



Police Superintendents' Association

Submission to

The Police Remuneration Review Body

on behalf of the

Police Superintendents' Association

and the

Superintendents' Association of Northern Ireland





7th February 2020

Chair,

Police Remuneration Review Body

Dear Ms Bharucha,

I enclose our submission to the Police Remuneration Review Body for the 2020 pay round. This is a joint submission made on behalf of the Police Superintendents' Association and the Superintendents' Association of Northern Ireland.

I would be grateful if this submission could be read in conjunction with the joint submission made between the Police Superintendents' Association and the Police Federation of England and Wales, and the submission provided by the Police Federation of Northern Ireland, both of which have been submitted separately.

Yours sincerely,

Dan Murphy

Chief Superintendent
National Secretary, Police Superintendents' Association

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Introduction

1. This is a joint submission to the Police Remuneration Review Body (PRRB) by the Police Superintendents' Association (PSA) and the Superintendents' Association of Northern Ireland (SANI).
2. The PSA represents approximately 1,275 Superintendents and Chief Superintendents across 47 police forces. In addition to the 43 Home Office police forces, it also represents members in the British Transport Police (BTP), the Civil Nuclear Constabulary (CNC) and the protectorate of the Isle of Man and British overseas territory of Bermuda. SANI represents 70 members in Northern Ireland.
3. The PSA was previously called the Police Superintendents' Association of England and Wales (PSAEW). The Association shortened its name with effect from 22nd January 2018, to better reflect the scope of its membership and responsibilities mentioned above. Any and all references to PSAEW within this submission or from previous pay rounds or correspondence can be assumed to also refer to the now PSA.
4. Collectively, our members are the senior operational leaders in policing and together with Chief Officers, account for the most senior 1% of police officers by rank within the service.
5. This submission should be read in conjunction with submissions made jointly by the PSA and the Police Federation of England and Wales (PFEW); and between SANI and the Police Federation of Northern Ireland (PFNI).
6. This submission builds on previous submissions and evidence from previous years remains valid.
7. There is a specific section on SANI-related issues included at the request of the PRRB.

List of PSA/SANI recommendations/comments required from the PRRB

PAGE 16 - PRRB recommendation/comment required:

- Who does the PRRB consider to be accountable for the employer responsibilities for police officers?
- Who is accountable for ensuring the PRRB's comments/observations and requests for further information are responded to?
- What process should be followed by the 'employer' for ensuring the PRRB's comments/observations and requests for further information are followed up by those accountable?
- Can the PRRB make recommendations to the Home Secretary for issues that are within the PRRB's terms of reference, but not included in that round's remit letter?
- Does the PRRB process provide procedural justice for a workforce with limited employment rights, if the overall decision maker sets the remit, can ignore staff associations' concerns and then decide on the recommendations of the independent review body?
- Should the staff associations be able to formally request that items are considered as part of the remit?

PAGES 24 - PRRB recommendation/comment required:

- This year the PSA agrees and recommends a yearly uplift as detailed in the joint PSA/Police Federation submission.
- Last year the PSA detailed in our submission the introduction of additional pay points at the top of both the Superintendent and Chief Superintendent salary scales. We continue to recommend this proposal and extend it further to recommend to the NPCC/Home Office an additional pay point at the top of all ranks, including the superintending ranks and would ask that the PRRB recommends this proposal to the Home Secretary.
- PRRB recommends that full profiling of the annual allowance tax implications created by this year's pay award is completed by the Home Office and that a consultation on the outcome takes place with all stakeholders, to assess the relative impact on the overall remuneration package of the varying groups of officers.
- PRRB comments on the outcome of the interaction between the PPSAB Chair and the Police Minister over annual allowance concerns, where the Scheme Advisory Board provided advice to the Minister, suggesting the introduction of greater flexibilities in the police pension schemes.
- The PRRB recommends a new timetable to the Home Secretary to enable staff associations and other stakeholders to be meaningfully consulted on the pay award as part of the PRRB process.

PAGE 25 - PRRB recommendation/comment required:

- The PRRB recommends to the Home Secretary that the superintending ranks benchmarking adjustments / pay targeting is consulted on and agreed by all parties between April 2020 and December 2020, so the NPCC can make recommendations to the PRRB in its next written submissions to the 2021 PRRB round.

Page 26 - PRRB recommendation/comment required:

- The PRRB recommends that the National Reward Team obtains independent legal advice on the P Factor 'capping' proposal and share the brief and full legal advice with members of the Police Consultative Forum.

Page 29 - PRRB recommendation/comment required:

- That the PRRB recommends that full and meaningful engagement continues and that before decisions on the wording of the new proposals are decided that consensus is reached with the staff associations, NPCC and the other PCF stakeholders via the PCF meeting.
- To encourage use of targeted payments and change the cultural view on targeted bonus payments, the PRRB recommends that the Home Office ensures financial incentives are created to encourage Chief Constables to actively use the new regulation once in place.

Page 37 - PRRB recommendation/comment required:

- The PSA requests that the PRRB recommends that the Home Office reviews its system for changing regulations and ensures that there is sufficient resource and an efficient system ready to process agreements achieved either outside or via the PCF. In addition, the Home Office should reintroduce the use of Home Office circulars if there is a delay in the implementation of changes to police regulations.

Page 38 - PRRB recommendation/comment required:

- The PRRB terms of reference include the working hours of officers. The PSA therefore invites the PRRB to recommend that each Chief Constable on a cyclical basis works with the PSA to assess against the requirements of the Working Time Regulations, whether or not they have sufficient resources within their superintending ranks.

Page 40 - PRRB recommendation/comment required:

- SANI requests that a forum similar to the independently chaired PCF is put in place by the government in order to urgently resolve the long-running employment issues that SANI have been raising for several years.

Remit letter process/content
&
List of requests/comments from the PRRB Report July 2019 for further information/action

8. The PRRB process has been running and maturing now for several years. As staff associations, the PSA and SANI have been continually concerned that this relatively new governance process for police officers' pay and terms and conditions, lacks procedural justice and that there is no meaningful challenge of the powers afforded to the Home Secretary. The staff associations have no negotiating rights as part of the PRRB process, instead we are required to submit our evidence to the PRRB, along with all other stakeholders and await the outcome of the PRRB's detailed report, which sets out its findings and recommendations. The process legally requires the Home Secretary to consider the PRRB's report when deciding on matters remitted to the PRRB, but the process appears to provide unfettered control as the Home Secretary sets the remit and even though they must consider the PRRB's independent recommendations, they do not have to accept them.
9. As the PRRB process has developed, it appears that the Home Secretary does not feel that they need to address any issues that the staff associations or the PRRB raise outside of the specific matters raised by the Home Secretary in the remit letter. This is evidenced by the fact that following the publication of the July 2019 PRRB report, the PSA jointly with the PFEW wrote to the Home Office on the 19th August 2019 to set out all of the specifics raised by the PRRB and establish how the Home Office planned to address the issues. The letter read:

8th August 2019

Police Remuneration Review Body report: actions and accountabilities

Dear XXXXX

We are writing with regard to the Police Remuneration Review Body (PRRB) report, published on 22nd July 2019. We found the overall direction given by the PRRB helpful, and its comments insightful.

You will recall there were five areas for consideration specified in the remit letter, these being:

- 1. How to apply the pay award for 2019/20 for police officers of all ranks, including chief officers, in the context of how it will support overarching NPCC proposals and timetable for a new pay structure.*
- 2. To review the NPCC's design principles, framework and assumptions for pay reform; and to provide views on the extent to which the views of the staff associations have been considered in the development of the design.*
- 3. To review the NPCC's detailed project plan and risk register and provide observations on the timescales for implementation, taking into account the*

requirement for formal consultation with the staff associations and the need to make legislative changes.

- 4. To review the NPCC's proposals for progression pay for police apprentices.*
- 5. To review proposals from the NPCC in relation to making payments to the superintendent ranks for undertaking each 24 hour on-call period.*

The recommendations that the PRRB made regarding items 1, 4, and 5, are relatively straightforward, and we are content that there is a process by which these will be overseen and consulted on, which has its precedent in previous years' recommendations. For example, we are aware you have already begun the consultation regarding recommendation on item 4; we anticipate you will shortly draft a determination on item 1, for consultation.

However, whilst in accordance with its remit, the PRRB has made equally clear its observations and concerns with regard to items 2 and 3, the method by which these will be dealt with is less obvious. We are therefore writing to you to seek reassurance and clarity over how these will be progressed.

We feel it is important to note that these are by-and-large comments regarding whether the design and shape of the programme meets the normal expectations for a pay reform programme of this scale and importance; and relate to its overall governance. Many echo comments that the staff associations have been making for some time, in our PRRB submissions, correspondence, and in minuted PCF meetings. These are a matter of public record, and it will be no surprise to you that we welcome the comments from the PRRB.

But while we would anticipate that some of these may be raised again within the PCF process, we now feel it is time that we are all able to make clear where the accountability lies for ensuring these matters are attended to, in between PRRB submissions.

