



Police Pay – Booth review (2008–2011 pay deal)

Standard Note: SN/BT/4139
Last updated: 5 December 2011
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Section: Business & Transport Section

Since 1979 annual pay increases for police officers have been determined under a formula linked to an annual survey of settlement levels for non-manual employees in the private sector. In 2006 this led to a recommendation of a 3% pay increase that Home Office officials and management representatives did not agree to.

This led to a dispute over police pay that lasted until October 2008, when a [multi-year pay settlement](#) was reached by the Police Negotiating Board for police officers in England & Wales. The three-year deal was backdated to 1 September 2008 and will run through to 31 August 2011.

Information on the Winsor review of pay and conditions can be found in the Library Standard Note, [Police pay and conditions: Winsor Review](#) (SN/BT/6148)

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Contents

1	Background: pay dispute 2006-2008	2
2	Review	4
2.1	Ministerial Statements	4
2.2	Reaction	7
2.3	Second arbitration decision	8
2.4	Reaction	10
2.5	Protest and Judicial Review	10
2.6	IPPR proposals	10
3	The right to strike	11
3.1	Police officers	11
3.2	General position	13
4	Scotland	13
5	Further background	14
6	Organisations and contacts	17

1 Background: pay dispute 2006-2008

Since 1979 annual pay increases for police officers have been determined under a formula linked to an annual survey of settlement levels for non-manual employees in the private sector. In 2006 this led to a recommendation of a 3% pay increase; but Home Office officials and management representatives did not agree to this recommendation and the matter went forward under the set arbitration procedures. The arbitration upheld the 3% award and subsequently the Government accepted this at the same time announcing a review of police pay. The first part of this review was published in February 2007 and the second part in December 2007. A further arbitration award covering 2007-08 was rejected by the Government prompting calls by police representatives for a ballot on whether police officers should seek the right to strike.

An IDS Pay report outlined the nature of the 2006 dispute over police pay as follows:

The Police Federation of England and Wales has registered a failure to agree with the Official Side of the Police Negotiating Board (PNB) over their annual pay rise due from 1 September 2006. Police pay is linked to the PNB's annual survey of settlement levels for non-manual employees in the private sector. This year the survey showed a median 3 per cent increase to 7 June 2006. However, at the PNB meeting on 20 July, Home Office officials and management representatives unexpectedly refused to agree the 3 per cent rise. Conciliation talks are expected to begin on 21 August. If both sides fail to agree at this stage either may refer the issue to the Police Arbitration Tribunal.¹

The Police Negotiating Board (PNB) was established by statute in 1980 to negotiate the hours of duty; leave; pay and allowances; the issue, use and return of police clothing,

¹ IDS Pay Report 2006, 959/4 *Police pay decision delayed*, August 2006

personal equipment and accoutrements; and pensions of United Kingdom police officers, and to make recommendations on these matters to the Home Secretary, Secretary of State for Northern Ireland, and Scottish Ministers.

This was the first time since 1979 that the annual pay increase was not ratified. This method of determining police pay increases arises in part from the fact that there is a bar on police officers taking industrial action.² No agreement was reached at a conciliation meeting held on 21 August 2006. An arbitration hearing was held on 18 October.

An article in the Observer suggested that the Home Office's reasons for not agreeing the increase related to Treasury requirements:

The Home Office, like all government departments, is being ordered by the Treasury to make efficiency savings and wants to negotiate a new deal with the police.

The extent of police officers' anger is revealed in the current edition of Police magazine, published by the federation. 'Reneging on a 27-year pay deal and pinching coppers from coppers may yet make you the most unpopular Prime Minister this country never had,' it warns Gordon Brown in an editorial.

'Chief police officers are facing stark choices,' Alan Gordon said. 'Either you start reducing the numbers of police officers or you reduce police pay increases. This is a critical time.'

The matter will now go to arbitration. But the room for manoeuvre for Home Secretary John Reid is limited. Agreeing to an increased offer would risk a feud with the Treasury.³

A previous article by the same author said that the Home Office was seeking to link a pay increase to modernisation.⁴

There was an oral PQ on 23 October 2006:

3. Mr. Desmond Swayne (New Forest, West) (Con): What progress has been made in negotiations on police pay; and if he will make a statement. [95420]

6. Greg Clark (Tunbridge Wells) (Con): What stage negotiations on proposed increases to police officers' pay have reached. [95424]

The Minister for Policing, Security and Community Safety (Mr. Tony McNulty): The 2006 police officer pay award is now subject to arbitration. The police arbitration tribunal is considering the matter following the hearing that it held on 18 October.

Mr. Swayne: If the official side wants to move away from the Edmund-Davies formula, why did it not announce that in September last year and seek to renegotiate a new formula? How was it that its members were unable to articulate their position at the meeting in July of the police negotiating board? They had a year's notice of that meeting.

² In 1978 the Edmund-Davies Committee of Inquiry on the Police, said in its Report on Negotiating Pay and Machinery: "In common with all those who submitted evidence for our consideration, this Committee is satisfied that the absence of the right to strike is a serious deprivation for any worker. It is essential that the police should not suffer in pay because they are deprived of the right to strike, and that it should be put beyond doubt that they are being paid fairly."

