

**Police Negotiating Board  
(Scotland)**

**Report of the Independent Chair**

**2019 – 2020**

**December 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.

## **Report**

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## **Part 1**

### **Introduction**

- 1.1 This is the twentieth 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 2019 to 31 July 2020.
- 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). Mr McKay was re-appointed to these positions from 17 August 2019.
- 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 2019 – 2020**

- 1.5 Section 2 reports on the progress towards a range of topics including: Pay 2021 claim, COP26 and the impact of the Covid-19 pandemic. It is to be noted that the second half of that reporting year was severely disrupted by the social and working restrictions arising from the Covid-

19 pandemic, including the holding of the first virtual meeting of the PNB in June 2020.

### **Main Issues In The Review Period**

- 2.1 In June 2020, it was noted that the Staff Side had submitted a Pay 2021 claim. Agreement was reached for both sides to commence preliminary discussions on the 2021 pay agreement in September.
- 2.2 In June 2020, it was highlighted that COP 26, originally scheduled for November 2020 had now been postponed until 2021. Agreement was reached to continue discussions regarding COP 26 including rest day compensation and voluntary overtime.
- 2.3 PNB noted the impact of the Covid-19 pandemic and the impact on policing. Agreement was reached to continue discussions within the TWG on COVID-19 related items such as the carry-over of annual leave.

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

- 2.6 The EWG met on 5 occasions during the reporting period and has discussed a range of matters under its remit including Flexible Working and Equal Pay Audits.

### **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: COP26, Covid-19, Clarification of Pay Scales, Central Services Allowance and Overseas Deployments

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 2019-20 reporting year has seen important developments in the use of PNB sub-committees and the Scottish Police Consultative Forum (SPCF) to facilitate discussion of issues that may then be brought to the PNB for completion or otherwise be important to consider in the context of the PNB. The work of officials on both the Equalities and Technical Working Groups has been exemplary and allowed for more depth of focus than is allowed for in the traditional PNB arrangements. Similarly, the SPCF has reviewed its terms of reference to allow for both more detailed consideration of important and topical policing matters and to involve external key stakeholders with an interest in the matters under discussion. Given the considerable overlap of personnel between SPCF and the PNB, these developments have assisted the work of both bodies.

3.3 The space created through the 2018-2021 multi-year pay deal has also helped take forward dialogue in other related spheres, in particular the 2026 Police Scotland reforms. I have commented previously that 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. I would add that dialogue among government, SPA, Police Scotland, and staff associations is not assisted by the existence of so many overlapping channels for consultation, communication or negotiation, the effect of which can be to create an atmosphere of exclusion from an intention of inclusion. 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, disruption now redoubled by the effects of the Covid-19 pandemic; 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. Recent developments in public sector pensions are likely to see this whole area become much more problematic in the near to medium-term future.

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. Finally, I would like to note my thanks to the Prime Minister and Cabinet Secretary for my reappointment to the PNB and SPCF positions and I look forward to a second term of progress.

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 2020**

### **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: February and June
PNB working-groups	Equalities Working Group: Meetings held in August, October, November, January and March.
	Technical Working Group: Meetings held in July, August and January.

Dates of PNB meetings	Attendance		
	Official Side	Staff Side	Independent Element
4 February 2020	11	6	2
23 June 2020	10	10	2

## **Annex C**

### **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 D

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 **17,498 police officers in Scotland as at 30 June 2020**. There were approximately:

13,507.3 – Constables

2,477.99 – Sergeants

868.32 – Inspectors

236.83 – Chief Inspectors

169 – Superintendents and Chief Superintendents

14 – Officers in the rank of ACC and above

Of the 17,498 officers, 32.3% are female and 67.7% male



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