



# Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

## JCC Circular 18 of 2017

Ref: CS/LS

3 May 2017

Attachments: PNB Report 2015-16

Dear Colleague

### **PNB Annual Report 2015-16 – Information**

Please note that the PNB Annual Report 2015/16 has been published on the PNB website.

A copy is attached for your information.

Yours sincerely

**Calum Steele**  
General Secretary

**POLICE NEGOTIATING BOARD  
(SCOTLAND)**

**REPORT OF THE INDEPENDENT CHAIR**

**2015 – 2016**

**DECEMBER 2016**

## **BACKGROUND**

The Police Negotiating Board (PNB) fulfils the legal requirement, under section 61 of the Police Act 1996, for a body comprising appropriate representation to consider 'questions relating to hours of duty, leave, pay and allowances, pensions or the issue, use and return of police clothing, personal equipment and accoutrements.' The PNB will seek to reach agreement on these matters and those agreements then become recommendations to be passed to the Scottish Ministers. Ministers will then decide whether to accept the recommendation (agreement) and enact it in law.

In accordance with the PNB constitution, the Independent Chair is required to prepare an annual report for Ministers on the business of the PNB covering the 12 months of the reporting period.

The PNB remains an advisory non-departmental public body under the Police Act 1996, but only exists for the negotiation of police officer terms and conditions in Scotland. [Revisions to the PNB constitution](#) to reflect this change were approved by the Home Secretary in July 2014. The [Criminal Justice \(Scotland\) Act 2016](#), which contains the provisions to establish the Police Negotiating Board Scotland (PNBS), completed its parliamentary passage on 8 December 2015 and became an Act of Parliament on 13 January 2016. The PNB will continue to exist in Westminster legislation until provisions contained in the [Criminal Justice \(Scotland\) Act 2016](#) are commenced. This is expected to be in late 2017.

Under the existing Scotland only PNB arrangement, the parties to negotiation are the Official Side, comprising representatives of the Scottish Ministers, the Scottish Police Authority, the Chief Constable of the Police Service of Scotland and the Staff Side comprising representatives of the Scottish Police Federation, the Association of Scottish Police Superintendents and the Scottish Chief Police Officers Staff Association.

An Independent Chair is appointed by the Prime Minister and is supported by an Independent Secretariat based in the Scottish Government Justice Directorate.

# REPORT

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## **PART 1**

### **Introduction**

- 1.1 This is the sixteenth Annual Report of the Independent Chair of the Police Negotiating Board (PNB), but is only the second to cover Scotland only. It pertains to the period 1 August 2015 to 31 July 2016.
- 1.2 Ian McKay was appointed as the Independent Chair of the PNB on 17 August 2015. He chaired his first meeting on 29 October 2015. The Scottish Government's Cabinet Secretary for Justice also appointed Mr McKay as Independent Chair of the Scottish Police Consultative Forum.
- 1.3 A summary of the membership of PNB is provided at Annex A and information about the number and attendance of meetings held in this reporting period is provided at Annex B.

#### **What we do**

- 1.4 The PNB provides the negotiating forum for the pay and conditions of service of police officers in Scotland. The PNB also provides a means of enabling the representatives of serving police officers, and of those engaged in the management and governance of Police Scotland, to bring their expertise to bear on practical issues that affect the conditions of service of police officers.

#### **The main outcomes in 2015 – 2016**

- 1.5 Section 2 reports in detail on agreements reached, and on progress towards agreement, on a range of topics. The agreements reached by the PNB in this reporting period relate to increasing the flexibility of the 2014/15 maternity pay agreement; the carry-over of statutory annual

leave into the next leave year and payment for additional hours worked by part-time officers.

## **Main issues in the review period**

- 2.1 Following the agreement reached in July 2015 to extend maternity and adoption pay for police officers from 13 to 18 weeks, the Sides agreed in October 2015 to increase the flexibility of the agreement to allow officers to extend the final 5 weeks of occupational maternity or adoption pay so that weeks 1 to 13 are at full pay and weeks 14 to 23 are at half pay.
- 2.2 In June 2016 the Sides agreed that Competency Related Threshold Payments (CRTP) should be included in pay for additional hours worked by part-time officers where part-time officers carry out more hours than has been agreed as part of their flexible working pattern. In addition, the apportionment of annual leave should be compensated as payment and will be provided to part-time officers retrospectively.
- 2.3 Following a gender pay audit undertaken by the Sides, PNB agreed that the data shows a narrowing of the overall pay gap for Federated officers but this covers differences in access to certain allowances and overtime that shows larger gender differences. Investigation of the causes of the gaps revealed concerns about the accuracy and consistency of some of the data which was collected separately in each legacy force area. The Sides have agreed to do further work in preparation for the next Audit to be undertaken on the March 2016 data.
- 2.4 Following a claim by the Staff Side, agreement was reached in June 2016 on the carry-over of statutory annual leave into the next leave year. This will allow officers who have been unable to take statutory annual leave, in whole or in part, due to being on sick leave, maternity,

adoption or shared parental leave to carry forward their outstanding statutory leave into the next leave year.

