be clearly negotiated at the start of any review period. Decision-making, together with any assessments, must be properly documented and evidenced. An independent monitor (as referred to at Question 2.11) would assist in ensuring fairness and consistency across people performing similar roles elsewhere in the organisation. Ultimately, there would need to be an appeals process where such decisions could either be reviewed or challenged. We have commented previously on the need to ensure that the any benefits from such a scheme were not out-weighted by the costs of operating it.

2.13. In any performance-related pay system, what are the implications for the protected characteristics specified in the Equality Act 2010 and what could be done to mitigate these?

- a) The introduction of performance-related pay is likely to have implications for people who have protected characteristics as specified within the Equality Act 2010. The extent of any implications, and actions that could be undertaken to mitigate them, can only be established when the exact provisions of any such scheme have been defined and a comprehensive Equality Impact Assessment undertaken. That said, there would be obvious implications for part-time workers, most of whom are women, and it may well serve to further widen the gender pay gap.

2.14. What training and support would be needed for managers to implement such a system?

- a) All supervisors would need to be trained in the use of a PDR system prior to implementation of such a system. The training would need to cover the 'technical' skills required to complete PDRs. It would also need to train supervisors how to conduct effective assessments; how to support the personal development of officers and staff and how to assist them in maximising the potential of those whom they supervise. We would also recommend the inclusion of some form of independent monitoring process, or dip-sampling, to ensure fairness, consistency and 'degree of challenge' associated with pay-related performance.
- b) Whilst supervisors should be spending time in observing, assessing, coaching and developing their staff, many forces are reducing the number of people engaged in supervisory duties which would make such a proposal potentially more challenging to implement, as the span of responsibility placed upon people of supervisory rank/grade increases.
- c) It should be borne in mind that the majority of police officer supervisors are primarily operationally focussed. In order for such a system to work, there would need to be sufficient resilience at supervisory levels to ensure that operational priorities could be dealt with whilst allowing sufficient time for staff assessment to take place.

2.15. How should the introduction of any performance-based pay system be phased?

- a) We would suggest that, if such a system was devised, it should be piloted in a small number of forces before being rolled out nationally.

2.16. Should there be local discretion in the factors on which police staff are assessed?

- a) We are uncertain of the precise meaning of this question and the significance of ‘local discretion’. In our view, a similar approach should be taken to assessing those factors that relate to police staff and those that relate to police officers, unless there are compelling reasons why this should not be the case.

2.17. Should police officers and staff be moved onto the same approach to performance-related pay? What changes, if any, would need to be made to take into account the differences between police officers and staff?

- a) In the event of performance-related pay being introduced for all police officers and all police staff, it is difficult to construct an argument as to why the two groups should, as a matter of principle, be treated differently. That said, some roles – particularly those at lower grades – could be regarded as being ‘transactional’ in nature. The opportunity to develop a meaningful performance-related pay system that was relevant to those members of staff who carried out ‘transactional’ roles could be something of a challenge, i.e. either they are performing effectively, or they are not. Should the latter be the case then management action should ensue.

Relationships between Chief Constables and Police and Crime Commissioners

2.18. Should a Police and Crime Commissioner have the ability to reduce a Chief Constable’s pay on the grounds of unsatisfactory performance?

- a) The relationship between a Chief Constable and Police and Crime Commissioner should be one of mutual professional respect and engagement. The PCC will have the power to appoint and dismiss a Chief Constable which brings with it enormous responsibility and the expectation that that relationship will be discharged with absolute clarity, transparency and probity.
- b) Chief Constables should quite properly be held accountable for their performance as should any police officer. However, we do not support the contention that matters of unsatisfactory performance should be dealt with by what amounts to a financial sanction.

2.19. Should poor-performance of a Chief Constable be determined by measures different to those which apply in the cases of other police officers? What should those measures be?

- a) The term 'poor performance' is meaningless unless measured by objective criteria. Chief Constables should be judged no differently than any other police officer in relation to performance, i.e. there should be clear and objective criteria agreed between the Chief Constable and the PCC, by which performance can be judged. If there are issues of probity or conduct, these should be dealt with under misconduct or criminal process.

2.20. The Part 1 report stated that the review would examine the case for at-risk pay. If such a model were introduced, what percentage of pay should be 'at risk' in the case of poor-performance? Should the proportion of pay 'at risk' for Chief Constables differ from other ranks?

2.21. What safeguards – procedural and substantive – should be put in place in the case of a proposed reduction of a Chief Constable's pay?

- a) We do not support the concept of 'at risk' pay at any rank. This issue is also covered at Question 2.7.

2.22. Should a Chief Constable's pay be assessed on his or her total package, including benefits, or on basic pay alone? Should there be a corresponding pension reduction?

- a) The overall remuneration and reward package for Chief Officers should be based on agreed national criteria. For absolute transparency and to remove any suggestion of impropriety we believe that all pay and rewards packages should be in the public domain as is the case for all other police officers.

2.23. Regulation 11 of the Police Regulations 2003 requires all Chief Constables to have held a post at ACC or DCC in a different force. Is this requirement still justified? If not, should Police and Crime Commissioners have the ability to promote an officer to Chief Constable, regardless of experience in other forces?

- a) The current regulation appears to have been circumvented by exception on a number of occasions. If Police and Crime Commissioners have the ability to promote an officer to Chief Constable, they should have the option, subject to other selection criteria in

relation to qualification and experience, to select a candidate who is in their view most suited and qualified for the post from a central pool of suitable candidates. The current regulation is obsolete and should be removed.

Fitness testing

2.24. Why is there no routine fitness test for police officers after the initial probation recruitment? Is a regular general fitness test for officers:

- (a) desirable?**
- (b) practical?**
- (c) possible, particularly given equality legislation?**

2.25. What has been the experience in those forces which have chosen to introduce their own fitness test for serving officers?

2.26. Would the current recruitment fitness test be an appropriate model for a test for most officers? Are there any other tests or levels of fitness which should be considered, and how should the tests be set at levels which are proportionate to the different sexes?

2.27. How frequently should officers be required to undergo fitness tests?

2.28. What would be the resource implications of introducing regular fitness testing? Would the resource implications be justified by any consequent improvement in police officer fitness?

2.29. What should be the consequences of failing the test (a) once, and (b) more than once?

2.30. Should some or all police staff roles carry a requirement that the holder is required to undergo regular fitness tests? If so, which roles should these be?

2.31. What are the implications for the protected characteristics specified in the Equality Act 2010 of regular fitness testing and what could be done to mitigate these?

a) The matter of Fitness Testing is one that has been examined in some detail within the Police Advisory Board for England and Wales (PABEW), including the implications in respect of the Equality Act 2010, and is available to the Review.

b) It is important to determine at the outset what is meant when discussing fitness testing and to what purpose such testing would be used.

- c) In 2003 the PABEW considered the piecemeal approach adopted by police forces in England and Wales and concluded that it was unconvinced that universal, periodic fitness testing was appropriate for the police service. However, fitness testing should take place for police officers undertaking specialist roles such as authorised firearms duties or specialist public order roles, where it is clear that enhanced levels of fitness are required to meet legitimate public expectations relating to public safety.
- d) There is a superficial attractiveness in suggesting that police officers should undergo routine fitness testing. However, as in other areas of policing, we believe that policing policy and reform should be based on clear evidence, and we have yet to see any evidence offered that would demonstrate benefits that outweigh any additional bureaucracy or cost involved in routine fitness testing.
- e) The PSAEW has been conducting regular surveys to monitor members' health and wellbeing for over ten years.
- f) The initial 'Medical Health Questionnaire' was used to conduct surveys in 2000, 2003 and 2006. The results indicated worrying levels of poor health and well-being and, as a consequence, the PSAEW developed the 'Be a Better Superintendent' toolkit prior to undertaking a further survey in 2009. Renamed the Personal Resilience Questionnaire (PRQ), the 2009 survey included a number of enhancements to the questionnaire, based on a series of interviews carried out by an independent research organisation conducted with PSAEW members.
- g) In 2011, with large scale public sector cuts being implemented by the coalition Government and the impact on police forces throughout England and Wales becoming clear, the PSAEW was concerned about the reduction in superintending rank numbers and the consequent effect on its members' health and well-being. It therefore ran the next PRQ, a year earlier than scheduled, in spring 2011.
- h) The results demonstrate consistently that officers are experiencing levels of stress and demands upon their personal well-being and resilience that have the potential to lessen their effectiveness. In addition, rather than taking days off sick, officers are using annual leave and weekly leave days to hide their absence through ill-health.
- i) The Executive Summary is attached to this submission at Appendix B.
- j) We would therefore suggest that rather than fitness testing, the police service directs its efforts towards providing an effective occupational health service for all police officers and police staff. Enhanced health screening will, arguably, produce a healthier and more effective workforce, in turn reducing levels of health-based absences.

