

Review of remuneration and Conditions of service for police officers and staff

Metropolitan Police Authority and Mayor of London Officer Response

We welcome the opportunity to respond to this “Review of terms and conditions” which we have argued for many years is long overdue. Successive Home Secretaries have failed to respond to the Authority’s calls for major changes to the way police officers, particularly senior police officers, are remunerated. In addition, although the Metropolitan Police Service (MPS) is responsible for negotiating with its own police staff, we also feel there are opportunities to modernise their terms and conditions to make them ‘fit for purpose’ for policing in the 21st century.

The approach we have adopted in responding to the issues raised by the Review is to deal with them in terms of their generic headings rather than responding individually to the questions that have been asked. The difficulty with the latter approach is that it may segment and dilute the underlying philosophy which, given the context in which the Review is taking place, should drive any recommendations. Arguably, terms and conditions issues are inextricably linked, e.g. police recruitment strategies determine what training and development it is necessary to provide and how career paths are developed.

The MPA believes that the police service must be properly accountable for their performance as well as their conduct, and their performance management framework must only reward activity that delivers a better service. The complexity and challenges of modern policing mean that the opportunity provided by this Review should be to reform the workforce to ensure that it is flexible, well trained and highly motivated, with a diverse range of skills and expertise. A key goal should be to enhance the ability of Chief Constables and the Commissioner of Police of the Metropolis, in agreement with their PCC, to manage their workforces but be held accountable for their performance to their local communities.

This will require a more specialised workforce that encourages police officers and police staff to use and develop their skills to the maximum effect, new more flexible team structures with training and development targeted to address skills gaps and ensuring everyone has the opportunity to reach his or her full potential, new entry routes and career paths for those with non-policing experience, e.g. around people, resource and performance management and delivery, and rewards for skills, effort and performance.

As Her Majesty’s Inspectorate of Constabulary (HMIC) have previously recognised in their report on modernising the police workforce, “Policing is now highly complex and spans a massive spectrum of activities requiring a similarly extensive range of skills and competencies in those taking up the challenge. The omnicompetent officer has been a traditional icon and supposed mainstay of the service. It is debatable whether effective omnicompetence has ever actually been achieved but it is now abundantly clear that such an aim is no longer viable, or indeed appropriate, for 21st century policing needs.”

Entry routes

How should officers and staff be recruited to the police service?

How could the diversity of the police service be improved as part of a new model?

What should be the future for graduate entry to the service, and how could it work?

Should there be a local or national approach to graduate entry?

What are the advantages and disadvantages of external candidates being able to join above the rank of constable, and how could this work in practice?

1. Diversifying Skills and Experience

- 1.1 A police constable is not an employee of the police authority or of central government but an independent holder of public office, with terms and conditions of employment set out in Police Regulations, Home Secretary's determinations and other legislation. This special employment status stems from particular responsibilities, including being on call 24/7, being forbidden to strike, having certain restrictions on their private lives and extensive powers of arrest.
- 1.2 Policing has long been seen as a vocational occupation of skill, knowledge and public duty, whilst the image of the uniformed constable patrolling the streets has become an iconic and enduring image for the public. What has evolved is a policing profession without the formal structures of other professional groups of workers, e.g. teachers, health workers, where staff are required to undergo specific training across a wide range of disciplines before being able to use those skills in an operational setting.
- 1.3 As HMIC have identified, increasing specialisation provides significantly greater opportunity to identify individuals with the right combinations of skills from outside the police service. Despite various fast-tracking initiatives and graduate entry schemes aimed at moving talented staff into specialist or managerial roles at the earliest opportunity, there has remained just one entry point for all police officers. Direct recruitment into more senior roles, particularly in some specialisms and managerial roles, could tap into a wealth of diverse experience and talent outside the policing environment. The MPA is running a seminar to examine the scope and benefits of multi point entry in January 2011.
- 1.4 There is already a little known provision in Police Regulations for entry at chief constable level; candidates for chief constable posts (Assistant Commissioner and above) should meet the standard eligibility requirement for that post as

set out in paragraph 1 of Part 1 of the determination made under Regulation 11, but paragraph 2 provides that where 'exceptional circumstances' apply, consideration may be given to whether the standard eligibility requirement should be waived for a particular candidate, i.e. a non police officer. Given this opportunity is available for the most senior roles in policing, it is quixotic that this is not be possible at another rank or ranks.

- 1.5 As things stand, police constable recruitment focuses primarily on those with potential rather than attracting a significant proportion with pre-existing skills, knowledge and experience. Consequently, the Service currently recruits, trains and rewards all recruits alike, whether they are, for example mature, highly paid, skilled and experienced fraud investigators or school leavers. Other public organisations, e.g. armed services, prison service, benefit greatly from people coming into the public sector at more senior levels.
- 1.6 Looking at the experience in the armed services, there is a clear differentiation between three formal levels of leadership (strategic, operational and tactical), with individuals able to join at basic entry level or at a single higher, operational level. At the higher level, candidates are 'taught' to understand their leadership role rather than taught leadership. The armed services are quite clear that there is no issue around credibility or the need for entry level 'experience.' The analogy given is the difference between understanding how to drive a car and understanding how a car engine works – you do not need to know one to do the other.
- 1.7 There would clearly be cultural and confidence issues within the police service, but the issues are not seen as insuperable and could include, for example, the aggressive targeting of high quality graduates. In terms of ensuring diversity, the opportunity for subsequently 'fast tracking' under-represented groups could be the subject of some specific positive action initiatives, particularly within specialist units. For example, within the MPS, the Leadership Academy's Hydra Suite has been used over many years to provide scenario based training on all aspects of policing, including critical incidents, and would be ideally suited for such a programme. Other forces could look to provide something similar, possibly on a regional basis or 'buy in' the service from the Met.
- 1.8 Whilst police officers have the flexibility to respond to all kinds of emergencies, judging what needs to be done and imposing solutions, the Chief Constable or Met Commissioner and PCC also need a greater degree of flexibility to 'authorise' particular powers, functions or duties to any member of the police service, except – for non uniformed staff - the power of arrest. This would enable other suitably trained or qualified police staff to perform roles where some, but not all, police powers and protections are needed, without requiring constant changes to legislation.
- 1.9 In terms of entry level recruitment, the Authority has recently endorsed a new model of recruitment and training for police officers. Under the new arrangements, there will be discrete, time-limited recruitment campaigns,

