

Police Federation
Of England and Wales



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Lloegr a Chymru

Established by Act of Parliament

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NATIONAL SECRETARY'S OFFICE

12/11/20

David Paul
Programme Director
NPCC National Reward Framework Team

Sent via email to: david.c.paul@sussex.pnn.police.uk

Dear David,

Pay Reform – National Reward Team consultation paper Version 2.5 October 2020

We are writing to you to provide comments on the above paper, marked as version 2.5. Having only recently received the paper it is not an exhaustive list and we welcome further discussions with you on all the matters set out in the paper.

As an overarching point, we do consistently raise with you the need for equality impact assessments (EIA) for all proposals. This is particularly important for proposals with far-reaching consequences, such as these. We are keen to hear if you have undertaken an EIA for the proposals outlined in this paper and would appreciate sight of it. If not, we would like

to know why you have not deemed this necessary. It's our view that this is an essential part of the development of any new proposal and should be undertaken from the start.

Please see below specific comments, set out against the corresponding paragraph of your paper:

- I. Under the heading "Scope and Purpose" at paragraph 1.3 we note you have amended the wording here to reflect our concerns that the staff associations have not been consulted on all the proposals set out in the paper. We thank you for acknowledging this here.
- II. Under the same heading at paragraph 1.4 you note that the uplift team are implementing policies to help attract, motivate and retain officers and you cite examples from the first phase of pay reform measures: targeted variable pay, improving pay for sergeants and improved maternity and adoption pay. We remain concerned at the general lack of evidence for specific proposals relating to recruitment, retention and motivation. At some point there will be a need to set this out and we look forward to seeing such evidence as soon as you are able to share it with the staff associations.
- III. Under the same heading at paragraph 1.5 you acknowledge the impetus from the Home Office with regards to the need to break the link between automatic pay progression and time served. You note in the same paragraph that the benefits, costs and risks of the design options can be assessed. It's our view that this should be done at this stage. However, it is useful to have clarity around why this issue is being progressed now and where the pressure is coming from.
- IV. Under the same heading at paragraph 1.8 a table shows an overview of the programme. The paper briefly references Full Operational Competence (FOC) at around pay point three however, not all officers will be at this stage on the pay scale when they reach FOC. As you know this takes place in accordance with the College of Policing guidance. The concept of being fully operationally competent isn't yet provided for on the pay scale and we are keen to know if you are looking to introduce it and if so, when you are looking to do so.
- V. In section 2 under the heading "Linking Progression to Performance" at paragraph 2.1 you suggest that subjectivity will be removed from the current process (in relation to the

requirement for a grade of “achieved performance”) and that the PPS will be objective. How are you defining subjective and objective here, specifically with regards to the changes you are proposing? If a PDR is required as part of the PPS, then what subjectivity has been removed? This may be a case of us interpreting your wording very literally: but we think it is important that the nature of the assessments is not misleading. PDRs are still subjective assessments. Whether someone is on UPP is an objective standard: is that the element of the assessment to which you are referring?

- VI. Under the same heading at paragraph 2.2 you state that the PPS compliments the PDR process, which is a wider professional development tool, not bound by the same annual cycle. It seems that you are proposing two different review cycles here. Further consideration must be given to this and we believe it would be better if the two processes aligned. The PPS will, by definition, need to align with an officer’s incremental date because this is the point in a year where a pay decision will need to be enacted. However, how will this work alongside a PDR system that could well align with the calendar year? This seems to have the potential for discrepancies and inconsistencies; as well as a sense of unfairness for officers. For example, could an officer have pay withheld several months after the instigation and completion of the UPP process, (if their increment date is, say, June) if they have not yet had a final PDR assessment, which won’t take place, say, until December. Checks and balances are needed to avoid any unfairness here.
- VII. Under the same heading at paragraph 2.3 you state that the PPS applies only to those on the incremental pay scale. We believe this will cause confusion because all officers are on an incremental pay scale, however, some officers have reached the top. This could more accurately read “it applies to those officers moving up the incremental pay scale”.
- VIII. Under the same heading at paragraph 2.4 you set out that a PDR or appraisal must be completed in accordance with the agreed force processes. This provides the potential for widely varying outcomes. We believe this should be a national, or nationally agreed, process: but as we know, this is not currently practical. We wonder whether it would be possible to reflect that aspiration in the document, however?
- IX. In addition, a number of checks and balances will be needed here, in line with the current ARC provision. For example, if an officer is not provided with a PDR and/or therefore not given an assessment under PPS then they must continue to move up the pay scale at the appropriate time. They mustn’t be penalised for things outside of their control.