Skills

2.32. How should accredited qualifications and professional development be rewarded or reflected in pay?

- a) The PSAEW view on accredited qualifications and professional development is that officers and staff should not be rewarded purely for obtaining a qualification or attending a course, but for the demonstration of improved performance that such learning should bring into the workplace. This does not mean that certain roles where qualification or accreditation is required should not be rewarded, but to reward separately for both the qualification and the role could become extremely bureaucratic and complicated, and could also result in individuals being rewarded for achieving skills-based qualifications that are no longer relevant to their role.
- b) Rewarding purely for qualifications also has the potential to encourage what is seen by some as 'badge collecting', that is an individual attending as many courses as possible to improve their CV, or potentially in this case for financial benefits, without necessarily gaining any experience in using their new skills or using them to improve their performance in their current role.

2.33. What changes would need to be made to ensure all officers and staff have an appropriate skills 'ladder' up which to climb?

- a) A full job evaluation would need to be conducted to identify the defined level of skills required for each role, but as stated above, any reward for skills must also directly relate to competence.

2.34. How could a fair, transparent and affordable system be created, which would allow police officers and staff the opportunity to fulfil their development potential?

- a) Please read in conjunction with the response at 2.11.
- b) The foundation for any development scheme for officers and staff must be a fair and transparent appraisal system (PDR or similar), where line managers are properly trained to provide them with the confidence and skills to effectively assess and manage the performance of their staff and provide them with honest feedback regarding their performance and potential, without fear of reprisal through grievances. Line managers should also understand and be able to implement unsatisfactory performance procedures should they be required.

- c) PDRs must not be overly bureaucratic but in terms of transparency and fairness should be evidence based. The development aspect of a PDR is essential if the police service is to 'do more with less' in the future. It is the view of the PSAEW that all officers and staff should have an ongoing development plan that is discussed with their line manager at least once a year. This plan could feature development towards a future role, or it could relate to how to develop an individual further in their current role.
- d) There is, however, a need to be realistic. It is simply not possible for everyone in the police service to be able to achieve their career aspirations, particularly in the current environment where opportunities to progress either vertically or laterally are reducing, and could potentially reduce even further if multi-point entry is introduced and the competition increases. But career aspirations are not always the same as an individual's development potential, and this is where strong leadership from line managers is essential.
- e) Honest conversations are necessary to ensure that individuals are realistic about their potential. To ensure fairness in what is effectively a subjective process, line managers need to understand and value difference and be fully aware of what support is available for individuals to fully achieve their potential, for example through mentoring and coaching, action learning sets, positive action and diversity support groups.
- f) It is essential that the standard for training line managers in these critical 'people skills' is consistent across the country.

2.35. If Mr Neyroud's proposed reforms are not implemented, how else should professional development be taken into account in pay?

- a) The PSAEW supports the concept of professionalising the police service with individuals taking more responsibility for their personal development, however we do not feel that there should be a direct reward for personal development. Our preference is that the reward should be provided as a consequence of an improvement in personal performance as a result of the individual putting their learning into practice in the workplace. This should be assessed via a robust PDR process.
- b) As mentioned at paragraph 2.2b, personal performance relates to the contribution an individual makes (i.e. effort) together with the outcome they achieve, and it should not be based purely on productivity, for example the number of arrests made or detections achieved.
- c) As pay progression resulting from an assessment of an individual's performance would be open to some subjectivity, it is important that safeguards be put in place to ensure that officers are treated fairly. This would be vital if the pay system was to work effectively and have credibility.

- d) We would advocate the inclusion of some form of independent monitoring process to ensure fairness, consistency and 'degree of challenge' associated with any performance-related pay process; however, this should not increase the bureaucracy of the process.

2.36. Would the implementation of payment for skills provide value for money?

- a) This could be the case if, as mentioned above, increased skills lead to improved performance, but it would not necessarily be value for money if individuals were rewarded purely for being accredited. It is how that accreditation improves performance that is key.

Role-based pay

2.37. Is it feasible to compare police officer roles, one with another, through job evaluation or a similar process?

2.38. What factors should be considered if determining the different weights of posts in the same rank?

2.39. Who should decide the different weighting of roles, by what process should this be done, and what might the costs be?

2.40. Should differing levels of pay be attached to the weights of posts? If so, how should this be done?

2.41. Should there be a different approach for different ranks?

2.42. Should the methodology for determining the spot pay of superintendent, chief superintendent and Assistant Chief Constable posts be the same as that for Chief Constables and Deputy Chief Constables? If no, in what ways should they differ?

2.43. How should the differences between superintendent, chief superintendent, and Assistant Chief Constable posts be accommodated, for instance the complexity of posts which might be found in urban areas, compared with the breadth of portfolio likely to be found in smaller forces?

2.44. Is it feasible to compare police staff roles, one with another, nationally? What would be the advantages and disadvantages of this?

2.45. How should a move onto any such new system of this kind be phased?

2.46. Do forces have the capability and capacity to introduce spot rates for particular posts, or should it be done nationally? If not, how would this be achieved?

2.47. Should there be a route of appeal for the initial rate given to a role? If so, what might this be?

- a) The PSAEW response to questions 2.37-2.47 on role-based pay will focus on this principle in relation to the superintending ranks. This should be read in conjunction with the responses to questions 1.15-1.21 above.
- b) It is not clear whether the comparison of roles raised within these questions is intended to be either a national comparison, or a local comparison of roles across a rank, but within a force boundary.
- c) It is the view of the PSAEW that a comparison of various superintending roles across the whole police service would be virtually impossible to achieve due to the variances in roles and responsibilities across the 43 forces in England and Wales.
- d) It is likely that role comparisons would be easier to do at higher ranks where there will be fewer comparisons but, as forces restructure and the nature of change with differing levels of responsibility vary from one force to another, it may prove more difficult even at these levels.
- e) In addition to the Monks Six Factor methodology outlined above (Question 1.15), a variety of other factors could be taken into account when considering the weighting of different posts in the superintending ranks, including:
- Span of responsibility, including overall number of staff
 - Geographic area
 - Number of direct reports
 - Partnership role and responsibilities
 - Specialist qualifications required for role
 - Unpleasant nature of role (e.g. child protection)
 - On call requirements
 - Level of risk/danger faced
- f) If roles are to be weighted, then this should be done locally within each force in consultation with staff associations, but within a national framework of agreed criteria to ensure consistency across forces. Initially the weighting criteria would need to be agreed by all parties and then a job evaluation conducted. This is predominantly an HR function and if there was no capacity for it to be done within force, then it may have to be outsourced.

- g) The PSAEW is not in a position to anticipate what the costs of this process might be; however, due to the bureaucracy involved there is the risk that the costs could outweigh any benefits derived from such a scheme.
- h) A new pay system such as this must be implemented very carefully and it cannot be implemented until all of the background work in respect of job evaluations is complete, and without full consultation with the staff associations and unions. There would need to be some transitional arrangements (ring fencing) for those who might otherwise see a reduction in their levels of salary as a consequence of the changes.
- i) Consideration must be given to the fact that police officers can be moved from role to role without consultation at the direction of their Chief Constable. Thus there would need to be some level of protection for individuals who are moved, through no choice of their own, to a lower-weighted post that would, as a result, otherwise see them financially disadvantaged.
- j) As with performance-related pay, we would suggest that, once such a system was devised, it should be piloted in a small number of forces before being rolled out nationally.
- k) If spot rates were to be introduced then it must be done locally due to the differences that are a consequence of the 43 force structure. We do not believe; however, that forces have either the capability or capacity to achieve this in the short term due to the fact that it is essentially an HR issue and many HR teams are stretched having faced reductions due to budgetary constraints at a time when they are required to support forces through times of huge change.
- l) The only alternative we would suggest is to utilise consultants to conduct the initial job evaluations/assessments. This would require funding as an 'up front' investment in order to it be achieved.
- m) The PSAEW would advocate the inclusion of some form of independent monitoring process to ensure fairness, consistency and 'degree of challenge' associated with any process to determine a role-based pay system.
- n) If the initial process includes sufficient engagement and consultation with staff associations then it is less likely that an appeal process would be necessary, but if one is introduced, then for the purpose of consistency it should follow a similar process to other appeals mechanisms in the force.
- o) The introduction of a system of role-based pay is likely to have implications for people who have protected characteristics as specified within the Equality Act 2010. The extent of any implications, and actions that could be undertaken to mitigate them, can only be established when the exact provisions of any such scheme have been defined and a comprehensive Equality Impact Assessment undertaken.

