



Home Office

# Implementing a Police Officer Pay Review Body

The Government's Proposals  
September 2008



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# 1 INTRODUCTION

## The issue

- 1.1 Effective pay arrangements for police officers are an important part of supporting a modern police service which delivers high standards of community safety and security to the public. This consultation seeks views on how a Police Officer Pay Review Body should be implemented.
- 1.2 On 16 November 2006, the Government announced a review of the way police pay is determined. The review was undertaken by Sir Clive Booth who consulted all key stakeholders before presenting his report to Ministers. Sir Clive Booth's report was published on 6 December 2007 and recommended that a pay review body for police officer pay should be created. The Government accepted its recommendations and said that it would consult on how a pay review body should be implemented.
- 1.3 On 8 January 2008 the Home Secretary wrote to the Police Negotiating Board (PNB) and asked them to consider a multi year deal for police officers. However, if such a deal had been agreed then implementing a pay review body for police officers would have been less pressing so it was made clear that pressing consultation and implementation of a pay review body would be put on hold whilst negotiations on a multi year deal were taking place. The Government's approach on this was also set out in "From the Neighbourhood to the National: Policing Our Communities Together" (Cm 7448) published on 17 July 2008.
- 1.4 On 23 July 2008, the PNB failed to reach agreement on a multi-year deal for police officers. Following the failure to agree a multi year deal the Government is therefore, now taking forward this consultation in order to gather stakeholder views to inform legislative and other changes needed to introduce the pay review body.
- 1.5 We welcome comments and views on these proposals. We would be interested in comments from all sources but particularly from those bodies representing the police service and those who work in it

## Context

### Current machinery

- 1.6 The existing police officer pay machinery has been in place since 1980. Section 61 of the Police Act 1996 provides for the continued existence of the Police Negotiating Board (PNB) for the United Kingdom. The PNB covers police officers' hours of duty, leave, pay, allowances, pensions, the issue, use and return of police clothing, personal equipment and accoutrements. The PNB makes recommendations on these matters to the Home Secretary, Secretary of State for Northern Ireland and Scottish Ministers. The Act also requires these recommendations to be taken into consideration by the Home Secretary, Secretary of State for Northern Ireland and Scottish Ministers and the PNB to be supplied with draft regulations on these matters.

- 1.7** Section 63 of the Police Act provides for Police Advisory Boards (PABs) for England and Wales, and Scotland. The Act describes the role of the countries' Boards as being to advise the Secretary of State, and Scottish Ministers, on general questions affecting the police. The Boards must also be consulted on regulations covering specific workforce issues not covered by the PNB (although in Scotland, particular bodies or associations can be consulted as an alternative to the PAB). The relevant workforce issues include for example rank structures, conduct and probation periods through to arrangements for facility time for staff association representatives.
- 1.8** The Police Advisory Board for Northern Ireland is provided for under the Police Advisory Board Order (Northern Ireland) 1972. The Order states that the function of the Board is to advise Ministers on general questions affecting the police force in Northern Ireland. Any Northern Ireland regulations covering workforce issues not covered by the PNB must be sent to the Northern Ireland Policing Board and the Police Association before they can be made.
- 1.9** The main role of the PNB and PABs is therefore to consider and make recommendations or advise on their respective areas of work to the Home Secretary, Secretary of State for Northern Ireland and Scottish Ministers. Ministers will then take decisions on these issues, taking into consideration the Boards' recommendations/representations.
- 1.10** The Police Act 1996 provides for constitutions for the PNB and the PABs for England and Wales and for Scotland – copies are attached at Annex A together with a copy of the Police Advisory Board Order (Northern Ireland) 1972. These set out in more detail the scope of the bodies, membership and their ways of working. The constitution of the PNB includes provision for a disputes resolution procedure for matters considered by the PNB which covers a conciliation process and for the matter to be referred to arbitration. The Police Arbitration Tribunal (PAT) makes awards which have the status of PNB recommendations for consideration by the Home Secretary, Secretary of State for Northern Ireland and Scottish Ministers.

## Review of police pay machinery

- 1.11** On 16 November 2006 the Government announced a review of police pay determination arrangements led by Sir Clive Booth. The second part of that review considered the effectiveness of the current police pay machinery. The terms of reference for that were:

"To review the effectiveness of the negotiating machinery for the police, including the Police Negotiating Board and the Police Staff Council, and make recommendations for how police pay and other conditions of service should be determined. The review must consider the option of a pay review body for police pay and consider the impact of any proposal for determining police officer pay, on the negotiating machinery for police officers.

Both parts of the review must take account of the need for arrangements to reflect and support the following:

- The future requirements of the service for the effective and efficient delivery of policing services, motivation and morale and recruitment and retention rates, and overall affordability.
- Government policy on public sector pay and the broader economic and employment context, and consistency with the achievement of the inflation target of 2%.
- The need to enable wider police workforce developments including proper reward and recognition arrangements.
- Arrangements for pay determination in other parts of the public sector."

