

## **Police pay – contested and contestable**

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### **Abstract:**

*This paper provides an analysis of developments in the determination of police pay. It reveals the contested nature of public sector pay setting where the government of the day is given to short-term economic goals over and above any long-term approach to resolving staffing issues in the essential public services. In the case of the police, the Police Federation of England and Wales (PFEW) has traditionally used both industrial and political methods to put pressure on key government decision-makers. Developments reveal increasingly fraught relations between the police and the government, with the 2008 pay dispute in particular remarking a key point of deterioration in this set of relations. Once it became clear after the 2010 general election that the government would ignore industrial pressure then the PFEW felt driven to increase the activities of its political arm. This ultimately backfired with Plebgate leaving them naked in the negotiating chamber.*

### **Introduction**

In 2008 and again in 2012 police officers belonging to the Police Federation of England and Wales (PFEW) marched through the streets of London in protest at government interference with their pay levels, pensions, and pay setting system. Their anger and sense of betrayal was clear. The protests were part of an organised campaign by the Federation which included a series of local campaigns against cuts, civilianisation, and privatisation. It culminated in an indicative ballot of Federation members in early 2013 concerning the

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restoration of the right to strike, the Plebgate affair (Normington 2014), and the government's decision to set up a Police Remuneration Review Body (PRRB) late in 2014 (Home Office 2013).

Our aim is to show how these developments provide a clear example of public sector pay setting problems when the government of the day pursues short-term economic goals at the expense of any longer term planned approach to staffing public services. This has resulted in times of inflation with a typical shark-tooth outcome when pay falls steadily behind others and then has a sudden catch-up deal, to be followed by another gradual decline in relative pay. When inflation is low, as since 2010, then public sector pay is clamped and the preferred mechanisms for pay determination have little to distinguish themselves from each other - indexation, Whitley, pay review, and 'free' collective bargaining. Thus workers fight back using industrial action or pressure groups tactics. In the case of the police the latter prevails through the use of propaganda, demonstrations, threats of corruption to come, and public protection risks.

The paper provides a schematic history of Whitley-style national pay setting for the police from the 1919 strike to its crisis in 1977. Thereafter a system of indexation and national bargaining prevailed until that too broke down in 2005 when both the index itself and the government's approach to arbitration collapsed. That presaged a major dispute in 2008 followed by five years of uncertainty and 'bad faith' negotiations. Our argument is that the 2008 dispute over police pay in England and Wales was a major turning point, with the decision to phase a pay settlement agreed by the main parties and ratified by the Police Negotiating Board (PNB) thereby thwarting the custom and practice of limited direct

government interference. This, we suggest, weakened an already fraught trust relationship between rank-and-file officers in the PFEW and SPF<sup>3</sup> and the government and was made much worse by the recommendations of the 2011/12 Winsor report alongside the Hutton changes to pensions (2011). By 2013 the government had re-calibrated its position and opted for setting up the PRRB.

Some of the key elements of the debate include the historic decision to prevent the police from striking and therefore from being involved in 'normalised' collective bargaining and this is further compounded by not being allowed to join an independent trade union. This link between not being able to strike, and therefore only being involved in a stunted form of collective bargaining, and the need for a secure arbitral system has been taken very seriously by the Federations and their members. Any breach of that trust in arbitration raises a question mark over the whole pay setting regime, while casting further doubts on the mutual gains nature of the outcomes (Kochan and Osterman 1994).

As the paper argues, in all of this the representatives of the police<sup>4</sup> and the government have between them devised a series of mechanisms to decide pay and related matters, regularly reformed, but now coming under immense pressure. The point is that the special employment situation of sworn warranted officers (constables) and the ban on police officers from belonging to a trade union and going on strike (Judge, 1994) has not fundamentally altered police attitudes to their pay as workers. The issues on pay determination when the state is the main employer of specialist labour are familiar from the

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<sup>3</sup> Scottish Police Federation

<sup>4</sup> PFEW and SPF

perspective of the workforce, namely concerns with the basic rate for the job allied with overtime, increments, allowances, and pensions.

The main research methods used for this paper involved interviews with PFEW and SPF national and local leaders and activists; participative observation at meetings including PFEW National Executive; PFEW and SPF national annual conferences; PNB staff side; and other sectional meetings as with the sergeants groups' and the West Midlands joint group. The analysis of government, employers', and federation documents also formed part of the research programme.

The case is made that, *ceteris paribus*, the state, acting as the sole employer (monopsony) for the police, will push down wages (and pensions and other associated costs of employment) when it can (in a recession) creating a crisis (Hall and Vanderporten 1977). The crisis manifests itself in a breakdown of trust as between the police and the representatives of government, and this in turn might reflexively become part of a further breakdown as between the police and the citizens.