³ Jamie Doward, "Police threaten action over pay: We won't carry our guns, warn armed officers", *The Observer*, 3 September 2006

⁴ Jamie Doward "Police in work to rule threat if pay talks fail", *The Observer*, 6 August 2006

Mr. McNulty: I simply repeat that the matter is now subject to arbitration. There was a hearing on 18 October and the outcome will be considered in due course.⁵

The decision of the arbitration tribunal was announced on 6 November 2006 in favour of the 3% award. The following press notice was published by the PNB Staff Side:

POLICE NEGOTIATING BOARD – STAFF SIDE
6th November 2006

Police associations join forces to welcome pay crisis arbitration decision

Welcoming the decision of the independent Police Arbitration Tribunal and speaking for all the police officer staff associations of the UK, Jan Berry, chairman of the Staff Side of the Police Negotiating Board (PNB), says:

“This decision is welcomed by 170,000 police officers throughout the United Kingdom who should have received an increase from 1st September but have been waiting for their pay arrangement to be honoured.

“It is disappointing that this had to go to arbitration but the arbiters’ independent decision reaffirms what we have been saying all along – that the Official Side of the PNB acted unfairly and unjustly by reneging on their commitment to honour our current pay arrangement until it has been renegotiated.”

The independent decision of the Police Arbitration Tribunal is binding on both the Official Side and Staff Side of the Police Negotiation Board, and is now passed to the Home Secretary, John Reid, for ratification.

Calling upon the Home Secretary, Mrs Berry says:

“You know the strength of feeling amongst police officers across the UK, who have felt cheated, angry and undervalued throughout this dispute. The independent arbitration tribunal has now delivered its decision and found in our favour. The matter now rests with you Mr Reid. Only you can put this right. Show your support for the police service; honour our pay agreement and pay the 3 per cent now.”⁶

2 Review

2.1 Ministerial Statements

On 16 November 2006 the Government made the following ministerial statement:

Police Pay

The Minister for Policing, Security and Community Safety (Mr. Tony McNulty): On 6 November the police arbitration tribunal’s recommendation on the police officer 2006 pay award was received. The Home Secretary responded to this recommendation, agreeing to implement the 3 per cent. pay rise for police officers with effect from 1 September 2006. The Home Secretary also noted the tribunal’s comment that we not only had “the right but a duty to consider and put forward different factors and approaches which could be applied in determining police pay” and said that he would be reviewing the way police pay is determined including indexation and would announce the terms of reference of the review shortly.

Effective pay arrangements for police officers are essential for a modern police service which delivers high standards of community safety and security to the public.

⁵ HC Deb 23 October c1213

⁶ Police Federation: [PNB Staff Side](#)

We must move quickly to put police officer pay on a sustainable basis. We cannot continue with arrangements which produce pay rises beyond the level which police authorities can afford to pay without detriment to service delivery. For that reason, we will establish a review of the way police pay is determined, reporting early in the new year and in good time to inform the 2007 pay round. Following this I will also be asking this review to consider further changes to the police pay negotiating machinery. In particular, I am minded to place responsibility for determining chief officer pay within the remit of the senior salaries review body and the review I have announced will look at this as part of its consideration of the options for replacing the current police officer pay determination arrangements.

I have asked Sir Clive Booth to undertake the first part of this review and I am pleased to announce that he has accepted. Sir Clive will report to me in early 2007 with recommendations on the pay determination mechanism that we should use for next year. This along with any other proposals for pay modernisation from the service or representative organisations will be considered in the 2007 pay round. The Home Secretary and I will consider further how the second part of the review looking at the police negotiating machinery should be taken forward including consideration of John Randall's report on this issue.

The terms of reference for the review are:

Part 1—To consider the options for replacing the current arrangements for determining changes to police officer pay for 2007 and make recommendations on this. The conclusions and recommendations in part 1 to be framed so as to inform part 2 of the review.

Part 2—To review the effectiveness of the negotiating machinery for the police, including the Police Negotiating Board and the Police Staff Council, and make recommendations for how police pay and other conditions of service should be determined. The review must consider the option of a pay review body for police pay and consider the impact of any proposal for determining police officer pay, on the negotiating machinery for police officers.

Both parts of the review must take account of the need for arrangements to reflect and support the following:

The future requirements of the service for the effective and efficient delivery of policing services, motivation and morale and recruitment and retention rates, and overall affordability.

Government policy on public sector pay and the broader economic and employment context, and consistency with the achievement of the inflation target of 2 per cent.

The need to enable wider police workforce developments including proper reward and recognition arrangements.

Arrangements for pay determination in other parts of the public sector.

Part 1 should report no later than February 2007, and part 2 in the autumn of 2007.⁷

A further statement was made on 21 February 2007:

The Minister for Policing, Security and Community Safety (Mr Tony McNulty): On 16 November last year I announced that I had established a review of police pay arrangements and that I had asked Sir Clive Booth to undertake part one of this review, focusing on the arrangements for determining police officer pay for 2007 and

⁷ [HC Deb 16 November 2006 c 5WS](#)

reporting early in the New Year. I have now received Sir Clive Booth's report entitled 'Fair Pay for Police Officers'.

I am grateful to Sir Clive for undertaking this work. Effective pay arrangements for police officers are essential for a modern police service which delivers high standards of community safety and security to the public. The report makes a number of recommendations and I shall be considering them very carefully and consulting with policing stakeholders on them. The method for determining police officer pay for 2007 will then be progressed through the Police Negotiating Board, before the Home Secretary takes his final decision.

