

**Police Negotiating Board
(Scotland)**

Report of the Independent Chair

2018 – 2019

November 2021

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.

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 Safer Communities Directorate.

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Part 1

Introduction

- 1.1 This is the nineteenth Annual Report of the Independent Chair of the Police Negotiating Board (PNB) and the fifth to cover Scotland only. It relates to the period 1 August 2018 to 31 July 2019.
- 1.2 Ian McKay was appointed as the Independent Chair of the PNB on 17 August 2015 and the Scottish Government's then Cabinet Secretary for Justice also appointed Mr McKay as Independent Chair of the Scottish Police Consultative Forum (SPCF).
- 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 2018 – 2019

- 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 include changes to pay and terms and conditions covering the 31 month period from 1 September 2018 – 31 March 2021; enabling officers to be compensated through payment or time off in lieu when they work a Keeping in Touch (KIT) Day or Shared

Parental Leave in Touch (SPLIT) Day and a guidance document to supplement PNB Circular 2014/25.

Main Issues In The Review Period

- 2.1 As noted in the 2017-18 PNB Annual Report, the Staff Side submitted a pay claim in March 2018 for an increase of 3.5% across all pay points, ranks and allowances with effect from 1 September 2018. Agreement was reached in September 2018 on changes to pay and terms and conditions covering a 31 month period from 1 September 2018 to 31 March 2021. The agreement includes a 6.5% increase to all pay points across Federated and Superintending ranks and a £4,133 increase for Senior Officers. Increases to a range of allowances were also agreed.

The pay agreement also set out changes to pay scales with effect from 1 December 2018 for constables and from 1 April 2020 for sergeants, inspectors and chief inspectors.

- 2.2 In June 2019, PNB reached agreement on clarification underpinning the new definition of 'place of duty' and resolved the ambiguity regarding travel time which had arisen following PNB Circular 2014/25 (Additional Travel Expenses).
- 2.3 PNB also reached in June 2019 on the provision of additional flexibility around compensation for officers working a KIT or SPLIT day during adoption, maternity or shared parental leave. This agreement was reached following discussions within the Equalities Working Group allows officers to choose an alternative to payment for KIT or SPLIT days in the form of taking the equivalent time off.

Equalities Working Group (EWG)

- 2.6 The EWG met on 3 occasions during the reporting period and has discussed several matters under its remit including the development of an agreement on compensation for KIT or SPLIT days.

Technical Working Group (TWG)

2.7 The TWG met on 3 occasions during the period covered by this report and has discussed a range of matters under its remit including:

- Excessive Rest Day Disruption Allowance,
- Overnight Allowances,
- Provision of Annual Leave in Hours,
- Additional Travel Expenses,
- Police Officer Handbook.

2.8 During this reporting period, the TWG meetings have taken place without a formal chair at the agreement of both Sides due to a commitment to collaborative working by both Official and Staff Side representatives.

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 that the Chair of the PNB should offer some personal remarks in this Report, and I continue that practice here. These are of course my remarks and do not represent the views of the Sides.

3.2 The 2018-19 reporting year has consolidated the use of the Scottish Police Consultative Forum (SPCF) for discussions and scoping out of issues that may then be brought to the PNB for completion. This informal process allows for useful dialogue and eases change where required. Similarly, both our Equalities and Technical Working Groups have added depth of focus to our arrangements.

3.3 Last year's multi-year pay deal has freed up time this year for negotiators to address detailed points within the terms and conditions of police officers. While such work never hits the headlines, it is very important for officers on the ground and can be the source of much frustration and resentment when not addressed. The Secretaries and members of both Sides of the PNB are to be commended for their efforts. Here, and in the work of the Equalities Working Group, the merger process to form a national police force in Police Scotland still has many basic issues to address to ensure that officers across the country are treated in a similar way. This is particularly important for the gathering of data on which so many of these negotiations and other decisions very much depend. As in previous years, I hope that all parties will see the SPCF and PNB as offering the facility to further their discussions as required.

3.4 I must note here that we still await the commencement of provisions contained in the Criminal Justice (Scotland) Act 2016 that will fully establish the PNB arrangements as part of the Scottish policing and bargaining landscape. I am very conscious of the enormous disruption to government

brought about in the aftermath of the Brexit decision; however, this matter does need to be overtaken soon.

3.5 I am again grateful for the informal discussions held over the period with the Police Remuneration Review Body for England and Wales and its officials and I am grateful for their openness in sharing views on common issues. Similarly, our link with officials from the Scottish Public Pensions Agency (SPPA) through the direct involvement of SPPA personnel in meetings of the PNB, is very helpful. I would also like to thank Police Scotland and in particular the officers of Drylaw Police Station in Edinburgh for facilitating a 'day in the life' visit for the Independent Secretary and myself in March. I very much appreciate the opportunity this offered to better understand the day in, day out work carried out by police officers.

3.6 In all this process, I am indebted to our Independent Secretary Gordon Smith. Gordon continues to consolidate the back office of the PNB and SPCF to produce a sound and effective administrative foundation for our 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 2019

Official Side

Scottish Police Authority

Matt Smith (Official Side Chair)
David Crichton
Mary Pitcaithly

Police Scotland

ACC Mark Williams
Jude Helliker

Scottish Government

Marie Swinney

Staff Side

Scottish Police Federation

Calum Steele (Staff Side Secretary)
David Hamilton
David Kennedy

Association of Scottish Police Superintendents

Stewart Carle

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	Two regular meetings: September and June
PNB working-groups	Equalities Working Group: Meetings held in August, November & May
	Technical Working Group: Meetings held in April & May

Dates of PNB meetings	Attendance		
	Official Side	Staff Side	Independent Element
11 September 2018	13	7	2
11 June 2019	10	7	2

Annex C

PNB Agreements Reached August 2018 – July 2019

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

Issue	Date of PNB Circular	Circular number
1. Uplift in Pay	19 October 2018	4-8/2018
2. Keeping in Touch Day or Shared Parental Leave in Touch Day	11 June 2019	1/2019
3. Additional Travel Expenses (supplementary to PNB Circular 2014/25)	11 June 2019	2/2019

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;

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

The Sides have agreed that the meetings will not be routinely independently chaired in order to promote collaborative working.

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.

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 6 August 2019) show that there were **17,259 police officers in Scotland as at 30 June 2019**. There were approximately:

13,519.4 – Constables

2,415.5 – Sergeants

830.1 – Inspectors

228 – Chief Inspectors

167 – Superintendents and Chief Superintendents

12 – Officers in the rank of ACC and above

Of the numbers above, around 29.7% are female and 70.3% male.



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