**1.12** The Government published Sir Clive Booth's report on this on 6 December 2007. The report made four recommendations:

- The pay of police officers and police staff should continue to be determined by separate mechanisms.
- That a pay review body for police officers should be created.
- That the existing Police Staff Council machinery should be retained for the time being.
- That chief officers are covered by the proposed pay review body for police officers, but if that is not created; chief officers should become one of the groups covered by the Senior Salaries Review Body.

**1.13** In his report Sir Clive Booth pointed out that a number of factors had influenced his recommendation that a pay review body for police officers should be created. His conclusions were:

- The pay review body mechanism provides an "arm's length" way of accommodating groups with no legal right to strike, such as the Armed Forces, or of groups such as the Judiciary and Senior Civil Servants which have accepted self-imposed restraints on industrial action.
- The history of the pay review body system, overall, demonstrates that it is associated with improved industrial relations.
- Pay Review Bodies provide an independent contribution underpinned by an objective, strongly evidence based approach and use of independent research. The process is similar to arbitration, but the pay review body is providing this contribution on a continuous basis, rather than just when a matter has been referred to arbitration.
- Pay review bodies can facilitate the collaboration of employers and occupational groups in developing a strategic approach to pay and conditions. Sir Clive Booth noted that existing police officer pay negotiations tended to be strongly focused on the in-year pay round which can make it difficult to look ahead to the strategy for pay and conditions over a three to five year period.
- A pay review body can contribute to the social partnership between employers and employees. A review body does not lead change but can be helpful in generating change at a strategic level.

**1.14** A copy of Sir Clive Booth's report is attached to this document and can be found at <http://www.policepayreview.org/>.

**1.15** The Government welcomed Sir Clive Booth's report and accepted its conclusions and recommendations. As we have set out above progress on implementing this was put on hold whilst the PNB considered our proposals for a multi year pay deal for police officers. As this was not possible the government are now preparing to introduce a pay review body for police officers. This consultation will therefore inform this process and the legislative change necessary.

# 2 CONSULTATION

## General

- 2.1** Pay Review Bodies (PRBs) are independent non-departmental public bodies set up to advise Government on the pay and remuneration of a significant proportion of the public sector workforce. Typically, a PRB consists of eight independent members drawn from a range of public and private sector backgrounds. The PRBs are supported by the Office of Manpower Economics (OME).
- 2.2** At present there are 6 PRBs:
- Senior Salaries' Review Body (SSRB).
  - Armed Forces Pay Review Body.
  - Doctors' and Dentists' Review Body.
  - NHS Pay Review Body (NHSPRB).
  - School Teachers' Review Body (STRB).
  - Prison Service Pay Review Body (PSPRB).
- 2.3** There are some differences between PRBs' individual remits and terms of reference. However, their core responsibility is to advise and make recommendations on pay and remuneration. They have a duty to consult stakeholders (including staff associations and trade unions), collect evidence on remuneration in respect of, for example:
- Recruitment, retention, role status and motivation, of occupational groups.
  - Supporting the efficient and effective delivery of the relevant service.
- 2.4** The PRBs make recommendations to Ministers. Ultimately, decisions rest with Ministers, informed by the evidence based PRB recommendations. The scope of that evidence and the range of work undertaken by each PRB are set out fully in their published reports. PRB reports and further information about their ways of working can be found at <http://www.ome.uk.com/>.
- 2.5** Sir Clive Booth's report set out what some key features of a PRB for police officers should be. These were that;
- It should operate independently.
  - It should be established as a statutory body so that its role and purpose are enshrined in law.
  - This will underline its duty to provide safeguards and take account of the particular circumstances of police officers including their inability to strike.
  - It should cover all Federated Ranks, Superintending Ranks and Chief Officer Ranks.
  - The Review Body should allow representations from all interested parties to be made jointly, collectively and individually as appropriate.
  - It should be able to take a broad view of progress with police workforce developments and resulting pay reform.
  - It should be able to commission independent research and to undertake visits to the remit group.

- The Review Body should have UK wide coverage with the flexibility to recommend different approaches in constituent areas of the UK should the nature of policing or the requirements of devolution demand it.

**2.6 The government agrees with these proposed general features and would welcome views on them.** The following sections set out how the Government proposes to implement a pay review body in line with these key features.

