

# **Police Negotiating Board (Scotland)**

## **Report of the Independent Chair**

**2020 - 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 twenty first 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 2020 to 31 July 2021.

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 2020 – 2021

1.5 Section 2 reports on the progress towards a range of topics including: Pay 2021 claim and the continued impact of the Covid-19 pandemic. It is to be noted that due to the continued disruption of the Covid-19 pandemic PNB and SPCF meetings continued to be held virtually.

## Main issues in the review period

2.1 As noted in the 2019-20 PNB Annual Report, the Staff Side had submitted a Pay 2021 claim in June 2020. Agreement was reached for both sides to commence preliminary discussions on the 2021 pay agreement in September 2020. As of 31 August 2021, no pay deal had been agreed.

2.2 In June 2021, agreement was by the SPCF to establish a short life working group to engage with Scottish Government officials around the *Dame Elish Angiolini Review – Complaints, Investigations And Misconduct In Policing*. This working group would seek the views of Police Scotland and relevant police associations in respect of this review. Meeting were agreed to take place in September and October 2021.

2.3 PNB noted the continued impact of the Covid-19 pandemic and the impact on policing in Scotland.

#### Equalities working group (EWG)

2.6 Although the EWG did not virtually meet during this reporting year, correspondence was exchanged between the Sides. The main issue discussed was around Flexible Working.

#### Technical working group (TWG)

2.7 The TWG met on 6 occasions during the period covered by this report and has discussed a range of matters under its remit including:

- Police Officer Handbook
- Inspecting Rank Working Arrangements
- COP26 Allowances
- Double-lock Rest Day Compensation

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 Scottish Police Consultative Forum (SPCF) continues to be a useful vehicle for discussions and scoping out of issues that may then be brought to the PNB for completion. The SPCF itself has developed over this year to become a more useful part of the structures available to discuss policing in Scotland generally. While progress on the main annual pay review has been slow, much progress has been made in our Technical Working Group to address many smaller but important parts of officers' terms and conditions. The work of representatives of both Sides here is to be commended.

3.3 Progress in the discussions around the main Staff Pay Claim this year has been slow and frustrating for both sides. Much of the goodwill generated through the previous multi-year pay deal has been lost through the inability for

either side to identify the main financial parameters for bargaining. Where financial parameters cannot be identified within budgets, any public sector bargaining process is severely limited. Both Sides of the PNB are fortunate to have skilled and experienced negotiators in their leadership but these assets are unable to function without basic financial information. Failure to provide such financial information timeously undermines the bargaining process and this needs to be addressed in future years.

3.4 While very conscious of the continuing disruption to government brought about by Brexit and Covid-19, I must again 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. This matter still need to be addressed.

3.5 This iteration of the PNB, functioning only on behalf of officers in Scotland, has now been in place for some years. As has been noted in the paragraphs above, some aspects of this 'borrowed' structure have adapted and work very well, often driven by the professionalism and enthusiasm of the individuals involved. Elsewhere, the transfer from the UK context remains either incomplete or less than optimal. Over the next period the key organisations involved in the PNB should begin to review the operation of the current structures and be ready to suggest changes to the structure and operation of the PNB to help it to continue to best carry out its statutory function.

3.6 I am again grateful for our link with officials from the Scottish Public Pensions Agency (SPPA) through the direct involvement of SPPA personnel in meetings of the PNB, which provides very useful information on related matters. Finally, in all this process, I am indebted to our Independent Secretary Ryan Paterson. Ryan 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 and members***

Independent Chair: Ian McKay  
Independent Secretariat: Ryan Paterson

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 2021

#### 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	Three regular meetings: November, February and June
PNB working-groups	Equalities Working Group: No meeting held but correspondence exchanged.
	Technical Working Group: Meetings held in October, January, March, April, June and July.

Dates of PNB meetings	Attendance		
	Official Side	Staff Side	Independent Element
26 November 2020	13	9	2
23 February 2021	16	9	2
23 June 2021	17	9	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**

### **Background on workforce size**

*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 **17,502 police officers in Scotland as at 30 June 2021**. There were approximately:

13,410.88 – Constables

2,512.73 – Sergeants

911.31 – Inspectors

262.856 – Chief Inspectors

177 – Superintendents and Chief Superintendents

14 – Officers in the rank of ACC and above

Of the numbers above, around 32.9% are female and 67.1% male.



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