This matters as the police are charged with protecting the public from harm through controlling crime and disorder. Such principles were outlined by Robert Peel in the 1820s (Hansard vol. XXI, George IV series, p. 867, April 1829) when he established the first modern police force (Lentz and Chaires 2007). Peel based his programme on classical studies of the state updated by Renaissance writers such as Machiavelli (1513) and influenced by the early utilitarians. Its central tenets included policing with public consent to keep the public from harm, the prevention of crime and disorder, and with efficiency measured through the

absence of crime and disorder rather than visible evidence of police action itself (Critchley 1978: 47-51; Taylor 1997:12-39).

Nonetheless, police officers are essentially state workers (in uniform) at work with the associated concerns of any such group. They rely on the police federations acting as pressure groups because what people “want to achieve, individually or in groups, now mainly depends on the state’s sanction and support. But since that sanction and support are not bestowed indiscriminately, they must, ever more directly, seek to influence and shape the state’s power and purpose” (Miliband 1973:3). One police function under capitalism is to produce social order so that the main business of making profits can be continued. It is the defence of private property at all costs that provides the modern state elites with both their main policy direction, and their determinant ideological disposition (Cohen 1988:298).

These principles in part illustrate the wider role of the police as part of the state apparatus, but in a liberal democracy based on policing with public support. If and when trust is broken as between the police and the public due to corruption and/or partial incompetence and/or clear evidence of partiality, and linked with this, if trust is broken between sections of the state elites (central and local government of the day, PCCs<sup>5</sup>, and Chief Constables) and rank-and-file police then a crisis of policing is the most likely outcome (Seifert 2012).

Within all of this national pay determination is a central plank that links fairness and felt-fair comparability sensitivities of the police with absence of corruption, national performance standards, and public and political trust. The trade union principle that a worker should be paid the ‘rate for the job’ expresses the overwhelming sentiment that doing the job is the

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<sup>5</sup> Police and Crime Commissioners, established under the Police Reform and Social Responsibility Act 2011 are elected by the public to hold Chief Constables and the police force to account.

main purpose of going to work. As a result the vast majority of police officers feel that they should be paid for doing their job to nationally agreed standards based on national training precepts, and that performance should be rewarded by promotion, specialisms by recognised and agreed extra payments, loyalty and experience by increments, extra hours by overtime and special one-off payments, and regional cost-of-living by a national rate that covers all reasonable 'necessaries of life' (PFEW, March 2015).

**'Fair pay' under Whitley in the time of centralisation 1919-1977:**

Prior to 1919 each Police Force determined police officers' pay locally. In 1919 the famous strike by police (Judge and Reynolds 1968; Bean 1980) forced the Government of the day to ban them from striking. In so doing they were also forced to find a way to determine pay and conditions that would be acceptable to police and public. The strike by the National Union of Police and Prison Officers over union recognition was part of a wider strike movement, and as AJP Taylor ironically notes "the strikes were not only alarming in themselves --- particularly the unparalleled display of working-class feeling by the guardians of public order" (1965: 106).

As a result the Desborough Committee (1919) was set up and recommended a unified approach to pay, pensions and conditions and introduced a national pay scale based on length of service. The resultant Police Act of 1919 outlawed strikes and the union, and established the PFEW and SPF as the sole legitimate collective representation of police officers in what became known as the federated ranks (those below superintendent). These federations were effectively post-entry closed shops, but could never in themselves be

counted as trade unions despite mimicking many of the representative and bargaining functions associated with unions.

From 1919 to 1977 a Whitley Council approach was adopted with two statutory Police Councils, one for England and Wales and the other for Scotland. In each case, representatives from the Official (Employer) Side and Staff Side provided advice on police pay and conditions to the Secretaries of State who had overall responsibility for determining police officer pay. The Whitley Council mutual gains approach continued to operate for over fifty years before a further series of reforms and reports created the current crisis.

Soon after World War Two the Oaksey (1946-1948) review of police conditions of service recommended a non-statutory negotiating body for the police, and proposed the creation of a new Police Council with an independent Chair and joint secretariats established by each side. This was a genuine looking negotiating body responsible for making recommendations on basic pay, overtime, incremental scales, allowances, expenses, hours and leave. It was supplemented by Advisory Boards dealing with non-negotiable matters such as training and discipline. This proved to be ~~only~~ a temporary solution and as a result the Willink Royal Commission (1962) on the police was set up in 1960 with wide terms of reference, the fourth of which covered the broad principles which should govern the remuneration of the constable, having regard to the nature and extent of police duties and responsibilities and need to attract and retain sufficient recruits with the proper qualifications. These reports were used to formulate the Police Act 1964 through which the new Police Council and the Police Advisory Boards secured their statutory authority. Crucially the Commission recommended a pay negotiation formula to recognise the fact that police had no right to

strike. Thus the system embodied the norms of other public sector pay setting arrangements with the case for increased pay made by representative bodies based on cost-of-living, comparability, performance, affordability, and the state of the labour market arguments.