## Implementation

### Role, purpose and scope

- 2.7** In line with Sir Clive Booth's proposals the government agrees that the role and purpose of the pay review body should be set out in statute. This statutory provision should include that the pay review body should consider any matter referred to them by the Home Secretary, Secretary of State for Northern Ireland and Scottish Ministers (as appropriate), through a formal annual letter (known as the remit letter) which relates to the remuneration of police officers or other conditions of service.
- 2.8** Matters for consideration by the pay review body should include, pay (including pay structures), allowances, leave, working time and other benefits with the exception of pensions (although this would not prevent the pay review body taking account of the value of pension benefits in making recommendations to Ministers). In practice, it is expected that the pay review body will have standing work that it undertakes annually, such as uplifts in pay, and other work relating to wider conditions of service which it will be asked to consider periodically. The Government considers that there will be significant benefits arising from the pay review body having a wide remit covering police officer remuneration and other conditions of service. The pay review body will be able to bring to bear their independent and evidence based approach across a range of workforce issues and make recommendations to Ministers on these matters. This will enable them to build up a strategic perspective and knowledge of police officer pay and reward, and apply this across the workforce issues. Also, as Sir Clive Booth's report highlighted, a pay review body can facilitate development of a strategy and set its recommendations over a longer time period. A wide ranging remit will enable the pay review body to contribute in this way.
- 2.9** The pay review body should report to the Prime Minister and the relevant Minister with their considerations and recommendations on the issues referred to them. The relevant Minister will arrange for any report from the PRB to be published (see paragraph 2.11 below).

**The Government would welcome views on the roles and purpose of the police officer pay review body**

### Membership

- 2.10** The government believes that it is essential that the pay review body should operate independently and that its membership should enable it to operate effectively with a mix of skills and experience that enable it to consider the matters put to them. The Government believes that this means that membership should include the necessary business, economic and academic experience, knowledge and competence. We are also considering whether membership should include employee relations and workforce area knowledge and experience. The Chair of the pay review body would be appointed by the Prime Minister in consultation with the Scottish Ministers. Other members of the pay review body would be appointed by the Home Secretary in consultation with the Secretary of State for Northern Ireland and Scottish Ministers. The pay review body would be supported by the Office of Manpower Economics (OME).



**The government welcomes views on membership of the police officer pay review body and in particular how this can ensure the necessary experience, knowledge and competence.**

## Coverage

**2.11** The current police officer pay machinery – the Police Negotiating Board – considers the pay and related issues for police officers in the whole of the United Kingdom. It can make recommendations relating to all police officers or to particular ranks or groups of officers. Sir Clive Booth recommended that a pay review body should also have UK coverage. The Government agrees with this recommendation. It proposes that the pay review body should consider those matters referred to it by the Secretaries of State for the Home Department and Northern Ireland and the Scottish Ministers. Matters may either be so referred, jointly or separately. Recommendations from the pay review body would therefore possibly relate to either all police officers in the UK forces or officers in parts of the UK or to particular ranks or groups of officers.

**The Government seeks views on the coverage of a pay review body for police officers**

## Representations and evidence to and consultation by the pay review body

**2.12** The Government agrees with Sir Clive Booth's conclusion on the importance of ensuring any arrangements for determining police officer pay provide appropriate safeguards and take account of the particular circumstances of police officers. His report sets out that the pay review body should allow representations from all interested parties to be made jointly, collectively and individually as appropriate. The Government agrees that this is an essential component towards ensuring that the pay review body can operate effectively. The Government proposes that this requirement should be set out in statute and make clear those bodies which must be consulted by the pay review body. There would also be provision for the Home Secretary, in consultation with the Secretary of State for Northern Ireland and Scottish Ministers, to add further bodies to the list of those who must be consulted. In addition, the pay review body may choose to consult other bodies as it considers appropriate to do so. The pay review body may also determine the manner in which evidence and representations are submitted.

**The Government welcomes views on representations and evidence to and consultation by the pay review body**

## Wider environment

**2.13** As set out above, the Government believes that the pay review body should have a wide remit and consider all matters relating to the remuneration of police officers and other conditions of service with the exception of pensions. The PNB machinery including the PAT would therefore be abolished. The creation of a pay review body could provide an opportunity to create a new and forward looking/modern framework agreement for employee relations that focuses on the open and direct engagement of the leadership of the Service with the police staff associations on matters of interest to their members.

**The Government welcomes views on this.**

## Consultation on regulations and determinations

**2.14** Police officer conditions of service are set out either in secondary legislation through regulations or Secretary of State determinations. The Government considers it is important that all the relevant parties have the opportunity to be consulted on these and proposes that legislation sets out this requirement; that those bodies representing the interests of police officers, police forces

and police authorities should be consulted on draft regulations and determinations. This will replace the current legislative requirements to supply drafts to the PNB or the PAB.

### **The Government seeks views on this proposal**

#### **Transitional arrangements**

**2.15** When the PRB is created the PNB will cease to exist. It will be important to ensure an effective and orderly transition from consideration of police officer pay and conditions of service from the PNB to a pay review body.