It is our view that, now that the PRRB has put these concerns in the public domain, it is no longer possible for the employer to see these as being confined to the staff associations, and to treat them as such. These are matters that have been highlighted by the independent PRRB. We believe it should not be left for the staff associations to hold the NRT accountable for these, as we have tried to do until now through the PRRB and PCF process. Rather, we understand that these are matters that the employer must address, in order to ensure that what is presented to the PRRB in the future meets the PRRB's stipulations. We believe that if the National Reward Team is not held to account on these then there is significant risk that the reform programme will, again next year, be seen by the PRRB to be lacking in sufficient detail to enable it to support the NRT recommendations. The fact that the PRRB saw fit to dismiss the PCDA and DHEP progression pay proposals this year due to a lack of supporting rationale and evidence, should be seen as a significant warning.¹

¹ The PRRB reserve perhaps their strongest worded criticism for the NPCC proposals for PCDA progression pay. "Information on the phasing out of existing entry routes and the finalisation of new graduate-only entry routes was not as complete as we would wish, and there is too much uncertainty around the pay rates for degree holders under pay reform". The PRRB felt strongly enough to insist that, instead of the NPCC recommendations for progression, there should be no change to the existing incremental progression.

It is our view that the appropriate body to hold the NPCC NRT team to account for addressing the PRRB comments is the Home Office, as the overarching employer body. We write now to seek the Home Office position.

It may be helpful for us to outline those features of the Pay Reform Programme that the PRRB has specifically drawn out, and where it has given direction. With regard specifically to pay reform, these fall into two broad categories: first, overarching comments about the design, process, and timescales for the new pay system; second, comments about the structure that the NRT must operate in, and enabling features that must be in place to enable them to achieve reform (these include a number of things that are directly under the Home Office's remit). Finally, there is a third category of comment that we have also listed, for completeness. These do not relate to the pay reform, per se, but rather to other aspects of police pay. We have listed these at Annex A. We believe it would be helpful for this list to be used in meetings going forward to help keep track of whether the PRRB's concerns are being attended to.

In summary, the PRRB have raised significant concerns with regard to the pay reform programme's design, process, and timescales. We share many of these. While we, as staff associations, have a role to play in shaping the pay reform work through the PCF, we believe it is essential that there is a structure of governance and oversight in place to ensure that the PRRB concerns are addressed and solutions enacted, and the NPCC NRT is held to account for doing so. We, the staff associations, are not in a position to insist on this. Rather, we believe that that role must be undertaken by the employer. We believe that the Home Office is the appropriate body, and we seek your position on that.

There should be no further debate at PCF as to whether these matters are addressed. Instead, the NRT should be asked to report how they are doing so. We therefore write to seek your assurance that this will be the case. If you have an alternative view on how this will be achieved, then we would be keen to hear that.

We have supplied a list of the PRRB's comments and concerns, in the expectation that this will be helpful moving forward, to help focus the further pay reform programme. It may well be that you have devised a similar list: if so, we would appreciate sight.

We look forward to your response, trusting that the assurances sought will be given.

Yours sincerely



ALEX DUNCAN
PFEW NATIONAL SECRETARY



DAN MURPHY NATIONAL SECRETARY
PSA

ANNEX A: List of concerns that the PRRB seek to have addressed. Taken from PRRB report published July 2019.

Categories:

1. PRRB comments regarding the NRT pay reform design, process and timescales.
2. PRRB comments regarding the structure within which the NRT operate, and enabling features that must be in place if they are to succeed.
3. Other aspects of police pay.

Given that we believe this list could be used to help track progress, we have supplied some notes on our current position.

1. PRRB comments regarding the NRT pay reform design, process, and timescales.

PRRB comment	Staff association notes
<p>I. Design</p> <p><i>The PRRB states that it is still concerned about matters it raised in previous years: notably that the rationale for change has not been properly articulated, nor have the expected benefits been stated.</i></p> <p><i>Para 2 and 2.42-2.46</i></p>	<p><i>On both of these, we agree with the PRRB. We have engaged with the NRT as recently as this week to try to assist with these. But we feel that it must be stressed to the NRT that these are not solely concerns of the staff associations: rather, they are concerns expressed by the PRRB also, and as such must surely be addressed now. We do not believe it should be left to the staff associations to hold the NRT to account on these</i></p>
<p>II. Design work</p> <p><i>The PRRB notes that the changes to the Constable pay scale are unclear, and present risks. Notably, the route to Established Constable is not clear, and the assessment process has not been bottomed out. The shortened pay scale with a huge leap between the second highest and highest point is problematic and may impact negatively on motivation.</i></p> <p><i>Para 2.55-2.56</i></p>	
<p>III. Design</p> <p><i>The PRRB state that they are not convinced that the project can be delivered within the current paybill.</i></p> <p><i>Para 13 and 2.52</i></p>	<p><i>We have noted in this year and last year's PRRB submission that we believe such significant change cannot be achieved without proper funding, and that the CSR needs to be used to secure adequate funds. We now understand that this is being reviewed. However, it is regrettable that the staff associations have not had visibility of what case has been made for additional monies, and the process by which this was fed into the CSR. We stood ready to help with this, and continue to do so.</i></p>

<p>VI. <i>Timescales</i></p> <p><i>The PRRB expresses concern that the Pay Reform timetable doesn't allow time to make the necessary legislative changes.</i></p> <p><i>Para 17 and 2.57-2.59</i></p>	<p><i>You will be aware that we have raised this point repeatedly. Now that the PRRB have recorded their concern, we believe it is time for the Home Office and NRT to work together to provide a clear mapping of what legislation is likely to be required, and how it meets the parliamentary timeframes.</i></p>
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2. PRRB comments regarding the structure the NRT operate in, and enabling features that must be in place if they are to succeed.

PRRB comment	Staff association notes
<p>V. <i>Enabler – structures</i></p> <p><i>The PRRB states that it has reservations as to whether a reform of this scale can be achieved through the existing structures.</i></p> <p><i>Para 2.46</i></p>	<p><i>We agree. We believe that the current overall governance of the work is still unclear. We understand that the NPCC lead is charged with designing and enacting pay reform, and that the NRT are doing this on his behalf. But the relationship between this and other programmes is not clear. This means it is especially difficult for the NRT to address the underlying enablers of pay reform, that are currently outside their control.</i></p> <p><i>Specifically, we feel there is a need to ask – who has oversight? Who is responsible for ensuring that the College's work and that of the NRT is designed so that the aims, objectives, and design principles correspond? Who is responsible for ensuring forces act accordingly? Is this the role of the Home Office?</i></p>
<p>VI. <i>Enabler – force readiness</i></p> <p><i>The PRRB expresses its concern that individual forces are not ready for change.</i></p> <p><i>Para 9 and 2.47-2.49</i></p>	
<p>VII. <i>Enabler – competence assessment</i></p> <p><i>A related point is that the PRRB notes that “a new pay mechanism built on competence will necessarily require robust performance measurements to be in place”, not least because of the significant cultural change.</i></p> <p><i>Para 15 and 2.64</i></p>	
<p>VIII. <i>Enabler – manpower modelling and assumptions</i></p> <p><i>The PRRB states that the change to a requirement for officers to have degrees is likely to have consequences in terms of changing career expectations. For example, they assume such officers may not want to stay in service for their entire careers. Forces will need to plan accordingly.</i></p> <p><i>Para 17 and 2.57-2.59</i></p>	<p><i>Again, the staff associations have repeatedly raised the need for better manpower modelling, and the need to plan for differing career patterns and turnover. Whilst we are disappointed that this has not previously been addressed, we are heartened that the PRRB has now made this statement, and trust that this will give added impetus to ensuring that this important aspect of the reform programme is attended to.</i></p>

<p>IX. <i>Enabler – Data</i></p> <p><i>The PRRB states that there is still a lack of robust evidence to inform the design of pay reform – even though they have drawn attention to this in previous years, and previous PRRB reports.</i></p> <p><i>Para 35 and 5.4-5.7</i></p>	<p><i>This is something that the PFEW drew attention to as far back as year one of the PRRB. We noted the lack of consistent, verified data across forces. This includes recording of decent recruitment and retention measures; workforce modelling; data on sickness levels; data on opt out from police pensions; and baseline data about the current state of policing pay, against which to measure expected benefits and unintended consequences. Examples might be measures of diversity, improvements to equality of pay, improved performance (perhaps at force level, rather than individual), measures of public confidence, improved deployability, reduced use of certain allowances which are actually intended to punish forces for poor planning, etc. Some measures exist, but many do not. There has been no systematic capture of what it is desirable to measure, and to what extent that is possible, or what would need to be done to make it possible. We understand that to a large extent the design and collection of these data is the responsibility of the Home Office.</i></p> <p><i>But we do not currently see joined up working between the Home Office and the NRT, with the NRT able to insist on particular measures being captured, that would aid their work. We believe that while there is a specific role for the Home Office’s Annual Data Return (ADR) team to capture data, there is a separate task for the Home Office in its oversight role for the pay programme, to check that the NRT’s data requirements are being met.</i></p>
<p>X. <i>The PRRB suggests that an independent technical evaluation of the programme should be commissioned.</i></p> <p><i>Para 8 and 2.45 and 2.46</i></p>	<p><i>We believe this is borne out of frustration that the PRRB’s comments on the programme in previous years have not been addressed.</i></p> <p><i>Unfortunately, given that many of the concerns expressed this year by the PRRB have been noted time and time again, we cannot help but share that frustration. We agree that an independent technical evaluation would be helpful. Clearly, in order to be independent, this should not be commissioned by the NPCC NRT, but by the Home Office.</i></p>