based upon a budgeted deployment plan with a range of alternative training options. The majority of applicants (including police staff) will come from the Metropolitan Special Constabulary (MSC - Specials), where participants will receive development and training opportunities to gain independent patrol status (IPS), together with a qualification in relevant law and policing equivalent to that currently delivered through the standard Initial Police Learning and Development Programme (IPLDP), and be ready for immediate deployment upon appointment as regular police officers.

- 1.10 Applicants will also come from serving Police Community Support Officers (PCSO) and others excluded from membership of the MSC by either statute or personal circumstances. Participants from these groups will be required to undertake a recognised qualification in law and policing before being eligible to apply as regular police officers. A bursary scheme is being considered for those ineligible to receive the internally delivered course. The initial training will then focus upon the skills and knowledge required to gain IPS (approximately 10 weeks).
- 1.11 The new arrangements will deliver significant financial and diversity benefits. In terms of financial savings, salary cost savings through training will be realised at around £20k per MSC recruit and £12k for others. In terms of diversity, 30% of specials and PCSOs in London are from Black and Minority Ethnic (BME) groups and are liable to deliver highly representative recruitment numbers over the next few years.

2. Specials

How can we increase the recruitment of Specials?

How can we encourage more police staff to volunteer as Specials?

What would be the advantages/disadvantages of all forces requiring potential candidates to be Specials to be eligible for recruitment as police officers, PCSOs or other police staff?

- 2.1 The new model of recruitment and training for police officers (referred to above) has generated a significant increase in interest from members of the public who recognise this is now the primary route into the Police. Recruitment levels are at a 10 year high, with 1300+ applications received in September alone. A copy of the report detailing the approach endorsed by the Authority and the National Recruitment Standards Sub Committee of the Police Advisory Board of England and Wales (PABEW) is at: <http://www.mpa.gov.uk/committees/mpa/2010/100930/07/>
- 2.2 In terms of encouraging police staff to join the specials the Met, with Authority endorsement, initiated an Employer Supported Programme, by training them and releasing them for operational roles during working time. To date, 460 police staff spend two days per month working as a special rather than doing the day job. Some retail organisations, particularly in central London, provide

similar arrangements since it provides them with trained police officers on their premises.

- 2.3 The main problem is not recruiting specials but retaining them, with turnover levels running as high as 20%. Whilst their value has been acknowledged and the duties they perform have become more varied, there is a need for better management of specials at a Borough level. This has been achieved with limited success in the Met through dedicated Sergeants on each Borough. There remains the issue of what, if any, incentive should be offered, e.g. some form of limited remuneration or – in London – free travel at all times, are some of the ideas that have been considered. In the current economic climate, whilst some form of reward would be both fair and equitable, it would be difficult to fund or justify additional funding.

3. **Deployment**

General Deployment

How could we improve the deployment of officers and PCSOs?

Are there any elements of police regulations and delegations that inhibit the more efficient deployment of officers?

- 3.1 There should be a simple rule on deployment for police officers and PCSOs. Managers must have the right to decide the optimum deployment pattern, matching resources to demand, without the need to obtain the agreement of those being deployed. This is not currently the case.
- 3.2 HMIC's report, 'Valuing the Police' shows that only 11% of the police are visibly available to the public, despite year-on-year increases to budgets for the last 40 years. (This compares to a figure of 17% when PA Consulting carried out a similar study in 2001.) A subsequent report by Accenture (Home Office Circular 68/2004) suggested matching resources to demand would be equivalent to 2500 additional police officers. HMIC warned that with looming budget cuts, the availability of the police to the public will be even further reduced, unless there is a total redesign of how policing is delivered.
- 3.4 In addition, HMIC found that on average only 11% of total police strength are visible and available to the general public at any one time; and in their sample, more police were available on a Monday morning than on a Friday night. The study found that in one year (2009) 2,600 pages of guidance were issued to officers setting out how their work should be done; and there were 100 processes in the criminal justice system, requiring 40 interventions by police officers, staff and specialists. The cost to policing is estimated at £2.2 billion per year. The effect has been to draw resources into investigation, intelligence and other specialist functions, and away from the public.
- 3.5 Interestingly the increased police presence on the streets of London following the 7/7 bombings provided an opportunity to examine the extent to which

changes in police deployment affect recorded crime. Two studies were carried out independently by the Economics and Resource Analysis department of the Home Office and economists at London School of Economics (LSE), using different approaches to account for the possibility that crime might have fallen if people avoided central London following the attacks. Both studies found that the policing response had reduced crime in central London, by between 4-9% (Home Office) and 11% (LSE). The LSE results suggest that a 1% increase in police numbers reduced crime by around 0.3%.

- 3.6 The MPS is already trying to match police officer and PCSO shift patterns to demand using tailored software available to the police service (XIMES) but is potentially hampered by the need to agree shift rotas with the Police Federation. In addition, the MPS are providing more patrol hours on the street by deploying officers and PCSOs on single police patrol.

4. Working Outside Core Hours

What are the advantages and disadvantages of Chief Officers being required to publish rotas 3 months in advance?

What system would be more flexible whilst being fair to officers and staff?

How can the police service reduce the use and cost of unplanned and planned overtime for police officers and staff?

What evidence is there that police officer and staff overtime rates and use are more, or less, cost-effective in comparison to other public sector employers?

What evidence is there of unfair disparity between officer and staff overtime?