I have today placed a copy of Sir Clive Booth's report in the House of Commons library.

The second part of the review will begin shortly. This part of the review will review the effectiveness of the negotiating machinery for the police and make recommendations for how police pay and other conditions of service should be determined. This will include consideration of the option of a pay review body and the impact of any proposal for determining police officer pay on the negotiation machinery. I have asked Sir Clive Booth to undertake this part of the review also and am pleased to announce that he has accepted. Sir Clive will report to me in the autumn of this year.⁸

The main recommendations were summarised in the Report as follows:⁹

Summary of recommendations

1. Government policy needs to be formally communicated to, and understood by, PNB from the start.
2. Indexation should be retained for 2007 but using the public sector facing index set out in Recommendations 3 to 8. The flexible application of the new index and the link to resumed work on modernisation should be part of the package: see recommendations 11 and 12. Subject to Part 2 of this review, and the progress made in the 2007 negotiations, the index could be rolled forward one more year, into 2008.
3. The new index should cover the following ten pay groups: armed forces, doctors and dentists, nurses and other health professionals, prison service (England and Wales), school teachers (England and Wales), all three principal groups covered by the Senior Salaries Review Body (i.e. judges, senior military and senior civil servants), civil servants employed in the DWP, MoD, Home Office and HM Revenue and Customs.
4. The new index should use, for each pay group, the percentage increase over one year in the basic pay settlement figure as defined in Appendix 2.
5. For groups covered by Review Bodies, the basic pay settlement figure should be calculated from the Review Body award, before any staging or other modification. If staging or modification is applied by government to the police officer settlement it should happen at the end of the process.
6. The index should be calculated from the unweighted median of the percentage annual increase in the basic pay settlement figure for each of the ten pay groups.
7. The relevant settlement figure for each group included in the index should be the most recent announced annual settlement as at 31 May 2007.

⁸ [HC Deb 21 February 2007 c 51-2WS](#)

⁹ Sir Clive Booth, [Fair Pay for Police Officers, The First Part of a Review of Police Officer Pay Arrangements](#), 21 February 2007

8. The task of calculating the index, though simple, should be undertaken by an independent expert organisation.

9. The negotiations in 2007 should not be limited to discussion of indexation in the sense of producing a uniform percentage increase for all ranks. There should be a more flexible approach. The index should be regarded as producing a "pot" of money that can be applied differentially according to the needs of the service, including modernisation.

10. The three year agreement on ACPO ranks which expired in 2006 should be rolled forward for the period covered by recommendation 2, pending part two of this review, and any uplift will come from the "pot" specified in recommendation 9.

11. It should be a matter of routine for both Sides regularly to examine information on recruitment and retention and motivation and morale and other relevant factors and to set benchmarks against which these can be monitored. Armed with this information, both Sides can discuss what corrective action may be needed to maintain the benchmark positions. A start should be made with gathering this information, assessing it and setting broad benchmarks in the 2007 negotiations, but developing a refined system will take more time.

12. It is important that the two Sides should discuss between now and the end of 2007 new approaches to wider reward and recognition in the context of wider police work force developments. The Staff Side have expressed a willingness to enter into such discussions on a number of occasions. The parties should agree a timetable for undertaking and concluding the discussion, with a commitment on both Sides to meeting key timetable milestones.

13. The National Policing Improvement Agency, which is led by the police service, offers a new source of expertise which must be tapped as soon as possible.

14. Those who speak for the Official Side must have a fast response time and a clear negotiating brief.

The Home Secretary has accepted the recommendations in full and has directed the Police Negotiating Board to reach agreement on them by 19 July. The Staff Side have raised objections to this.¹⁰

2.2 Reaction

Police representatives have since raised objections to Sir Clive Booth's Part One recommendations on the grounds that police officer pay would be linked to public sector pay, not private sector, as has previously been the case. The form of indexation to uprate police pay would be retained for 2007 but move away from the current index to a public sector facing index. The index would produce a "pot" of money to be applied differentially according to the needs of the service, including modernisation, and thus the pay award for 2007 would not necessarily produce a uniform percentage increase for all ranks and would mean an increase to the pay bill of no more than 2% for 2007.

A press article in May 2007 reported on suggestions that police would seek a right to strike in light of the ongoing dispute:¹¹

The Police Federation is angry about changes to the basis on which officers' pay is negotiated.

¹⁰ Letter from PNB Staff Side to Home Secretary, 12 April 2007

¹¹ "Police may seek right to strike in row over pay" *Daily Telegraph*, 17 May 2007

At times, John Reid was jeered when he addressed the federation's annual conference in Blackpool.

The loudest applause came when Jan Berry, the chairman of the federation, told him that if the dispute was not resolved officers might be forced to demand the right to strike for the first time since 1919.

The Police Act of that year, which created the federation after a number of police strikes, made it a criminal offence for an officer to go on strike or for a police leader to encourage it.

Police in Europe can be sacked for going on strike but in the UK they face imprisonment.

Mrs Berry said nobody wanted to take industrial action and she ruled out breaking the law as it stands.

But she raised the prospect that officers might demand a change to allow them the right to take action.