3. Other aspects of police pay

PRRB Fifth Report: July 2019, paragraph reference	PRRB comment
<i>Para 35, Exec summary</i>	<i>The PRRB seek clarity from the Home Secretary over which pay review body considers chief officer pay</i>
<i>P.3.86</i>	<i>PRRB wished to be kept updated re their previous recommendation around targeted pay arrangements</i>
<i>P. 3.89</i>	<i>PRRB request to be kept informed of progress re cross-party work on chief officer appointments</i>
<i>P.3.100</i>	<i>PRRB state there continues to be a lack of robust evidence from the NPCC on morale and motivation – they have raised in previous reports but seen no progress</i>
<i>P.3.105</i>	<i>PRRB request further evidence on the effect of pension taxation – how it impacts on recruitment, retention and motivation</i>
<i>P. 3.108</i>	<i>Home Office and others consider lessons that can be learnt from delays in introducing police regulations following introduction of Children and Families Act 2014</i>
<i>P.4.58</i>	<i>South East Allowance – management with due care re possible unintended consequences</i>
<i>P.4.70</i>	<i>Parties to look carefully at the usage and value of on-call allowance, and provide a full evidence based rationale</i>
<i>P.4.72</i>	<i>NPCC provide a proposal in time for next year's pay round on the introduction of an on-call allowance for superintending ranks</i>
<i>P.4.86</i>	<i>PRRB request results of a post-implementation review of hard-to-fill payments to find out why the initiative was only put to limited use</i>
<i>P.4.88</i>	<i>PRRB suggest NPCC work with the PSA re pay targeting for Superintending ranks on this priority area for pay reform</i>

10. After continually requesting a response to our letter, to try and make progress on the issues raised by the PRRB and help to formulate our submissions for the next PRRB round, the staff associations received the following response on the 19th December. (Unfortunately the timing of the response was unhelpful as it was after the remit letter for the 2020 PRRB round was published on the 5th November 2019):

19 December 2019

*Police Workforce and Professionalism Unit,
Crime, Policing and Fire Group, 6th Floor, Fry Building,
2 Marsham Street, London SW1P 4D
www.homeoffice.gov.uk*

Thank you for your letter dated 19 August regarding the observations made by the Police Remuneration Review Body (PRRB) in their 2019 report. Apologies for the delay in my response; I felt it was important to reflect current Ministers' priorities for policing, as they

developed during the autumn, and confirm this year's remit for the PRRB. You will appreciate that I was not in a position to respond immediately ahead of the general election.

The Government has made clear its priorities in respect of policing, particularly the commitment to recruit 20,000 additional police officers over the next three years. More broadly, the Government has emphasised its desire to listen to policing and support its efforts to fight crime and face the challenges of modern policing, ensuring the right tools, powers and systems are available. The Government has set a clear expectation that the National Police Chiefs' Council (NPCC) must demonstrate a clear commitment to putting the right pay and reward structures in place, to support the aims of the uplift. The National Policing Board, created earlier this year, will hold all partners to account on delivering the uplift and any matters that are associated with this and other national priorities for policing.

The plan to increase officer numbers significantly has understandably caused the NPCC to consider how they should prioritise this work going forward. The Home Office has engaged regularly since last year's round with Matt Jukes, as the NPCC Pay and Conditions lead, including me personally and at Ministerial level. I am confident that Matt understands the Government's expectations around delivery and the need for clear planning and priorities in the context of the uplift. My team continues to work with Matt and his team.

This year's remit letter asks the review body for their further observations on the NPCC's proposals for pay reform, which will be submitted as part of their evidence. I expect proposals to be fully tested with partners ahead of evidence being submitted. I am aware that the NPCC issued a consultation in September on their latest proposals and that your respective organisations have responded. There have also been opportunities for you to provide feedback at the Police Consultative Forum meetings, which I am pleased are now facilitated by an independent chair.

The Home Secretary has invited the PRRB to provide recommendations and comments on the progress made by NPCC in delivering pay reform for this year's pay round. I look forward to receiving their views, to be considered in deciding what the future shape of pay reform should be. The team here will continue to work with you and other partners in implementing the Government's decisions on the PRRB's recommendations, including through the Police Consultative Forum.

I appreciate your thoughtful and constructive challenge on how this work should be taken forward and would be happy to discuss this with you at any time.

11. Accepting that the government's rebalancing of resources in policing has changed the entire context of policing, moving forward, the staff associations still believe the entire PRRB process needs to become much clearer, accountabilities need to be established and the balance needs to be addressed to ensure greater procedural justice. The above response from the Home Office fails to address the points in our letter or indicate what accountability the Home Office has in the PRRB process, a process in which it controls the remit and how to respond to the PRRB's recommendations.

As staff associations, we are disappointed with the response from the Home Office. When the PRRB was introduced, we were led to believe the government would pay

greater attention to ensuring overall procedural justice is achieved and that the comments of the independent review body are taken into account, especially as the police have reduced employment rights and no negotiating mechanisms for resolving issues involving pay/terms & conditions.

12. On the 17th September 2019, the stakeholders were asked to provide our contributions to the 2020 remit letter by the 24th September 2019. The PSA responded and requested that the following issues be included as part of the remit:

- PRRB 2018/19 requests & comments
- Superintendent on-call allowance
- Pay discretion for Chief Constables/bonus payments
- Pension challenge remedy & pay reform
- Working hours (Working Time Regulations compliance)
- Management and recompense for rest days in lieu – superintending ranks
- South East allowance
- Consistency in remuneration between UK forces

13. On the 2nd December SANI also wrote to the Department of Justice in Northern Ireland in relation to its remit letter and asked for the following points to be considered:

- Maintaining parity of pay with colleagues in Home Office forces in respect of core pay scales.
- An increase in pay scales and the Northern Ireland Transitional Allowance in line with the cost of living.
- Payment for on-call duties performed by superintending ranks, as is the case in the rest of the United Kingdom.
- Payment for rest days and public holidays that cannot be taken due to exigencies of duty (as previously tabled at Police Consultative Forum) and an extension of their availability to 24 months.
- Consideration of targeted payments or bonuses for superintending ranks with clearly defined parameters to ensure equality of opportunity to access these payments.
- In light of the ongoing challenge regarding the changes to police pensions (Aarons S & Others -v- (1) The Secretary of State for the Home Department (2) The Commissioner of Police of the Metropolis), an equal remedy is applied across all UK police services which will include the matter of compensation for those scheme members impacted by discrimination.
- PRRB explore the PSA's evidence of breaches of the Working Time Regulations and make recommendations to define within police regulations the working week for superintending ranks within the Police Service of Northern Ireland.
- The tardiness of the current arrangements, whereby we are again required to enter into PRRB processes without having a full response from Government to last year's PRRB recommendations.

14. The remit letter for Northern Ireland is yet to be issued by the Permanent Secretary. With the recent formation of the Northern Ireland Government, it is expected, but this submission has had to be completed without the required remit letter.
15. Similar to recent experiences, only one of the issues raised above by the PSA was included in the remit letter (bonus payments), therefore as this is the only element of the PRRB process that the Home Secretary focusses on, the priorities of the staff associations will receive minimal attention as part of the PRRB process and those not included will be managed through the non-statutory Police Consultative Forum, that does not have a remit to make decisions.
16. The staff associations raised concerns with the new independent Chair of the PCF, Elizabeth France, in the December 2019 Police Consultative Forum, who recognised them and asked for the 'remit letter for the next round (2021) to be considered as part of the agenda at the June 2020 Police Consultative Forum meeting'.
17. As part of this PRRB process we ask that the PRRB responds with recommendations specifically answering the following questions:

PRRB recommendation/comment required:

- Who does the PRRB consider to be accountable for the employer responsibilities for police officers?
- Who is accountable for ensuring the PRRB's comments/observations and requests for further information are responded to?
- What process should be followed by the 'employer' for ensuring the PRRB's comments/observations and requests for further information are followed up by those accountable?
- Can the PRRB make recommendations to the Home Secretary for issues that are within the PRRB's terms of reference, but not included in that round's remit letter?
- Does the PRRB process provide procedural justice for a workforce with limited employment rights if the overall decision maker sets the remit, can ignore the staff associations concerns and then decide on the recommendations of the independent review body?
- Should the staff associations be able to formally request items are considered as part of the remit?

Summary of the requirements of the remit letter November 2019

18. The remit letter for England & Wales issued by the Home Secretary on 5th November 2019 requested the PRRB makes recommendations specifically in the context of the government's commitment to rebalance police officer numbers. The PRRB was requested by the Home Secretary to:

Conduct its annual review of police officer pay and associated allowances. This will include a formal recommendation on how to apply the police officer pay award for 2020/21 to all ranks, including chief officers, and to include a review of London Weighting and Dog Handler's allowance.