Overtime and unsocial hours

2.48. Is it feasible to remove paid overtime from the police service? To what extent is it ingrained in the culture of management and/or the workforce?

- a) The use of overtime is a cost-effective tool for responding to unforeseen demands, as well as some that are anticipated or planned, in a way that delivers value for money as well as ensuring that police officers do not fall victim to poor management practices; that work/life balance is maintained wherever possible and, where additional hours are required to be worked, that proper compensation is paid. It should be remembered that police officers can be ordered to work overtime and it is not necessarily always performed voluntarily. It should also be borne in mind that where an officer is engaged in dealing with an incident, or a prisoner, at the end of their tour of duty, it can be more cost effective to pay that officer overtime to remain on duty for a limited period of time to complete the task, than to hand it over to another officer to complete.
- b) The payment of overtime allows flexibility to be maintained within the workforce and also means that fewer officers are required overall. If compensating officers for additional hours worked was not an option, then force establishments would need to be greater to cope with peaks in demand or, alternatively, service delivery to the public would be adversely affected as resources would need be switched from one policing activity to another to cope with such fluctuations.
- c) The use of paid overtime is sound in principle and much progress has been made over recent years to reduce the amount of money spent in this way. This has been achieved through effective management.

2.49. Can paid overtime be bought out, paid for via a fixed allowance or simply be part of the expectations for certain posts? What alternatives should be considered and why?

- a) Overtime could be 'bought out' as was the case with the inspecting ranks in 1993. Whilst this worked relatively well for a period of time in some areas, the additional payment did not effectively compensate the majority of detective inspectors, or detective chief inspectors, who frequently work excessive hours way beyond the value of the original 'buy out'. This unfairness is likely to become more widespread as forces reduce the number of officers within the inspecting ranks in order to meet budgetary constraints. We are not aware of any evidence that suggests that either the workload, or the expectations placed upon these officers, has reduced commensurately. If overtime were to be 'bought out', there would inevitably be winners and losers amongst

the constable and sergeant ranks. Some officers routinely work overtime, whilst others do so only occasionally. To develop a 'buy out' scheme that would be fair to all, and that could adequately take account the flexibility required for officers moving between different roles within the same rank would, we consider, present a significant challenge. We would not support such a proposal.

- b) Officers who perform roles where overtime working is routinely required could be paid an allowance in lieu of claiming for every hour worked. However, should such a system be considered then certain safeguards would need to be put in place. Reducing police officer numbers, we believe, will give rise to an increased need for omni-competence, rather than reducing it; and demand greater flexibility from those who remain. Whilst it would not be unreasonable to pay an officer a fixed allowance in respect of the core role performed, a mechanism would need to be developed to compensate officers for any additional hours worked outside this core role. For example, the recent widespread public disorder saw officers from all roles required to perform public order duties for protracted periods of time, some on mutual aid and others within their own force areas. The payment of a 'fixed allowance' to officers in respect of their core role would not, unless they were full-time public order officers and their allowance reflected this, provide adequate compensation for the actual hours worked. We would not support such a proposal.
- c) Should the payment of a 'fixed allowance' instead of overtime be introduced, we consider that such an allowance should count towards pensionable pay. Whilst this might be problematic with the current final salary pension scheme, it could readily be incorporated as part of a career average scheme.
- d) We would not favour any proposal that the working of overtime without compensation should be an expectation of the post. We believe that, should this be introduced, it could reduce the pool of candidates who would put themselves forward for those posts where such expectations were made. This would have the potential to reduce the quality of officers performing such roles and lead to them being 'posted' into them. This would, in turn, give rise to increased numbers of grievances. Such a system would also be open to abuse by management.
- e) We have considered the concept of 'annualised hours'; however, we believe that this would ultimately compound the problem of responding to unforeseen demands and budget management, rather than make them easier to manage.

2.50. Should the overtime regulations for officers and staff be brought into line? To what extent would a police officer 'x-factor' payment require a difference in approach for officers and staff?

- a) Police officers can be ordered to remain on duty or to return to duty. Police officers can be required to fulfil their responsibilities under the Office of Constable whether on or off duty. The same restrictions on an individual's private life do not apply to members of police staff. Police officers can be required to perform their duties anywhere within the UK. The same does not apply to members of police staff. Whilst such clear differences exist, it would be difficult to support a view that overtime regulations for both police officers and police staff could be harmonised.

2.51. Why do certain ranks and pay points for staff attract paid overtime, whereas others do not? Should this remain, or change, and why?

- a) Our views on this issue have largely been covered under Questions 2.48 and 2.49. Although we have responded in relation to police officers, the same rationale can be applied to police staff grades.
- b) For superintending ranks and above, the working day is not defined within Regulations, although clearly the provisions of the Working Time Regulations do apply. It has always been accepted that 24 hour responsibility is one of the features of the rank and this is reflected in the levels of remuneration. We would see no reason to change this. We have referred to the situation in respect of the inspecting ranks in Question 2.49.
- c) At present, police officers have the choice whether to claim payment for overtime worked or take compensatory time off in lieu. From a management perspective, the former is, in most, cases the preferred option organisationally as the liability is discharged there and then and not deferred to a future date.

2.52. What evidence is there that the inability to claim paid overtime above the rank of sergeant, or above a certain pay point for police staff (above pay point 25 for forces that use the Police Staff Council's handbook), reduced the attractiveness of promotion?

- a) We are not sighted on any evidence that supports this assertion.

2.53. How should any changes be phased in to ensure fairness to police officers and staff?

- a) Any changes proposed would need to be consulted on fully with the relevant staff associations and unions and be developed through the PNB process, or PSC.

2.54. Should the proposed payment of an additional 10% of basic pay for federated officers working unsocial hours be reviewed for the long-term? What factors should be considered in determining the long-term amount?

- a) This recommendation is currently under consideration by the Independent Police Arbitration Tribunal and has yet to be implemented. As the proposal has not been 'field-tested' it would be inappropriate to comment on any review of its provisions.

2.55. Should police officers and staff be compensated for working unsocial hours in the same manner? Please explain any differences needed.

- a) An element to compensate police officers for working shifts has been built into basic pay. This was commented upon in the Part 1 report. It compensates those police officers who actually work shifts as well as those who do not normally do so but can be directed to perform such duties. This comes with the Office of Constable and is part of the inherent flexibility of police officers. Compensation for those police staff who undertake shift work, or unsocial hours, is determined through individual contracts, outside of which police staff cannot be directed to work. When police staff members enter into contracts, the expectations of them are clearly defined. The same clarity and certainty is not available for police officers.
- b) Although 'unsocial hours' are equally unsocial whether one is a police officer or a police staff member, there are fundamental differences in the way that members of the two groups can be required to work them. Whilst such differences exist, it is difficult to see how the methods of compensating police officers and police staff can be harmonised in this area.

2.56. Does the present system of mutual aid and the length of secondments allow for the most efficient use of shared expertise across forces or with the national policing bodies? If not, how should these be reformed for the future?

- a) Within the current 43 police force structure, we believe that the present systems of mutual aid provision and methods of compensation are fit for purpose and do not

require amendment. The police response to the recent outbreaks of public disorder demonstrated how the system works effectively and why it is essential that police officers who are deployed on mutual aid duties are properly compensated, both for the hours worked, and for the inconvenience and hardships associated with lengthy deployments away from home, often being housed in sub-standard accommodation with inadequate facilities.

- b) In our view, secondments to national bodies provide career development opportunities for police officers as well as ensuring that there is appropriate knowledge and expertise to support policing at a national level. We do have some concerns that open-ended, or frequently renewed secondments, to non-operational roles can result in officers becoming de-skilled or lead to the creation of a 'credibility gap'. We would advocate that such secondments be time-limited and, at the conclusion of a secondment, the individual should return to his/her own force. This would also ensure that opportunities, skills, knowledge and experience are cascaded across forces.
- c) We consider that officers appointed to such roles should be amongst the most high-performing and talented the police service has to offer; particularly where the training of others is involved. We are concerned that there are occasions when officers are appointed to such roles in a 'temporary' rank, sometimes having been unable to secure substantive promotion in their home force. There is a danger that this can undermine the credibility of the post or the seconding organisation. We would like to see the terms and conditions of such secondments being enhanced to ensure that they are seen as attractive career and personal development roles for those in substantive ranks. We would also like to see better management of seconded officers by their home force, both during the secondment and at its conclusion

2.57. In examining the idea of role based pay for police officers and staff, what are the implications for the protected characteristics specified in the Equality Act 2010 and what could be done to mitigate these?

