

# ***Inspectors Central Committee***

## ***Police Advisory Board/Police Negotiating Board Update January - February 2008***

### **PNB Meeting – 24<sup>th</sup> April 2008**

#### **Police Pay**

*Please visit the Police Federation Website for a current update on all pay issues.  
[www.polfed.org](http://www.polfed.org)*

#### **Pay Settlement 2007**

The judicial review went ahead on the 15<sup>th</sup>/16<sup>th</sup> of April and the indication is that the outcome is anticipated in 2 to 3 weeks.

The Staff Case, amongst other things, was based on legitimate expectation for a pay increase in September [since 1962], affordability [budgets already there] and Human Rights [article 11 – rights of workers]

#### **Pay Settlement 2008**

At the previous PNB meeting on 6<sup>th</sup> February the Staff Side read out a statement of discontent that included that we will not discuss the 2008 settlement until 2007 had been resolved.

The Staff Side have since reviewed the situation and taken the decision to respond to the Official sides proposal for a 3 year agreement linked to the P.A.T. (Police Arbitration Tribunal) index [initial indications are that will result in less than 2% per year] by rejecting this index and submitting our own claim for a 4% increase from April 2008, based on the I.D.S (Income Data Services) index figure for January. The Official Side have noted the claim and have agreed to a working party in an attempt to achieve a settlement.

However, there is a health warning that can not be ignored. The General Secretary wrote to the Home Secretary seeking clarification on the government approach to Booth 2 'Determining Pay in the Police Service'. The Home Secretaries response was a very poorly concealed threat that if there was no progress on a multi year deal steps will be taken to introduce the necessary legislation for the introduction of a pay review body.

#### **Level Playing Field**

As previously reported, part of the Staff Side original claim in respect of the public sector pay index proposed by the Official Side, related to establishing a level playing field i.e. bring Police pay up to the same level before the index was to be applied. The Staff Side wrote to the Official Side indicating that we wished to table it as a claim, which was rejected and a 'failure to agree' was registered by the Staff Side indicating that conciliation was pointless and the matter should go direct to arbitration.

The Staff Side expressed disappointment that the earliest date for arbitration is likely to be June.

### **Professional Dependant Care**

The Official side are still not minded to accept the claim and want to deal with any issues by way of guidance to Chief Constables that include some form of payments. However, they indicated that there are many issues under gender / fairness (maternity pay, fertility etc) and have agreed to the setting up of a working group to deal with these issues by October this year.

### **Temporary Salary**

This matter has finally been settled and an agreed starting date of the **1st of June 2008**:-

The qualifying period for payment of temporary salary will be reduced to 10 days. 56 days maximum acting in receipt of temporary salary then must be promoted temporary and must be qualified for that rank.

A PNB circular explaining the exact detail is to be published.

### **Pay on Promotion**

It was agreed that from the 1<sup>st</sup> of May 2008 the introduction of a £450 per annum guaranteed minimum increase in salary on promotion. This will be applicable to officers in receipt of a CRTP when promoted **from** the ranks of Constable and Sergeant **to** Sergeant and Chief Inspector respectively.

The payment will be paid until the Officer receives his / her first increment in their new rank.

A PNB circular explaining the exact detail is to be published.

### **Probationers Pay – First Increment**

The Home Office finally conducted research and were astonished, at the variation around England and Wales [varied from 28 to 42 weeks], not only in the date of first increment but some of the training / attachments. The Official Side wanted time to carry out a survey with the likely outcome of issuing PNB guidance. The Staff Side emphasised the need for a time limit on such work, which is yet to be agreed.

### **London & South East Allowance**

The Staff Side requested that the matter go to arbitration as this matter has been subject of conciliation for some time. The Official Side expressed their disappointment and requested a return to conciliation regarding potential offers/solution.

The matter is now going to arbitration and both sides need to agree terms of reference for that process to commence.

The Official Side have now submitted a paper in relation to the South East allowance requesting the flexibility to give increased payments based on recruitment and retention, which is a little surprising since they said during previous pay discussions that the police service does not have any problems with recruitment and retention. Further discussions are to take place to resolve this claim prior to arbitration.

At this time flexibility is taken to mean within a Force area as referred to in the SPP scheme.

### **Part Time Pensionable Pay for the Inspectors & Above**

Part Time pensionable pay for Sergeants and Constables up to 40 hours per week was agreed during 2007. However, the same right for Part Time Inspectors and higher ranks was left on the negotiating table due to concerns by the Official Side that these ranks are not hourly paid.

Following representation by the Staff Side, the Official Side conceded that they had a degree of sympathy for the claim and legal action is not the solution. They agreed to progress the matter further and report back.

### **On Call**

The matter has been at conciliation for some time. A limited time working party was formed resulting in little progress. The Staff Side had previously requested arbitration.

It has now been agreed that there is a need for some additional data if this is to be progressed in a satisfactory manner, which is to be gathered jointly and should be completed in time for the PNB meeting in July.

### **Shift Allowance**

The Staff Side has submitted a claim for a shift allowance and the Constables Central Committee has agreed to carry out the necessary research with PILAT.