Consider the following proposals, commenting in particular on their suitability and robustness:

- *proposals for independent benchmarking, which will have been completed for all officer grades, including Chief Officers;*
- *defining and valuing the 'P-Factor', recognising those elements of the role which are unique to policing;*
- *the rationale and proposals for a range of pay interventions to support operational delivery through targeting roles that are hard to fill or critical to retain; and*
- *wider workforce data which is available to support the uplift of 20,000 officers*

You will be aware that the NPCC has been leading the design of police pay reform.....cont.- We have asked for their revised proposals to be set out in their evidence submission to the review body. I would welcome your observations on these proposals which will cover the impact of pay reform, consideration of proposed salaries, an assessment of level of force maturity to meet the requirements of proposed assessment points to determine officer pay.

19. As previously stated SANI has not yet received a remit letter.

Evidence from the PSA / SANI on the November 2019 remit letter requirements

20. The PSA submits a joint submission along with the Police Federation for England and Wales, which will provide the majority of the comments in relation to this year's remit letter. However, this section will set out the issues that specifically affect the superintending ranks across England, Wales and Northern Ireland in relation to the remit that will not be mentioned in the joint submission and we ask that the PRRB consider these issues when making their recommendations.

Pay Award & Annual Allowance Impact

PRRB Remit letter extract: *Conduct its annual review of police officer pay and associated allowances. This will include a formal recommendation on how to apply the police officer pay award for 2020/21 to all ranks, including chief officers, and to include a review of London Weighting and Dog Handler's allowance.*

21. The PSA appreciates the PRRB's relaxation of the submission date for written submissions and at the time of writing this report the PSA has had less than 7 working days to consider the NPCC's proposal for the yearly pay uplift (2.5%). Suggestions have also been put forward that the NPCC may be considering a multi-year pay deal in the future and we encourage early engagement on this issue. We appreciate the difficulties the NPCC Pay Lead faces in trying to balance the views of 43 Chief Constables and PCCs without early sight of the funding settlement. It is clearly a near impossible task for the NPCC Pay Lead to consult staff associations on a pay deal when the Home Office has not indicated clearly the funding or released the settlement that is available for the next year's pay award, so close to the deadline for PRRB written evidence submissions. Again, this year the PSA agrees and recommends a yearly uplift as detailed in the joint PSA/Police Federation submission. Last year the PSA detailed in our submission the introduction of additional pay points at the top of both the Superintendent and Chief Superintendent salary scales. We continue to recommend this proposal and extend it further to recommend to the NPCC / Home Office an additional pay point at the top of all ranks, including the superintending ranks, and would ask that the PRRB recommends this proposal to the Home Secretary
22. Pay across policing and especially in the superintending ranks, as evidenced by the 2018 benchmarking work, has clearly reduced in relative value. So, the PSA would, on behalf of our members, welcome an increase in officers' remuneration package. However, because of relatively recent changes to annual allowance taxation thresholds, the situation is not simple as the overall remuneration package for police officers includes both base pay and pensions, where pensions are considered as deferred pay. The problem generally begins once an officer reaches 20 years' service and they receive a pay rise, which causes a breach of the recently reduced annual allowance threshold, because of the interaction between the double accrual mechanism in the police pension scheme, which then creates a significant personal tax bill. Many variables can affect whether an officer does or does not breach the annual allowance threshold which can include their date of promotion, the inflation rate from the previous September, whether they have any carry back etc. Essentially the type and application of any type of pay rise could lead to a significant reduction in an

officer's overall remuneration if they either have to pay the tax bill from their own funds or opt for 'scheme pays' (pension administrator pays the tax bill), which subsequently leads to a reduction in their income or deferred benefits/pension on retirement.

23. The following data from the January 2020 PSA Pay and Morale Survey sets out the proportions of superintending ranks who suffered a reduction in their overall remuneration:
- *67% of the PSA completed the January 2020 Pay & Morale Survey*
 - *45% of those respondents said that they had incurred an Annual Allowance charge in 2018/19; the average amount by which respondents breached the Annual Allowance threshold was £19,179. The most common reason why respondents breached the Annual Allowance threshold in 2018/19 was their normal pay increment.*
24. Therefore, when applying any type of pay rise, if changes are not made to the current pension regulations it is highly likely to disproportionately reduce the benefits/remuneration package received by those in the superintending ranks and above, compared to other ranks.
25. Through the Police Pensions Scheme Advisory Board (PPSAB) the staff associations and employer have now evidenced the problem and reached consensus on a number of measures that need to be made to the police pension regulations to provide flexibilities for individuals to manage their tax arrangements. As the role of the PPSAB is to provide advice, on request, to the Secretary of State for the Home Department on the desirability of changes to the police pension schemes, the PPSAB Chair wrote to the Home Secretary on the 1st October 2019 recommending changes are made. The letter reads as follows:

Dear Minister,

Pensions & Tax Issues

1 October 2019

As the independent Chair of the police pensions Scheme Advisory Board (SAB) I am writing to you on their behalf to set out their joint response to a letter sent by your predecessor to policing staff associations on 21 November 2018 about the impact of pensions taxation.

The letter was brought to the January 2019 meeting of the SAB for discussion after which Home Office officials wrote to all SAB members with a proposed set of data which they considered would support the case for reform.

Having reviewed the available data sources, it is the shared view of employers and the staff associations that the issue needs to be seen in the context of a series of changes to material factors, over recent years, including:

- *Pay restructuring of superintending ranks.*

- *Varying annual inflation (high inflation mitigates the impact of Annual Allowance; officers with identical earnings can be adversely affected in different years solely because of the annual CPI inflation rate).*
- *A 2-part annual allowance tax year in 2015-16*
- *Police pay growth in recent years, following several years of pay restraint (incremental freeze; 1% pay awards; limited promotion opportunities).*
- *The current pay, rank structure, with relatively large increases on pay on promotion and during the initial years following promotion.*
- *Changes to the Annual Allowance threshold and the introduction of the Tapered Annual Allowance.*
- *Loss of availability of carry forward as a result of pay changes, inflation changes and reduced threshold.*

The College of Policing's most recent (February 2019) Chief Officer Appointments Survey, identifies pensions and taxation of pensions as issues impacting both on shortage of candidates (Section 4 Challenges) and reluctance to apply for promotion (Section 5 Barriers).

APCC representatives also tell me that they are concerned about the adverse impact taxation of pensions is having on the number of candidates for senior leadership roles, especially applications for Chief Constable and Deputy Chief Constable roles from outside the force with a vacancy.

Where the Annual Allowance has its impact and, in broad terms, the financial impact on officers are already known. Appendix 2 to this letter illustrates where the standard annual allowance impacts based on the same levels of earnings across the 3 pension schemes.

Some officers / ranks are particularly affected on promotion, others over a period of time with annual pay progression. The impact is felt initially among Superintending ranks and above (about 2% of the workforce) because of design features of the now closed 1987 police pension scheme, where accrual is increased to 2/60 of final salary in each of the last 10 years of service. If it were designed like the majority of public sector schemes with uniform accrual the adverse effects would have been less. It therefore impacts most on 1987 scheme members, but also on higher earners in the 2015 scheme. The weighted accrual and final salary link provisions for transition members of the 2015 scheme mean that accrual under the 1987 scheme will continue to be a factor for a further 20 years. Attached is an appendix which provides some illustrative examples of accrual in police schemes at varying levels of earnings.

When the impact of promotion, increment and pay award above the Annual Allowance inflation adjustment is added the impact is considerable and extends to a wider range of ranks. It increases more dramatically for chief officers impacted by high earner tapering

HM Treasury has indicated that schemes are free to take account of pensions tax impacts and redesign or adjust schemes to take these into account where

there is a need. At the SAB meeting in July an official from HM Treasury assisted our discussion of some possible flexibilities within police schemes.

Since then, SAB members have observed with interest the developments in the NHS pension scheme and the proposed introduction of greater flexibility for some of their pension scheme members to address issues concerning the tapered annual allowance. We have noted the revised consultation proposals published on 11 September, which replace the earlier proposals issued in July.

We understand that this consultation has arisen out of a waiting list crisis in NHS service delivery. The SAB is keen that action should be taken now in relation to police schemes before there is any similar impact on service. Senior leadership roles are key to service delivery in terms of operational management, stakeholder engagement and setting strategic direction and will be vital to speedy and effective delivery of the Government's policy to increase officer resource over the next 3 years. The SAB considers that it would be regrettable if talented individuals leave policing or are deterred from seeking advancement because of pensions issues.

The police pensions SAB is seeking your support in introducing a number of flexibilities into the police pension schemes, designed to achieve the objective of flexibility for scheme members, while addressing the issue of cost to the Treasury and maintaining membership of the scheme.