### **Indexation in the time of inflation 1977-2005:**

In the mid-1970s there was high inflation, wage controls through the Social Contract, and significant levels of industrial militancy. The police were caught up in this mood as their pay levels fell further behind. Consequently the negotiating system broke down and the Federations withdrew from the Police Council. This led in August 1977 to the appointment of a Review Body on Police Negotiating Machinery, chaired by Lord Edmund-Davies, which recommended the establishment of the Police Negotiating Board (PNB), with a Chair and deputy independent of the Sides. The role of the Chair was to “provide continuity and to supply a neutral voice in negotiation” (Cmnd. 7283 para 89:30). The independent chair and deputy were also to be responsible for arranging or undertaking conciliation in the event of a failure to agree by the Sides. An independent secretariat was ~~also~~ introduced to provide knowledge and expertise through the Office of Manpower Economics (OME). All of this was consolidated in the Police Negotiating Board Act 1980, and subsequently updated in the Police Act 1996.

Of note is that Edmund-Davies addressed specifically the relationship between the machinery of negotiation and the absence of the right to strike. The report stated: “Such an important limitation on the freedom of action of members of the police force renders it even more essential that the machinery for determining police pay and other conditions of

service commands the confidence of all sections of the service” (cited in Randall 2006:11). This follows the precepts of the more general Priestley Report (1955) into the basis of fair pay in the state sector, and more recent ILO principles on the right to freely associate and collectively bargain (ILO 1998).

At the heart of the Edmund Davies Inquiry was the proposed indexing of Police Officers’ pay to movements in the Average Earnings Index for the whole economy. This followed on from Lord McCarthy’s report on firefighter pay after the 1977 national strike, which also recommended pay indexation (modified in 1984), and that also ended after a bitter dispute in 2002 (Seifert and Sibley 2005). The Report of the Committee of Inquiry on the Police (Cmnd. 7283, July 1978) confirmed many of the existing pay arrangements for police officers. For example, it re-affirmed the appropriateness of a collective bargaining system of pay determination (rather than a pay review body) and of arbitration through a separate Police Arbitration Tribunal (PAT) in cases of an irreconcilable failure to agree. It also recommended a significant increase in basic pay, and a new formula in which pay scales for the federated and superintending ranks would be updated annually on 1 September ~~in accordance with~~ reflecting changes in the index of average earnings in the previous twelve months. It proposed that national rates of pay should continue to apply throughout the UK (with regional or force allowances only for London and Northern Ireland), that new national pay scales should be established, and that there should be no change in the existing system of rent allowance. Not surprisingly this report tends to form the basis of the Federations’ arguments whenever police pay systems and structures are challenged (Bartel and Lewin 1981; Feuille and Delaney 1986; Ichniowski et al. 1989; Hunter 2003).

The rationale for the PNB is therefore firmly based on the premise that the pay, allowances, hours of duty, leave and pensions of UK police officers are best determined by negotiation and agreement between representatives of the “employers” and of the officers themselves. Five linked features of the negotiating arrangements give the PNB its distinctive character. First, the unique role of the police officer brings with it responsibilities which are generally held to be incompatible with the withdrawal of labour. Second, agreements negotiated in the PNB are recommendations to the Secretaries of State, who are obliged by law to take them into account before making any decision. Third, matters on which the sides are unable to agree can be referred, jointly or unilaterally, to binding arbitration by a three-person tribunal (PAT), which operates independently from the PNB under the auspices of ACAS. PAT decisions are deemed to be agreements of the PNB. Fourth, the annual pay uplift is determined by a formula linked to pay movements in the wider economy. Finally, the PNB has an "independent element" composed of a chair, deputy chair and secretariat.

A further change arose from the 1993 Sheehy Report that examined the rank structure, remuneration and conditions of the police service, and recommended a link to pay settlements rather than average earnings. It proposed using the OME survey of private sector non-manual settlements data, which was widely used at the time to inform negotiations on civil servants' pay. Consequently, from 1994 the OME figure for the median of total pay settlements has been used to determine the annual police pay uplift. Other changes implemented following the Sheehy Report included: abolition of rent/housing allowance for new recruits; freezing of rent/housing allowance for existing recipients; and the introduction of fixed term contracts for ranks above chief superintendent. This led to

ten years of an uneasy truce as between ministers and the police federations. That all ended in 2005.