- 4.1 Managers must have the right to decide the optimum deployment pattern, matching resources to demand, without the need to obtain the agreement of those being deployed. Ideally rotas should be published once a range of data and performance indicators have been examined to establish the best use of resources.
- 4.2 Overtime is designed to provide the police with a flexible workforce, and senior police officers often argue that overtime is a useful management tool. It allows forces to call on additional manpower to meet contingencies and means that if a particular officer is needed to work on a case, for example the arresting officer, they can do so even if their shift is coming to an end. However, HM Treasury, "Delivering a step change in police productivity" (2006) estimates that £250 million could be saved through better overtime and sickness management.
- 4.3 Part of the problem is the complex rules under which overtime is paid. Overtime is very often the most cost-effective way of providing police resource but the rules make it needlessly expensive. At present, the Regulations state in broad terms that you will be compensated if:

- You remain on duty after your rostered tour of duty has ended.
- You are recalled to duty between two rostered tours of duty;
- You are required to begin duty earlier than the rostered time *without 8 hours notice*.
- You work on a rest day *with less than 15 days notice*;
- You work on a public holiday *without any notice*;
- For part time officers, you work on a free day *with less than 15 days notice* within the status of "any officer".

4.4 In many cases the rate of payment depends upon the amount of notice, which is an almost unprecedented complication and burden for managers. If officers remain on duty after their rostered working day has ended overtime worked on a normal working day will be paid at the rate of time and a third. The rate for a public holiday will always be double time, whereas a rest day will be either time and a half (for working with less than 15 days notice but 5 or more days) or double time (less than 5 days notice). In terms of rest days and public holidays, the officer is also entitled to a day off in lieu. These arrangements must be simplified so that overtime is paid at one rate, regardless of notice. This simple step would cut millions off the national overtime spends, while not affecting police officers availability.

5. Shifts

Should shift working be recognised for officers and/or staff? If so, how?

At what point is it fair to officers, staff and taxpayers to recompense changes in shifts.

How can equality and diversity issues and the requirement for operational flexibility in the police service best be balanced?

What would you consider to be an optimum shift arrangement for maximising officers' and PCSOs' time on the front line?

What would you consider to be an optimum shift arrangement for reducing the cost of functions supporting officers on operations e.g. call centres, contingency planning and specialists operational support functions?

How should shift arrangements be set out in national police regulations?

5.1 The MPA believes that basic pay should be sufficient to recruit, retain and motivate, and that police forces should be given a degree of pay flexibility. For example, within any new pay arrangements we should be able to use the funds currently allocated over and above basic pay to address our operational and organisational needs, including the possibility of differential rates of pay for those working shifts.

5.2 This is not the first time the MPA have expressed such views. They were made to Sir Clive Booth's "Independent Review of Police Officer Pay" (2007)

both orally and in written and Home Secretaries dating back to Charles Clarke.

- 5.3 The difficulty with paying an additional sum for shift working is that the police service is not starting with a clean sheet of paper and consequently paying any form of 'premium' would almost certainly not mean a reduction in the pay of non shift workers to fund it. Nevertheless, changes to the way pay progression is managed could provide an initial means of addressing this 'no worsening' principle and is dealt with in more detail later in this response.
- 5.4 The Accenture report (Home Office Circular 68/2004) suggested the optimum design of a particular shift pattern should take into account the following principles:
- Shift lengths and start and finish times should be determined by local operational demands
 - A shift should ideally be between 8 and 10 hours in length. 12 hour shifts, whilst popular with some, are not recommended on the grounds of operational efficiency, service provision and health and welfare.
 - Where possible, rest days are rostered no less than two together.
 - There should be no more than four consecutive nights
 - Where possible, overtime should be avoided at the end of a night shift.
 - Rest days shall be planned to allow for recovery following night shifts.
 - There should be no more than 6 consecutive shifts before a rest day.
 - Regular shortfalls should be accommodated through the intelligent use of flexible working opportunities to fill areas of peak demand.
- 5.5 This appears to be both flexible and fair, but should of necessity recognise the needs and exigencies of the service.
- 5.6 Shift-working should not form part of Police Regulations but should be part of a framework provided by the Home Secretary within which Chief Constables or the Met Commissioner and the PCC should work. Clearly when dealing with large groups of staff, sudden changes in shift patterns are unlikely and can be managed in a collaborative manner, particularly if – for example – there is a standard length to a shift within all Operational Command Units (OCUs) or Borough Operational Command Units (BOCUs) of 8 hours.
- 5.7 In any event there must be an expectation that individual forces will use their best endeavours to treat all staff fairly and equitably including, for example, recognising religious observances wherever reasonable to do so.

8 Mutual Aid

How can the disruption of working with another force be recognised for officers and/or staff in a way that is fair to them and the taxpayer?

How could mutual aid use and remuneration for both Officers and Staff be changed to enable more efficient use of resources?

What rates of allowances and entitlements should Officers and Staff receive when they are on secondment e.g. rental allowances

How could regulations be amended to enable greater use of collaboration between forces?

8.1 Mutual aid can be defined, in terms of national resilience to civic contingencies, as a cross-organisational arrangement 'to provide assistance with additional resource during an emergency, which may overwhelm the resources of an individual organisation.' In terms of the police service, this is governed by the Hertfordshire Agreement which was drafted during the 1980s at the time of the Miners' Strike.

8.2 The need for individual police forces to rely on support and assistance from other forces has developed and changed significantly since the 1980s with many now operating collaborative arrangements or agreeing 'voluntary' arrangements which are less expensive than the Hertfordshire Agreement, i.e. police officers paid for 16 hours regardless of the hours actually worked.

8.3 Given the nature of policing there will always remain a need to deal with spontaneous and unforeseen events, but as with other aspects of this consultation response, should not be prescribed in a way which requires formal negotiation to vary, e.g. not through changes to Regulations or payment of additional allowances or monies, but to operate within a terms and conditions framework.