- a) The development of role-based pay for police officers and police staff is likely to have implications for people who have protected characteristics as specified within the Equality Act 2010. The extent of any implications, and actions that could be undertaken to mitigate them, can only be established when the exact provisions of any such scheme have been defined and a comprehensive Equality Impact Assessment undertaken.

4.3 ENTRY ROUTES FOR OFFICERS

3.1. Should there be a minimum level of academic qualifications as a requirement for application to the police service? If so, at what level should this be? What would be the advantages and disadvantages of such a regime, particularly in connection with the encouragement of diversity in recruitment?

- a) At the present time the PSAEW does not support the re-introduction of a minimum level of academic qualifications in order to apply to be a police officer.
- b) The submission to this Review from the Police Federation of England and Wales (PFEW) outlines the background to the introduction of the current national recruitment process including the rationale for the SEARCH recruit assessment centre. The PSAEW considers that, despite some criticism of the levels of academic attainment of a small number of officers, this assessment centre has generally proven to be an effective and efficient way of establishing an individual's potential to be an effective police officer. If there is sufficient evidence of a deficiency in standards of writing and numeracy amongst recruits, then we would support the consideration of the standards that are set as part of the recruitment process being increased, but not to the extent that they would negatively impact upon the diverse background of recruits in the service.
- c) The determination of any increase in standard for entry level literacy and numeracy, or indeed any formal pre-entry qualification to the police service, as proposed in the Neyroud Review of Police Leadership and Training, would be best supported through the creation/development of a professional policing regulatory body as alluded to in the Neyroud report but perhaps better reflected by the model within the Netherlands or perhaps those of other UK-based bodies as exemplified by health, the judiciary and education.
- d) As mentioned above, the Association has concerns in relation to the potential impact that a rise in the entry standards may have on the recruitment of a diverse workforce. The Neyroud report proposed the introduction of a pre-entry qualification to the police service and the PSAEW did not support this proposal and, in particular, for any standard to be set at foundation degree level (Level 4). The main reason for this was our concern about the potential to exclude applicants on the basis of affordability and accessibility since a Level 4 qualification is usually delivered by Higher Education institutions and the fees for accessing courses at this level of educational establishment are rising.
- e) The police service has been particularly successful in recent years in attracting recruits from wide sections of the public, and in particular has seen great improvements in the recruitment of female officers and officers from BME backgrounds. In addition, the service also benefits from the recruitment of individuals who join the police as a second career, bringing with them valuable experience and life skills (the average age of recruits

across England and Wales currently stands at approximately 27 years). It is our view that the current entry requirements have supported this improvement in recruiting a diverse workforce and that to increase them unnecessarily could have a negative impact on the diversity of future recruitment – and this is at a time when opportunities are reducing in relation to the progression of those from minority backgrounds who are already within the police service.

3.2. How should the police service attract the brightest and best candidates? To what extent does the police service, nationally or locally, market itself to school leavers and graduates? Does the lack of an external facing graduate/high-potential scheme hinder or support attracting the brightest and best candidates?

- a) In order to attract candidates with high potential across all levels, a candidate must be able to recognise and envisage themselves within the police service and as such it must, of itself, resemble the communities from which it comes. Greater levels of accessibility, transparency and accountability would help create a clearer understanding of what the service is and what it does. The service must also be able to satisfy the candidate's vocational/public service ethic. The police service must look and feel professional, both in appearance and through formal/professional accreditation/licence/charter.
- b) The service must also have clarity regarding talent identification, development and progression and the commensurate roles and spans of control. Levels of remuneration need to more equitably reflect the roles and responsibilities comparable to other public sector bodies.
- c) The police service does not have a problem with attracting school leavers and graduates. In 2009/10, 24% of recent successful applicants to the service in one force were graduates. Some may argue that this is not as a result of anything the service has done, but merely a reflection of the increasing proportion of young people in particular who now pursue their studies to degree level. There is no evidence to suggest that the quality of entrants is insufficient to provide future leaders with more than 50 successful candidates on the High Potential Development Scheme in each of the last three years.
- d) The service has in place a graduate and accelerated promotion scheme. It is perhaps the varying levels of adoption, support and operation, coupled with a lack of structure of the manner outlined above, that have brought it into disrepute. The level of engagement with school leavers and graduates varies across the country, ranging from uniformed services courses and cadet schemes, to attendance at university careers fairs. However, none of this is centrally co-ordinated and, if the graduate entry scheme is to be revived to the level of the mid 1980s, then the PSAEW believes that there needs to be central ownership of the scheme (but within the police service, not Home Office led). We do not support, however, the view that any graduate entry scheme should be directed solely at the Russell Group of universities. There are many good potential candidates who may have the ability to achieve the highest levels in the service who study at other

universities and who should also be offered the opportunity to join the service on this scheme.

3.3. If required, how should any fast-track scheme be operated, and should it be administered nationally or by each force?

- a) As stated above the PSAEW considers that any fast-track scheme, whether relating to graduate entrants or an internal high potential scheme, should operate at a national level. Central assessment would better guarantee an objective selection processes whilst ensuring an ability to gauge and meet service resilience. There is an opportunity to create a new future for the police service within such a scheme whilst better guaranteeing that the service could be more representative amongst its senior leaders and managers.
- b) Successful applicants to the graduate or accelerated promotion scheme, whilst police officers, should be on a central cadre funded by all forces. Sufficient capacity should exist within forces to facilitate such a development whilst proper cognisance of such a system would need to be explicit from the outset with additional accommodation costs being reflected within the candidate's remuneration package.
- c) The HPDS scheme and its former variants have seen various levels of success over the last 30 years. In previous years, the scheme was fully supported by Chief Constables and, although those on the scheme were only guaranteed promotion to the rank of inspector, a number of current Chief Constables and their chief officer colleagues are successful graduates of the scheme. However, the scheme went through a period where Chief Constables had little or no say in relation to those officers who got onto the scheme, and thus their 'ownership' of it fell away and those on the scheme received little support in force. Some progress has been made in recent years to recover this situation. However, it is the view of the PSAEW that the current HPDS could be improved further.
- d) The PSAEW believes the following principles should be applied to any fast-track scheme:
 - The standards on the scheme should be difficult to attain and maintain, thus it should be difficult to get onto the scheme, and to stay on it
 - Those officers who remain on the scheme should be supported at least until the rank of chief superintendent
 - There should be maximum timescales for achieving each rank, and if these are not achieved then the individual should not continue on the scheme but remain in the service at their current rank, with the opportunity to gain future promotion alongside other non fast-track officers
 - The scheme should have strong links with a university to ensure that it has a robust academic element

- The officers on the scheme should, from the rank of constable, join a cohort of similar individuals from other non-police organisations as part of a structured programme of learning throughout their service
 - Officers who are on the fast track scheme should have a bespoke structured career plan from the outset, including an appropriate mentor
 - The scheme should be accompanied by an effective talent management programme for the service
 - Officers who are on the fast track scheme should be promoted as soon as they are deemed to be ready (in terms of performance and competence) for the next rank, irrespective of whether or not there is a vacancy in their current force
 - Officers could be part of a regional scheme to enable them to gain experience in different environments and to share their experience and ideas across the region
- e) A scheme containing the above principles should enable those officers with the potential to achieve senior ranks to do so within a relatively short period of time, dependent on each individual's ability to gain knowledge and operational experience and to demonstrate competence at each rank.

3.4. To what extent does the High-Potential Development Scheme attract and identify the potential leadership of the police service? What data are there to evidence this?

- a) The PSAEW does not have access to any data relevant to this question.

3.5. Should officers be expected or required to serve at each rank, or should a more formal system of skipping a rank, or ranks, be introduced? If so, how?

- a) Officers should be required and expected to serve at each rank. Within the current system officers have skipped ranks, an example within Suffolk Police of an officer being promoted from inspector to superintendent. This is more the exception than the norm. This position is reflected within the armed services and other public sector bodies, the benefit is unclear and the supporting evidence lacking as to the advantages of skipping ranks.
- b) The service has a tried and tested rank structure which, whilst fashion has sought to flatten, the operational imperative reintroduces acknowledging that with each rank has differing levels of operational tactical, managerial, strategic and legal responsibility and accountability. The breadth of operational roles within the service and respective disciplines are such that by nature an individual is better served by time spent in those ranks enabling them to make better informed decisions. Within the current system, it is possible for an officer to progress in a manner that reflects their ability and capabilities.