By 2005 the OME was raising serious technical concerns around the continued use of the pay survey, including the survey's coverage, the reliability of its results, and the difficulty of distinguishing between manual and non-manual workers and base and total pay. By this stage, the police were the only organisation still using the survey as the basis for setting pay so perhaps unsurprisingly OME indicated that it could not recommend its continued use. An IDS Pay report (2006) notes a median increase of 3% to June 2006 but then observes that Home Office officials and management representatives refused to agree the 3% increase at the July PNB meeting. So, "this was the first time since 1979 that the annual pay increase was not ratified" (Keter, 2011:3). No agreement was reached at a conciliation meeting held on 21 August 2006. An arbitration hearing followed and finally in October 2006 the PAT found in favour of the Staff Side claim, and recommended the 3% award.

As this crisis developed so the Randall Report (2006) into the negotiating system rejected a pay review body without much consideration. In so doing it failed to critically assess the needs of the police force given the proposed modernisation and mergers, it seemed unaware of what was happening elsewhere in the public sector, and it was confused about the exact nature and role of the federations. Moreover it was not clear on the differences between consultation and negotiation, and those between conciliation and arbitration. The report also failed to examine the mandatory nature of the bargaining outcomes; disputes resolution procedures; the employment status of the constable; the relationship of national

conditions of service with national pay determination models; and aspects of the machinery itself.

**Pay reform in the time of uncertainty 2006 -2013:**

The use and abuse of arbitration now emerged centre stage reflecting the tendency of the government of the day to push down on all public sector pay (Nickell and Quintini 2002) despite the known impact on worker performance (Brown and Nolan 1988). This meant that those unable to defend themselves through industrial action had to rely on the fairness and openness of the arbitration process. General models of arbitrator behaviour (Ashenfelter and Bloom 1984) applied to the police (Delaney et al. 1986) and contrasted with the effects of collective bargaining (Zhao and Lovrich 1997) show the difficulties when state employees fall out with government decision-makers able to interfere with the mediation and/or arbitration process.

Meanwhile another review into police pay ~~soon~~ followed in 2007 attacking indexation and underlining the political imperative to resolve the ‘problem’ of police pay:

“The Home Office set out their criteria for an effective machinery to determine pay and conditions consistent with the Government’s current public sector pay policy ... [they noted] that effective pay systems should be flexible—the ability to reflect a wide range of factors and changing circumstances. The Government view is that the current indexation arrangements do not meet these objectives and are essentially contrary to economic policy, which is underpinned by flexible labour markets and the exposure of each workforce or organisation to its own set of market considerations. The Government go on to reason that if a large section of the

UK workforce were to have their pay rises indexed to the pay rises of other workers, this would severely undermine macroeconomic flexibility, which has been the cornerstone of the UK's economic success in the last decade. Finally, the Government argue that indexation delivers an automatic award, thereby removing the incentives for workforce reform and efficiency improvements (Tony McNulty MP<sup>6</sup> cited in Booth 2007, p. 15).

On the face of it there appeared to be a case for pay review, not least in terms of offering a pragmatic way forward for the government in the face of failures in the indexation system and the need to put police pay on a less conflictual footing. This has ~~needs~~ to be understood in the context of reasons behind the shift in government policy to a co-ordinated suite of permanent review bodies: first, the need of central government to control the public sector pay bill while avoiding ~~;~~ ~~second, the need of central government to avoid~~ public sector disputes; second, ~~;~~ ~~third,~~ the incorporation of the five pay arguments into an institutional format; and third, ~~fourth,~~ to maintain credibility and legality through a form of mediation and/or arbitration based on an extension of the practice of collective bargaining – being fair and being seen to be fair within general principles of social equity as well as anti-discriminatory legislation (White, 2000). Importantly, PRBs also “give the impression that the government is an interested bystander, allowing it to avoid being drawn (on the face of it) into potentially messy employment relations issues while being able to exercise strong influence” (Williams, 2014: 217). Those organizations involved with PRB benefit from the institutional formalisation of the arrangements and the high profile reporting of outcomes.

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<sup>6</sup> Then Minister responsible for policing

However they also suffer from lack of member interest, a loss of accountability, and of accusations of being too close to government and the employers (White and Hackett 2003).

The best view remains that they are a form of mediation: the PRB members hear the evidence separately, consider it in private, and recommend an outcome designed to meet the main concerns of the parties and thereby meet with their approval. In all cases this is mediation rather than arbitration, because the recommendations are subject to scrutiny and approval by government ministers and are not in themselves final or binding. Once the government has spoken, whether to support or alter the recommendations, then the outcomes are binding on all parties in the same way as they would be in normal arbitration. But of course either side *in extremis* can repudiate the outcome and the process, except for the armed forces.