An Early Day Motion was tabled on 24 July 2007 by David Davies MP:

EDM 1986 FAIR PAY FOR POLICE OFFICERS

That this House recognises the bravery and hard work of the police and commends police officers for adapting to meet the diverse challenges asked of them, from the fight against crime and the implementation of community policing to the fight against terrorism and dealing with natural emergencies such as the floods affecting large parts of the United Kingdom; and calls upon the Home Office to recognise the unique role of the Office of Constable and ensure that UK police officers are given a fair pay settlement from 1st September 2007 which reflects the daily dangers they face and the fact that they are accountable for their actions both on duty and off duty and are prohibited from taking industrial action.

2.3 Second arbitration decision

The Police Negotiating Board considered Sir Clive Booth's recommendations but failed to reach agreement so the matter was referred to the Police Arbitration Tribunal (PAT). The tribunal reached a decision in November 2007 recommending an increase of 2.5% with effect from 1 September 2007. However, a Ministerial Statement on 6 December 2007 said that the 2.5% increase would take effect in December. This was seen as significant since this appears to be the first time that the Government has rejected a recommendation of the Police Arbitration Tribunal since its inception in 1955.¹² The statement also announced the second part of Sir Clive Booth's review, explaining the main proposals which the Government are accepting.¹³

Police Officer Pay

The Secretary of State for the Home Department (Jacqui Smith): On 16 November 2006, my right hon. Friend the Minister of State for Security, Counter-terrorism, Crime and Policing (Tony McNulty) announced a review of police pay arrangements led by Sir Clive Booth. The first part of Sir Clive Booth's review looked at the arrangements for determining police officer pay in 2007. The second part considered the effectiveness of the current police pay machinery.

¹² Since 1955 there have been around 30 issues determined by the Police Arbitration Tribunal

¹³ Sir Clive Booth, *Determining Pay in the Police Service, The Second Part of a Review of Police Service Pay Arrangements*, 21 February 2007

On 21 February this year my right hon. Friend published Sir Clive Booth's report on part one of his review. His report "Fair Pay for Police Officers" contained recommendations for determining police officer pay for 2007, including that the police officer pay award for 2007 should be based on a new public sector-facing index. My right hon. Friend made clear in publishing Sir Clive Booth's report that the method for determining police officer pay for 2007 would then be progressed through the Police Negotiating Board, before the Home Secretary took the final decision.

The Police Negotiating Board have considered the recommendations in Sir Clive Booth's report and the police officer pay award for 2007. Unfortunately the board was not able to reach agreement and the matter was therefore considered by the Police Arbitration Tribunal (PAT). I received the Police Arbitration Tribunal's recommendation for the police officer 2007 pay award on 29 November 2007.

The PAT recommendation was:

To increase the pay of all ranks of police officers covered by the three Standing Committees of the PNB by 2.5 per cent. with effect from 1 September 2007.

I have considered this recommendation very carefully. In doing so I have taken account of the tribunal's findings and reasoning, the need to ensure value for money and the best use of resources, affordability and Government policy on public sector pay.

The tribunal's recommendation for a 2.5 per cent. increase is based on a new index expanding that proposed by Sir Clive Booth. Having fully considered the PAT findings I accept the recommendation of the tribunal for an award of 2.5 per cent. However I have given very serious consideration to the implementation of this award and concluded that in the interests of affordability, and Government policy on public sector pay, the implementation of this award should be staged. This year's police officer pay award will therefore be 2.5 per cent. with effect from 1 December 2007. Staging will mean that around £40m extra will be available in 2007-08 to invest in the provision of policing services to the public.

The index suggested by the PAT for the 2007 award could inform discussion and negotiation of the police officer pay award for next year. However, I will continue to give careful consideration to any proposals from the police pay machinery on next year's pay award. This consideration will include how any such award can make the best use of resources, affordability, the need to ensure consistency with Government policy on public sector pay and that the needs of the service and of the taxpayer and public are best served.

Sir Clive Booth has now provided his report on part two of his review "Determining Pay in the Police Service".

I am grateful to Sir Clive Booth for undertaking the review. He has undertaken a wide-ranging consultation with interested parties including the Police Federation, the Association of Chief Police Officers, the Association of Police Authorities, the Superintendents' Association, the Chief Police Officers' Staff Association, Unison and others. In his report on part two of his review, Sir Clive Booth recommends that: (i) a pay review body for police officers should be created; (ii) the pay of police officers and police staff should continue to be determined by separate mechanisms; (iii) the existing Police Staff Council machinery should be retained for the time being; and (iv) that chief officers are covered by the proposed pay review body for police officers, but if that is not created chief officers should become one of the groups covered by the Senior Salaries Review Body.

The Government welcomes Sir Clive Booth's report and accepts that a pay review body for police officers, including chief officers, should be created, the pay of police

officers and police staff should continue to be determined separately and that the Police Staff Council should be retained. We note that in due course unified officer and staff pay machinery may be considered, in particular as police workforce developments are progressed, but do not think that this is a practical proposition for the time being.

The Government will consult, in the near future, on proposals for implementing the necessary changes to the police pay machinery.

I have today placed a copy of Sir Clive Booth's report in the Library of the House.¹⁴

2.4 Reaction

The Police Federation have raised objections to this decision in the strongest terms, threatening legal action and calling on 12 December for the resignation of the Home Secretary:

At an emergency meeting held today (12th December) about the police pay crisis, the staff associations representing the UK's 170,000 police officers have called for Jacqui Smith, the Home Secretary, to resign.