Direct or multi-point entry

3.6. What is the problem with the existing system that would justify the introduction of a system of direct or multi-point entry?

- a) The PSAEW does not support the view that there is a need for direct or multi-point entry for police officers into the police service.
- b) There appears to be a perception that insufficient skills or talent exist within the service to provide the future leadership required, however no evidence has been presented to the service to support this. There have been isolated examples in recent months of errors being made by senior leaders in the service. This also happens from time to time in other organisations in both the private and public sectors, but it does not result in calls to change recruitment practices in those organisations, or introduce leaders who have no background in the sector.
- c) The lack of diversity at senior ranks in terms of women and officers from a BME background in particular has also been cited as a reason to introduce direct or multi-point entry into the service. The PSAEW would echo concerns regarding the service's poor performance at increasing the number of women and BME officers (and officers with other protected characteristics) at superintending and chief officer ranks, however we have yet to see any evidence that direct or multi-point entry will resolve this issue. It is essential that the underlying cultural reasons for the lack of diversity at these ranks is fully understood and addressed otherwise a female or BME officer who joins the ranks as a direct entrant will enter that same culture and their retention could prove to be an issue.
- d) The service has been successful in recruiting increasing numbers of women and officers from BME backgrounds into the service in recent years, and there is the risk that the introduction of a direct entry scheme may actually restrict the opportunities for these more recent recruits to achieve higher ranks in the future. The scheme could, in fact, contribute to a new 'glass ceiling'.
- e) Many comparisons have been made with other organisations, particularly the armed services, however it is our view that these comparisons are simplistic and are not comparing like with like. It is also highly unlikely that entrants from a military background will improve the diversity of the senior ranks in the police service.
- f) Concerns have been expressed by some members about the impact of a direct entry scheme on other officers in the service who have career aspirations and will potentially see individuals with no operational policing experience being recruited into a role that they aspire to. This could be potentially demoralising and create a culture of 'anti-direct

entry'. It would require strong leadership throughout the ranks to prevent this should such a scheme be introduced.

3.7. What would direct entry officers bring to the police service that police staff cannot?

- a) Whilst direct entry staff may bring wider skill sets, it has yet to be determined which, of those outside of HR, finance and business skills that the service currently has, will be relevant or of utilitarian value. It is possible - and indeed probable - that a direct entrant's lack of knowledge of the service together with a lack of operational experience will present a potentially higher level of risk with regards to the proper, effective and lawful discharge of statutory and operational functions.

3.8. How could direct or multi-point entry be implemented, especially in the non-metropolitan forces?

- a) Direct entry already exists in the service for police staff up to the executive level and this is supported by the PSAEW. However, we do not support the introduction of a direct entry scheme for police officers. If a decision was made to implement such a scheme in the future, then at that point, the PSAEW would consider how it might be implemented.

3.9. Is it possible to learn discretion and judgment in policing matters through training rather than experience, or a short, specified period on the frontline?

- a) There is an old truism that there is no substitute for experience. All professions requiring the utilisation of cognitive and motor skills are reliant upon training and practice which over time equate to positive experience. It would be unfair to the individual, and present risks, to the public were a decision made to be time specific with regards to exposure to operational experience.
- b) With the exception of the armed services, the Association is not aware of any other profession that recruits individuals with no operational experience into a senior operational role and expects them to learn the nuances of discretion and judgement through training rather than experience. It is our view that for a number of reasons outlined above, the structure and roles and responsibilities in the police service are distinct from the armed services and therefore this is not an appropriate comparison.

3.10. What kind of training would be required to mitigate risks, on command issues in particular? Should direct entrant candidates be required, during their training, to demonstrate abilities which are at least as strong as officers who are promoted from lower ranks? If so, how might this be done?

- a) The experience of existing commanders is that, when challenged and examined in court, irrespective of their accredited skills, particular attention and focus is paid to their operational credibility and experience.
- b) The main risks in relation to a direct entry scheme relate to a lack of operational command experience. At the superintending ranks these risks are potentially increased by the widening roles and responsibilities of superintendents and chief superintendents, many of whom now perform Gold command roles in relation to firearms and public order incidents (a role previously performed by Chief Officers). A Gold Commander's decisions are made without the ability to refer upwards which means that the individual's decision making skills are not necessarily challenged or tested by another in what are often life or death situations, or other critical incidents.
- c) Furthermore, the reduction in numbers across the country means that many superintending ranks are now performing roles that were previously performed by two or three colleagues who have left those roles and have not been replaced. Consequently, our members not only have to deal with one specialised operational area but, on many occasions, two or three. Often this is done whilst 'on call' when there are no obvious support networks available.
- d) Were the decision taken to adopt such an approach, a way in which risk may be mitigated would, once training was completed, be to adopt an approach of total immersion. These opportunities would be more readily available within the larger metropolitan forces and a regional approach may be required to enable this.
- e) Candidates following this route need to be at least as successful and competent as those who come through more traditional routes. There can only be one standard for competence.

3.11. What would be the costs of establishing such a system and who should be responsible for funding?

- a) The PSAEW is not in a position to estimate the cost of establishing such a system; however, in his Review of Police Leadership and Training, Peter Neyroud reported:

“We would not underestimate the difficulties and costs of multiple entries. Many of the benefits – a wider pool of entry – can be achieved through the new multiple routes that we have argued for above and the entry of those with high potential for early appointment at the most senior levels by a whole-hearted commitment to the HPDS.”

- b) Policing has never been more challenging and it is right to consider how to ensure that the service has the best possible police leaders in the future, however the benefits of any new scheme must outweigh the costs, particularly in such difficult financial times.
- c) Another important factor to consider in relation to direct entry is what return on investment there might be. A benefit of everyone joining at constable level is that the initial investment of up to two years training often yields a good return if the officer remains in the service for 30/35 years. If an individual joins at a higher level, the training is likely to be intensive (both academically and practically) over a period of several years. If an individual then decides to leave the service after a period of, say, five years then the return on investment is likely to be poor.
- d) The issue of pensions would need to be considered in relation to both direct entry and HPDS. If officers are likely to have to work until they are 60 and fast-track officers reach the highest ranks at a young age (early 40s) they will have potentially almost 20 years more service to complete before they can draw their pension. This could lead to a ‘bottleneck’ within the service at senior ranks if too many chief officers remain in post for long periods. The service currently benefits from a healthy turnover in Chief Officer posts which brings fresh views and learning across the service, improving the overall service provided to the public. A reduced turnover rate could lead to individuals becoming stale, demoralise officers in lower ranks who aspire to become chief officers but do not have the opportunity to do so, and would make it more difficult to improve diversity at the most senior ranks.
- e) It is clear, therefore, that the new pension scheme will need to cater for a more flexible workforce, where individuals can perhaps leave the service to gain different experience elsewhere but then return at a later date in the same rank, without the current constraints of a Career Break.

3.12. If a direct entry scheme were to be introduced, which rank or ranks would be the most appropriate for entry? Should there be any constraints on the ranks at which officers could be brought in?

- a) As stated above the PSAEW does not support the introduction of direct or multi-point entry for police officers at any rank.

3.13. In examining entry routes for police officers, what are the implications for the protected characteristics specified in the Equality Act 2010 and what could be done to mitigate these?

- a) It is essential that any process to recruit police officers into the service is not only fair and transparent, but is seen by others to be so. The diversity profile of the service has changed considerably in recent years, mainly due to the relatively high proportion of women and BME officers that have been recruited. That recruitment has slowed significantly over the last year or so and opportunities to progress whether laterally or vertically within the service have reduced due to the shrinking nature of the workforce.
- b) It is at the higher ranks, however, where the diversity profile worsens considerably and as stated above, the PSAEW has been unable to find any evidence to suggest that the introduction of a direct entry scheme will in fact improve the diverse makeup of senior ranks, either in the short term or the long term.
- c) It is the view of the PSAEW that the development of a refreshed HPDS as described above, supported by positive action, is more likely to improve the diversity profile than a direct entry scheme.
- d) Any changes to the entry routes for police officers is likely to have implications for people who have protected characteristics as specified within the Equality Act 2010. The extent of any implications, and actions that could be undertaken to mitigate them, can only be established when the exact provisions of any such scheme have been defined and a comprehensive Equality Impact Assessment undertaken.

