

# **Police Negotiating Board (Scotland)**

## **Report of the Independent Chair 2021 - 2022**

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## 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 and 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.

# Part 1

## Introduction

1.1 This is the 22nd 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 2021 to 31 July 2022.

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 2021 – 2022

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 were held in person and virtually.

## Main issues in the review period

2.1 Agreement was reached in November 2021 on changes to pay and terms and conditions with effect from 1 April 2021. The agreement included a £700 increase on all pay points for all ranks and increases to a range of allowances were also agreed.

2.2 Agreement was also reached in November 2021 in respect of a non-consolidated payment of £250 for all officers serving within the Police Service of Scotland on 28 October 2021.

2.3 In June 2021, agreement was reached by the SPCF to establish a short life working group to engage with Scottish Government officials around Dame Elish Angiolini's [Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing](#). This working

group would seek the views of Police Scotland and relevant police associations in respect of this review. Meetings took place in September and October 2021 respectively and views were fed back to the Scottish Government.

2.4 Agreement was also reached for revised rates for allowances in respect of COP26.

2.5 In February 2022, it was noted that the Staff Side had submitted a Pay 2022 claim. Agreement was reached for both sides to commence preliminary discussions. As of 31 July 2022, no pay deal had been agreed.

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

### **Equalities working group (EWG)**

2.6 In this reporting year, the general approach taken by the PNB is for there to be one main technical forum which is able to consider matters that have equality implications. This group is below.

### **Technical working group (TWG)**

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

- COP26 allowances
- Inspectors working hours
- Unpaid leave (Pay 2021)
- Non-designated user
- Electric vehicle expenses
- Remote and rural policing
- PNB 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 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. In particular, the work of the short life working group to engage with Scottish Government officials around the Dame Elish Angiolini Review has shown the usefulness of the SPCF in offering flexible space for discussion, reflection and advice, which I believe has been appreciated by Scottish Government officials in this area.

3.3 I would also commend the work of members of the Technical Working Group who have progressed a large number of topics and questions, many of them complex and potentially disruptive, with skill and alacrity and in so doing important parts of officers' terms and conditions have been improved. The work of representatives of both Sides is admirable.

3.4 Progress in the discussions around the main Staff Pay Claim this year has again been slow and frustrating for both sides. It is my view that both sides have again been frustrated through the inability for either side to identify the main financial parameters for bargaining. The general economic situation in the country and the uncertainties over public sector funding add particular difficulties for a sector where the pay bargaining arrangement comes early in the collective bargaining year. However, where financial parameters cannot be identified within budgets, any public sector bargaining process is severely limited. As I have said previously, 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 by government to provide such financial information timeously undermines the bargaining process and this needs to be addressed in future years.

3.5 As has become too regular an occurrence, 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. I am aware that Scottish Government recognises the need for this matter to be addressed soon.

3.6 Work has begun on the review of this iteration of the PNB, (functioning only on behalf of officers in Scotland), and I believe there is an encouraging majority view among the stakeholders that this review should proceed timeously. In particular, the future of the SPCF needs to be addressed in

order to capitalise on the unique role that that organisation can offer in offering advice to Scottish Government Ministers on policing matters.

3.7 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 Ian Bowie and other colleagues with the Police Division for their support.

Ian McKay  
Independent Chair  
Police Negotiating Board Scotland

## **Annex A**

### **PNB officers and members**

Independent Chair:	Ian McKay
Independent Secretariat:	Ian Bowie
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 Safer Communities Directorate.

PNB Members as at 31 July 2022

#### **Official Side**

##### **Scottish Police Authority**

Mary Pitcaithly (Official Side Chair)  
David Crichton  
Fiona McQueen

##### **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**

Craig Suttie

##### **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 May
PNB working-groups	Equalities Working Group: No meeting held.
	Technical Working Group: Meetings held in August, February and March.

Dates of PNB meetings	Attendance		
	Official Side	Staff Side	Independent Element
7 October 2021	16	7	2
16 February 2022	16	8	2
13 May 2022	11	10	2

## Annex C

### PNB Agreements Reached August 2021 – July 2022

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

<b>Issue</b>	<b>Date of PNB Circular</b>	<b>Circular number</b>
Non-consolidated payment	18 November 2021	<a href="#">01/2021</a>
Pay agreement	18 November 2021	<a href="#">02/2021</a>
Federated ranks pay	18 November 2021	<a href="#">03/2021</a>
Superintendents and Chief Superintendents pay	18 November 2021	<a href="#">04/2021</a>
Senior officers pay	18 November 2021	<a href="#">05/2021</a>
Other allowances	18 November 2021	<a href="#">06/2021</a>
Double-lock rest day compensation	28 February 2022	<a href="#">01/2022</a>
COP26 allowances	28 February 2022	<a href="#">02/2022</a>

## **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
- An EWG update paper from the group will be agreed and tabled at each PNB.

### **Membership**

Representatives from:

Police Scotland (2)

Scottish Chief Police Officers Staff Association (1)

Scottish Government (1)

Scottish Police Authority (1)

Scottish Police Federation (2)

The Association of Scottish Police Superintendents (1)

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

### 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 2 August 2022) show that there were **16,562 police officers in Scotland as at 30 June 2022**. There were approximately:

12,942.26 Constables

2,374.49 Sergeants

839.59 Inspectors

237.80 Chief Inspectors

154 Superintendents and Chief Superintendents

14 Officers in the rank of ACC and above

Of the numbers above, around 33.15% are female and 66.85% male.



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