This followed a vote of no confidence at the meeting in Jacqui Smith's ability to deal fairly with police pay and conditions. The staff associations made clear that police officers had lost trust and faith in her.

Jan Berry, Chairman of the Police Federation, and Chairman of the Staff Side of the Police Negotiating Board, says:

"Police officers across the United Kingdom have delivered a clear message to the Prime Minister. We no longer have any trust or faith in the abilities of Home Secretary Jacqui Smith dealing with our pay and conditions and she must go.

"This is not just about money; it is about treating police officers fairly and honouring the decision of the independent Police Arbitration Tribunal. By not honouring the deal the Home Secretary has betrayed the trust of all UK police officers.

"It's clear what needs to be done. Honour the deal in full or continue to feel the might and anger of police officers, the public and a growing number of politicians."¹⁵

2.5 Protest and Judicial Review

On 23 January 2008 the Police Federation organised its first ever street protest. According to media reports more than 22,000 police officers took part in the march and mass lobby of Parliament.¹⁶ On the same day an application for judicial review was lodged.¹⁷ Permission was subsequently granted by Mr. Justice Collins on 4 February and a two day hearing set for April. The hearing will focus on the question of whether the Home Secretary's decision to override the decision of the Police Pay Tribunal was within her statutory authority.¹⁸

2.6 IPPR proposals

On 21 January 2008 the Institute for Public Policy Research (IPPR) announced proposals for police pay increases to be based on reward for performance and developing skills and expertise:

¹⁴ [HC Deb 6 December 2007 c94-6WS](#)

¹⁵ Police Federation press release, [UK police officers call on Home Secretary to resign](#), 12 December 2007

¹⁶ ["Police Federation seeks pay row judicial review"](#), *The Guardian*, 23 January 2008

¹⁷ "Police call for judicial review of pay settlement" *Financial Times*, 24 January 2008

¹⁸ "Police pay will go to judicial review" *Financial Times*, 5 February 2008

Police pay should be radically overhauled to reflect performance and skills rather than length of service, according to a new report to be published next month by the Institute for Public Policy Research (ippr). This comes ahead of Wednesday's march by the Police Federation on pay and the Flanagan Review of Policing, which is due to publish its final recommendations early next month.

ippr's report shows that the pay of individual police officers increases irrespective of performance and skill-levels. The current pay system gives an annual pay increase of between two and six per cent for the first ten years of service on top of the award set by the Police Arbitration Tribunal. ippr argues that this system does not reward expertise and discourages officers from developing much-needed specialist skills, such as tackling violent and gang-related crime. It also fails to reward officers who do the most difficult or dangerous roles, such as emergency response work.

ippr's report will recommend the police pay system be reformed to introduce pay bands for each rank, with higher pay for those with specialist skills, and an end to tenure-related pay increments, except in the first few years of service.

ippr says that although crime has fallen dramatically since 1997, police performance in this period has not significantly improved. The research shows that despite an increase in police funding of over 25 per cent in real terms since 2001, police productivity in terms of crime detection is flat: in 2006/07 each warranted officer detected around 10 crimes per year, the same level as in 2001 – and for each detection the police spent around £10,000, which is approximately 10 per cent more in real terms than in 2001.¹⁹

3 The right to strike

3.1 Police officers

The dissatisfaction among police representatives with the Government's decision not to follow the PAT award is hard to overstate:

Absolute disgrace - Home Secretary's letter of betrayal last straw for police officers 05.12.07

A truly dishonourable move by the Home Secretary, a letter to the Chancellor of the Exchequer exposes the absolute contempt held for policing by the Home Office and this government. The letter which on the surface appears to ratify the pay arbitration finding, goes on to deliver the final blow to police officers by asking the Chancellor to support her in a decision that will not only pay police a lower than inflation award but effectively cut police officers pay for 2007.

Jan Berry, Chairman, Police Federation of England and Wales:

"This is contemptuous behaviour by the Home Secretary, and has rightly angered the 140,000 police officers in England and Wales who have been waiting patiently for their pay award since 1st September. This is a cheap shot by a Home Office, not fit for purpose, seeking to remedy their own financial mismanagement by penalising police officers to the tune of £30.5 million; money that is rightly theirs, money they've worked hard for. There are a number of officers who are now saying we should have the right to take industrial action. In the light of this letter we are calling an emergency meeting of national and local Police Federation leaders in London next week. Police officers should either have full industrial rights or independent binding arbitration; currently we have neither."

¹⁹ IPPR, [Police pay should reflect performance and skills](#), 21 January 2008

In the letter the Home Secretary requests the Chancellor supports her decision to not back-pay police wages to September which means the under inflation determination made by the arbiters of 2.5% effectively becomes 1.9% - a lower award than any other emergency service or public sector body in England and Wales, and for the one group of workers that cannot take industrial action.²⁰

Police officers have been prevented from taking strike action since the *Police Act 1919* came into force. No police officers have taken strike action since that time. The prohibition on joining trade unions, with very limited exceptions, is still contained in section 64 of the *Police Act 1996*.²¹

64 Membership of trade unions

(1) Subject to the following provisions of this section, a member of a police force shall not be a member of any trade union, or of any association having for its objects, or one of its objects, to control or influence the pay, pensions or conditions of service of any police force.

(2) Where a person was a member of a trade union before becoming a member of a police force, he may, with the consent of the chief officer of police, continue to be a member of that union during the time of his service in the police force.