These are:

- Pension scheme member choice to be available to elect to have an element of pay as pensionable or non-pensionable pay. Members choosing this option would see a lower pension than normal accrual but would still be able to take their pension at the same age as other 'standard accrual' members.*
- Pension scheme member choice to vary future accrual 1987 scheme 1/45 per year, (the equivalent uniform accrual rate). Member contributions continue unchanged, but for 1987 scheme members, they cease after 30 years' pensionable service, while accrual at 1/45 continues. Members choosing this option would have a choice either of accessing a lower pension (and, perhaps, commutation lump sum) at the normal pension age, or working longer to earn maximum pension.*
- 2015 member contributions at half rate (= 50/50). This may prove an attractive option for new entrants and for those with Annual Allowance issues.*
- The availability of a minimal level of membership, which would be contributory but with death in-service and survivor benefits only - no in service accrual. This option is designed for those who may need to take a break from membership for a number of reasons, but who do not want to forego all in-service benefits.*
- The provision of choice to members with membership of 2 schemes to elect to which scheme any 'scheme pays' pension debit should be applied.*

- *The availability of commutation at the rate of 25% of pension for members of the 1987 scheme aged over 50 with at least 25 years' service, subject to Chief Constable approval. The SAB is currently in discussion with Home Office officials with a view to demonstrating that commutation is cost neutral, so there would be no penalty cost impact on force operating accounts if Chief Constables elected to make this available.*

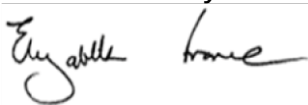
The SAB believes that the introduction of these flexibilities could be achieved at no, or very low, cost in terms of contribution rate changes. They are designed to make police schemes much more flexible and accessible to the modern workforce and remove concerns, anxiety and impacts of many pensions tax issues. The SAB therefore hopes that these reforms will assist in focussing the attention of the workforce and its leadership on the broader workforce agenda.

While the changes would introduce some additional complexity, the SAB will be keen to ensure that simplicity of implementation, operation and ease of communication will be of prime importance in designing in these changes.

These measures are unanimously supported by the Scheme Advisory Board. I have suggested to the staff associations that they write to you separately highlighting their concerns and providing any additional evidence.

On behalf of the SAB I look forward to your response and hope you will be able to endorse and support their proposals so that steps can be taken to put these measures in place as soon as possible.

Yours sincerely



*Elizabeth France CBE
Independent Chair*

26. On the 27th January 2020, the PPSAB received the following response from the Police Minister:



Kit Malthouse MP
Minister of State for Crime, Policing and the Fire Service.
2 Marsham Street London SW1P 4DF
www.gov.uk/home-office

27 January 2020

*Elizabeth France CBE
Independent Chair
Police Pensions Scheme Advisory Board*
By email only:
PABEWsecretariat@homeoffice.gov.uk

Dear Elizabeth,

Thank you for your letters of 1 October and 20 January. Your first letter raises the Scheme Advisory Board's (SAB's) concerns on the impact of the pensions taxation system on the Police workforce. I am grateful for the work that the SAB has undertaken to date on this issue. You will appreciate that I was not in a position to respond in the period immediately before the general election.

You will already be aware that the Home Office is prepared to consider, in conjunction with HM Treasury (HMT), the introduction of pension scheme flexibilities where there is evidence of adverse impacts on operational delivery. I understand that HMT officials have attended a Scheme Advisory Board meeting where they provided a detailed explanation of the evidential threshold that schemes would be required to meet for consideration of any case for change. This includes a clear explanation of the impact of the current system on recruitment, retention and service delivery. During this meeting HMT officials also explained that they are conducting a review of the tapered annual allowance, the outcome of which is expected to be announced at the next Budget.

The Economic Secretary to the Treasury recently hosted a roundtable event focusing on the impacts of the tapered annual allowance for members of all the public service pension schemes, which I understand was attended by some members of the Scheme Advisory Board.

Where other workforces have secured flexibilities, there has been clear evidence put forward of impacts on service delivery. Whilst I am grateful to the SAB for providing the data enclosed with your letter, it focuses purely on the financial impact on individuals and therefore does not meet any evidential requirements relating to impacts that I have mentioned.

In order to be able to build a strong, defensible case for making scheme changes, HMT will expect to see robust, demonstrable evidence of recruitment and retention problems and its resulting impact on operational service delivery, ideally showing the direct impact on the services delivered in quantitative terms. I would be grateful if you could relay this to SAB members to consider whether they are able to strengthen this evidence base further. Should this further evidence be provided, my officials will work with SAB members and HMT to revisit any case for change.

I note from your letter that the SAB has proposed making commutation at the rate of up to 25% of pension available for members of the 1987 scheme aged over 50 with at least 25 years' service, subject to Chief Constable approval, as a potential pensions flexibility. As I am sure you are aware, the Department is open to considering amendments to the commutation cap and has been working constructively with Police employers to assist their development of a compelling business case for their proposals, which will be required to pursue the matter any further in consultation with HM Treasury.

Thank you for your invitation to attend the next meeting of the Police Advisory Board on Wednesday 29 January. Regrettably I am unable to attend due to a prior commitment, however I am always interested in hearing the views and concerns of

police stakeholders directly and will endeavour to attend a future meeting. I wish you the best for a constructive meeting.

Kit Malthouse MP

Minister of State for Crime, Policing and the Fire Service

27. The PPSAB stakeholders that consist of employer and staff association representatives had all reached consensus on the advice that was provided to the Minister. Since receiving the response the PPSAB has met and expressed to the Chair of the PPSAB their joint disappointment at the rejection of the advice offered to the Minister. The PPSAB are concerned that the Minister will only consider acting once operational problems have begun and can be evidenced, which will clearly be too late, especially during the 'Uplift' program. As a result we ask that the PRRB consider the following-

PRRB recommendation / comment required:

- This year the PSA agrees and recommends a yearly uplift as detailed in the joint PSA/Police Federation submission.
- Last year the PSA detailed in our submission the introduction of additional pay points at the top of both the Superintendent and Chief Superintendent salary scales. We continue to recommend this proposal and extend it further to recommend to the NPCC / Home Office an additional pay point at the top of all ranks, including the superintending ranks and would ask that the PRRB recommends this proposal to the Home Secretary.
- PRRB recommends that full profiling of the annual allowance tax implications created by this years pay award is completed by the Home Office and that a consultation on the outcome takes place with all stakeholders, to assess the relative impact on the overall remuneration package of the varying groups of officers.
- PRRB comments on the outcome of the interaction between the PPSAB Chair and the Police Minister over annual allowance concerns, where the Scheme Advisory Board provided advice to the Minister, suggesting the introduction of greater flexibilities in the police pension schemes.
- The PRRB recommends a new timetable to the Home Secretary to enable staff associations and other stakeholders to be meaningfully consulted on the pay award as part of the PRRB process.

Benchmarking/P-Factor

PRRB remit letter extract:

- *proposals for independent benchmarking, which will have been completed for all officer grades, including Chief Officers;*
- *defining and valuing the 'P-Factor', recognising those elements of the role which are unique to policing;*

28. As part of the recent informal PCF meetings, the National Reward Team suggested that as part of this year's NPCC submission to the PRRB they may choose to address the pay gap for the superintending ranks that was exposed by the 2018 Korn Ferry benchmarking exercise. After further discussions and in the formal PCF meeting it was confirmed that the pay adjustment required for the superintending ranks would form part of the National Reward Team's programme of work for next year (2020/21) and would be completed in conjunction with the benchmarking adjustments for the NPCC ranks. Albeit the PSA continues to make the recommendations for additional paypoints in paragraph 21 of this report, the PSA understands and accepts that because of the government's desire to increase police numbers by 20,000 officers, it is appropriate that the current immediate focus of the benchmarking work is on the Constable and Sergeant rank.
29. There is still the following outstanding comment from the July 2019 PRRB report:

<i>P.4.88</i>	<i>PRRB suggest NPCC work with the PSA re pay targeting for Superintending ranks on this priority area for pay reform</i>
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Therefore, even though this workstream has been put on hold for this PRRB round, we would ask that the PRRB recommends to the Home Secretary that this workstream should continue.

PRRB recommendation/comment required:

- The PRRB recommends to the Home Secretary that the superintending ranks benchmarking adjustments / pay targeting is consulted on and agreed by all parties between April 2020 and December 2021, so the NPCC can make recommendations to the PRRB in their next written submissions to the 2021 PRRB round.

30. The P-Factor is supported by the PSA and SANI and we have already communicated this fact to the NPCC Lead and the Home Office. Further comment will be made on this issue in the joint PSA / PFEW submission to the PRRB.
31. However, the PSA / SANI are concerned by the NPCC proposals to cap the P Factor at top rate constable salary. Essentially this proposal will reduce the value of the P Factor for every rank above the constable rank and as it takes time to achieve 'higher' rank, those in higher ranks are generally older in age. This is set against other employer proposals to, at the same time, reduce the method / steps for younger officers to reach the top constable pay point.
32. The PSA has flagged this issue through the Police Consultative Forum as we are concerned that the introduction of a new pay policy that appears to disadvantage officers based on their age is likely to lead to legal challenge. Therefore, prior to this proposal being adopted, the PSA would ask that the National Reward Team obtain independent legal advice on the proposal and share the brief and legal advice with the members of the PCF, so we can fully understand the legal implications.

PRRB recommendation/comment required:

- The PRRB recommends that the National Reward Team obtain independent legal advice on the P Factor 'capping' proposal and share the brief and full legal advice with the members of the Police Consultative Forum.