8.4 Arguably there are four types of circumstances where mutual aid is appropriate which are not currently recognised or differentiated. They are as follows:

Emergency/spontaneous deployment (This is defined as an unforeseen demand, such as an initial outbreak of disorder or the early stages of a major enquiry, where another force has called for immediate assistance)

8.5 In these circumstances it is proposed that the PCC, Chief Constables or Met Commissioner retain the right to send appropriately skilled officers to respond to emergency situations. Officers engaged in emergency or spontaneous deployment will be paid for the hours they work, which will include travelling time.

8.6 Should officers deployed in these circumstances be required to sleep away from home and to be held in reserve throughout any 24 hour period they will

be paid for the hours they work and be provided with accommodation of a reasonable standard and refreshments.

- 8.7 Officers 'held in reserve' are not on mutual aid arrangements but this does imply an expectation that they may at short notice be required to perform duty and so an officers movements and behaviour are restricted by this requirement. Where individual travel costs are incurred, they will be reimbursed at cost on the basis of any additional costs incurred to that normally incurred when travelling to their normal place of work. If required to be away overnight, appropriate accommodation at a reasonable standard and refreshments will be provided or reimbursed at cost. All receipts should be retained.
- 8.8 *Serious/major incident (This is defined as covering the period following initial deployment where it is deemed that lengthy deployment may be required)*
- 8.9 In these circumstances it is proposed that the PCC, Chief Constables or Met Commissioner have the right to determine the level and nature of skills required to be deployed beyond an initial emergency. This will be based on an assessment of the requirement and a judgement as to the likely length of deployment. Officers engaged in a serious or major incident should be paid for the hours they work, which will include travelling time.
- 8.10 Should officers deployed in these circumstances be required to sleep away from home and to be held in reserve throughout any 24 hour period they will be paid for the hours they work and be provided with accommodation of a reasonable standard and refreshments.
- 8.11 It should be made clear if there is an expectation to 'remain held in reserve' or if there is freedom for being 'off duty', and whether travel to or sleep at home is permitted. Officers will be paid for the time to travel to and from the force in which deployment is to take place if required to travel on a daily basis but not if this is of personal choice.
- 8.12 *Major planned deployment/event (This is where there is a known future event where the capacity of the home force is insufficient to respond, e.g. G8 or Olympics)*
- 8.13 For pre-planned events which can be predicted more than one month in advance, volunteers with the correct skills and experience should be sought in the first instance. In these circumstances it is proposed that the PCC, Chief Constables or Met Commissioner retains the right to send appropriately skilled officers which should in any event be recognised as career development opportunities.
- 8.14 Officers will be paid for the time taken to travel to and from the force in which deployment is to take place if required to travel on a daily basis but not if this is of personal choice. Where individual travel costs are incurred, they will be reimbursed at cost.

8.15 Should officers deployed in these circumstances be required to sleep away from home or be held in reserve throughout any 24 hour period they will be paid for the hours they work and be provided with accommodation of a reasonable standard and refreshments.

9. *Specialist deployment*

9.1 It is proposed that arrangements detailed for major planned deployment will apply. In the case of specialist police staff deployment, this will require individual consideration at the point of selection. These arrangements are likely to follow arrangements for secondments which are made on a voluntary basis.

10. **Specials**

What regulations and restrictions hinder Specials undertaking more hours?

What could incentivise Specials to increase their hours, including limited remuneration?

10.1 These issues have already been addressed earlier in the response.

11. **Business Interests**

How should decisions on officer business interests be taken?

11.1 Under the current arrangements, the majority of business interests do not pose a conflict of interests and will be found compatible with the position of the police officer. This is because a restriction on the personal rights of officers to engage in a business interest can only be justified if it is aimed at protecting one of the exceptions set out in Article 8(2) of the Human Rights Act 'the right to respect for private and family life'. The six justifiable exceptions in Article 8(2) are:

- in the interests of national security;
- public safety;
- the economic well-being of the country;
- the prevention of disorder or crime;
- the protection of health or morals;
- the protection of the rights and freedoms of others.

11.2 In terms of police officers, the 'authorising officer' (in the Met this is the Director of HR), does not give 'permission' for a business interest, but in simple terms, states whether a business interest is compatible with the officer's status as a police officer within the Service. Where declared incompatible, the officer needs to decide whether to leave the Service, abandon the business interest or appeal to the police authority (presumably the PCC post May 2012). Decisions on compatibility rely on reasonable

judgement, with reference to precedent. In making decisions on the compatibility of business interests, account has to be taken of:

- Police Regulations which state “A member of a police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his (or her) duties or which is likely to give rise to the impression amongst members of the public that it may so interfere”
- whether the business interest could conflict in some other way with the work of a police officer and could lead to a breach of the Code of Conduct.

- 11.3 There are a number of practical concerns with police officers holding business interests including lack of proper review or monitoring arrangements, no cross reference with attendance or performance issues, no cross reference of multiple business interests.
- 11.4 Of particular concern is the duty of care for securing the health, safety and welfare at work of all staff. As a result, some business interests may almost certainly be deemed incompatible if there is a regular 8 hour shift pattern with limited breaks because of excessive ‘business’ hours of work and the provisions of the Working Time Directives. Likewise, an officer who is deemed unfit to undertake operational duties or is on recuperative duties and who wishes to take on a business interest may be deemed incompatible if it is assessed as likely to impede a return to operational work.
- 11.5 Officers also have a personal responsibility to attend for duty in a fit state when required and to be able to work in a safe manner and without detriment to their own health.
- 11.6 At present, restrictions can be placed in respect of an interest, where although not incompatible per se, conditions would be needed to ensure the well being of the officer. An example is where an officer’s request is to do ‘HGV’ driving and it is clear that hours of work are to be limited on health and safety grounds to a certain number per month. This could be extended to other activities.
- 11.7 Similar considerations about compatibility are made for police staff seeking approval for a business interest including secondary employment. Human Rights and health and safety considerations are identical as that for police officers and this may impact upon those who perform duty as specials for the Met. The essential features are that the additional work should not adversely impact on the ability of the individual to fulfil their responsibilities to their primary role with the MPS and that the nature of the business interest is not inappropriate. Decisions about police staff business interests are made by line managers, with advice as necessary.
- 11.8 The preferred approach would be to further restrict business interests to prevent officers having second jobs or using their police role to further their business interests and, for business interest appeals, the right of a further

appeal to the Home Secretary should be abolished. The current system leads to massive over-bureaucracy and central control. It cries out for simplification and a common sense approach.