- 2.5 The Staff Side submitted a pay claim in May 2016 for an increase of 2.5% across all pay points, ranks and allowances with effect from 1 September 2016. No settlement was reached on this pay claim within the reporting period, however agreement was subsequently reached in September for an increase of 1% across all pay points, ranks and allowances with effect from 1 September.

### **Equalities Working Group (EWG)**

- 2.6 The EWG has met on six occasions during the period covered by this report and has discussed a range of matters under its remit including:

- Additional Hours payments;
- Carry-over of Annual Leave;
- Equal Pay Audit;
- Maternity and Adoption Pay;
- Occupational Parental Pay for Officers taking shared Parental Leave;
- Part-time Audit; and
- Rest Days and Free Days during a period of Annual Leave.

### **Technical Working Group (TWG)**

- 2.7 The TWG met on five occasions during the period covered by this report and has discussed a range of matters under its remit including:

- Annual Leave in hours;
- Detained on Duty into a Rest Day;
- Exigencies of Duty;
- Overnight Absences; and

- Rest Day working.

2.8 During this reporting period, the first four EWG meetings were chaired by a representative of the Staff Side following agreement between the Sides. However, after discussions within the EWG the Independent Chair of the Police Negotiating Board assumed this role. Ian McKay chaired the final two meetings of the EWG in this reporting period and the TWG meetings were chaired by the Independent Secretary. The arrangements for chairing these meetings will be kept under review. The Independent Secretary attends and records a minute of both meetings.

### **Conciliation and Arbitration arrangements**

2.9 Conciliation and arbitration arrangements were not used in the reporting period.

## Part 2

### **Chairman's Comments**

3.1 It has been the practice of previous Chairs of the PNB to offer some personal remarks in their Reports - a practice I would intend to continue. These are of course my remarks and do not represent the views of the Sides.

3.2 The 2015/16 reporting year has been one of continuing progress and consolidation for the PNB in Scotland. The transition from a UK to a solely Scottish operation might suggest a reduction in workload but this would not take account of the many changes in operation being asked of the Sides and the larger number of individuals and organisations who contribute to the PNB and Scottish Police Consultative Forum (SPCF). The well-established processes of the past have had to be reforged in a Scottish setting and that has required adjustment by those involved. For some this has meant expanding their efforts and building their expertise across a wider range of areas. Both Sides' Secretariats have had to respond in this way and I am grateful to them for their considerable contribution in this regard. Others representing Government, Police Scotland, the Scottish Police Authority and many individual interests have also had to refocus their professional interests to a smaller but much more detailed canvass.

3.3 I would single out for praise here Gordon Smith's efforts as the new Independent Secretary. Flying solo in this way is always a challenge but doing so in the absence of the historic knowledge and expertise enjoyed by his predecessors has required a considerable amount of work beyond what might reasonably be expected. He has my grateful thanks. I hope that as we progress the new modus operandi of PNB Scotland will settle and refine itself, making everyone's life a little easier.

3.4 Progress has been made this year in establishing new links with key organisations. I am grateful to colleagues in Police Scotland for their impromptu 'induction', and Scottish Government's Tansy Main's briefings on the progress of related legislation have been invaluable. It is intended to

continue this closer working with other key players and organisations next year, including looking more closely at continuing developments in England and Wales.

3.5 While only partially within the remit of the PNB, pensions remain an area of considerable interest, and I was grateful to have constructive discussions with Scottish Public Pensions Agency (SPPA) officials over the course of the year, culminating with the direct involvement of SPPA personnel in the work of the PNB and SPCF. This should allow better consideration of an important area of work.

3.6 Finally, I note my predecessor's view that during most of the time he officiated, very little actual negotiation was carried out in the key areas of the PNB's work, namely basic pay and allowances. It has been my conscious intention to move the parties towards a position where dialogue can take place through the auspices of the SPCF and the work of the PNB enhanced thereby. The recent emergence of the still embryonic 'Policing 2026' proposals from Police Scotland will I think task the Sides with some considerable consultative and negotiation work. I hope that both SPCF and PNB can be helpful in facilitating this work.

Ian McKay  
Independent Chair  
Police Negotiating Board Scotland

## **Annex A**

### **PNB Officers**

**Independent Chair:** Ian McKay

#### **Independent Secretariat:**

Independent Secretary Gordon Smith

**Official Side Secretary:** Sarah Messenger

Official Side Secretariat: David Algie

**Staff Side Secretary:** Calum Steele

Staff Side Secretariat: Provided by the SPF

The Independent Secretariat is provided by the Scottish Government Justice Directorate.