Bonus / Targeted Payments

PRRB remit letter extract: the rationale and proposals for a range of pay interventions to support operational delivery through targeting roles that are hard to fill or critical to retain

33. The bonus / targeted payments arrangements have been available to Chief Constables to use since February 2019 and as a result the majority of PSA branches made applications to their Chief Constables (those that didn't had been pre-warned by their Chief Constables that they would be declined). The PSA has written to all Chief Constables and asked all the PSA Branch Secretaries to report on the usage by Chief Constables of the new regulation. The current results compiled by the PSA are as follows:

- West Yorkshire Police have paid 14 superintending ranks, between £2- 4k per year back dated until September 2017
- West Midlands Police have paid at least 51 superintending ranks, £4k per year back dated until September 2017
- The Metropolitan Police Service paid 32 Chief Superintendents £4k, but this was not back dated
- The South West Alliance has paid one officer in the Collaboration a payment of £4k. The National Counter Terrorism Policing Headquarters also paid 2 Chief Superintendents £4k.
- Greater Manchester Police will be paying approximately 25 superintending ranks, they will be back dated, but the process to decide the amount paid is still on going
- North Yorkshire Police will be paying one member, the decision making process is still on going

This amounts to 126 members out of a possible 1275, which means only 10% of the superintending ranks across England and Wales accessed the targeted payments. Accepting the process was new, the PSA is still disappointed at the level of use, the time taken to apply the process, the spread of payments and the lack of consistency. Essentially, only 5 out of a possible 43 forces have agreed to pay the targeted payments, which means 88% of Chief Constables used their discretion to refuse payments or made a policy decision that they would not support payments. The HMICFRS and Home Office have also not paid any superintending ranks. All but one of the Forces that paid targeted payments would be considered a 'metropolitan' force, which suggests that those members working in rural or county forces would either not meet the criteria or their Chief Constable did not agree / support the concept of targeted payments. The PSA National Secretary was copied into the applications from most officers and is aware that numerous officers from rural / county forces met the

necessary criteria. (See also page 22 of Appendix A – PSA January 2020 Pay & Morale Survey).

34. One disappointing reaction to the new regulation was the collective agreements that exist between regional Chief Constables to introduce or adopt policies where no payments would be considered or paid. The South East Region has such an agreement and the following letter, was sent to members who applied from Bedfordshire, Hertfordshire and Cambridgeshire:

8th April 2019

Dear XXXX

Temporary Targeted Payments for Superintendent Ranks

Further to recent discussions at Joint Chief Officer Board on the issue of Targeted Payments for Superintending ranks, the purpose of this letter is to provide you with an update on the outcomes of those discussions.

Firstly, we would like to place on record our recognition for the work undertaken by yourself and your colleagues. This includes the extended hours, ‘on call’ duties and also the significant levels of responsibility held by many of the Chief Superintendents and Superintendents across all three forces.

Following detailed consideration, we have taken the decision that Bedfordshire Police, Cambridgeshire Constabulary and Hertfordshire Constabulary will not be in a position to support these payments for Superintendent ranks.

It is our belief that proper remuneration as part of pay for the full range of duties and responsibilities is the correct way to recognise the important work done by Superintendents. It is also our view that it is inappropriate to seek to recognise certain roles by bonuses or allowances when all roles are important in the delivery of policing services to Bedfordshire, Cambridgeshire and Hertfordshire. It is disappointing that Targeted Bonus Payments have been put in place as the solution to the issue of remuneration for Superintendent ranks, and frustrating that any payments would need to be funded from existing force budgets.

We recognise the demands placed on you and your colleagues, and are committed to exploring how best we can continue to provide support to you. This is an ongoing subject of discussion at JCOB, and your thoughts and comments on this are invited. For example, one area we are currently exploring is the possibility of introducing regular health checks for officers in Superintendent ranks to help safeguard your wellbeing and resilience – we will write with an update on this in due course.

You have our commitment to work with you to ensure that we properly support you in best balancing workload, responsibilities and duties whilst seeking the right remuneration for the important work you do. Thank you again for the first class work you are doing.

Yours sincerely



Jon Boutcher QPM Mst (Cantab)
Chief Constable
Bedfordshire Police
Constabulary



Nick Dean
Chief Constable
Cambridgeshire Constabulary



Charlie Hall QPM
Chief Constable
Hertfordshire

As can be seen from the above letter there are influential Chief Constables who are not supportive of targeted bonus payments. This response was common amongst many of the Chief Constables who responded to the request for information from the PSA National Secretary. What the PSA has found disappointing is that these strongly held views '*that targeted payments should cease and be replaced with an increase in base pay*' have not been translated into action by the Chief Constables submitting these views to the PRRB as recommendations.

35. Moving forward the PSA has been actively engaged by the National Reward Team, which as part of the Pay Reform Project and the 'Variable Pay' workstream, wants to develop proposals for additional variable payments across policing and at the same time continue the time limited regulation that currently exists but runs out in September 2020. The PSA has seen early proposals by the National Reward Team and would support the continuation of the regulation as a permanent, as long as what is proposed moving forward expands rather than reduces the criteria for payment and restricts rather than increases the discretions available to Chief Constables in relation to whether they will choose to pay targeted payments.
36. We have repeatedly covered in previous PRRB reports and in the PSA consultation response to the original proposal to change the regulations, that there must be a change in culture amongst Chief Constables for this to be a successful pay reform initiative, rather than an unused regulation. To assist with this cultural change the PSA would recommend that funding is ring fenced for this initiative or there needs to be a much more comprehensive reporting / accountability mechanism for how Chief Constables are applying policies and making decisions. In last year's PRRB report the following comments were made by the PRRB:

P.3.86	<i>PRRB wished to be kept updated re their previous recommendation around targeted pay arrangements</i>
P.4.86	<i>PRRB request results of a post-implementation review of hard-to-fill payments to find out why the initiative was only put to limited use</i>

The PSA has not been sighted on any activity or data that would assist to discharge the requests by the PRRB.

37. The PSA National Secretary directly raised in his April 2019 bi-lateral meeting with the Home Secretary the lack of use of targeted payments. The Home Secretary understood the PSA concerns, conceded it was a matter for the employer and stated that he was disappointed the regulation change had been requested by the NPCC, but not widely used.
38. As previously stated the PSA has been positively engaged by the National Reward Team on the future proposals and moving forward we would ask that as formal proposals have not been shared with the PSA at the time of writing this report, that the PRRB recommends that this engagement continues and decisions on the wording of the new proposals are reached through consensus with the staff associations and the Police Consultative Forum (PCF) stakeholders. Also, in order to change the cultural issues, the PSA requests that the Home Office ensures financial incentives are created to encourage Chief Constables to actively use the new regulation once in place.

PRRB recommendation / comment required:

- That the PRRB recommends that full and meaningful engagement continues and that before decisions on the wording of the new proposals are decided, that consensus is reached with the staff associations, NPCC and the other PCF stakeholders via the PCF meeting.
- To encourage use of targeted payments and change the cultural view on targeted bonus payments, the PRRB recommends that the Home Office ensures financial incentives are created to encourage Chief Constables to actively use the new regulation once in place.

PSA & SANI Pay and Morale Survey – summary of findings

39. Summary of findings:

Pay and remuneration

- *52% of respondents this year said that they were satisfied with their basic pay.*
- *Newly promoted Superintendents and respondents on temporary promotion were more likely to be satisfied with their basic pay than other respondents within the sample. The views of these aforementioned respondents therefore do make overall levels of pay satisfaction within the sample appear slightly more positive than they otherwise would. However even when newly promoted Superintendents and respondents on temporary promotion are excluded from the analysis, the remaining respondents were still more likely to report satisfaction with their basic pay this year than in the previous two years.*
- *The proportion of respondents who reported dissatisfaction with their allowances was higher than in any other year of the Pay Survey, with 60% of respondents this year saying that they were dissatisfied.*
- *Around three quarters of respondents felt unfairly paid considering the stresses, strains and responsibilities of the job although respondents were slightly less likely to say that they were not fairly paid this year compared to last year's survey.*
- *Overall 64% of respondents reported that they got enough money from their job to live comfortably, but this proportion was lower in the South East (53%) and in particular in London (37%).*
- *60% of respondents said that they fulfilled the criteria to be eligible to apply for a bonus payment between 2017 and 2020. However only one in three of those that were eligible to apply for a bonus said that they had actually applied.*
- *By far the most common reason respondents gave for not applying for a bonus payment was that they were put off applying because they were aware that the scheme was not supported by their chief officers.*
- *When asked about perceptions of fairness of the National Police Chiefs' Council pay reform proposals, 87% felt a P Factor payment was fair, 48% felt that external benchmarking was fair and only 21% felt that it would be fair to have only two pay points for each rank above Constable.*

Pensions

- *48% of respondents said that they were dissatisfied with their pension, this is higher than in 2018 and continues the year-on-year upwards trend in levels of dissatisfaction with pension each year since 2015.*
- *This is the first year that survey respondents were more likely to say that they had transferred into the CARE pension scheme or that they had tapered protection, than to say they had full transitional protection; respondents who did not have full transitional protection were much less likely to be satisfied with their pension.*
- *45% of respondents said that they had incurred an annual allowance charge in 2018/19; the average amount by which respondents breached the annual allowance threshold was £19,179. The most common reason why respondents*

breached the annual allowance threshold in 2018/19 was their normal pay increment.