### **The Government welcomes views on this**

## **3 Conclusion**

- 3.1** The Government published Sir Clive Booth's review on 6 December 2007, accepted his recommendation that a pay review body for police officers should be created and committed to consult on implementing the changes required to the police pay machinery. As set out above, the Government did not progress this while the PNB were considering a multi year pay deal for police officers. However, as such a deal was not agreed then as we committed to, we are now consulting on these proposals in order to introduce the pay review body.
- 3.2** The creation of a Police Officer Pay Review Body provides an opportunity not only to consider how the body might be set up but also to consider the wider police officer employee relations framework.
- 3.3** The Government wants to ensure that the development of police officer pay and related arrangements are taken forward effectively taking account of all the relevant evidence and information. The proposals seek to ensure decisions on police officer pay and related arrangements are taken based on objective and proper consideration and therefore enable and support the effective delivery of policing to the public. Some of the proposals in this paper will require legislation which will be taken forward as soon as parliamentary time allows. This consultation provides a further opportunity, in addition to the consultation undertaken by Sir Clive Booth during his review, for stakeholders to contribute to the development of changes to the police negotiating machinery. We would welcome views on all the proposed measures set out in this paper

# 4. HOW TO RESPOND TO THIS CONSULTATION

**4.1** The Government welcomes comments on the proposals in this consultation document by 5 November 2008. The additional consultation on the police pay machinery is being conducted in accordance with the Government's Code of Practice on Consultation. In addition to this consultation, policing stakeholders were also consulted and invited to submit evidence to Sir Clive Booth's Review on the police pay machinery.

**4.2** The Six Consultation Criteria are:

- 1) Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
- 2) Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
- 3) Ensure that your consultation is clear, concise and widely accessible.
- 4) Give feedback regarding the responses received and how the consultation process influenced the policy.
- 5) Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
- 6) Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

**4.3** The full code of practice is available at:

**<http://www.berr.gov.uk/bre/consultation%20guidance/page44459.html>**

**4.4** Responses should be made by email to:

**[Policepaydetermination@homeoffice.gsi.gov.uk](mailto:Policepaydetermination@homeoffice.gsi.gov.uk)**

by 5 November 2008, or if email is not available then by post to:

**Colin Pethick**

Police Productivity Unit

6th Floor, Fry Building

Home Office

2 Marsham Street

London

SW1P 4DF

**4.5** A summary of the responses received will be published within 3 months of the closing date for this consultation, and will be made available on our website.

**4.6** You should contact 0207 035 1886 should you require a copy of this consultation paper in any other format, eg Braille, large font or audio.

**4.7** If you have any complaints or comments specifically about the consultation process only, you should contact the Home Office consultation co-ordinator Nigel Lawrence at **[nigel.lawrence@homeoffice.gsi.gov.uk](mailto:nigel.lawrence@homeoffice.gsi.gov.uk)**

Alternatively, you may wish to write to:

**Nigel Lawrence**

Consultation Co-ordinator

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2 Marsham Street

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# Responses: Confidentiality & Disclaimer

The information you send us may be passed to colleagues within the Home Office, the Government or related agencies.

Furthermore, information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

**If you want the information that you provide to be treated as confidential**, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

Please ensure that your response is marked clearly if you wish your response and name to be kept confidential.

Confidential responses will be included in any statistical summary of numbers of comments received and views expressed.

The Department will process your personal data in accordance with the DPA - in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

## **ANNEX A**

# **CONSTITUTION OF THE POLICE NEGOTIATING BOARD**

## Preamble

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

## The Board

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

## Functions

- 4 The functions of the Board are to consider the questions listed in Section 61(1) of the Police Act 1996 – hours of duty; leave; pay and allowances; the issue, use and return of police clothing, personal equipment and accoutrements; and pensions – and to make recommendations on such questions to the Secretary of State and to Scottish Ministers.
- 5 These functions of the Board extend to police members seconded to the National Criminal Intelligence Service (NCIS) and the National Crime Squad (NCS), as well as those employed directly by these service authorities, except in respect of pensions. In accordance with Section 62 (1A) of the Police Act 1996 (as amended in 1997), the Service Authorities for NCIS and NCS will consult the Board and take into consideration any recommendation it makes.

## Representation

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

<b>Constituent body</b>	<b>Total</b>
The Secretaries of State (Home Secretary, Secretary of State for Northern Ireland, Scottish Ministers)	3*
The Association of Police Authorities of England and Wales (including one member representing the Metropolitan Police Authority)	11
The Convention of Scottish Local Authorities	3
The Northern Ireland Policing Board	1
Association of Chief Police Officers (to include the Metropolitan Police Commissioner) and Association of Chief Police Officers in Scotland	4
<b>TOTAL</b>	<b>22</b>

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

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

## Committees

- 7 There will be three standing committees of the Board, namely:
- a) the Chief Officers Committee, for the consideration of matters affecting ranks above chief superintendent;
  - b) the Superintendents Committee, for the consideration of matters affecting the ranks of superintendent and chief superintendent;
  - c) the Federated Ranks Committee, for the consideration of matters affecting ranks below that of superintendent or affecting police cadets.
- 8 A matter which impacts on more than one standing committee will be considered by the Board or a sub-committee of the Board unless the Board decides that it should be considered by the committees concerned.
- 9 Each standing committee will be authorised to make recommendations in the name of the Board to the Secretary of State or where appropriate to the Service Authority of the NCIS or NCS about matters affecting the ranks with which it is concerned.