4.4 OFFICER CAREER LENGTH AND PENSION AGE

4.1. During consultation for the Part 1 report, we learned that some police officers would welcome a formal opportunity to end their service before the end of their engagement providing there was no financial impediment. Should there be a facility to do this?

- a) We consider policing to be a vocation and welcome police officers devoting their entire working lives to the police service; however, we also recognise that for various reasons, some officers may wish to leave the police service in advance of attaining full pensionable service. The Police Pension Scheme (PPS), as currently structured, does inhibit this. The Review will be aware already of the impact of double accrual from the 20 year service point, so we will not rehearse this further in our submission. The New Police Pension Scheme presents less of a constraint.

- b) There is currently a barrier to those officers who have reached 50 years of age, and who have served for 25 years, from leaving the service before serving for a full 30 years. This barrier is in the form of a cap on the amount of pension that such officers can commute. The Government Actuarial Department's rules state that, "The lump sum is the actuarial equivalent of the commuted portion at the date of retirement, calculated from tables prepared by the Government Actuary. In most cases a quarter of the pension can be commuted. However an ordinary pension in respect of at least 25 but less than 30 years of service can only be commuted to give a maximum lump sum of no more than 2¼ times the full amount of the gross annual pension." This is best illustrated by way of example. If an officer were to retire on his/her 51st birthday having completed exactly 30 years service, and he/she was earning an annual salary of £40,000, then the maximum amount of pension that could be commuted would be approximately £145,000. Should the same officer retire ('exit' the service early) having completed only 29 years service, the maximum amount of pension that could be commuted would be approximately £57,000. The annual pension payable in the latter case would only be slightly less than if the officer had worked for the full 30 years. For various reasons, most officers prefer to take a commuted pension rather than a gross pension. Whilst there may sound actuarial reasons behind using different methodologies for calculating commutation entitlement, it does seem somewhat illogical when considering that the value of the annual pension is not adversely affected to anything like the same degree. The impact that leaving the police service early has upon commutation figures for this cohort of officers can only serve to discourage those, who might otherwise be inclined to leave the police service in advance of completing 30 years service, from doing so. We consider that the current restrictions would benefit from review.
- c) We recognise that there are fewer barriers preventing many younger officers from leaving the service than there are facing those who are middle-aged and who may have the significant financial responsibilities normally associated with people of this age group. We consider that 'early' exit from the service should be voluntary and, where it is appropriate to do so, would welcome the development of severance packages to support those officers who might wish to leave the service in advance of attaining full pensionable service. We comment further on this issue of exiting the service 'early', and a way in which this might be achieved, at Question 4.6.

4.2. Should a system of shorter commissions be introduced? How could this work?

- a) As stated in Question 4.1, we consider policing to be a vocation, not an occupation that can be 'dipped in and out of'. In our view, 'shorter commissions' would not be cost-effective either in view of initial training costs, or the length of time that it takes for an officer to become fully competent. We have read the transcript of the seminar where this issue was discussed and are not persuaded that such provision is either necessary or desirable. Once police officer numbers have been adjusted to take account of the budget reductions, we are of the view that changes to force establishments can be

managed through the normal recruitment mechanisms. In other words, there should be no need for a system to manage police officer numbers through either fixed term or extendable contracts.

- b) The term 'shorter commissions' suggests parallels with the military model where newly commissioned junior officers join the armed services for a fixed short term period. The support mechanisms in place in the military to support such officers do not exist in policing and it would not be possible, practical or affordable to replicate them.
- c) We support neither Direct Entry, which is commented upon elsewhere in our submission, nor the concept of 'shorter commissions' which, as stated previously, we consider unnecessary. We will comment further on this issue in Question 4.6.

4.3. If shorter commissions were to be introduced, what should be the length of the initial commission and subsequent commissions? Should promotion effect this in any way and should the length of commissions be the same for each rank?

4.4. What changes would be necessary in terms of management capability, workforce planning, support for officers, and pension arrangements for a system of shorter commissions to be successful?

4.5. How should any new system of shorter commissions be introduced and phased in?

- a) As stated at Question 4.2, the PSAEW does not support the concept of 'shorter commissions' and will therefore not provide a response to these supplementary questions.

4.6. What should be the normal retirement age for officers in the future? What evidence is there to justify police officers having a lower normal retirement age than the rest of the public sector? What evidence is there to justify police officers having a normal retirement age similar to the armed services and the fire service?

- a) The normal police career, which is based on either 30 or, more recently, 35 years' service, has served both police officers and the police service well for several decades. That said, we acknowledge that the health of the population has improved and life expectancy is growing. We also acknowledge that these factors, coupled with the economic situation, have made it necessary for people to work longer before retiring. We consider that it could be appropriate, with certain caveats, to raise the normal retirement age for police officers to reflect these changing demographics. We would suggest that any changes to the normal retirement age for police officers be phased in to minimise the impact upon those individuals who would be most affected.

- b) In his review of public sector pensions, Lord Hutton recommended that the normal retirement age for police officers, the armed services and the fire service should be raised to 60 years of age. We consider this could be feasible for some, but not all, of the roles within policing. Full (i.e. maximum) pension benefits would only be payable on reaching normal retirement age.
- c) The average age of new recruits to the service is approximately 27 years. This means that many new recruits will not be able to achieve full pensionable service, under the New Police Pension Scheme, before reaching the normal retirement age as proposed by Lord Hutton
- d) We have previously stated that we consider policing to be a vocation and start from the presumption that police officers, providing that they are fit to perform their role and are performing effectively and to a high standard, should be able to continue in their chosen career until such time as they choose to leave it. We should seek to retain such people within the police service. This makes economic sense. It also makes best use of knowledge and experience. We are not aware of any other careers, aside from those to which Lord Hutton has referred, where individuals are required to resign from their chosen career in advance of being able to draw an occupational pension.
- e) Whilst we accept, as previously stated, that there are roles at all ranks that can be carried out effectively by an officer who is 60 years of age, there are many that are not. We would argue that it is inappropriate for most constables and sergeants on 'response' duties to be still performing such roles at, for example, 55 years of age. It is unreasonable, in our view, to expect an officer who is in his/her mid-50s to have to engage in physical confrontation with a 19-year-old, regardless of their own levels of personal health and fitness. Although we have cited the example of officers in 'response' roles, the same arguments apply equally to officers on firearms duties, public order duties, etc. The impact of shift work on the health and well being of police officers is also relevant and has been commented on previously by the PFEW who have provided the Review with evidence of its effects. We understand that the Dutch police have a model that provides clear guidance on those policing roles and duties which can be performed successfully by officers as they get older. The Review may wish to examine this model.
- f) We consider that the changing nature and structure of policing means that officers can have no expectation that they will be provided with less physically demanding roles as they advance in years and are no longer able to safely perform the full range of duties of a constable, but have yet to reach retirement age. (N.B. This may not become apparent in the short term as forces go through a 'reverse civilianisation' process to cope with the economic situation, whereby they make redundant police staff who are performing essential roles, only to replace them temporarily with police officers).
- g) The changes that may result to police pensions as a result of Lord Hutton's recommendations may provide an opportunity to increase flexibility in terms of the length of police careers. A consistent accrual rate and 'portability' of pension benefits

would, in our view, make it easier for officers to leave the police service at a point of their choosing. Whilst, as stated previously, we would wish to retain experienced, effective and high performing officers of all ranks for as long as possible, we recognise that not every police officer would be able to continue in role until reaching 60 years of age.

- h) One of the challenges in introducing flexibility over police officers exiting the police service would be to overcome the barrier of experienced officers, perhaps in their early 50s, needing to leave the service in advance of attaining normal retirement age having potentially devoted their entire working life to policing. Officers of this age group will typically have significant financial commitments yet may be unable to find alternative employment with comparable levels of salary. This situation would not ordinarily be faced by people in other areas of employment who are more likely to be able to continue in their chosen field of work, although possibly for several employers, until they reach pensionable age. This problem could be mitigated by identifying certain key points within a police career when an officer could exit the police service with some form of reduced pension or gratuity which would be payable immediately. We would envisage a graduated scale of entitlements based on the number of years served and/or the age of the individual. This would allow those officers who wished to do so, the opportunity to leave the service with dignity whilst off-setting any potential for reduced earning capability in a subsequent career. Similar provision has existed in the military which, we understand, has allowed servicemen and women to manage the transition from a career in the armed services to civilian life, whilst recognising that they are likely to have the financial responsibilities associated with people who are either in, or approaching, middle-age. We consider that the creation of flexible exit routes in advance of attaining full pensionable service would result in 'shorter commissions' being unnecessary.
- i) In terms of police officers having a lower normal retirement age than other public sector workers, we consider this to be justifiable. With all ranks below that of chief officer, and in some cases at Chief Officer level too, there is an 'operational aspect' to the role of a police officer. This makes police officers different from most other public sector workers which is quite properly reflected in the lower retirement age.