- 38% of respondents said that their pension increased their intention to leave the police service. Around two thirds of respondents who said that their pension increased their intention to leave said that this was due to annual allowance and lifetime allowances, whilst more than three quarters said that this was because they did not trust government not to change police pensions for the worse again in the future.*
- 44% of respondents said that their pension increased their intention to stay in the police service. Amongst respondents who said that their pension increased their intention to stay in the police service, a majority of respondents said that this was because the level of the pension was good compared to other jobs.*

Morale and motivation

- 64% of respondents reported high personal motivation and 49% of respondents said that their personal morale was high; levels of morale and motivation are both slightly higher this year than in last year's survey.*
- Issues relating to pensions were amongst the most likely to have a negative impact upon respondents' morale. 56% of respondents said that their pension had a negative impact upon their morale; 76% said that uncertainty regarding their pension had a negative impact and 85% said that taxation policies had a negative impact.*
- 11% of respondents said that they intended to leave the police service as soon as possible or within the next two years. Although as may be expected respondents approaching retirement were much more likely to say that they intended to leave within the next two years than respondents earlier on in their service. The most common reasons respondents gave for intending to leave were the impact of the job on their family and personal life, the impact of the job on their health and wellbeing and uncertainty regarding their pension.*
- 54% of respondents said that they would recommend joining the police to others, an increase of ten percentage points on the proportion who said that they would recommend joining the police in 2018. Compared to last year, respondents were also slightly more likely to say that they felt a strong personal attachment to the police and that they felt proud to be in the police.*
- 53% of respondents said that they felt valued in the police, up from 46% in 2018. On the other hand, a smaller proportion of respondents this year felt that the police were respected by society at large than in any other year that the Pay Survey has taken place, with just 45% of respondents agreeing with this indicator.*

Role and responsibilities

- 27% of respondents said that they have had additional responsibilities devolved to them from a person of a more senior rank in the last 12 months. These respondents were more likely than other respondents to say that they felt less fairly paid now than they did this time last year.*
- 55% of respondents said that they undertook a silver/tactic command function in their force. In addition, 41% said that they undertook a gold/strategic command*

function, 66% said that they undertook PACE authorising functions, and 53% said that they undertook a RIPA authorising officer function.

- *The proportion of respondents who undertook a RIPA authorising officer function who said that they were trained and accredited for this function has increased since last year. Despite this, more than one in five respondents who undertook a RIPA authorising officer function, in addition to just under a third of respondents who undertook PACE authorising functions, said that they were not trained or accredited for these functions.*
- *89% of respondents said that they performed an on-call function outside their normal hours of duty, with two thirds of respondents who performed on-call saying that they were on-call for more than one area of responsibility.*
- *A quarter of respondents said that they were on-call for more than seven days per month. 71% of respondents said that they performed on-call duties whilst on rest days, and 17% performed an on-call function on annual leave.*
- *85% of respondents said that they needed to travel by car for their role. On average these respondents claimed an average of 235 business miles per month and spent an average of 7 hours per week driving as part of their duty.*
- *At least nine out of ten respondents said that they made business calls whilst driving during working hours and whilst driving to and from work. Respondents spent around a third of their time on average whilst driving making business calls.*

Promotion and development

- *Half of respondents said that they were satisfied with their promotion prospects and 43% said that they intended to apply for further promotion; with 24% saying that they intended to apply for Chief Officer rank (up from 22% in 2018).*
- *Amongst respondents who had not applied for promotion, the most frequently given reason was that promotion would not be worth it due to changes in Annual and Lifetime Allowances on pension benefits. Other common reasons for not applying for promotion were that it would have a negative impact on their work-life balance and that respondents had only recently been promoted.*
- *53% of respondents were dissatisfied with the PDR process and more than one in three respondents have not had a PDR in the last 12 months.*
- *Overall, a majority of respondents were satisfied with their opportunities for training and for continuous professional development (CPD), however only 37% said that they were satisfied with professional development opportunities at the College of Policing.*

Evidence from the PSA / SANI on progress made in 2019

40. The last three PRRB submissions from the PSA have been lengthy documents that ran to over one hundred pages, where we have continually raised the case for change in relation to the same issues, namely:
- The role of the Police Consultative Forum and the need for procedural justice
 - The introduction and use of targeted/bonus payments
 - The requirement to address the results of the superintending ranks benchmarking process
 - The requirement for an on-call allowance for the superintending ranks
 - The need to define the superintending working week
 - The requirement to address the working and 'banking' of rest days
 - The misinterpretation and underpayment of mileage allowance
41. It is encouraging to report that since Chief Constable Matt Jukes has taken over as the new NPCC Pay Lead, he and his team have listened to and understood the concerns of the PSA and much progress has been made to resolve the long term issues that we have been raising. As a result, we have reached consensus on a way forward for a number of issues. I shall now set out the progress that has been made:

Police Consultative Forum – The meeting is now excellently independently chaired by Elizabeth France; a dedicated and efficient secretariat is provided by the Home Office and a busy agenda is being managed that is leading to agreements between stakeholders (see below). The only issue that remains to be resolved is how the PCF deals with issues that cannot reach consensus and whether the PCF has a role to play in influencing what is included in the remit letter to the PRRB.

Targeted/bonus payments – Comment has already been made on this topic in paragraphs 33-38. It is again worthy of note that early engagement has been made by CC Matt Jukes and the National Reward Team and we are aware that CC Jukes is also keen to increase the use of bonus payments amongst the superintending ranks.

Superintending ranks benchmarking process - Comment has already been made on this topic in paragraphs 28-29. It is also worthy of note that the PSA has confidence in CC Jukes and accepted his request for the superintending ranks benchmarking to be deferred to next year's PRRB round, due to capacity issues and prioritisation. Previously the PSA may have been concerned that our issues were simply being ignored, but a good relationship has now developed and we hope that this can continue.

On-Call allowance for the superintending ranks – Outside of the PRRB round the PSA engaged CC Matt Jukes and his team on the strong views held by the superintending ranks and the pressing need for an on-call allowance. CC Jukes listened to these concerns and re-engaged Chief Constables, sought and gained their support. He then took this position to the wider PCF stakeholders via the new Independent Chair who put the position to the Forum, which also agreed that the superintending ranks can receive the same on-call allowance as the Federated Ranks

and that this can be back dated until the 1st September 2019. As a result, the Independent Chair of the PCF wrote to the Minister on 1st November:

Dear Minister,

Police Superintendents' On Call Allowance

1 November 2019

At the end of July I accepted the Home Secretary's invitation to take on the role of independent chair of the Police Consultative Forum. My first meeting was on 25 September and at that colleagues informed me, among other things, of progress made in considering providing an on call allowance for police superintendents.

As part of the 2019/20 pay award I understand that the Police Remuneration Review Body (PRRB) considered evidence for an on-call allowance for superintendents. This was presented by the Police Superintendents Association (PSA) who I am told, argued that there should be parity with the federated ranks, who are to receive the on-call allowance of £20, as agreed by the PRRB this year. The PRRB did not make a specific recommendation on superintendents' on call allowance but has since made clear that it is content for this provision to be progressed outside of the pay round, so long as the PSA reach an agreement with stakeholders.

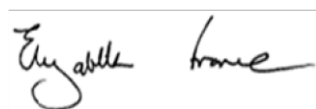
I am pleased to be able to tell you that the PSA have since presented their position to PCF members and the matter has also been discussed at Chief Constables' Council, which are in agreement with proposals. I am therefore seeking confirmation that, at the same time as amending the rate to be paid to the federated ranks (from £15 to £20), you will agree to the amendment of annex U of the pay determinations to include an on call allowance of £20 for superintendents on a time limited basis, to take effect from 1st September 2019.

I understand from officials that, if you agree, they will work with Home Office legal advisers to prepare the necessary amendments. I am hopeful this can be progressed speedily outside of the PRRB timeframes and ensure arrangements will also be made to inform the PRRB of this development.

While I can take no credit for the progress made on this matter I am confident it is indicative of a willingness in the PCF to move outstanding matters on its agenda forward.

Elizabeth France CBE

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Elizabeth France', enclosed in a thin black rectangular border.

Independent Chair

42. This is an excellent example of how the NPCC Pay Lead and the staff associations can work together. Essentially more progress was made in 8 months than the previous three and a half years. Unfortunately, at this time we are still waiting for the regulations to be formally changed and until that takes place, Chief Constables do not have the legal framework to pay officers. This is actually causing administrative problems as officers will need to make back claims and some officers, who are owed payments, would have retired. The only recommendation the PSA would ask for is that the Home Office's system for drafting and changing regulations is reviewed and made more efficient.

Defining the Superintendent working week/ rest days in lieu/ mileage –

The PSA has worked closely with CC Matt Jukes and the National Reward Team and as a result consensus has been reached on a number of issues. On the 18th December the PSA Secretary sent out the following communication to members that set out the position at the time:

Dear Chairs & Secretaries,

I thought I would take the opportunity to spread some 'Christmas Cheer' by updating you on police regulations!

I will keep it brief – I promise.

Police Consultative Forum – Agreements

Over the past few weeks, after discussions with CC Matt Jukes and his team we have come to consensus on a number of points, which I will set out below.

It has taken a considerable amount of time to come to this point, but in recent months since CC Jukes has taken over the NPCC Pay Lead role there has been a recognition that the points that we have been continually raising were valid and a real momentum from his team to try and resolve the issues in a pragmatic way.