- X. At paragraph 2.6 (i) you set out that an “acceptable level of performance” under PPS (and therefore the ability to receive an incremental increase) will encompass all performance levels from ‘poor’ to ‘outstanding’. We seek confirmation from you that this is the intention of PPS and you will not be looking to amend this at a later date.
- XI. Under paragraph 2.6 (i) you have included a question asking forces about the possible inclusion of UAP, as well as UPP and if it’s possible, in their view, to avoid unlawful discrimination. We believe the NRT (and NPCC) should have a clear view on this already and not simply push the issue back to forces. We believe there is potential for disability discrimination here and UAP should not be included.
- XII. At paragraph 2.6 (ii) you reference statutory and mandatory training and we are concerned that you state the primary responsibility for arranging and completing training remains with the officer. You also note that Officer Safety Training (OST) is core central training. The fitness testing scheme sets out that officers required to undertake OST must first pass the fitness test, however, both the fitness test and OST are only to be undertaken by officers in a role that requires OST. So, not all officers do in fact undertake OST. In addition, the validity of the fitness test is currently being looked at by the College of Policing. It is our view that the approach set out in your paper will place a large burden on forces and training providers. In addition, we seek clarity with regards to your expectation of what would happen for officers who may have failed the fitness test and/or not been provided with the opportunity to undertake an alternative test.
- XIII. As with the PDR / UPP element, there will need to be checks and balances in place here to ensure that officers are not unfairly penalised. It must be clearly set out in the scheme that if an officer is prevented from undertaking training either because the training is not available or they cannot be spared from operational duties, or for any other reason such as sickness, that this will not count against them in their PPS assessment: they will not be categorised as having not met the criteria.
- XIV. At paragraph 2.6 (iii) you reference the requirements for line managers. We are keen to know if you have undertaken an analysis of the extra burden that will be placed on officers from completing the PPS. We believe this may be substantial and this is in addition to the demands from the uplift in police numbers as well as the increased operational demands from the Covid pandemic. It must be clearly set out that an officer will be considered to have achieved the PPS if the only reason they have not, is due to issues outwith their

control. If not, there is clear potential here for litigation, which would be extremely unsatisfactory for all concerned. We must ensure that the scheme provides clear protections to officers from the start.

- XV. Under the heading “Approving and withholding Payments” at paragraph 2.7 you state that PPS will be implemented in line with an officer’s incremental date. We have noted above the difficulties that could arise if the PDR schedule is different to this. In addition, you note that once any changes occur, such as the resolution of UPP (or potentially UAP) then progression will take place at that point, but not be backdated. Are you proposing that officers be given a new incremental date and must wait a further 12 months from that point for their next PPS assessment and incremental increase? Or will they retain their original incremental date and begin again at that point (rather than having to wait a further 12 months). It is our view that their incremental date cannot be changed and therefore, even if no backdating takes place, they must have the opportunity to continue to progress again once their original increment date comes around again. This must be clear in the scheme.
- XVI. Under the same heading at paragraph 2.9 you reference the UPP appeals process and state that, in addition, forces would need to put an appeals process in place to allow challenges. It is our view that this should be nationally set out, as part of the PPS scheme, not left to forces to devise. A national approach is the only way to ensure consistency across forces. We are keen to discuss further with you what this process should look like.
- XVII. In section 3 under the heading “Using Benchmarking and the P Factor...” at paragraph 3.1 you say you are currently refreshing the benchmarking data for federated and superintending ranks. This is not the full picture. As you know these matters are the subject of separate discussions and the staff associations have serious concerns with how the work is progressing. Significant progress is needed and it is now becoming quite urgent. An accurate summary of the situation should be relayed to forces.
- XVIII. Under the same heading at paragraph 3.3 we are disappointed to note the change in tone with regards to benchmarking. Previously discussions have focused on ensuring officers receive fair pay for the work they do, to be objectively assessed. It is that process that requires significant discussion with regards to methodology. However, you now link this to affordability and the need to use existing money. This is a different discussion and we

have concerns with this, as well as the potential impact of differentiated adjustments for different ranks.

- XIX. In section 4 under the heading “Assessment and Prioritisation of a range of other pay and related conditions” at paragraph 4.1 you list five points you are aware of from forces, staff associations and PRRB. However, it isn’t clear how you have prioritised this list. As you know the PRRB raised many more areas of concern/comment and PCF is currently working through all areas identified in order to set priorities for work. Only the first bullet point refers to an issue raised by PRRB and we seek clarity here with regards to the other points and why they have been included here. In particular, what will a wider review of parental leave involve? As you know we are still waiting for the Children and Families Act 2014 to be translated into determinations.
- XX. Under the heading “Geographical allowance” at paragraphs 4.3 and 4.4 you propose a new reference group to undertake this work. We have raised with you already concern around the creation of a new Forum to undertake this work when PCF is ideally suited to take this forward. We have previously asked if there will be staff association representation on the Forum and in addition, as we have noted before: why are forces who are not statutory consultees being asked to offer a differing view to that already provided by PRRB. We would welcome discussion of this at the earliest opportunity.
- XXI. Under the same heading at paragraph 4.6 you have referenced buy-back of annual leave. This was discussed at PCF earlier this year and all agreed it was a clear welfare issue for officers and not supported. Why is this now included here?
- XXII. At paragraph 4.8 you detail a potential new Police Officer Voluntary Exit scheme. As with the above items we seek clarity as to why it has been included. In addition, as you know, it is a matter for the PABEW SAB.
- XXIII. In section 6 under the heading “Next Steps and Conclusions” at paragraph 6.3 you list the fora at which you will be engaging with stakeholders. The PCF is the key Forum for employer and staff association discussion and agreement (wherever possible) and as such so should be included in this list.

We hope you find these comments helpful at this stage and we must reiterate these are a first set of comments, given the time allowing. As noted above we are keen to discuss all these issues further with you in more detail at the earliest opportunity.

Yours sincerely



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