(3) . . .

(4) This section applies to police cadets as it applies to members of a police force, and references to a police force or to service in a police force shall be construed accordingly.

[(4A) . . .

(4B) . . .]

[(4C) This section applies to a member of the staff of the National Policing Improvement Agency who is—

- (a) a constable, and
- (b) an employee of the Agency,

as it applies to a member of a police force, and references to a police force or to service in a police force shall be construed accordingly.

(4D) In its application by virtue of subsection (4C), subsection (2) shall have effect as if the reference to the chief officer of police were a reference to the chief executive of the National Policing Improvement Agency.]

[(4E) This section applies to—

- (a) the Director General of the Scottish Crime and Drug Enforcement Agency,
- (b) the Deputy Director General of that Agency, and
- (c) a police member of that Agency appointed by virtue of paragraph 7 of schedule 2 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10),

as it applies to a member of a police force, and references to a police force or to service in a police force shall be construed accordingly.

²⁰ Police Federation press release, [Absolute disgrace - Home Secretary's letter of betrayal last straw for police officers](#), 5 December 2007

²¹ Which derives from section 47 of the *Police Act 1964*

(4F) In its application by virtue of subsection (4E), subsection (2) shall have effect as if the reference to the chief officer of police were a reference to the Director General of the Scottish Crime and Drug Enforcement Agency.]

(5) Nothing in this section applies to membership of the Police Federations, or of any body recognised by the Secretary of State for the purposes of this section as representing members of police forces who are not members of those Federations.

3.2 General position

In the UK there is no specific statutory provision giving an employer the right to dismiss employees who go on strike. Nor is there a statutory “right to strike”. The common law position is that an individual who goes on strike is almost invariably in breach of his contract of employment, and, therefore, liable to dismissal under contract law. Trade unions that organise a strike will almost certainly commit a “tort” or “civil wrong” such as inducement of breach of contract or interference in performance of the terms of a contract. The remedies for torts are primarily damages and injunctions. Insofar as there is any “right to strike” in British law, it has been conferred by Acts of Parliament which granted trade unions and trade union officials immunity from liability for these torts. There is therefore a freedom to strike in cases for which immunity is granted rather than any individual or collective right to strike. The *Trade Disputes Act 1906* first introduced in the UK a system for immunities from common law liability for unions when organising industrial action.

The Conservative trade union legislation severely reduced the scope of these immunities. Amongst other things, it removed immunity from secondary action and political strikes, and introduced complex procedural requirements involving secret postal ballots and seven-day strike notice which had to be complied with if immunity was to be preserved. It is only strikes for which a trade union has immunity that are “lawful”. The current government has preserved this basic framework although some changes have been made by the *Employment Relations Act 1999* and the *Employment Relations Act 2004*.

4 Scotland

The decision of Scottish Ministers did not however follow the central government decision on 6 December 2007 not to follow the decision of the PAT. Scottish Ministers agreed to the outcome of the arbitration tribunal. A Scottish Police Federation press release gave details:

The Cabinet Secretary for Justice, Kenny MacAskill, has on behalf of Scottish Ministers, agreed to implement the PNB agreement arising from the Independent Arbitrators award.

This has the affect of increasing the pay and certain allowances of all ranks of police officers in Scotland by 2.5% with effect from 1 September 2007.

This effectively brings an end to the pay dispute in Scotland for 2007. Members will however be aware that the future of police pay beyond 2007 and the Police Negotiating Board itself remain under consideration.²²

An Oral Parliamentary Question to the Prime Minister on 12 December 2007 raised the question of the resulting disparity between police forces:

Q3. [173037] **Michael Fabricant (Lichfield) (Con):** A police officer in Linlithgow is now paid more than a police officer in Lichfield for doing exactly the same job. Is that fair? Is that right?

²² Scottish Police Federation Media Release, [Police Pay Decision of Scottish Ministers](#), 6 December 2007

The Prime Minister: What is happening in Scotland is this: to pay the police more, the planned increase of 500 policemen has been suspended. I know what my constituents and the hon. Gentleman's constituents would prefer—that there were police on the streets. We have more police in this country on the streets, helping us, than at any time in our history. I more than anybody would like to be able to say to the police that we could pay their wages and their salary rise in full, but I have to say to them that no policeman and no person across the country would thank us if their pay rise was wiped out by inflation—and no party should know that better than the Opposition, given that there was 10 per cent. inflation in the 1990s. That is why the awards are being staged. Over the last 10 years, police pay has risen by 39 per cent., and by 9 per cent. in real terms. We have managed to combine that with having rises in police numbers and the biggest police force in history. That is the policy of the Government.²³

The Prime Minister met with the Liaison Committee on 13 December 2007. In response to a question from Rt Hon Alan Beith MP, the Prime Minister referred to the Scottish pay award:

The second thing is within these budgets, if more money is spent on, for example, personal care, then less money is spent on something else. If, as happened yesterday, there was a police award in Scotland, it is at the cost of employing more police officers and that was recognised by the fact that the plan to employ 1,000 police officers was dropped and only 500 police officers were employed.²⁴

5 Further background

In an evidence session with the Liaison Committee on 13 December 2007 the Prime Minister gave a detailed explanation of issues underlying the Government's position on the issue of police pay:

Q52 Mr Beith: There is a cost to police morale in England as well.