### **SOCA**

The Official Side on behalf of ACPO announced that they wanted to discuss SOCA Officers transferring back to Forces and were seeking agreement that the relevant service was to be reckonable. This issue was supported by Staff Side who had previously identified as a potential problem for officers who transferred to SOCA. It is anticipated that the Official Side will be bringing formal proposals to the next PNB meeting in July.

### **Equal Pay Audit**

The Staff Side pointed out the equal pay audit was now three years old and new data is required. The Official Side agreed and viewed the Staff Side target date of October as being achievable.

## **PAB Meeting 24<sup>th</sup> April 2008**

### **Reform of Disciplinary Arrangements**

The Home Office indicated that the draft Police Appeal Tribunal rules had gone out for consultation. They were very pleased with the responses received which resulted in numerous amendments that have generally been accepted. They are keen to keep to a time table that allowed for a November conclusion regarding legislation. To facilitate such a time table it was agreed that the remaining issues would be dealt with by way of correspondence.

### **Terms and Conditions for Seconded Officers**

The working party has met once since the last PABEW meeting. There are still difficulties surrounding liability when potential unlawful acts or breaches of discipline are carried out by officers on secondment. Home office lawyers have been asked to provide a further view for consideration at the next meeting of the working party. The ACPO/FCO protocol covering officers deployed to international peacekeeping/crisis management missions was approved and is expected to be published shortly. Research is being undertaken into the issue of

an inconvenience allowance with a view to presenting this to PNB to agree an appropriate amount. UPP and misconduct procedures for seconded officers are also being considered.

### **National Recruitment Standards**

The sub-committee last met on the 7<sup>th</sup> March 2008 where the following topics were discussed.

**Review and use of SEARCH interview.** Consultation will begin shortly with forces on the current interview methodology and possible alternatives.

**Accreditation of Prior Learning.** The Met has developed a project to look at providing distance learning to individuals prior to them joining the police. Candidates could then take shortened versions of the current courses. Two pilot schemes are planned to be completed and evaluated by August 2008.

**Police Recruitment from the Special Constabulary.** This relates to a proposed transfer policy for members to move from the volunteer role into the regular paid service via a work-based assessment. Reservations were expressed by some members of the sub committee but it was agreed a trial should proceed in Cheshire.

The Chairman advised the meeting of an employment tribunal decision that where a seconded officer was in another Force neither Chief Constable was in effect in control of that officer so could not be held accountable regarding alleged harassment.

The Chairman advised the meeting that he viewed the outcome as absurd and a report had gone into the Home Office for them to deal with.

### **High Potential Development Scheme (HPDS)**

The application process for the new scheme opened on 1<sup>st</sup> April. For existing members the old scheme will remain in place for up to two years for Inspectors and Chief Inspectors and for up to four years for Constables and Sergeants. The next stage will be the completion of in-force assessments followed by the nomination of high calibre officers. The detailed design of the scheme is continuing.

### **Work Based Assessments**

The meeting was advised that the NPIA were now running the scheme and that the HMIC are happy that their concerns were being dealt with. The role out will start April 2009 [13 forces per year over 3 years]. Prior to role out the steering group will consider and address current problems in relation to adhering to the guidance and quality assurance frame work. It should also be noted that the Police Minister has taken a personal interest in this matter and wants regular updates.

The Federation advised PAB that they had serious concerns and found it incredulous that role out could even be considered before it has been properly evaluated and shown to work.

The Superintendents also expressed concern and asked for regular written up dates. The matter will remain on the agenda to ensure such up dates are available to all concerned.

### **Developing Senior Police Staff – Delegate Functions**

At the February 2008 PABEW meeting the Home Office put forward a proposal to make functions specifically requiring Chief Officer decision delegable to less senior police officers and staff. Under existing law most but not all functions may be delegated. The PAB and PNB were both asked to consider:

Should all chief officer functions be delegable to officers and staff

What is the appropriate level of delegation

Should the level of delegation be fixed in regulations or should it be at the discretion of the chief constable with the proviso that delegation has to be to a suitable person who has the appropriate training/expertise to fulfil that function?

A working party has been set up to discuss the issues in more detail.

The working party held its first meeting on 6<sup>th</sup> March 2008 and agreed in principle that certain more routine decisions could be delegated to below ACPO level. The minimum appropriate rank for these was considered to be Chief Inspector or equivalent staff grade. This latest draft of the proposal incorporates changes to address a number of PFEW concerns.

The big issue not fully addressed is the definition of police staff equivalent which John Randall [Chairman] is proposing the Working Party produces guidance on. A minimum staff grade will *not* be stated in the regulations although the minimum police officer rank *will* be. However, it should be noted that the Conduct Regs already set a precedent in defining the equivalent staff grade as “in the opinion of the chief officer is of at least a similar level of seniority”. Since the proposal recommends there is a right of appeal via a “formal review by a person of ACPO rank or police staff equivalent” for any decisions taken at a lower level and further contains a provision for HMIC to monitor the delegation procedures in each force for appropriateness and best practice, this is likely to provide adequate protection against decisions being delegated to staff of an inappropriate grade.