In 2007 the PFEW decided it preferred the current indexation system to any proposed pay review. It adopted a policy based on a general critique of pay review bodies because “on balance, the government has gained more from PRBs than the parties in terms of process and outcomes, and that generally the employers have done better, especially since the mid-1990s, than the staff side” (Seifert, 2007:1). In addition, the PFEW argued that PRBs had become a key mechanism by which government could directly control pay and conditions of service and as such, were inextricably tied up with the government’s broader ‘modernization’ objectives. As Seifert observes, PRBs potentially facilitated “moves to local pay, performance pay, skill mix change associated with ‘civilianisation’, and scope for a flexible labour management strategies based on the re-introduction of police force mergers in some form” (ibid). Moreover, PRBs afford opportunities for the government to undertake

a more systematic analysis of issues such as affordability, recruitment and retention, morale, and job roles (Williams, 2014).

Perhaps unsurprisingly then, senior activists and leaders of the PFEW all opposed pay review at the time. As Song noted: “generally, they think that a pay review body does not bring the right amount of fairness into the pay negotiation machinery. Instead they feel threatened that the pay review body might take the existing independent element away from the current system. The government will gain more control over pay bargaining and that will put the staff side in a very disadvantaged position” (2008:32). Sergeant Paul Mckeever (later to become PFEW Chair) expressed similar concerns. He was deeply mistrustful of any move to pay review, largely on account of the potential for the government to gain further pay control while unravelling notions of fairness and equity that he felt were the underpinning principles of indexation:

“although we can take things to the PNB at the moment with this particular government who are very centrist in their attitudes towards pay negotiations it makes it very difficult for us to achieve a fair outcome ... I can’t see much strength in it at all at the moment apart from the fact that we have an indexation that is fair and equitable but clearly that is something that they want to change.”

Another leading activist, Constable Simon Reed (later to become Vice-Chair, PFEW) added:

“If they bring the police review body in I think they must understand that there are some very angry police officers in the country ... To hear police officers talking about potential strike action is something that hasn’t been on the agenda for certainly 30 years back to the 1970’s when police officers were talking in that

manner. For police officers to be talking about going on strike is an enormous step for them to take. It's actually unlawful for us to go on strike in this country, it's not something that we can do and we can actually go to prison for it, so it shows the strength of feeling against the way that we've been treated and the government are going to have to be careful about that."

His comments reveal the sense of grievance among rank and file officers about the prospect of a move to pay review. The government faced a dilemma – while PRBs offered in theory the means to avoid a public sector dispute, they were equally concerned to avoid taking on the PFEW.

Meanwhile the crisis over police pay deepened when on 14 January 2008 MPs, effectively briefed by the PFEW, expressed real concern over government policy to stage, rather than fully implement the PNB pay recommendation. The Home Secretary was attacked from all sides and Bob Russell, Liberal Democrat MP summed up the general feelings: "The Home Secretary must accept that the Government's refusal to honour in full the independently recommended pay award has caused considerable damage to police morale". The Home Secretary, Jacqui Smith defended this policy position in terms of affordability: "I had a responsibility to make a decision that was right for policing, for the affordability of policing and for the taxpayer. It was also right that that decision should be in line with the publicly stated pay policy and the Government's commitment to keep inflation under control" (HC Debate, vol. 470,col.w635).

On 23 January 2008 the government and the police could not have been further apart. While the Prime Minister ~~PM~~ told the Commons: "People understand that in the fight

against inflation it was necessary to stage public sector pay awards ... if pay rises are wiped out by ever-rising inflation, no benefit will go to the police or anybody else who receives those pay rises" (HC Debate, vol.470, col.w1495), an estimated 22,500 police officers marched in central London in a protest over pay. A rally at Central Hall in Westminster, consisting of 3,500 officers, was followed by Jan Berry, Chair PFEW, presenting a petition to Downing Street. She commented following her meeting with the Home Secretary, "The talks were certainly more constructive than my last meeting with her, which I would describe as being pretty acrimonious." She added:

"We recognise that we need to move on at some stage but ... there's still some unfinished business for how we've been treated. And for us to be able to enter into negotiations in the future, we've got to trust the people that we're going to be negotiating with. And that trust is going to have to be rebuilt because it's been broken".

The key point to emerge from this protracted period of pay disarray is that in the final analysis, the government were not prepared to override the PFEW, the PFEW were deeply resistant to any enforced changes, and the *status quo* indexation system prevailed notwithstanding its failings on both sides. However in the process, the concepts of felt-fair comparability, fairness and trust were lost.

By 2010 the police pay system was in meltdown. Both Labour and Coalition governments were overwhelmingly concerned to reduce the pay bill through a combination of initiatives that *de facto* were intent on breaking perceived restrictive practices and costly pay arrangements: changes to pensions and retirement age; reduction in the system of overtime and allowances; attacks on national pay systems and the repeated quest for regional pay;

direct government intervention in pay settlements; skill reprofiling with the substitution of less well-paid PCSOs for warranted officers; and a reconfiguration of the relations between the Federations and the employers at national and force level. The PFEW were opposed to all of these measures.