## Representation on Committees

- 10 a) The Chief Officers Committee will comprise:-
- (i) an Official Side consisting of 13 members, and
  - (ii) a Staff Side consisting of 8 members.
- b) The Superintendents Committee will comprise:
- (i) an Official Side consisting of 16 members, and
  - (ii) a Staff Side consisting of 14 members.
- c) The Federated Ranks Committee will comprise:
- (i) an Official Side consisting of 20 members, and
  - (ii) a Staff Side consisting of 16 members.



- d) The members of the Official Side of the standing committees will be appointed by the Official Side members of the Board.
  - e) The relevant staff association members of the Staff Side of the Board will appoint Staff Side members to the standing committees.
  - f) Constituent bodies may nominate people who are not members of the Board to serve as members of the standing committees or their sub-committees.
- 11** The Board and the standing committees may constitute such sub-committees or working parties as they think fit.

## Independent Chair and Deputy Chair

- 12** The Independent Chair of the Board and the Deputy Chair will be appointed by the Prime Minister in accordance with Section 61(2) of the Police Act 1996.
- 13** The Independent Chair or the Deputy Chair will preside at all meetings of the Board and its standing committees.
- 14** The Deputy Chair will exercise the full functions of the Independent Chair in his or her absence, or if the post is vacant.

## Independent Secretariat

- 15** An Independent Secretariat acceptable to the Board will be provided by central government.
- 16** The Secretariat will be answerable to the Independent Chair and responsible for:
- a) The administrative arrangements for meetings of the Board and its standing Committees, sub-committees and working parties.
  - b) Taking the minutes and notes of such meetings.
  - c) Researching and assessing data on pay and all other matters of concern to the Board and its committees. The results of such research will be supplied to both Sides of the Board.
  - d) Providing information to the Sides, either on request from the Sides or as the Secretariat in consultation with the Independent Chair considers appropriate.
  - e) Other matters determined by the Board.
- 17** The Secretariat will, where possible and consistent with their independent status, provide any other assistance requested by either Side.
- 18** Where necessary the Secretariat will prepare, in consultation with the Official and Staff Sides, explanatory memoranda giving agreed interpretations of:
- a) Police Regulations which give effect to agreements reached by the Board or a standing committee;
  - b) agreements reached by the Board or a standing committee which are not embodied in Police Regulations including those applicable only to the NCIS or NCS.

## Members

- 19 The constituent bodies listed in paragraph 6, Tables 1 and 2, will nominate those who are to represent them on the Board and its standing committees and will specify the period for which their representatives will serve.
- 20 The police authority representatives will be current members of police authorities, except that the Northern Ireland Policing Board may be represented by an official from its Secretariat.
- 21 A constituency body may fill a casual vacancy in its representation on the Board or a standing committee, or nominate a replacement for a representative who is absent from a meeting.

## Officers

- 22 The Official Side and the Staff Side of the Board will each appoint a Side Secretary.
- 23 The Official Side and the Staff Side of the standing committees constituted in accordance with paragraph 10 will each appoint a Side Secretary.
- 24 One person may hold more than one appointment and may be appointed whether or not that person is a member of the Board or of a standing committee.

## Quorums

- 25 The quorum for full PNB and each standing committee will be a majority of members present from each Side.
- 26 If a meeting of the Board or of a standing committee is found not to be quorate, the Independent Chair will suspend the meeting.

## Meetings

- 27 All meetings of the Board, its standing committees, and any sub-committees or working parties, will be called by or on behalf of the Independent Chair. Three months' notice will be given of those Board meetings called to consider constitutional change. The Independent Chair will call a meeting at the request of either side, on his or her own initiative, or in such other circumstances as the Board may determine.
- 28 The proceedings of the Board or of a standing committee, sub committee or working party will not be invalidated if all its members have not been appointed or if it is subsequently discovered that there was some defect in the appointment of a member or of a deputy for a member.
- 29 Subject to the other provisions of this constitution, the Board and each standing committee will determine their own procedure.

## Conciliation and Arbitration Procedure

- 30 An agreement of the Board or its three standing committees will be reached by the concurrence of both Sides of the Board or standing committee, as the case may be.
- 31 When considering any of the questions listed in section 61(1) of the Police Act 1996 with a view to making a recommendation to the Secretary of State or where appropriate to the Service Authority of the NCIS or NCS, either the Official Side or the Staff Side may formally register a failure to agree and, through the Chair, seek to initiate the conciliation process.

