



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

JCC Circular 29 of 2016

Ref: CS/SF

6 July 2016

Attachment – PNB Annual Report

Dear Colleague

PNB Annual Report – Information

I refer to the above and attach a copy for your information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Calum Steele'.

Calum Steele
General Secretary

**POLICE NEGOTIATING BOARD
(SCOTLAND)**

REPORT OF THE INDEPENDENT CHAIR

2014 – 2015

JUNE 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 operated as a UK wide body until it was abolished under Section 131 of the Anti-social Behaviour, Crime and Policing Act 2014. Its functions (except for consultation on pensions matters) passed to the Police Remuneration Review Body for England, Wales and Northern Ireland which became operational on 1 October 2014.

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.

Under this 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 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.

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PART 1

Introduction

- 1.1 This is the fifteenth Annual Report of the Independent Chair of the Police Negotiating Board (PNB), but is the first of which to cover Scotland only. It pertains to the period 1 August 2014 to 31 July 2015.
- 1.2 The term of appointment for the Independent Chair, John Randall, came to an end in February 2015. The PNB constitution provides for the PNB to determine its own procedures and as such a representative from either side of the PNB presided over the meetings held in May 2015 and July 2015. As such, this annual report has been compiled by the Independent Secretary in conjunction with John Randall and in consultation with both Sides.
- 1.3 Ian McKay was appointed as the new 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.
- 1.4 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

- 1.5 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.

- 1.6 The Scottish Government has decided that the PNB will be replaced in Scotland by a new Police Negotiating Board for Scotland (PNBS). The PNB will continue to exist in Westminster legislation until provisions contained in the Criminal Justice (Scotland) Act 2016, which will create the PNBS, are commenced. This is expected to be in early 2017.

The main outcomes in 2014 – 2015

- 1.7 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 a Temporary Duties Allowance to cover the period of the Glasgow Commonwealth Games 2014; Additional Travel Expenses for officers transferred to a new or temporary place of duty, maternity pay and the annual pay award.
- 1.8 Agreement was also reached on other matters which support the effective functioning of the PNB. These included the creation of an Equalities Working Group (EWG) and a Technical Working Group (TWG) and revised conciliation and arbitration arrangements with effect from January 2015. A list of formal agreements reached is at Annex C.

Main issues in the review period

- 2.1 Following a claim by the Staff Side, agreement was reached on a temporary duties allowances for all constables. This allowance was applicable throughout the Commonwealth Games period only – from 18 June 2014 to 7 August 2014. The agreement recognised the contribution of officers working in exceptionally demanding circumstances. The agreement was reached in October 2014 and applied retrospectively.

- 2.2 Following a claim by the Staff Side, agreement was also reached in October 2014 on additional travel expenses for all constables who have been transferred to a new usual place of duty or a temporary place of duty. This agreement improves flexibility and choice for individual officers and the chief constable in the event of a transfer.
- 2.3 Following a claim by the Staff Side, agreement was reached in July 2015 to extend maternity and adoption pay for police officers from 13 to 18 weeks. This agreement will take effect for women whose babies are expected on or after 1 April 2016, and for men and women who are the main adopter and have a child placed with them for adoption on or after that date.
- 2.4 In July 2015 the Sides agreed the elements of the Children and Families Act 2014 that should be reflected in regulations. This includes the introduction of Shared Parental leave and that adopters and those in a surrogacy arrangement can share leave. The agreement also covered the changes in relation to antenatal appointments, statutory adoption leave and parental leave.
- 2.5 The Staff Side submitted a pay claim in May 2015 for an increase of 1% in pay across all pay points, ranks and allowances with effect from 1 September 2015, followed by an increase of 0.6% with effect from 1 April 2016. The Staff Side also requested that police pay in Scotland is determined by reference to an index from 2016 onwards. In July 2015, the Official Side agreed to the 1% increase with effect from 1 September 2015 but did not support the further award of 0.6% from April 2016, or a move away from the current national collective bargaining machinery.

Equalities Working Group

- 2.6 Following a proposal put forward by the Staff Side, the Official Side confirmed at the PNB on 7 October 2014 that they were content to

agree to the creation of an EWG. The Terms of Reference for the EWG are provided at Annex D. The EWG has met on four occasions during the period covered by this report and has discussed a range of matters under its remit.