These general developments ~~also~~ have to be considered in the context of wider (and ongoing) police reforms since the early noughties, with controversial efforts at force mergers (O'Connor 2005); the widespread introduction in England of PCSOs (Audit Commission 2010: 33-48); the renewed emphasis on management and leadership (Neyroud, 2011); and the election of PCCs that alters the nature of police accountability in England and Wales (other than for the Metropolitan force) and of ~~the~~ management of the police budget. This is itself set against a background of changing police priorities, a mixture of anti-terrorism, the fight against organised crime, the 'bobby on the beat' visibility debate (Home Office 2004; PFEW 2004), and the control of public (dis)order.

Introduced into this mix was yet another attempt to reform police pay when the coalition government asked Tom Winsor to investigate. His government-sponsored reports (2011 (a), (b); 2012) recommended that Chief Constables, within strict limits set by the central state, had a more or less free hand to decide pay with the abolition of increments, the reduction of most allowances, the restriction of overtime, and the use of promotion as tool of management control rather than reward for long and excellent service. The reports favoured a top-down model of management with all powers to the senior ranks; a reduced role for the PFEW/SPF through consultation and negotiation; a move away from national

standards and national pay; and a substantial reduction in the number of warranted officers in favour of civilians.

The Winsor analysis represents a clear and recent manifestation of the contested relationship as between government ministers and the PFEW concerning what are perceived to be harmful (and inflexible) restrictive practices, especially with regard to time utilisation and overtime. This is brought into sharp relief during times of budgetary pressures. The desire of senior police officers and the government to 'buy out' these so-called restrictive practices, especially with regard to overtime shift premia was evident in the Winsor Report (2012 vol.2 part 2:562). This recommended the abolition of overtime, was supported by ACPO<sup>7</sup>, and was opposed by the PFEW (ibid:567). The perennial issues underpinning this debate centre on a complex cluster of competing arguments presented by ministers, service managers, and the PFEW: that some officers become dependent on overtime; that the total overtime paybill gets out of control; that overtime is used as a substitute for employing more staff; and that some officers can actually earn much more than others through these mechanisms.

Other central issues to proposed changes in police pay at that time were linked to substantial changes to the relevant technologies in use, not least the links between police on the front line and the backroom staff. The use of 'body worn' cameras, first mooted in 2007, is one development that the PFEW has since cautiously welcomed on account of the perceived benefits (for police officers) of having camera-based evidence of incidents (Police Federation News, 2015).

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<sup>7</sup> Association of Chief Police Officers

One of the main aims of Winsor was to end national collective bargaining over pay and conditions. This is an avowed government policy throughout all services including the NHS, education, local government, and the civil service. The reasons have been made clear in earlier documents: governments see national collective bargaining as expensive, as giving too much power (as they see it) to bodies representing the workforce, and as a barrier to privatisation, marketisation, and in the case of the police, civilianisation (Mather and Seifert, 2013). As the Chancellor of the Exchequer made clear: “we are asking the independent pay review bodies to consider how public sector pay can be made more responsive to local labour markets” (HC Hansard 29/11/11 col 802, George Osborne).

The main case made then by the PFEW against the break-up of national pay systems remains – as one PFEW representative (sergeants’ group) explained, “there are no advantages in this. Local or regional negotiations would increase the costs of negotiating, would be very divisive and would work against ‘the common role’ of the police officer. It would also cause recruitment and retention problems as police move around chasing better pay”. The general PFEW argument is that national pay bargaining provides a vital link to national standards of service delivery; they remain transparent and simple to understand; they are the fairest way to pay everyone; they are neither divisive nor diversionary; they allow a proper voice to representative bodies; they focus government and public attention on the nature and system of police pay which allows for a national debate on this matter; and they create the basis for a properly paid basic rate from constable to chief constable reducing reliance on overtime and allowances, thus allowing for police officers to plan their careers, their lives, and their retirements in the full knowledge that a life time of public service will be justly acknowledged and rewarded. It also prevents poaching between forces,

and is pay for the job done irrespective of where, when and with whom. When confronted with Winsor's recommendations, PFEW representatives' comments clearly captured the attitudes of police officers to their pay as workers:

"changes in shift working need to be dealt with as part of our pay. Our terms and conditions cover this so messing with shifts means messing with our pay and that's not on".

"Reducing overtime is not an option and it's unfair to compare us with the other public services. It's not fair either to talk about pay disparities between us and the PCSOs – we don't care".

"Previously Mrs May promised to always back us and to support us. These were clearly just hollow words; meaningless soundbites in her early months in office ... [she] has forced the hand of police officers across England and Wales to call for a ballot on whether they want industrial rights. They no longer have any trust or faith in the Home Secretary or this government." (McKeever, 27/3/12, PFEW circular).

There was also strong opposition to any element of performance-based pay:

"It's got to stay as it is with a competency-based threshold. We're not giving this up".