The APA had reservations about the ‘equivalent route’ high lighting the problems the military had experienced to date. They viewed it as a huge piece of work disproportionate to the issue and it was not a route the APA wanted to take.

The Superintendents Association supported the paper and viewed the guidance as the solution to all problems.

The Home Office held the view it was more about competent people as opposed to equivalent.

A second meeting of the working party has been arranged to deal with all concerns with a view to finalising an agreement.

### **Workforce Modernisation**

PAB was advised that the demonstration sites had now been reduced to ten due to the Yorkshire/Humberside collaboration being experiencing resourcing difficulties. However, they were continuing as an associate site [there are a number of forces who are associate sites in that they follow the principles set out for modernisation but will not be involved in the evaluation process].

The PFEW expressed their continued concerns about proper evaluation and the lack of business case’s submitted for auditing [4 to date]. The PFEW also viewed the proposed flexibility/ changes to SPP [£8000, paid pro rata monthly as opposed to annually for test sites] as an attempt to buy success as opposed to evaluating results based on current budgets, original business plans and the overall effects on the rest of the force not directly involved.

### **Biometric Vetting**

PAB were advised by the Home Office that they are working with the ACPO lead with regard to putting safe guards into place and will report back at a later date in respect of the taking of fingerprints and DNA samples from police officers at the point of recruitment.

### **HMIC Human Resources and Training portfolio**

PAB were advised that proposals regarding significant restructuring of the HMIC are going to the Minister. Indications are at this time that the portfolio for Human Resources and Training/Diversity issues [at present with Mr Robin Field Smith] will go to a small team led by an assistant inspector of constabulary.

Following lengthy debate it was decided that the Chairman [Mr John Randall] will write to the Minister outlining PAB serious concerns at the down grading of such important issues and the lack of consultation regarding the restructuring.

### **Health and Safety**

The APA wants Health and Safety to be discussed at PAB on a regular basis and still 'ownership' as a matter to be resolved.

### **Taint and Disclosure**

The meeting was advised that due to the disappointment at the initial negative CPS response in terms of taint and disclosure [officer's records and disclosure in court] Vic Marshall of the Home Office is now doing some valuable work on the matter and will report back at a later date.

### **Regulation 11 – update [Selection Process Chief Officers]**

Regulation 11 sets out the criteria for applications to Chief Constable Posts. These criteria are laid down in regulations, which state that in order to be eligible to apply for a Chief Constable post; applicants must have at least two years experience at chief officer level in:

- another police force
- the British Transport Police
- engaged on relevant service (on secondment).

In December 2006, following advice from the Police Advisory Board for England and Wales a change was made to allow for this requirement to be waived in exceptional circumstances. The effect of the change is that in exceptional circumstances candidates need not have served outside their force area previously at chief officer level.

At that time the Home Office undertook to review the operation of the changed regulation after one year of operation. In 2007 two of the 10 Chief Constable appointments were made under exceptional circumstances. At the last PABEW meeting, the Home Office updated on the findings of that work. Since then they have consulted with stakeholders on whether this change should be retained or removed or otherwise altered.

### **Outcome of consultation**

There was a general consensus that Chief Constables should have the appropriate experience and that appointments should be made on merit. But opinions were divided on how far regulations should define eligibility. Views ranged from supporting tighter parameters than in the original regulations to keeping the amendment. Additionally further verbal feedback questioned whether

eligibility for Chief Constable posts should be set out in determinations at all The main arguments for tighter eligibility criteria were:

- the need to counteract the current trend of internal chief officer promotions
- those who wish to lead the service must have a wide range of professional experience (including working in different organisations)
- the exception clause leads to less movement within ACPO ranks

The key arguments for keeping the amendment to Regulation 11 were:

- it recognises the need for wide ranging experience
- it also recognises that exceptional circumstances do occur and candidates should not be disadvantaged because of those circumstances
- the new provision has been used appropriately and enables senior appointments to recognise exceptional circumstances

The consultees also raised a number of other points about the senior appointments process more generally:

If the exception rule remains, it should be for HMIC to rule whether or not exceptional circumstances exist and not the Senior Appointments Panel, ACPO or APA

It was suggested that if one candidate applies under the exception rule, the other candidates should be made aware of that fact

The senior appointments process lacks clarity and the efficiency and effectiveness of the Senior Appointments Panel should be reviewed.

### **Conclusion**

Based on the range of feedback from the consultation, they believe that they cannot reach any firm conclusions on the future of Regulation 11 in isolation. ACPO and others have raised the issue of leadership in the context of the Green Paper and the Home Office suggest that they should return to Regulation 11 as part of the Green Paper consultation.

In addition ACPO are keen that the Deputy Chief Constables are also considered in terms of any knock on effect.

### **Your comments/Views**

*Further information about these issues is available from your local Inspectors Federation Representative. The Inspectors' Central Committee welcomes and values any comments or views you may have about any of these issues.*