## **PNB Members as at 31 July 2016**

### **OFFICIAL SIDE**

#### **SCOTTISH POLICE AUTHORITY**

Iain Whyte (Official Side Chair)  
Nicola Marchant  
Ian Ross

#### **POLICE SCOTLAND**

John Gillies  
DCC Iain Livingstone

#### **SCOTTISH GOVERNMENT**

Tansy Main

### **STAFF SIDE**

#### **SCOTTISH POLICE FEDERATION**

Calum Steele (Staff Side Secretary)  
Brian Docherty  
David Hamilton  
Andrea Macdonald

#### **ASSOCIATION OF SCOTTISH POLICE SUPERINTENDENTS**

Gordon Crossan (Staff Side Chair)

#### **SCOTTISH CHIEF POLICE OFFICERS STAFF ASSOCIATION**

Andrew Barker

**In addition to those listed above, attendance at PNB meetings is supplemented by participants and observers from each constituent body.**

## Annex B

### PNB Meetings

Details of all meetings held in the review period, and of attendance at full PNB are set out below.

Police Negotiating Board	Three regular meetings: October, February and June
PNB working-groups	Equalities Working Group: August, October and December 2015, February, April and June 2016.
	Technical Working Group: December 2015, January, March, May and June 2016.

Dates of PNB meetings	Attendance		
	Official Side	Staff Side	Independent Element
29 October 2015	14	9	2
3 February 2016	11	8	2
15 June 2016	13	8	2

## Annex C

### PNB Agreements Reached August 2015 – July 2016

In the period under review the agreements listed below were reached.

<b>Issue</b>	<b>Date of PNB Circular</b>	<b>Circular number</b>
1. Maternity/Adoption Pay – increasing the flexibility of the maternity agreement	7 October 2015	<a href="#">7/2015*</a>
2. Uplift in plain clothes and on-call allowances	2 December 2015	<a href="#">8-9/2015</a>
3. Carry-over of Annual Leave	June 2016	<a href="#">1/2016</a>
4. Additional Hours?	June 2016?	<a href="#">7/2016</a>

\* The original Maternity and Adoption Pay Circular was updated following agreement about increased flexibility.

## **Annex D**

### **EQUALITIES WORKING GROUP – TERMS OF REFERENCE**

An Equalities Working Group (EWG) of the PNB will consider proposals referred to it by the full PNB in respect of Equality related matters

The group will also be responsible for a wide range of issues that may vary according to changes in primary legislation/regulations and/or determinations, including the following activities:

- Terms and Conditions and how these impact on groups with protected characteristics;
- New legislation e.g. Flexible Working/Children and Families Act 2014;
- Matters outstanding from the UK Gender; Equality and Work-Life Balance group (see table below)

Proposals requiring consultation/negotiation will be progressed using the following process:

- Points of agreement and disagreement will be recorded;
- Unless agreed otherwise discussions held will be without prejudice;
- Proposals agreed at the EWG will be tabled at full meetings of the PNB for approval and will then be issued for consultation in accordance with the current legislation; and
- An EWG update paper from the group will be agreed and tabled at each PNB.

#### **Membership:-**

Representatives from:

Police Scotland (2)

Scottish Government (1)

Scottish Police Authority (1)

SCPOSA (1)

The Association of Scottish Police Superintendents (1)

Scottish Police Federation (2)

Other invitees as deemed necessary by the PNB or Sides.

#### **Chair of Meetings**

Meetings of the working group are chaired by the Independent Chair of the Police Negotiating Board.

#### **Terms of Reference**

There will be regular monitoring and reviews of the Terms of Reference by the EWG to ensure it continues to meet the requirements of the group.

### **Frequency of meetings**

The group will meet as frequently as agreed by both Sides to progress matters referred by the PNB.

### **Subgroup lifetime**

The need for and effectiveness of this subgroup will be kept under review.

### **Matters outstanding from the UK Gender; Equality and Work-Life Balance group**

PNB Circular	Title	Key Points
2014/8(advisory)	Compensation for working a rest day/free day within a period of annual leave	For consideration by PNB
2014/9(advisory)	Part time working arrangements	For consideration by PNB
2014/21	Children and Families Act 2014	Details of implementation and drafting of appropriate regulations/determinations for consideration by PNB

## Annex E

This Annex gives an indication of the size of the workforce for which PNB Scotland has responsibility.

- The **Police Officer Quarterly Strength Statistics** (published on 2 August 2016) show that there were **17,242 police officers in Scotland as at 30 June 2016**. There are approximately:

13,409 – Constables

2,484 – Sergeants

923 – Inspectors

252 – Chief Inspectors

158 – Superintendents and Chief Superintendents

16 – Officers in the rank of ACC and above

Of the numbers above, around 29% are female and 71% male.