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

## **Powers of the Secretaries of State**

- 41 The Home Secretary, the Secretary of State for Northern Ireland and the Scottish Ministers will each have the power to direct the Board and its standing committees to:
  - a) consider and reach agreement on such matters as he/she may specify and/or
  - b) set deadlines for the Board to complete its consideration of such matters.
- 42 Both these powers will be reserved for cases where the relevant Secretary of State or the Scottish Ministers consider their use to be justified as a matter of serious national importance to the police service. The powers will only be used following consultation with the Independent Chair.
- 43 Where agreement cannot be reached by the set deadline, the Independent Chair will declare a failure to agree and (following conciliation if this is deemed appropriate by the Chair) the matter will be referred to the PAT for arbitration. Paragraphs 36-40 of the Constitution will then apply.

## Annual Report

- 44 The Independent Chair will make an annual report to the Prime Minister, and copy it to Scottish Ministers. The report will cover the 12 months up to the year ended 31 March and be submitted within 2 months. The report will include:
- a) business processed and length of time taken, with an explanation if any matter has taken over 12 months to be concluded;
  - b) attendance, and continuity of representation;
  - c) numbers attending meetings;
  - d) reference to information provided to the Sides by the Independent Secretariat, either on its own initiative or at the request of the Sides;
  - e) the use of arbitration;
  - f) evidence that the Board is monitoring its own effectiveness and improving its business processes where justified.
- 45 Before submitting the Annual Report as above, the Independent Chair will make available to the Sides a draft of the Report and will take into account any comments which the Sides may make on it.

## Role of the PNB in Local Disputes

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

# ROLE OF THE PNB IN LOCAL DISPUTES

## Requests for Guidance

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

## Conciliations

- 4 Where local procedures for resolving disputes have been exhausted, it may be appropriate to undertake a form of conciliation or determination which will be carried out by the Secretaries of the two Sides and the Independent Secretary. The procedures will be initiated by the Independent Chair of the Board, or by the Deputy acting on his or her behalf. Requests for conciliation may be made by either Side Secretary, or directly through the Independent Secretary. The following procedures will be followed:
  - the Independent Secretary will write to the Independent Chair of the Board, informing him or her that the dispute has been brought to the PNB and asking him or her to initiate the conciliation process;
  - once he/she has received the Chair's approval to initiate conciliation, the Independent Secretary will write to the local parties and ask them to confirm that local procedures have been exhausted, and for a statement of their case;
  - when this has been received, the Independent Secretary will inform the Chair, and with his/her agreement call a meeting between the Secretaries of the two Sides of the Board or the standing committee that made the agreement that is in dispute to review the basis of the dispute and to decide how best to resolve it.
- 5 The Board will seek to resolve requests for guidance and conciliations within two months of the matter first being raised. Where this is not achieved, the Secretary will inform the Chair. The procedures for resolving disputes beyond this point will depend on the nature of the particular case under consideration.

## **Disputes about the interpretation of a PNB agreement**

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

## **Disputes about the application of a PNB agreement or Police Regulations**

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

# CONSTITUTION OF THE POLICE ADVISORY BOARD FOR ENGLAND AND WALES

- 1 The Police Advisory Board for England and Wales ("the Board") will be established in accordance with this constitution. The constitution promulgated on 9 November 1984 is revoked.

## Functions

- 2 In accordance with section 63 of the Police Act 1996, the Board will: -
  - a) advise the Secretary of State on general questions affecting the police in England and Wales, and
  - b) advise the Secretary of State on general questions affecting police members seconded to the National Criminal Intelligence Service (NCIS) and the National Crime Squad (NCS) and police members directly employed by these service authorities;
  - c) consider draft regulations which the Secretary of State proposes to make under section 50 or section 52 of the Police Act 1996 with respect to matters other than hours of duty, leave, pay and allowances, or the issue, use and return of police clothing, personal equipment and accoutrements, and to make such representations to the Secretary of State as it thinks fit;
  - d) consider draft regulations which the Secretary of State proposes to make under section 37, 39, 81 or 83 of the Police Act 1997, and to make such representations to the Secretary of State as it thinks fit;
  - e) consider draft regulations which the Secretary of State proposes to make under Part 2 of the Police Reform Act 2002, and to make such representations to the Secretary of State as it thinks fit.
- 3 The Board may also consider any matter relating to non-negotiable conditions of service (as defined in sections 50 and 52 of the Police Act 1996 and excluding those matters listed in section 2b above), and any other matter affecting the police which has been referred to it by the Secretary of State, and it will advise the Secretary of State on such matters within any time limit specified by the Secretary of State.