12. **Performance/post related pay**

12.1 **Incentivising High Performance**

How should performance by police officers and staff be reflected in remuneration and/or conditions of service?

What do you think would be the features of an effective performance related pay system for officers and staff, including:

How and at what level could such a system for officers and staff best be managed and decided?

How could performance by officers and staff be identified and managed?

Should different schemes apply at different ranks?

What is your view of the Competency Related Threshold Payment scheme?

What is your view of Superintendents' performance related pay?

What is your view of Chief Officer performance related pay?

12.2 At the risk of repeating an earlier response, it is the Authority's view "that basic pay should be sufficient to recruit, retain and motivate, and that police forces should be given a degree of pay flexibility. For example, within any new pay arrangements we should be able to use the funds currently allocated over and above basic pay to address our operational and organisational needs."

12.3 Assessing whether police pay is at the 'right' level is a very difficult task. The police service is no different from other public sector labour markets since police officers are the sole providers of indispensable services, and is often the sole or major employer of the specific skills of their staff, e.g. policing.

12.4 Similarly, as police 'productivity' has not been increasing significantly in recent years (see the reference to HMIC's report, 'Valuing the Police' above) this might lend credence to the view that the 'right' level of public pay increase should be as low as possible. However, in the long run driving down wages or low pay increases will feed discontent amongst many public sector employees after a period in which earnings have been growing as a result of pay modernisation / restructuring, equal pay and recruitment and retention initiatives. For example, there have been substantial increases to London allowances for police officers, 'cost of living supplements' for nurses, and a new 'upper pay scale' for experienced teachers, all successful measures aimed at recruiting and retaining staff.

- 12.5 More recently job losses are now being anticipated across the civil service and local government, and tightening financial budgets and limits on recruitment, mean that public sector workforce numbers are falling, in contrast to the growth between 1999 and 2005. The recent Comprehensive Spending Review (CSR) has confirmed this will continue.
- 12.6 In this climate, any talk of 'bonuses' or 'performance pay' is anathema to 'employers' and the public. As part of the new approach identified in "Policing in the 21st century: reconnecting police and the people" of moving away from trying to improve the performance of the police service from the centre through performance management, targets and inspection, the focus has shifted to engaging people, partners and their elected representatives to decide what it is that is intrinsically valuable in police activities.
- 12.7 It is the Authority's current view that pay and progression should be reformed to keep more of the skilled staff in front line roles and should be linked to skills accreditation and performance. The advantages would be:
- A more skilled and specialist workforce flowing from a new structure of roles that encourages mixed teams of police officers and police staff to use and develop their skills;
 - A culture of active development and training for police officers and police staff which builds upon their existing skills and experience. This may include some opportunities for promotion through career pathways or lateral development into other related areas;
 - Pay and reward based upon skills and performance rather than length of service. This would not be a static approach to pay and reward since there may be a need to attract a different range of skills at different levels; and
 - A new performance management framework that focuses on the key 'drivers' of performance, e.g. operational effectiveness, resource management, organisational benefit or influence rather than the Integrated Competency Framework (ICF) which makes assessing and benchmarking individual performance against a range of different competences overly complex.
- 12.8 The MPA want to see a reward system which encourages and support skills development. For example, linking progression to the attainment and application of accredited skills. Further work on this area could therefore include consideration of what skills are required for 21st century policing and how are they obtained and maintained. In addition, pay should reflect more appropriately the particular roles undertaken by officers and staff. For example, is there scope within a pay scale or rank to reflect different levels of responsibility; how can such an approach recognise the wide range of roles undertaken in the service including the outcomes of workforce modernisation, and issues of fairness / consistency?

- 12.9 In earlier national pay negotiations, the Staff Side made a submission to the Police Negotiation Board (PNB) outlining proposals to create a new advanced constables' pay threshold which would give access to a payment above the current maximum salary for constables. "The payment would be dependent on the acquisition of appropriate accredited qualifications as well as appointment to a post designated by the force as requiring that level of competence. Continuing access to the higher level of pay would be dependent on continued employment in such a role." This would enable excellent constables to remain on the beat and develop their careers without having to seek promotion. (A similar mechanism already exists in teaching, and offers excellent classroom teachers the opportunity to continue teaching and use their skills to enhance the performance of other teachers.)
- 12.10 This could be paid for by scrapping the Competency Related Threshold Payment (CRTP) which is effectively paid to all Federated officers at the top of their respective pay scale as – as indicated - the ICF based appraisal scheme lacks rigour. This would ensure both fairer rewards and enable Chief Constables or the Commissioner of Police of the Metropolis to manage demand and supply on the front line, thereby ensuring that those in the most challenging roles are less well rewarded.

13. Recognising Skills and Hard-to-fill Posts

What is the evidence that certain posts require additional remuneration to fill?

What is your view of Special Priority Payments?

Is there any evidence of why allowances (including SPPs, but also those for dog handling etc) have been determined at their current level?

How could allowances be amended to reflect any recent changes or recruitment or retention in the post?