Mr Brown: You can come back to that later, because the whole issue of police pay, if I may say so, goes back to the question that Barry Sheerman asked at the beginning about the state of the economy. If you believe, as I do, that inflation has always been a problem for the British economy that can only be dealt with by taking decisive action whenever inflation threatens to return, then the action that we took earlier this year, when inflation started to rise as a result of oil prices, and then as a result of utility price rises, and inflation moved beyond its target of two per cent to threatening to go above three per cent, then it was right to take decisive action to deal with the inflationary pressures in the economy. That is why, while I would love to pay the police more, as I said yesterday in the House of Commons, and while I accept that all the different public sector groups have a case to be made, and some have particular cases that they are right to put forward, it was in the interests and still is in the interests of the national economy that we tackle inflation and do not allow a return to the stop-go problems of the past. No policeman would thank me if their pay rise was wiped out by rising inflation that we could not control and we ended up in a situation of facing global financial turbulence where we could not cut interest rates because, as was true in the early 1990s and the early 1980s, inflation was out of control. The reason for the public sector pay policy is not to save money in particular areas, although that is an argument that you can have at any particular point in time. It is to bear down on inflation in our national economy so that we do not have the problems that we cannot react to global financial conditions by cutting interest rates at a time because inflation is rising.²⁵

²³ [HC Deb 12 December 2007 c 296](#)

²⁴ Liaison Committee, [Uncorrected oral evidence](#), Q51, 13 December 2007

²⁵ Liaison Committee, [Uncorrected oral evidence](#), Q52, 13 December 2007

Later in the session there were more detailed questions about police pay, in particular the decision of the Home Secretary in respect of the arbitration award which was conveyed in the Ministerial Statement of 6 December 2007 (see above).²⁶

Q73 Keith Vaz: Prime Minister, did the Home Secretary consult you before she decided not to implement the award from the tribunal in full on 1 September?

Mr Brown: Of course. It is a government decision. You have got to look back to what has happened during the course of this year. Nobody wanted to say either to the nurses or to the teachers or to the doctors or to prison officers that public sector pay awards had to be staged, but it was the right thing to do for the national economy as a whole.

Q74 Keith Vaz: What is the point of going to arbitration if you do not honour the arbitration award?

Mr Brown: The decision about the police pay award is finally a decision in the hands of the Home Secretary. As you know, we are moving from a system where police pay was related to private sector pay to one where we have this arbitration system and to one where there is a discussion about having a police pay review body but the decision at the end of the day was a decision the Home Secretary had to make in the national interest.

Q75 Keith Vaz: We understand that.

Mr Brown: I do suggest to you that people should look at the bigger picture here about the future of the British economy. Does anybody fail to remember the stop-go problems that we had in the Seventies, the Eighties and Nineties, when people were not prepared to take the difficult but long-term decisions to keep inflation under control? While you want to focus today, Keith, on a single pay award, you have to look at the national picture as a whole. We had inflation that was rising and in danger of getting out of control. We had to take action and the action included having a tough public sector pay round. Nobody wanted to do this. Everybody would like to pay our police, whom we admire and believe do a brilliant job, at the rate that was awarded by the system itself but you have to take into account the national interest, and the national interest is that we bear down on inflation.

Q76 Keith Vaz: Is it worth the kind of headlines we have seen today? The Government needs the support of the police in implementing local policies, in the struggle against terrorism. Is it worth all this hassle, with motions of no confidence being passed on a Home Secretary who everyone regards as having done a very, very good job indeed, over a three-month staged pay award?

Mr Brown: Just to be clear, nobody wants to say to the police "You cannot get a higher salary" but nobody wants inflation to return to the British economy and to have pay awards wiped out simply by rising inflation and therefore of no value to people.

Q77 Keith Vaz: Why not make this clear before you go to arbitration? Why do it afterwards?

Mr Brown: It was absolutely clear, right from the beginning of the year, that we had made a decision to stage public sector pay awards. That was known when the announcements were made earlier this year. It happens that the police pay award was the last of all the pay awards in the public sector at a national level during the course of the year. I repeat, I would like to pay the police more, just as I would like also, by the way, to pay the nurses and to pay those people who commit themselves daily to public service more, but you have to take a broader view of the national interest. It is easy for people looking at one particular instance to say "This costs X" or "This costs

²⁶ [HC Deb 6 December 2007 c94-6WS](#)

Y." We have to look at the economy and the state of our preparedness to deal with the global events as a whole. There is absolutely no doubt that politicians in the Seventies and the Eighties and the early Nineties were prepared to make short-term political decisions for political gain and lost sight of the long-term interests in tackling inflation in the British economy. The only reason why interest rates were able to come down a few days ago was because inflation was under control in the British economy, and the only reason inflation is under the control in the British economy is because we have been prepared to take difficult but long-term decisions that are necessary in the national interest.

Q78 Keith Vaz: We appreciate that, Prime Minister. Finally from me, have you met representatives of the Police Federation or ACPO on this issue? If you have not, would you be prepared to meet them to discuss their concerns?

Mr Brown: I have met representatives of ACPO recently on other issues.

Q79 Keith Vaz: On this issue.