"There are no 'hard to fill' posts so the argument for introducing PRP is rubbish".

“Attacks on our pay really mean that the cuts are being made ‘bottom-up”.

“There seems to be a trade-off between police numbers, standards and incremental pay costs”.

These comments underline the contested and indeed the protracted debate over police pay. As we have noted, the state acts as the sole purchaser of police officer labour which means, *ceteris paribus*, that the state will seek to push down pay levels to the very minimum. The mitigating factor is that in those times when pay was very low then there was a greater tendency to corruption and a greater tendency to employ incompetent staff (Gorodnichenko and Peter, 2007). This was also recognised in the findings of the landmark Priestley Committee (1955) into public sector employment, and the line taken was that pay must be decided on a fair basis. This could only be sustained on two principles: first, pay must be negotiated nationally between representatives of employers and employees; second, the principles of pay bargaining must prevail, namely arguments based on the five areas already mentioned in this paper – comparability; cost-of-living; affordability; productivity; and labour market issues (Disney and Gosling 1998; 2008). If this is adhered to then the interests of the employers (central and local, and devolved governments) and of the employees (police officers) are best met and matched.

On that basis some form of national collective bargaining is the *sine qua non* of the system. This is the general position of the TUC, ACAS, the ILO, and the PFEW and SPF. The practice of the moment is a mixture of indexation, pay review, and Whitley. This arises because the

police cannot strike unlike doctors and nurses, teachers, and most other public sector workers. The right to strike allows bargaining to be full and frank with both arbitration and industrial action as part of the bargaining process.

A pay freeze, a pension cut, and across the board reduction in collective voice, bargaining rights, and pay allowances brought the service and the federation to the brink of revolt. This opens the door to backstairs mergers, privatisation, regionalisation, civilianisation, 'Plebgate', and the inability to meet Peel's core principles. Such a threat causes concern as to the immediate impact on policing both locally and with regard to terrorism and serious organised crime. It also rings alarm bells about future recruitment and retention of police officers, alongside the historic and international tendency for corruption to spread as pay falls, collective voice fails, and disillusionment spreads. Some police officers we interviewed made these points clearly enough: "a lot of the officers already have debts. Personally, I'm worried about returning to corruption".

### **The end game in the time of stagnation?**

Such was the anger and frustration among PFEW members that the Home Secretary was barracked at the May 2012 PFEW annual conference after another mass demonstration in London. *The Guardian* headline for 10 May 2012 ran: 'Police officers march in protest against cuts'. And continued: 'More than 30,000 police officers from across the UK demonstrate against police reforms, budget cuts and pay cuts.... Some officers wore T-shirts demanding full industrial rights.' Likewise, the *Police Magazine* for June 2012 was keen to emphasise the historic nature of this protest march, noting that it "should make the government sit up and listen". At the same time, Paul McKeever, chair of the PFEW drew

explicit links between over 5,000 frontline job losses and the potential compromise over public safety. Simon Reed, vice-chair, added the cuts “are hitting the service we provide to the public and the government are not listening to us – this is what the march is all about”. This march was essentially a visible manifestation of a collectivised group of workers who felt sufficiently aggrieved to take to the streets.

PFEW leaders and activists became increasingly frustrated by their inability to make progress in their opposition to the Winsor report recommendations on pay and terms and conditions. The limitations of their powers as a political pressure group were apparent as the government refused to compromise and, given their lack of industrial options, the PFEW became desperate to find a negotiating chip. This appeared to be handed to them out of the blue when Andrew Mitchell MP (the government’s chief whip) had a row when police officers refused to allow him to cycle through a gate at Downing Street. They claimed he swore at them and called them “plebs”. This was on the 19<sup>th</sup> September 2012 at the height of the dispute over Winsor. When the news broke the next day some in the PFEW saw this as their chance to attack the government, and Mitchell was forced to resign on 19<sup>th</sup> October 2012. The scandal rumbled on, but by the end of 2013 the officers involved and the Federation representatives at the centre of the storm had been discredited for giving false information.

The storm surrounding Plebgate effectively put the PFEW leadership on the back foot but was even more devastating to the organisation because other changes were being mooted. These included, *inter alia*, changes to traditional promotion through the ranks through direct-entry recruits, efforts to abolish overtime and unsocial hours’ payments, the

introduction of a Pay Review Body, the challenges of significant new technologies, and the ending of a range of other 'restrictive practices'. These added up to the most substantial and robust attacks on the traditional craft-based police jobs faced by the PFEW since the 1960s.