Technical Working Group

- 2.7 At the PNB on 30 July 2015, the Official Side proposed the creation of a TWG in order to explore technical issues out with the substantive meetings of the PNB. The Staff Side agreed and the first meeting took place after this reporting period had ended.
- 2.8 The creation of the EWG and the TWG allow detailed discussions on complex or technical matters under the remit of the PNB, to be referred to a smaller, expert group, with a view to proposals coming back to the full PNB for negotiation and agreement.
- 2.9 During this reporting period, the EWG was chaired by a representative of the Staff Side and the TWG was 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

- 2.10 The term of appointment for the Police Arbitration Tribunal (PAT) expired on 31 December 2014, following the abolition of the PNB in England, Wales and Northern Ireland in September of the same year. Therefore, new conciliation and arbitration arrangements for the PNB had to be put in place for Scotland only. With the agreement of both sides, with effect from 1 January 2015, the Advisory, Conciliation and Arbitration Service (ACAS) Scotland assumed responsibility for providing these services to the PNB and a panel of three arbiters were appointed by the Cabinet Secretary for Justice.

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

2.12 The PNB agreed that a request be sent to the Home Secretary asking her to agree to changes to the constitution to reflect these new arrangements. Following a short consultation, the Home Secretary approved the [amended constitution](#) in March 2015 and this was subsequently circulated to the Sides.

Part 2

Chairman's Comments

3.1 My retirement in February 2015 marked the end of a period of 11 years involvement with the police service in all parts of the United Kingdom. I would like to thank members of both Sides of PNB for their friendship and support. It was a great privilege to work with police officers over this period, and I wish the PNB, and its Scottish successor body, every success in the future.

John Randall

Independent Chair (until February 2015)

Police Negotiating Board Scotland

Forward look (for reporting year 1 August 2015 to 31 July 2016)

3.2 The coming year will be one of new beginnings for PNB in Scotland. Legislation has been passed by the Scottish Parliament to establish the new Scottish PNB. While this will in part reflect the historic position across the UK, it will be a new challenge and a new opportunity for the key stakeholders in this area to look anew at the dynamics and processes of bargaining in the sector. This situation also offers the

opportunity to look at new ways of sharing information and building on what are quite recent relationships forged between the key organisations responsible for this area of work in Scotland and those organisations representing the interests of police officers. All of this is set against a background of tightening public sector budgets and increasing demand for the important public service police officers deliver. I am certain that the goodwill that exists among the policing community in Scotland will play a large part in ensuring that we find the best possible outcomes in what will be a new journey for us all.

Ian McKay

Independent Chair (from August 2015)

Police Negotiating Board Scotland

Annex A

PNB Officers

Independent Chair: John Randall (August 2014 – February 2015)
Position vacant (February 2015-July 2015)
Ian McKay (appointed August 2015)

Independent Secretariat:

Independent Secretary Kate McKechnie (August 2014 – January 2015)
Gordon Smith (appointed April 2015)

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.

The Official Side Secretariat is provided by the Local Government Association.

The Staff Side Secretariat is provided by the Scottish Police Federation.

PNB Members as at 31 July 2015

OFFICIAL SIDE REPRESENTATIVES

SCOTTISH POLICE AUTHORITY

Iain Whyte (Official Side Chair)
Jeane Freeman
Ian Ross

POLICE SCOTLAND

John Gillies
DCC Neil Richardson

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

Niven Rennie (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 | Four regular meetings: October, February, May and July |
| PNB working-groups | Equalities Working Group: December 2014, February, April and June 2015. |
| | Technical Working Group (agreed at July 2015 PNB). No meetings held in the reporting period. |

| Dates of PNB meetings | Attendance | | |
|-------------------------------|---------------|------------|---------------------|
| | Official Side | Staff Side | Independent Element |
| 7 th October 2014 | 15 | 5 | 2 |
| 4 th February 2015 | 13 | 9 | 2 |
| 7 th May 2015 | 11 | 8 | 3* |
| 30 th July 2015 | 12 | 11 | 2* |

* In the absence of an Independent Chair, the Staff Side chaired PNB in May with the Official Side performing this role in July. The attendance table above records the Chair as part of the Independent element and does not attribute them to their respective Side in May or July.

Annex C

PNB Agreements Reached August 2014 – July 2015

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

| Issue | Date of PNB Circular | Circular number |
|---|-----------------------------|--------------------------|
| 1. Temporary Duties Allowance (Scotland) | 7 October 2014 | 26/2014 |
| 2. Additional Travel Expenses (Scotland) | 7 October 2014 | 25/2014 |
| 3. Maternity/Paternity leave | July 2015 | 1/2015 |
| 4. Uplift in Pay | July 2015 | 2-6/2015 |
| 5. Maternity/Adoption Pay | July 2015 | 7/2015 |

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 will be chaired on a rotating basis, with a chair nominated by members of the Official Side and the Staff Side chairing alternate meetings. The organisation holding the Chair at any meeting may increase their attendance numbers by one.

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 4 August 2015) show that there were **17,272 police officers in Scotland as at 30 June 2015**. There are approximately:

13,371 – Constables

2,494 – Sergeants

953 – Inspectors

263 – Chief Inspectors

176 – Superintendents and Chief Superintendents

15 – Officers in the rank of ACC and above

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