## The Secretary of State

- 4 The Secretary of State will attend meetings of the Board at his/her discretion and will aim to do so once a year.
- 5 The Secretary of State may in a matter of serious national importance to the police service direct the Board to consider and seek to reach agreement on such matters as he or she may specify.
- 6 The Secretary of State may in a matter of serious national importance to the police service set a deadline for the Board to complete consideration of such matters as he or she may specify
- 7 The Chair of the Board will submit an annual report on the work of the Board to the Secretary of State. Before doing so the Chair will consult the constituent parts of the Board about the proposed report.

## Membership

- 8** The Board will consist of: -
- a) a Chair and Deputy Chair appointed by the Secretary of State
  - b) members nominated by the Secretary of State;
  - c) four representatives of the Association of Police Authorities;
  - d) two representatives of the Association of Chief Police Officers of England & Wales (to include the Metropolitan Police Commissioner);
  - e) one representative of the Chief Police Officers' Staff Association;
  - f) two representatives of the Police Superintendents' Association of England & Wales;
  - g) five representatives of the Police Federation of England & Wales.

## Meetings

- 9** All meetings of the Board will be called by the Chair with appropriate notice to the members concerned.
- 10** The Board will normally meet four times a year.
- 11** The Board may establish working parties to address specific issues as it thinks fit.
- 12** A member of the Board may request the consideration by a meeting of the Board of any matter specified by them and may submit to the Chair papers relating to that or any other matter covered by the remit of the Board as defined in paragraphs 2 and 3.



# CONSTITUTION OF THE POLICE ADVISORY BOARD FOR SCOTLAND

## Background

- 1 The Scottish Ministers in exercise of the powers conferred by section 63 of the Police Act 1996, and after consulting organisations representing the interests of police authorities and joint police boards, constables of police forces, police cadets and police support staff, hereby determine that the Police Advisory Board for Scotland (hereinafter referred to as 'PABS') shall be established in accordance with, and its proceedings regulated by, this Constitution. This Constitution shall take effect from March 2007 and the Constitution made in October 2000 is revoked as of that date.

## Function

- 2 The functions of PABS are set out in legislation and details can be found in Annex A.

## Membership

- 3 The membership of PABS will consist of:
  - a) The Minister for Justice, or, the Deputy Minister for Justice;
  - b) one office bearer and one nominated representative from each of the following:
    - the Association of Chief Police Officers of Scotland;
    - the Association of Scottish Police Superintendents;
    - the Scottish Police Federation;
    - the Convention of Scottish Local Authorities;
    - the Scottish Police Authorities Conveners Forum;
  - c) HM Chief Inspector of Constabulary (or nominated representative);
  - d) Chief Executive of the Scottish Police Services Authority (or nominated representative); and
  - e) Scottish Executive Justice Department representatives.
- 4 If any member of PABS, is unable to attend a particular meeting that member may appoint a substitute after obtaining the consent of the appropriate representative body.
- 5 Any member of PABS may propose that an additional representative attend one or more meetings of PABS. The attendance at a meeting by such an additional representative must be approved by the Scottish Ministers.

## Chair

- 6 The Minister or Deputy Minister for Justice shall be Chair of PABS. In both Ministers' absence, the Head of the Scottish Executive Justice Department or such person as that Head may nominate shall be Chair.

## Secretariat

- 7 The Scottish Executive Justice Department Police Division shall act as the Secretariat for PABS.

## Working Groups

- 8 Any member of PABS can propose, in writing, that a Working Group be set up to address specific issues. Proposals for a Working Group must have the support of the majority of PABS and will be subject to Ministerial approval by the Scottish Ministers. Any proposal for a Working Group must set out the group's remit, its expected duration and membership. Proposals should be forwarded to the Secretariat for circulation through the Correspondence Communication system.
- 9 Scottish Ministers may appoint PABS Working Groups. A Working Group may include co-opted persons who are not members of PABS. Membership of any working group will be on a voluntary basis.
- 10 Working groups will be chaired by a representative from the Justice Department, they will be required to provide regular updates to PABS and, if appropriate, submit a report to PABS for consideration at the annual meeting. Proposals for change by the working groups will be presented to the Scottish Ministers for approval.

## Correspondence Communication

- 11 Any member of PABS may make proposals or raise questions, on any issue covered by the functions that are listed in Annex A. These should be submitted in writing for consideration through the PABS Secretariat. Proposals or questions will subsequently be communicated to all PABS' members seeking views. Deadlines will be specified alongside the request. Should a person or body choose not to respond to the circulated communication this will be taken as agreement with the content of the proposal. Thereafter the PABS Secretariat will submit papers for consideration to the Scottish Ministers.