- 13.1 The response in the previous section covers very similar ground in respect of these questions. The Office of Constable defines what it means to be a police officer and the fundamental nature of the relationship between policing as a whole and the wider community. Police officers have a duty to obey lawful orders, but they are also required to exercise discretion. As a result all police officers should receive and maintain a broad professional knowledge of policing since it is important they understand not only their own role but how what they do affects other parts of the policing organisation. However, at present there are no specific skills or accredited qualifications either to join the police service or to progress through promotion or laterally, unlike other 'professions,' e.g. teaching, medicine, where there is a requirement for professional qualifications and continuing professional development.
- 13.2 It is therefore not surprising that those outside the policing community see policing as a role for artisans rather than 'professionals'. The one significant exception within the police service is the Professionalising Investigation

Programme (PIP) which is aimed at police officers (predominantly detectives) and police staff whose role involves them conducting or managing investigations, conducting interviews with victims and witnesses, and interviewing suspects. The intention is to raise the level of performance. There are three levels of investigator:

- (i) The Level 1 Investigator, who will usually be an investigator at a level equivalent to Constable or Sergeant involved in the initial investigation of crime and/or in completing investigations of volume crime;
- (ii) The Level 2 Investigator, who will usually be a dedicated investigator, at a level equivalent to Constable or Sergeant rank attached to an investigative role within or involved in the investigation of fatal Road Traffic Collisions;
- (iii) The Level 3 Investigator, who will be a Senior Investigating Officer (SIO) (as defined within the ACPO Murder Investigation Manual) managing major investigations into serious crime, such as murder and other complex matters.

13.3 Within each level there are different aspects to the training, for example:

Once obtained, maintaining skills and experience should be a personal responsibility as part of one's Continuing Professional Development. This approach could be adopted for other career pathways, but there should be no requirement or expectation of paying additional remuneration or allowances.

14. Other Allowances and Entitlements

What other allowances and entitlements should Officers and Staff receive as part of their post e.g. London Weighting, London/South East allowances, allowances for skills, and (for Chief Officer ranks) cars, drivers?

14.1 The MPA believes that basic pay should be sufficient to recruit, retain and motivate, and that police forces should be given a degree of pay flexibility. For example, within any new pay arrangements we should be able to use the funds currently allocated over and above basic pay to address operational and organisational needs.

15. Equality

How could remuneration and conditions of service be amended to reflect equality and diversity issues?

15.1 Pay and appraisal schemes must be carried out fairly and objectively for all staff, irrespective of race, gender, disability, faith or belief, sexual orientation, age or any other irrelevant factor. It is the responsibility of the Chief Constable or Met Commissioner and PCC to ensure that arrangements are in place to monitor the operation of these systems and to take action if these requirements are not being followed. It follows that there must be sufficient

management information to enable effective monitoring to take place and sufficient flexibility to, for example, recognise the needs for religious observance.

15.2 The recent audit of equal pay carried out by PNB did identify disproportionality in terms of men and women across all discretionary pay elements, including overtime, and non discretionary elements such as incremental progression for Federated ranks. Whilst it could be argued that the data and evaluation of it is open to interpretation, there are a number of ways to address this, some of which have already been touched upon.

15.3 These include:

- Shortening pay scales where long pay scales can be shown to lead to unequal pay. Shorter pay scales can more accurately reflect the time needed to become fully competent at a job.
- Limiting local managerial discretion over all elements of the pay package. The more discretion allowed to line managers, the greater is the risk of anomalies which may turn out to be indirectly discriminatory. *Removing discretionary allowances such as CRTPs would satisfy this.* Reducing unequal access to work-related premiums, e.g. overtime, Special Priority Payments (SPPs), where such payments are restricted to certain roles which excludes proportionately more females or where overtime is allocated on a discretionary basis. *Removing discretionary allowances such as SPPs completely and removing the premium elements to overtime pay would satisfy this.*

16. Pay Progression and Length of Service

16.1 Officer and Staff Pay Progression

What are the advantages and disadvantages of the current progression scales for officers and staff?

Should progression be linked to length of service, performance, skills or any other factors?

16.2 This issue has already been addressed in other parts of this response. At present pay scales relate to specific ranks, but moving up the ranks is the only way for officers to improve their salary and their career. These rank structures prevent rewards being based on the demands of the role, the skills and abilities of the individual, performance delivery or regional recruitment market focus. With no incentive to specialise or professionalise, career ambition is directed narrowly to promotion rather than recognising development of outstanding or advanced frontline staff. This has a tendency to pull many of the best officers and role models from the roles where they excel, reducing continuity in key roles such as neighbourhood policing.

17. Length of Service

Should there be more flexibility for officers to leave the police service before the end of the 30/35 years required to receive a full pension?

How do you think such a system could work?

Should routine fitness testing be introduced throughout officers'/ PCSOs' careers? If so, how? What would be the consequences for deployment and exit routes?

17.1 The opportunity should be taken by this Review to introduce an early departure scheme for police officers which could provide a short service pension and lump sum for those officers who wish to leave the police service. Revised arrangements that enables earlier exit from the police service without penalties could be introduced along the lines of the old short service army pension. One alternative would be a pension payment based on average career salary or simply annual contribution and service. This scheme could also potentially be used as a means of enabling demotivated police officers or police officers who have lost the confidence of the service or who are no longer essential to the service to leave early with dignity.

17.2 The PABEW recently published guidance for Job Related Fitness Testing for a number of specialist roles. The guidance has yet to be agreed by the Minister for Policing and this provides the opportunity to extend fitness testing to all operational roles – police officer and police staff - provided that responsibility for maintaining a minimum level of fitness was the responsibility of the individual and carried out in his or her own time. There can be no reason why any police officer or operational member of police staff does not maintain his or her fitness in order to respond, should the need arise, to an incident on the streets or in other public places.

18. **Exit routes and Pensions**

Redundancy

Should a power to make officers redundant be introduced?

What issues would need to be considered in developing such a power and scheme?

Are the regulations to make staff redundant as simple and fair to the taxpayer, as well as staff, as they could be?

How could it be ensured that staff and officer terms are fair in relation to each other?