By now the government had had enough. They decided to establish unilaterally a police pay review body and did so on the back of the 2013 pay settlement. The PNB reached agreement on the implementation of changes to the pay scales for constables who joined the service prior to the 1 April 2013 and for sergeants (PNB circular 2013/14 revised). It was agreed that changes to the constables' pay scale would take place in three stages over two years from the 1 April 2014. Pay points 6, 7 and 9 would be removed in April 2014, 2015 and 2016 respectively. It was also agreed that pay point 0 on the sergeants' pay scale would be removed from the 1 April 2014.

The Home Secretary, Theresa May, wrote to David Lebrecht (chair of the newly formed Police Remuneration Review Body) on 3 November 2014, setting out the government's intentions when noting: "I am confident that you help deliver pay and conditions that are not only fair to police officers, but are fair to the public as well". This confidence was based on her setting the direction of travel for the 'independent' body to include, ~~inter alia~~, "the need to ensure that the proposals reflect the Government's policy on public sector pay for average awards in 2015/16 of up to 1%"; and "the government's continued commitment to maximising flexibility for chief constables and Police and Crime Commissioners to manage their workforce in the most efficient way possible at local level". Other conditions included that proposals must be "affordable" and that police officers would remain unable to join a trade union and were prohibited from going on strike.

This position was outlined in more detail by the Home Office's own evidence to the PRRB. It included a justification for the setting up of the body: "the Winsor Review found the PRB system for negotiating pay and allowances to be cumbersome, inefficient and adversarial ... since 2006 the PNB had failed to agree in a timely manner on most of the contentious issues" ( 2014, para 2.3). This follows directly from the earlier Home Office Report (2013) about setting up the PRRB. Both repeat the assertion, but without evidence, of the failures of the PNB. The reality behind the changes remain as before: a government seeking to reduce pay levels and costs, reducing police federation opposition, and rebalancing the power relations in favour of the employers and senior managers and away from the workforce and the representative organisations.

The timing of the announced shift to pay review was important. The PFEW were in retreat after the debacle of 'Plebgate', the shift in approach to campaigns, and the subsequent clear out of its leading figures (RSA 2013). It became introspective and damaged, and had little enthusiasm for any fight against the enforcement of Winsor through the backdoor of the PRRB. Andy Fittes, General Secretary, said:

"Our submission takes a long-term approach. This is not just about the here and now, but about ensuring we are recognised as a credible organisation supplying strong evidence-based submissions ...not only does this take account of our recognition of the public sector austerity measures set by Government, but it addresses our primary concern that there should be no further divisive pay changes. Officers have had to endure much turbulence to their pay and allowances in recent years as a result of the Winsor review and we are asking that there be no

further piecemeal change to pay and conditions without proper long-term evidence of its impact”.

This was a far cry from the indicative ballot on the restoration of the right to strike carried out in early 2013 with a near 80% in favour of those voting (about 50% of the membership) and the heyday of attacks on government ministers.

### **Conclusions**

The case of police pay is a clear example of problems associated with pay setting when the government of the day favours short-term economic goals over and above any long-term approach to staffing essential public services. In the case of the police there are added complexities in that they are prevented from striking and therefore *de facto* from being a party to normal collective bargaining. Perhaps unsurprisingly then, the schematic view of developments in police pay discussed here reveal the often fraught relationship between rank and file police officers and the government. The tensions around pay are then exacerbated when the state as employer pushes down on labour costs when it can, legitimised by a dominant austerity narrative and in times of low inflation. Therefore, since 2010, public sector pay has been clamped and the preferred mechanisms for pay determination have little to distinguish themselves from each other ... indexation, Whitley, pay review, and ‘free’ collective bargaining.

The reform of police pay has nothing to do with the police service and everything to do with a system of pay imposition. This may succeed *pro tem* in keeping the peace in a period of

low inflation, but it is unlikely to solve the deeper issues of public sector pay when inflation picks up, service provision worsens, and the institutional failings of the pay setting machinery are once again exposed. In this case, in the words of Steve White (PFEW chair), “The Government must urgently review any plans to further reduce officer numbers through more reductions to the police budget over the coming years. We cannot, and must not, put a price on public safety” (20/11/15, PFEW circular).

There are real tensions between government ministers intent on securing improved labour utilisation (or at least some curbs on perceived restrictive practices associated with overtime in particular) and the PFEW, which has historically resisted changes in work organisation and technological development that might impact terms and conditions. The added complication arises from the inability of police officers to take strike action, rendering police pay and how it is determined both complex and highly politicised. While the PFEW has sought to advance its members’ interests it has been increasingly on the back-foot with regard to government pay policy. A clear expression of this was the PFEW’s inability to seriously frustrate the Winsor findings, while the desperate measures to secure a bargaining chip in the Plebgate incident proved to be seriously damaging for both the federation and its members. The entire PFEW national leadership came under fierce scrutiny, and many resigned. And so, by 2014, just when the government was forcing through its decision to impose a Pay Review on the police, the PFEW was crippled by severe reputational damage among its own members as well as with the wider public.

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