## Meetings

- 12 PABS shall, insofar as is possible, hold one meeting annually and such additional meetings as the Scottish Ministers consider necessary. Members of PABS have the right to call for a meeting to be convened. The decision to convene a meeting will be at the Scottish Ministers discretion. The Secretariat will notify members of PABS of the date of any meeting.
- 13 A short report of the proceedings will be made available by the Secretariat to members of PABS after each meeting.
- 14 Subject to the preceding provisions of this Constitution, the Scottish Ministers shall determine the procedure of PABS.

**CATHY JAMIESON**

**Minister for Justice, March 2007**

## Annex A

# THE FUNCTIONS OF THE POLICE ADVISORY BOARD FOR SCOTLAND

The functions of PABS are:

- 1 To advise the Scottish Ministers on general questions affecting -
  - a) the police in Scotland;
  - b) constables seconded to the Scottish Police Services Authority under paragraph 10(2) of schedule 1 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 but not appointed to be police members of the Scottish Crime and Drug Enforcement Agency;
  - c) persons seconded to the Scottish Police Services Authority under paragraph 10(3) of schedule 1 to that Act but not appointed as mentioned in paragraph (b); and
  - d) persons appointed as police members of the Scottish Crime and Drug Enforcement Agency in accordance with paragraph 7 of schedule 2 to that Act.
- 2 To consider, and if PABS thinks fit, make representations upon any draft regulations or orders which the Scottish Ministers propose to make under sections 26 or 27 of the Police (Scotland) Act 1967 or section 23 of, paragraph 10(10) of schedule 1 to, or paragraph 9(1) of schedule 2 to, the Police, Public Order and Criminal Justice (Scotland) Act 2006, with respect to matters other than:
  - hours of duty;
  - leave;
  - pay and allowances; and
  - the issue, use and return of police clothing, personal equipment and accoutrements.

# STATUTORY RULES AND ORDERS OF NORTHERN IRELAND

1972. No. 53 [C]

## POLICE ADVISORY BOARD

ORDER DATED 24TH FEBRUARY 1972, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 18 OF THE POLICE ACT (NORTHERN IRELAND) 1970.

I, THE RIGHT HONOURABLE BRIAN FAULKNER, Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by Section 18 of the Police Act (Northern Ireland) 1970(a) and of all other powers enabling me in that behalf and after consulting the Police Authority and the Police Association do hereby order as follows: -

### Citation

1 This order may be cited as the Police Advisory Board Order (Northern Ireland) 1972.

### Constitution and proceedings of the Police Advisory Board for Northern Ireland

2 The Police Advisory Board for Northern Ireland (hereinafter referred to as the “Advisory Board”) shall be established and constituted in accordance with, and its proceedings shall be established by, the provisions of this Order.

### Composition of the Advisory Board

3 The Advisory Board shall consist of: -

- 1) the Minister, who shall be the Chairman thereof, and such persons as he may from time to time direct to serve thereon;
- 2) the Secretary to the Police Authority or a deputy;
- 3) the Chief Constable or a deputy; and
- 4) such persons as are from time to time nominated to serve thereon by the bodies specified in the Table contained in this paragraph (hereinafter referred to as nominating bodies); and each nominating body shall nominate the number of persons specified opposite thereto in the Table:

Provided that one member nominated by the Police Federation for Northern Ireland shall represent the Royal Ulster Constabulary Reserve whenever matters affecting that Force come before the Advisory Board for consideration.

### Table

Nominating body	Nominees
Police Authority	5
Police Federation for Northern Ireland	6
Superintendents’ Association	2
Association of Chief Police Officers	1

## **Observers**

- 4 The Minister may invite representatives of the Police Council for the United Kingdom and of the Ministry of Finance to attend meetings of the Advisory Board as observers.

## **Absence of Minister**

- 5 In the absence of the Minister at a meeting of the Advisory Board the Chairman for that meeting shall be such person as he has authorised to act as such.

## **Committees**

- 6 The Advisory Board may appoint such committees, and a committee may appoint such sub-committees, as they think fit.

## **Functions**

- 7 The functions of the Advisory Board shall be to fulfil such purpose as is mentioned in section 18(1) of the Police Act (Northern Ireland) 1970, that is to say to advise the Minister on general questions affecting the police force in Northern Ireland.

## **Submission of questions**

- 8 Subject to Article 7 a nominating body or member of the Advisory Board may request the consideration by a meeting of the Advisory Board of any question specified by such body or member and may submit papers relating to that or any other question falling to be considered.

## **Meetings**

- 9 All meetings of the Advisory Board shall be called by the Minister by giving notice thereof to the members and the nominating bodies.

Dated this 24th day of February 1972.

## **Brian Faulkner**

Minister of Home Affairs  
for Northern Ireland

## **Explanatory Note**

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order provides for the establishment of a Police Advisory Board for Northern Ireland for the purpose of advising the Minister of Home Affairs on general questions affecting the police force in Northern Ireland.

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