18.1 The Home Secretary already has the powers to make police officers redundant by virtue of section 50 of the Police Act 1996 (which applies to officers in England and Wales). Section 50 (1) provides:

“Subject to the provisions of this section, the Secretary of State may make regulations as to the government, administration and conditions of service of police forces.”

18.2 Rules have been made in relation to the terms and conditions upon which police officers serve under s50 of the Police Act 1996. These include regulations concerning discipline, the Police (Conduct) Regulations 2004 (SI 2004/645), and competence, the Police (Efficiency) Regulations 1999 (SI 199/732). The power in section 50(1) is wide enough to permit the Secretary of State to make regulations on conditions of service that would include regulations relating to redundancy, even though section 50(2) sets out examples of types of regulations that might be made, and does not include a reference to regulations regarding redundancy.

18.3 In addition, Regulation A19 of the Police Pension Regulations 1987* provides as follows:

A19.—(1) This Regulation shall apply to a regular policeman, other than a chief officer of police, deputy chief constable or assistant chief constable, who if required to retire would be entitled to receive a pension of an amount not less than 2 thirds of his average pensionable pay or would be entitled to receive a pension of such an amount if it did not fall to be reduced in accordance with Part VIII of Schedule B (*reduction of pension related to up-rating of widow's pension*).

(2) If a police authority determine that the retention in the force of a regular policeman to whom this Regulation applies would not be in the general interests of efficiency, he may be required to retire on such date as the police authority determine.

*The 1987 Regulations apply to police officers who commenced service before 6th April 2006. Officers who commenced service on or after 6th April 2006 are covered by the Police Pensions Regulations 2006 (SI 2006/3415). Regulation 20 of the 2006 Regulations is equivalent to Regulation 19A, but only permits compulsory retirement in the interests of efficiency of the service for those over the age of 55 with a minimum of 35 years' service. For obvious reasons, any officer who might, at present or in the near future, be under consideration for compulsory retirement will be covered by the 1987 Regulations, rather than the 2006 Regulations. No officer who falls under the 2006 Regulations will yet have accrued enough service to come within Regulation 20.

18.4 It is consequently lawful for a police authority to decide to arrange for the compulsory retirement of an officer, or of a group of officers, under A19, on grounds of, for example, the need to save costs. The decision to make compulsory retirements in this way must be capable of justification on normal public law grounds but is potentially subject to challenge on the grounds of indirect age discrimination. However, if there is an objectively justifiable reason for the discrimination (“a proportionate means of achieving a legitimate aim”) it can be argued that such action is lawful.

- 18.5 Lord Hutton's independent pension commission's interim report provides an opportunity to explicitly address the option of making police officers redundant as part of an all-encompassing approach to public sector pensions, of which redundancy and other early departure schemes would be one element. The simplest solution would be to adopt an approach similar to the revised scheme offered to civil servants, i.e. the maximum payout would be 21 months' salary, with salaries assumed to be a minimum of £23,000 and capped at a maximum salary of £149,820 per year.
- 18.6 As previously outlined, if the Chief Constable or Commissioner of Police of the Metropolis and PCC had a greater degree of flexibility to 'authorise' particular powers, functions or duties to any member of the police service, except – for non uniformed staff - the power of arrest, this would enable other suitably trained or qualified police staff to perform roles where some, but not all, police powers and protections are needed, without requiring constant changes to legislation. It may be that some roles previously performed by fully warranted police officers would be performed by a different group of staff, thereby rendering those police officers 'redundant.'
- 18.7 For example, consideration could be given to removing one or more ranks of the police service as previously suggested in the Sheehy Report (1993) in order to make clearer the differentiation between lines of command and salary levels, and introduce more realistic spans of control. In Australia and New Zealand a similar number of ranks to the UK was seen as autocratic, centrally controlled, overly regulated, and hierarchical. It was felt this in turn led to a lack of distinction between ranks, confusion, ineffective decision-making, and reluctance to accept responsibility. Moreover, it was seen to limit mobility and exacerbate a lack of recognition of non-policing qualifications. As a result, the number of ranks was reduced.

19. Health Related Issues

What issues are preventing more officers returning to full time duties?

How could regulations be amended to help officers on restricted duties be assisted back to full time duties or helped to leave the service?

Should ill-health retirement pensions be amended? If so, how, bearing in mind future fiscal constraints?

19.1 There are clear differences between recuperative and restricted duties.

19.1.1 **Recuperative Duties:** The objective of recuperative duties is to facilitate an early return to work following a period of sickness absence where a police officer may not be fit for the a full range of operational duties. Recuperative duties are a short term, temporary programme of work to enable a transition to full duties and hours. In all circumstances the officer is working towards returning to full time duty.

- 19.1.2 Restricted Duties:** The objective of restricted duties is to allow a long-term restriction of duties in order to prevent the inappropriate early medical retirement of fully competent police officers and to utilise their expertise in line with the requirements of the Disability Discrimination Act (DDA). In almost all circumstances the officer is working full time and, in many cases, the restriction may be non critical, e.g. unable to use firearms.
- 19.2 The large number of officers on restricted duties could clearly have an impact on the provision of front-line services, particularly with the current drive to maintain or increase the front line services, whilst decreasing the number of officers in back-office positions. Most forces, including the MPS, have a robust and comprehensive procedure for the management of these officers in order to make best use of such officers, drawing on their specific capabilities and expertise in a way that maximises operational value. Being on restricted duties does not automatically mean that an officer has to take up a back office role and it may be that one option is to differentiate those restricted duties officers who can perform an operational role and those who cannot.
- 19.3 For the sub set of officers on restricted duties because of “faint” which means that they are unable to give evidence in court because they have been subject to disciplinary action which fall short of dismissal but would render them unreliable witnesses if challenged by the defence, different consideration apply. Arguably, since they are no longer able to discharge the fundamental duty of an officer their services should be dispensed with. An HGV driver who lost his licence would not retain his job.
- 19.4 In terms of injury pensions, which currently cost the MPS up to £25 million per annum, arguably the opportunity should be taken to narrow the entitlement to such a pension to those injured whilst executing police powers, e.g. those seriously injured or assaulted in making an arrest. Those injured whilst at work, e.g. slips, trips and falls, which constitute the majority of injury pension recipients, would still have the option of pursuing a civil claim; at the present time they can claim a tax free injury pension and pursue a civil claim. In addition, police authorities should have the ability to initiate regular reviews of injury pensions to consider whether there has been a substantial change in the pensioner’s degree of disablement since the last review. This will include the ability to re-visit earlier assessments, consider new skill sets, benchmark against suitable external roles, etc. There should also be the opportunity to review such injury award cases at state pension age given the likelihood that earnings capacity is likely to reduce at this point.