4.7. What are the benefits and disadvantages with the present system of restricted duties? How might it be reformed?

- a) A trend has developed to place officers on restricted duties rather than to ill-health retire them. This has largely been done on economic grounds; however, it would also have been impacted upon by the provisions of the Disability Discrimination Act. Although retaining officers on restricted duties can save money, it impacts negatively on the effectiveness and flexibility of forces. Reducing officer numbers will make this even more critical if forces are to remain responsive to demands. There should be no reluctance to ill-health retire officers where there are bona fide reasons for so doing.

We consider that any problems rest largely with the interpretation of the restricted duties system, rather than the system itself. It would, however, benefit from review.

4.8. What duty of care does a force have when an officer is (a) injured in the course of duty, or (b) subject to long-term illness or injury unrelated to work? Should they be treated differently, and how?

- a) Forces should treat all officers who are either injured in the course of their duties, or who are subject to long-term illness or injury unrelated to work, in a fair manner with a view to facilitating their return to operational fitness; however, we believe this cannot be an open-ended commitment as there is a need to maintain organisational resilience.
- b) 'Injuries on duty' should not necessarily all be considered in the same light. We would draw a distinction between an officer who sustains a back injury whilst making an arrest from one who sustains a similar injury due to falling off a chair during a refreshment break. Whilst both injuries would impact on an officer's ability to carry out his/her duties, intuitively we consider that more flexibility should be extended to the former in securing a return to operational duties.
- c) Policing can be hazardous and, from time to time, officers will be injured whilst carrying out their duties. It is important that we do not create a culture of risk aversion. Ultimately, if officers are unable to return to a degree of fitness that would allow them to carry out the functions of a constable, regardless of the cause of the injury or illness, then they should be made subject of ill-health retirement and, where appropriate, granted an injury award as part of their pension provision.
- d) We do not believe that permanent roles should be created for the purposes of accommodating officers on restricted duties.

4.9. What difference is there between those officers on restricted duties unable to fulfil the duties of a constable and a member of police staff? Should they retain the office of constable and/or any police officer related 'x-factor' payment in such circumstances where they cannot carry out the full range of duties?

- a) An officer on restricted duties may not be able to perform all of the duties of a constable but may be able to perform some, or most, of them. Under such circumstances, there will clearly remain a difference between this officer and a police staff member. It is largely a question of degree. If an officer is unable to perform any of the duties of a constable then there would be no practical difference between that officer and a police staff member. If this was to remain a permanent state of affairs then this should, in our view, lead to the ill-health retirement of the officer concerned.

4.10. Given the wide range of possible restrictions, at what point does a restricted officer reduce the resilience of a police force, for instance 50 or 75% of the duties of a constable?

- a) We do not consider that we are in a position to give an informed response to this question. It would very much depend on individual circumstances and the cumulative impact of restricted officers on each force.

4.11. As discussed in Part 1, should there be a mechanism for transferring restricted duties officers to police staff terms and conditions? How would this be phased given the likelihood of higher officer salary and how should the pension be treated?

- a) We support officers on restricted duties occupying posts where there is a need for the post-holder to have police powers, specialist police knowledge or police experience to carry out such roles effectively, provided that they are actually capable of fulfilling the role requirements. As stated previously, we do not support 'job creation' in order to accommodate officers on restricted duties (as distinct from recuperative duties), nor do we support officers on restricted duties being placed in roles that can be performed by police staff members.
- b) Where no police officer posts exist that are suitable to be occupied by officers on restricted duties, even with reasonable adjustments, then the officer concerned should, in our view, be subject of ill-health retirement. He/she should not automatically be given a police staff post but should be allowed to apply for such posts as part of a competitive process as vacancies arise. To do otherwise would be fundamentally unfair to police staff colleagues. Where officers are entitled to a police pension, then they should be allowed to benefit from it as well as being paid as a police staff member.

4.12. Does ill-health retirement need reform? If so, how?

- a) Our experience is that, when used properly, the current ill-health retirement mechanisms work fairly effectively; however, when applied to officers diagnosed with anxiety/depression they can prove problematic. Whilst anxiety/depression is not precluded from ill-health pensions *per se*, the criteria is that the illness/injury must impact upon the ability to perform the ordinary duties of a constable and must be expected to be a permanent illness, or injury, until the age of 55. The issue with anxiety/depression, therefore, is that it is treatable and so is hard to describe as a permanent condition, even though it might actually prevail until an officer reaches 55

years of age. Addressing this issue would improve the effectiveness of ill-health retirements.

4.13. Should the length of service be the sole focus of ill-health retirement under the Police Pension Scheme 1987 or should other factors such as the severity of an officer's disability be considered? If so, how?

- a) Our understanding is that length of service is not the sole focus of ill-health retirement under the Police Pension Scheme 1987. The premise is always that an officer should not be ill-health retired as long as he/she remains 'fit for purpose'. The first consideration, therefore, is to make reasonable adjustments under the Disability Discrimination Act. The test of reasonableness will include both the officer's length of service and the role he/she is expected to perform.

4.14. How should any new system of restricted duties and ill-health management be introduced and phased in?

- a) Any changes proposed would need to be consulted on fully with the relevant staff associations and be developed through the PNB process.

4.15. In examining the career length and pension system for police officers, what are the implications for the protected characteristics specified in the Equality Act 2010 and what could be done to mitigate these?

- a) Any changes to the career length and pension systems for police officers are likely to have implications for people who have protected characteristics as specified within the Equality Act 2010. The extent of any implications, and actions that could be undertaken to mitigate them, can only be established when the exact provisions of any such changes have been defined and a comprehensive Equality Impact Assessment undertaken. That said, one obvious implication will be the potential impact of continued exposure to shift work upon female officers of menopausal age.

4.5 PAY NEGOTIATING MACHINERY

Police officers

5.1. How should police officer pay be determined to ensure it is fair to officers, management, and the public?

- a) PNB and PAB have brought stable industrial relations to the police service for the past 30 years. It has the support of the Police Federation and the PSAEW. It is in need of reform but it is seen by us as the best vehicle to continue to determine police pay and conditions of service and much preferable to alternative methods such as a Pay Review Body.
- b) In terms of outlining the history and workings of the PNB and PAB we would draw the Review's attention to the paper submitted by the Independent Chair of PNB, John Randall, to the Winsor 1 Review (paper dated 26 November 2010). This, in our view, gives a comprehensive outline of the value and work of PNB and PAB to the police service.
- c) Police officer pay is currently determined within PNB. Given the limited industrial rights that police officers have, it is essential that there should be a process for negotiating pay which is fair and transparent. The makeup of PNB is well known to the Winsor team. In the past five years, however, PNB's effectiveness has been badly affected by the failure of the Official Side in general, and the Home Office in particular, to engage meaningfully in negotiations with the Staff Side. In addition, the effectiveness of the Police Arbitration Tribunal has been adversely affected by recent decisions of Home Secretaries to ignore PAT recommendations.
- d) Devolved powers given to Scotland and Ireland have put pressure on PNB to negotiate on behalf of the UK wide police service. This is particularly true in the case of Scotland.
- e) As a result of these developments we believe that PNB is in need of reform.

5.2. What are the advantages and disadvantages of the current system?

- a) Advantages:
 - A statutory body, independently chaired gives confidence to police officers that their pay (PNB) and conditions of service (PAB) will be determined fairly.
 - Issues of pay and conditions are 'agreed' rather than imposed.

- All of the staff associations see PNB and PAB as the fora in which pay and conditions of service are negotiated in the future.
- All key stakeholders in policing are represented.
- PNB has delivered stable industrial relations in policing for most of the past 30 years.
- “Behind the chair” discussions make the formal PNB process more effective.

b) Disadvantages:

- PNB is a very large body – a total of 44 members. This can make negotiations complex at times.
- Current developments in terms of devolved power in Scotland and Northern Ireland are creating some stresses within PNB.
- PNB’s effectiveness can be compromised if either of the two Sides refuses to engage in meaningful negotiations.
- The superintendents and CPOSA can, on occasions, find that their voices are ‘not heard’ by the Official Side as the current make up of Staff Side is dominated by the federated ranks.