Mr Brown: The point I would suggest to you is that the award is now being paid at 2.5 per cent from 1 December, so the award, while postponed in its full implementation from 1 September, is now being paid from 1 December. So the 2.5 per cent is now being paid from 1 December. Of course I will meet people to talk about these issues but I think this Committee, which has always taken a wider appreciation of what the national interest is in this matter, will understand that this is part of an anti-inflation policy which is essential to make sure that we are properly equipped to deal with the problems that every country is facing in the global economy.

Q80 Mr Whittingdale: On that, it has always been the case that the police were regarded as being in a special category, not just because they have to put their lives at risk but also because they have given up the right to strike. You will be aware that many of them are now saying that if they are no longer regarded as a special case by the Government, why should they behave differently to other public sector workers; why should they not now consider taking some forms of industrial protest within the law?

Mr Brown: You are wrong to suggest that everything that is happening in relation to police pay is as it always has been except for this decision. We are moving from a system of police pay which was related to one index to discussions about how it can be related to a different system. So a lot is being discussed about changes in the police pay system and I think these discussions should go ahead and people should draw the conclusion. I also note that there are many people in the police who do not want to break the decision that has been both a decision of the police and a decision of governments that there is a no strike agreement.

Q81 Mr Whittingdale: But what is the point of going on having discussions if you have made it absolutely clear that you are not prepared to make any movement on the question of pay?

Mr Brown: The discussions that are taking place are not simply about 1 December's pay rise. They are about the long-term system for setting police pay for the future. Let me just repeat: I value the police. The fact that we have more police in this country than ever before is a recognition of the important job that they do in building community cohesion as well as protecting law and order. I would like to pay the police more. That is what I think the Government would wish to do under circumstances in which we did not have to counteract what is a major economic issue that had to be dealt with. I am sorry if people from other parties do not recognise that it was the failure in the past to deal with economic problems when they started to arise that caused us to have a stop-go economy for so many years and caused us to move from boom to bust and into recessions on so many different occasions. I think people should bear in mind that for the last ten years we have had consistent, stable growth

in this economy and I am determined that that is the pattern for the next period as well.²⁷

6 Organisations and contacts

The Office of Manpower Economics (OME) describes the Police Negotiating Board (PNB) as follows:

The Police Negotiating Board (PNB) was established by Act of Parliament in 1980 to negotiate the hours of duty; leave; pay and allowances; the issue, use and return of police clothing, personal equipment and accoutrements; and pensions of United Kingdom police officers, and to make recommendations on these matters to the Home Secretary, Secretary of State for Northern Ireland, and Scottish Ministers. It is governed by a Constitution.

The parties to negotiation are the Official Side, comprising representatives of the Secretaries of State, police authorities and chief police officers, and the Staff Side comprising representatives of the police staff associations. Each Side appoints a Side Secretary who is the principal contact (and principal negotiator) on all matters relating to the PNB. The PNB has a full board - comprising 22 members on each Side - which considers matters affecting all ranks, and three smaller standing committees dealing with matters which affect specific ranks, ie the "federated ranks" (constable to chief inspector, including cadets), superintendent ranks, and chief officers.

The PNB has an Independent Chair and Deputy Chair appointed by the Prime Minister, whose role is to supply a neutral, independent voice in the negotiations and to assist in bringing the parties to agreement, through support, informal mediation and conciliation. It also has an Independent Secretariat based in the Office of Manpower Economics (OME), London, which makes administrative arrangements for meetings and researches and assesses data on pay and other matters. Since 2001 the Chair is required to make an Annual Report on the work of the PNB to the Prime Minister.

PNB meetings are normally held on a quarterly basis - more often if required - at the offices of the OME. If the parties fail to agree on a particular issue, the matter can ultimately be referred to arbitration by the Police Arbitration Tribunal, which operates under the auspices of the Advisory, Conciliation and Arbitration Service.

The PNB is registered with the Information Commissioner as a Data Controller. Its registration number is Z5900419.²⁸

The Police Arbitration Tribunal is described as follows:

Police Officers in the United Kingdom are prohibited by statute from the right to strike. Under the Constitution of the Police Negotiating Board, therefore, matters on which no agreement can be reached, and which cannot be resolved by conciliation, may be referred by either Side to arbitration. Pension matters are, however, not arbitrable.

Arbitration is carried out by a standing Police Arbitration Tribunal (PAT), which operates under the auspices of the Advisory, Conciliation and Arbitration Service (ACAS). The PAT consists of three arbitrators appointed by the Prime Minister. Currently, Professor John Goodman is the Chair and Mrs Margaret Salmon and Ms Virginia Branney are the members. The current PAT Secretary is Mr Amit Sen, Deputy Head of Arbitration Services, ACAS.

²⁷ Liaison Committee, [Uncorrected oral evidence](#), Q73-81, 13 December 2007

²⁸ [Office of Manpower Economics](#)

Before referral to the PAT, the Sides agree the terms of reference of any dispute. Any decision of the arbitrators is treated as though it were an agreement of the Police Negotiating Board.²⁹

Between 1955 and 2001 there were 30 matters referred to the Police Arbitration Tribunal.

The following further information is given by the OME:

- [Police Negotiating Board Constitution](#)
- [Official Side of the Police Negotiating Board](#)
- [Staff Side of the Police Negotiating Board](#)
- [Independent Secretariat of the Police Negotiating Board](#)

The following contact information is given by the OME:

The PNB Staff Side Secretary

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The Independent Secretariat (Office of Manpower Economics)

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²⁹ [Police Arbitration Tribunal](#)