Some branches have been provided copies by their Chiefs of a recent paper from CC Jukes to NPCC members which sets out the following proposals:

RECOMMENDATIONS – DEFINED WORKING HOURS

- 1. Subject to the securing of assurance from the Police Superintendents Association that they will not seek time off in lieu or overtime payments, Council are invited to consider the following recommendations in respect of defined working hours:*
- 2. **Recommendation (1):** Council are invited to support the universal recording of working hours for officers (and staff) on the basis of resilience and wellbeing, using either the Cadmium system or a workable alternative, making the results visible at an individual level. Result will be subsequently shared across forces.*

3. **Recommendation (2):** Council are invited to agree that for the purposes of part time working and compressed hours working, the core week should be considered as being 40 hours and that officers taking reduced salaries to reflect reduced hours should be paid to reflect any hours worked in excess of their 'contract' up to 40 hours and 100% salary for the role, however not over and above that.
4. **Recommendation (3):** Council are invited to agree that the Working Time Directive should be a guide to testing the resilience of working arrangements, personal approaches to work and overall questions of wellbeing.

RECOMMENDATIONS – REST DAYS IN LIEU

1. Council are invited to consider the following recommendations in respect of rest days in lieu:
2. **Recommendation (4):** Council are invited to support the proposal that the life span of rest days accrued should be extended to 24 months and that an appropriate appeal process should be designed for any exceptional circumstances.

The issues in relation to the deduction of 'home to work' mileage are still being discussed, but it is expected that consensus will be reached in the near future.

The paper, dated 10th December, seeks support from Chief Constables for the positions set out above.

I would therefore ask that you engage your Chiefs' and ask them to give CC Jukes their mandate to agree the proposals.

If you require any further information or assistance, please come back to me. Equally if your Chief indicates they are not supportive of any of the proposals please let me know.

These proposals could in the near future, if agreed by Chiefs' Council, then progress to the Minister for approval and become regulations, so I would really appreciate you doing all you can to lobby your Chief Officers.

43. The Chief Constables' Council met on the 15th & 16th January 2020 and the outcomes are as follows:

Working hours

Chief Constables endorsed the recommendation for the universal recording of working hours for officers and staff on the basis of resilience and wellbeing and gave a commitment to the use of either the Cadmium or other workable alternative to record, monitor, and report on working hours at an individual level and across forces.

In the case of superintendents working compressed hours or part time, a defined working week of 40 hours was supported. Officers taking reduced salaries to reflect reduced hours but who work more than that should be paid to reflect hours worked in excess of their 'contract' up to 40 hours and 100% salary (never more). Chief Constables were

keen to ensure this measure should not be to the disadvantage of full time officers and that the implementation of this measure should ensure that in most cases, managing duties would be the best resolution. Adjusted pay or rest days should by exception deal with cases where the additional periods of work have gone beyond what might be a reasonable expectation of a senior officer.

Chief Constables recognised their responsibilities in relation to the Working Time Directive and, more broadly, staff wellbeing and the need to balance equality and wellbeing considerations with the necessary flexibility and responsiveness that accompanied the level of responsiveness and remuneration of senior professional roles.

*A proposal to extend the ‘guillotine’ of 12 months on rest days accrued to 24 months **was not supported** but Chief Constables supported work to develop an exceptional provision to carry forward rest days from 12 to a maximum of 24 months, potentially in a similar way that annual leave is managed. To emphasise the role of personal and employer responsibilities to manage resilience and wellbeing, CCC concluded the bar for any such provision should be sufficiently high to prevent it becoming routine. The NRT will progress this through PCF.*

Mileage

Chief Constables gave agreement for ‘without prejudice’ coordinated discussions with the PSA and PFEW led by NPCC lead and Finance Committee with a view to agreeing a resolution on behalf of all Chief Constables. The NRT will be taking this forward and will keep PCF informed of developments

The PSA National Secretary has accepted the Chief Constables’ Council’s position on the above points and is now working with the Chair of the Police Consultative Forum, the NPCC Pay Lead and the Home Office to ensure these agreements are reflected in our regulations.

44. It is hoped that the momentum created by CC Matt Jukes will continue and that all the long-running employment relations issues that the PSA has been raising for several years, will be concluded, so all available time can be focussed on the pay reform agenda. One concern the PSA has is the Home Office’s ability to translate PCF agreements into regulatory changes in an efficient manner. It is often mentioned that legal advice is not available or that the issue is not a priority for the Minister. The use of Home Office circulars, which were well received by staff associations and forces has also stopped. So, the PSA would ask that the PRRB recommends that the Home Office reviews this position and ensures that there is sufficient resource and an efficient system ready to process agreements achieved via the PCF.

PRRB recommendation/comment required:

- The PSA requests that the PRRB recommends that the Home Office reviews its system for changing regulations and ensures that there is sufficient resource and an efficient system ready to process agreements achieved either outside or via the PCF. In addition the Home Office should reintroduce the use of Home Office circulars if there is a delay in the implementation of changes to police regulations.

Uplift observations

45. The PSA welcomes the ongoing investment in policing through the national Uplift Programme and sees it as a generational opportunity to enhance the Police Service and begin a critical journey towards workforce reform.

Operating with approx. 20,00 fewer officers since 2010, clearly there is an urgent need for more frontline officers at every rank from PC upwards. We also argue that superintending ranks are crucial within policing and to the successful delivery of the Uplift Programme and should not be overlooked as the project is implemented.

As the senior operational leaders of the Service, Superintendents are in a unique position, being integral to frontline policing - responsible for vast spans of command and given the highest levels of responsibility to deal with threat, harm and risk - whilst also being a key part of force executives, leading strategic areas of business and implementing change and innovation on a wide scale.

Despite the reliance upon them to perform these Service – critical roles, Superintendents are significantly under-resourced, resulting in severe wellbeing issues for many and breaches of the Working Time Regulations that govern safe working hours. This is well evidenced in numerous PSA surveys, showing continued excessive working hours. This under-resourcing of the rank culminates in reduced operational effectiveness and organisational inefficiencies. These issues will get worse as additional frontline officers will lead to increased demand on Superintendents who act as senior line managers, in addition to the responsibility they will have for the strategic delivery of the Uplift Programme. Superintendents are already under paid, as evidenced through benchmarking studies discussed above. The Uplift Programme and resulting responsibility will result in pay and reward being even less reflective of the responsibility with which they work.

Chief Constables' Council recently discussed the issue of Superintendents' working hours, having been presented with evidence of the systematic breaching of Working Time Regulations. They endorsed the recommendation for the universal recording of working hours for officers and staff on the basis of resilience and wellbeing and agreed to explore ways to recognise the flexibility needed with regards to the vast number of accrued rest days by Superintendents, with many being unable to use these 'banked' rest days when facing such excessive demand.

These issues can only be solved through a reduction in workload or an increase in Superintendents. As workload is likely to increase as a result of the Uplift, we must ensure our forces are appropriately resourced with the right number of superintending ranks they need to create a safe operating environment for all.

PRRB recommendation/comment required:

- The PRRB terms of reference includes the working hours of officers. The PSA therefore invites the PRRB to recommend that each Chief Constable on a cyclical basis works with the PSA to assess against the requirements of the

Working Time Regulations, whether or not they have sufficient resources within their superintending ranks.

PSNI (SANI) specific issues

46. As part of this submission, SANI is aligned with all aspects apart from bullet point two below, but for clarity, the submission sets out the issues they request are resolved by the PRRB process as follows:
- Maintaining parity of pay with colleagues in Home Office forces in respect of core pay scales.
 - An increase in pay scales and the Northern Ireland Transitional Allowance in line with the cost of living.
 - Payment for on call-duties performed by superintending ranks, as is the case in the rest of the United Kingdom.
 - Payment for rest days and public holidays that cannot be taken due to exigencies of duty (as previously tabled at Police Consultative Forum) and an extension of their availability to 24 months.
 - Consideration of targeted payments or bonuses for superintending ranks with clearly defined parameters to ensure equality of opportunity to access these payments.
 - In light of the ongoing challenge regarding the changes to police pensions (Aarons S & Others -v- (1) The Secretary of State for the Home Department (2) The Commissioner of Police of the Metropolis), an equal remedy is applied across all UK police services which will include the matter of compensation for those scheme members impacted by discrimination.
 - PRRB explores the PSA's evidence of breaches of the Working Time Regulations and make recommendations to define within police regulations the working week for superintending ranks within the Police Service of Northern Ireland.
 - The tardiness of the current arrangements, whereby we are again required to enter into PRRB processes without having a full response from Government to last year's PRRB recommendations.
47. SANI had a 71% completion rate of the PSA/SANI January 2020 Pay & Morale Survey, so the evidence from the survey strongly supports the need for the government and employer to engage and resolve the issues for the superintending ranks in Northern Ireland. There is no PCF equivalent in Northern Ireland, so SANI request that a similar independently chaired forum is put in place by the government in order to urgently resolve these long-running employment issues.

PRRB recommendation/comment required:

- SANI requests that a forum similar to the independently chaired PCF is put in place by the government in order to urgently resolve the long-running employment issues that SANI has been raising for several years.

List of Appendices

PSA January 2020 Pay & Morale Survey