20. Pensions

Is it fair to the taxpayer that officers who retire should be able to be re-employed as a) staff or b) in non-territorial forces, while drawing their pension?

If it is not fair, what changes do you think should be made to the existing system?

How important is the use of retired officers in staff posts or non-territorial forces?

- 20.1 Lord Hutton's independent pension commission provides an opportunity to address the practice of re-employing retired police officers as members of police staff, often at senior levels. One simple option would be to abate the pension whilst the officers remain employed by the police service. There is already a limited provision for abatement when a pensioner resumes service as a regular police officer.
- 20.2 In terms of pensions more generally, until recently police pension arrangements exacerbated barriers to exit for those who felt they were no longer suited to a career in policing. The pension scheme for most serving officers was set up in 1987 and it offered annual pension of two-thirds of final salary with an option to commute 25 per cent of the pension into a tax-free lump sum. This scheme also had a built-in penalty for early exit due to the fact that the pension accrued at two rates: at 1/60 of final salary for the first 20 years of service and at 2/60 for the remaining 10 years. Significant changes have now been made to this scheme for those joining the Police Service after April 2006. The New Police Pension Scheme (NPPS) has a single rate of accrual (1/70 final salary per annum) and provides a pension income of half of final salary plus a lump-sum payment of four times the annual payment. However, the police service faces a growing pension deficit and, worryingly, the Home Office expect pension contributions to increase to around 40 per cent of the total officer salary bill by 2020. Serious consideration needs to be given to increasing pension contributions made by police officers to address this.

21. Pay machinery

How could officers' remuneration be determined in the future?

How could police staff remuneration be determined in the future?

How could conditions of service and related matters be determined in the future?

What are the advantages and disadvantages of local, regional, and national pay determination?

What evidence is there of different local pay ranges for police staff in similar posts?

- 21.1 Nationally pay is negotiated for police officers through PNB and reflects the tripartite nature of policing - the Home Office (in terms of national policy), the police authorities (in terms of governance of individual forces) and the Chief Officers (in terms of force management). The associations representing police officers are also stratified by rank (federated ranks, superintending ranks, and chief officer ranks). Each side thus has three constituents. There is separate representation for England and Wales, Scotland and Northern Ireland.

- 21.2 In terms of pay, an index of pay movements elsewhere in the economy was used as the basis for uprating police pay rates and allowances from the time of the Edmund Davies Report in 1979 until 2005-06. As a result, pay was not negotiated in any meaningful way. In 2005-06 the Official Side wished to move away from indexation and it is fair to say the automatic uprating ceased at that point and the 'comfortable' relationship between all Sides effectively ceased.
- 21.3 Both Sides have found this a difficult transition, the Staff Side arguably because they were used to negotiating on their terms, for example, setting the agenda and making claims for further improvements and enhancements in their terms and conditions, and the Official Side because the tripartite arrangement is not 'fit for purpose'.
- 21.4 However, because issues of pay, hours and leave are covered by legislation rather than more traditional collective bargaining agreements it means that any change, no matter how small, has to be negotiated through PNB and this can take anywhere between 2-4 years. A good example of this is housing emoluments which are payable when a Federated rank co-habits with a Superintending rank or a Superintending rank with an ACPO rank has only just been settled (July 2010) after nearly two years – and the Official Side were only able to agree by majority decision. The issue affected a handful of officers.
- 21.5 A PNB circular will now have to be issued which will say something to the effect "This agreement requires amendment to police regulations and determinations or specific authorisation by home department circular and any approved changes will be promulgated in due course in Home Office, Scottish Executive Justice Department and Northern Ireland Office circulars. This PNB circular is purely advisory and does not confer authority to implement the agreement." The respective Secretaries of State can withhold agreement.
- 21.6 Some form of Pay Review Body dealing with an annual claim would seem preferable. The strength of the review body approach is that it is more strongly evidence based and analytical. The detachment of a review body from the day to day running of policing would enable experience from outside the service to be brought to bear on deliberations. The review process, involving as it would a single body that receives and evaluates evidence, could be more proactive in driving a single agenda. Against this there may be a high premium on securing the confidence of all the parties in the current negotiating machinery, e.g. the current trade off between the prohibition on industrial action and guaranteed negotiating rights.
- 21.7 An alternative option would be regional negotiations using – for pay - a single spine for police officers and police staff, but allowing different regions to adopt different levels on the spine to meet their needs and local circumstances in order to recruit, retain and motivate. The Chief Constable or Commissioner of Police of the Metropolis and PCC could agree such an approach and have the confidence to ensure it is delivered in a timely manner. The Met is perfectly

capable of carrying out such negotiations and already does so for its 19,000 police staff.

- 21.8 Whilst accepting that significant differences in pay between forces could act as disincentives to movements that benefit forces, through acquiring skills and experience (and also benefits to individuals in terms of career development), some local flexibility would encourage the mix of staff in the extended police family and the ability to vary the level and nature of deployment. It would also provide incentives to address problems of retention in particular locations or marketable skills (firearms), and promote skills acquisition. Arguably the police service cannot continue to adopt a relatively homogeneous, rigid, formulaic and top-down approach to the police service and argue they are 43 complex, empowered and rapidly changing organisations aspiring to meet the needs of their local communities.