5.3. Should the present Police Negotiating Board remain, be reformed, or be replaced?

- a) The present PNB should remain but it should be reformed.
- b) Membership should be reduced.
- c) There should be a move back to an annual up-lift of police pay to keep it in line with the pay of other workers in the public and private sectors.
- d) Currently negotiations in respect of police pensions are very limited. A police pensions working group sits within the PNB process with the staff associations and the employers’ representatives. The group is chaired by the Home Office and there is very limited ‘negotiation’ around pension issues. Currently police pensions are one of the most contentious issues in the ‘pay and conditions’ arena.
- e) Unlike PNB, which is independently chaired, there is no facility in the pensions working group to register a failure to agree. Nor is it possible to refer a disagreement over pensions to the PAT.
- f) This is an anomaly of PNB that should be addressed. Currently all of the main public sector unions are negotiating with the Government over imposed increases in member contributions. There is no such facility available to police officers. The PSAEW calls upon Winsor to expand the terms of reference for PNB to include pensions as part of pay and conditions of service, and to allow failures to agree in respect of pensions in the future to be referred to the PAT.

- g) It should be noted that, should PNB cease to exist, there would still be a need to have some form of negotiating and consultative machinery to deal with those issues which fall outside the normal remit of Pay Review Bodies.

5.4. Should the present Police Arbitration Tribunal remain, be reformed, or be replaced?

- a) The Police Arbitration Tribunal should remain. It has the confidence of all of the staff associations and has proved to be both independent and efficient in the way that it has conducted itself in recent years. However, the current remit of the PAT is limited in the same way as PNB in that, in coming to a finding, its role is to 'advise' the Home Secretary who has the power to implement - or not - a PAT finding.
- b) This situation is in need of reform. In future decisions of the PAT should be binding upon the Home Secretary who should only be able to overrule a PAT finding by securing a majority in the House of Commons to do so.

5.5. Should the present Police Advisory Board of England and Wales remain, be reformed, or replaced?

- a) The Police Advisory Board has been enormously successful in recent years and should be retained. Much of the work of the PAB is done within working parties and, through the Independent Chair, all Sides come together with a good record for agreeing important changes to terms and conditions of service.
- b) Recent examples of this include the guidance on secondments, the Taylor reforms of conduct and performance, drugs testing in the work place and mutual aid.
- c) There are clear benefits for all parties in having a national (England and Wales) forum to reach agreements on a raft of conditions of service not linked to pay.

5.6. How should the corresponding systems in Scotland and Northern Ireland relate to the negotiation of police officer pay and conditions in England and Wales?

- a) In a sense this is not a question that the PSAEW can answer. PNB is a UK wide body. It makes recommendations on police officer terms and conditions of service to Ministers in Scotland, England and Wales, and Northern Ireland. Implementation of those recommendations is then a matter for the respective Ministers.

- b) In recent years we have seen a willingness by the Scottish Government to negotiate with the staff associations on a local level outside of the PNB. If, as is likely, these developments gather pace, then PNB, if it is to be retained, may need to be further reformed to reflect the desires and interests of Scotland and Northern Ireland's devolved administrations.

5.7. Should police officer pay be negotiated at a national, regional or local level?

- a) There are tremendous benefits which accrue from the current arrangements in which pay and conditions of service for police officers are made nationally with, where appropriate, regional or local add-ons. (See also Questions 1.36 – 1.42)
- b) Collaboration between forces and regional work streams are major developments in policing which look set to continue. The recent riots in London and elsewhere, and the approaching Olympics in 2012, will see more and more police officers from all over the UK working together in police operations.
- c) Inter-operability, the ability of officers to move between forces to work (often on promotions or secondments) is made more economical, more efficient and less bureaucratic by having nationally negotiated pay and conditions of service. If the current arrangements were changed to a more locally defined model there would be real risk of unlawful discrimination which would result in costly and distracting litigation between the staff associations and the employers.

5.8. What role should Police and Crime Commissioners have in determining or negotiating police officer pay and conditions?

- a) Police and Crime Commissioners will replace Police Authorities during 2012. It seems logical that the Commissioners will take the place of the APA on PNB and PAB in some way.
- b) What is not clear yet is how this will be done. It is unlikely that all 43 Police and Crime Commissioners could sit on PNB/PAB. The Commissioners themselves will ideally need to agree on a representative number of their total who will sit on PNB/PAB with a remit from the wider group to negotiate on pay and conditions of service for the whole of England and Wales.

5.9. What role should the Government have in determining or negotiating police officer pay and conditions?

- a) The PSAEW believes that in future the Home Office should not sit on PNB but should retain the right to direct PNB to discuss certain matters and to ratify PNB agreements or PAT decisions.
- b) It is arguable that past Governments' role in PNB in recent years has been one of the main causes of the current weaknesses that exist in the PNB structure.

5.10. Should the pay and conditions of senior officers be determined separately from the lower ranks? If so, how?

- a) Police officers within the federated and superintending ranks draw trust and confidence from the fact that the senior leaders of the police service within ACPO have served in each rank from constable to ACC, and that the way in which pay and conditions are determined is the same across the service. We see no business case for moving the pay and conditions of service for senior officers to a different body to that which is used for all other ranks of the police service.

5.11. How should any new system be introduced and phased in?

- a) If a different system to PNB/PAT/PAB is to be introduced then detailed consultation and negotiation would need to take place with all of the staff associations. Despite a recent decline in police officer morale as proposals are made for pay to be cut (Winsor 1) and pension contributions increased (Hutton), police officers overall remain fully committed to protecting the public in the Office of Constable. One of the main reasons why morale is sustained is that police officers feel that their voice is heard on how their pay and conditions of service are negotiated. If the current arrangements are to be changed by the Government there will be an enormous responsibility on those who make the changes to 'get it right'.
- b) Any changes like this are not suitable for phasing in or 'piloting' and would require whole scale change from plan A to plan B at a date in the future to be determined. However, it would be possible in our view to reform PNB and PAT yet retain PAB in its present form.

Police staff

5.12. How should police staff pay be determined to ensure it is fair to police staff, management, and the public?

- a) The current arrangements for the pay of police staff consists of a national framework but of arrangements which are largely locally determined - the opposite, in fact, of the arrangements for police officer pay.
- b) The PSAEW is not involved in the current negotiating machinery for police staff pay but we believe that the current arrangements are working reasonably well and are not in need of fundamental reform.
- c) There is certainly no strong evidence emerging from the transcripts of the seminar held on 28 July on 'Pay Negotiating Machinery' to make many changes to current arrangements.

5.13. ACPO, in their submission to Part 1, stated that there should be 'consideration for the removal of the right to strike for certain police roles'. Should this be the case?

- a) We see no compelling case for the removal of the right to strike for certain police staff roles.
- b) In living memory, the cases involving industrial action by police staff have been rare. Police staff, in general, are very loyal to the organisation and rarely display an appetite for industrial action of any kind.
- c) We do not see any evidence of a need to introduce what is after all a quite draconian measure. Whilst we understand and support police officers being unable to strike we believe that for police staff who are not 'warranted' officers the removal of the right to strike would contravene a fundamental human right.

5.14. Should the present Police Staff Council remain, be reformed, or be replaced? Similarly, should the existing arrangements in those forces who negotiate outside the PSC framework remain, be reformed, or be replaced?

5.15. Should the current system whereby individual forces can locally negotiate police staff pay and conditions remain, be reformed or be replaced?

5.16. Should police staff pay be negotiated at a national, regional, or local level?

a) We would refer to our answer in 5.12 which covers these questions.

5.17. How should the corresponding systems in Scotland and Northern Ireland relate to the negotiation of police staff pay and conditions in England and Wales?

a) We are not sufficiently sighted on arrangements in Scotland and Northern Ireland to answer this question.

5.18. What role should Police and Crime Commissioners have in determining or negotiating police staff pay and conditions?

a) It is clear that with the demise of Police Authorities there will be a need to develop a role for Police and Crime Commissioners in considering police staff pay and conditions in England and Wales but that this can be done by adapting current arrangements in due course.

5.19. What role should the Government have in determining or negotiating police staff pay and conditions?

5.20. How should any new system for police staff be introduced and phased in?

a) We are not sufficiently involved in current arrangements for negotiating police staff pay to offer an answer to these questions.

5.21. Should a single negotiating body be established to determine or negotiate both police officer and police staff pay? If so, please explain how it should work and how it should be phased in.

- a) Having read the transcripts of the seminar held on 28 July on 'Pay Negotiating Machinery' we feel that no evidence has been adduced so far that would justify the creation of a single negotiating body to deal with police officer and police staff pay.