

Frequently Asked Questions

➤ **What is meant by the term industrial rights?**

Having industrial rights can mean everything from being able to collectively negotiate terms and conditions of service, to having the right to take industrial action. Currently, the law does not allow police officers to take industrial action under any circumstances, even if in dispute over issues such as pay and conditions of service.

➤ **What is collective bargaining?**

Collective bargaining is a term used where a group of workers, usually represented by a trade union or staff association, work together to put forward the views of all workers and bargain with the employers to agree a position on pay or conditions. A bargaining Unit is engaged into, where parties meet to negotiate and if an agreement is reached then a “collective agreement” is completed.

➤ **Was the Police Negotiating Board (PNB) process collective bargaining?**

Yes, the PNB consisted of an official side and a staff side which negotiated to reach a collective agreement. The official side represented the employer and contained representatives from central government, police authorities and chief police officers. The staff side was made up of all the staff associations representing all police officers of every rank in the UK.

In the instance that the group were unable to reach agreement, issues could then be referred to the Police Arbitration Tribunal (PAT), which consisted of three arbiters appointed by the Prime Minister.

The absence of industrial rights was a significant consideration when the bargaining arrangements, including the system of arbitration, were established for police officers.

Following a consultation in 2012 on a recommendation in the Winsor Review of police officer pay and conditions of service, the Police Negotiating Board was abolished and replaced with a Police Remuneration Review Body (PRRB).

➤ **Is the Police Remuneration Review Body (PRRB) process collective bargaining?**

No, the PRRB does not allow any negotiation; instead, it takes written evidence and makes recommendations hence it does not support a collective bargaining process.

In addition, PFEW has evidence from 2013-2021 supporting its view that the existing pay review body mechanism is not sufficiently fair for police officers as a process as its remit is pre-set by government and its recommendations are not binding, meaning, the government can take or leave any recommendation made.

➤ **Would a decision made by collective bargaining be binding on government?**

As part of any lobbying for collective bargaining, we would want the decision of a Police Arbitration Tribunal (or similar), which would act as arbiters if an agreement cannot be reached between employers and employees, to be binding on government.

➤ **What has happened to the membership vote on whether police officers should have the right to strike?**

The National Council and National Board have made the decision that this should be a two-stage process. We want your view on whether you want us to pursue collective bargaining rights with binding arbitration. Then, if mandated and achieved, or when all avenues seeking to achieve it have been exhausted, PFEW will re-evaluate with the entire membership to see if there is a desire to progress industrial rights further; for example, by seeking the right to take industrial action.

➤ **If the members vote for collective bargaining, what will happen next? Will there be a vote on police officers having full industrial rights?**

The vote of the membership is, in the first instance, to seek a view on whether police officers want the Police Federation to seek, in law, a process of collective bargaining and negotiation when it comes to determining police pay. PFEW will act on the majority decision you make.

If the poll results in a majority, then the Police Federation will commence a campaign, using political, legal and influential means, to seek to achieve this.

If the government refuses, then the Police Federation will come back to the membership to see if they want to seek greater industrial rights, including the right to take industrial action.

➤ **Why has it taken this long to ask for my opinion, given the decision to ask members was publicised last June?**

This is an incredibly important poll covering a vast amount of complex potential legal pitfalls, we have taken the time to fully consider the landscape and ensure we have created a realistic road map, including reviewing legal parameters and acting cautiously around the potential to cause disaffection, which is an offence under the 1996 Police Act.

➤ **How is police pay currently determined through the PRRB, what is the process?**

The PRRB is a public body providing independent advice to the government on pay and conditions for police officers at or below the rank of chief superintendent. The body was established by the Anti-social Behaviour, Crime and Policing Act 2014, and covers England, Wales and Northern Ireland.

The PRRB is responsible for making recommendations to government, following an annual remit letter (from the Home Secretary). They must also consider written evidence from such bodies as the Home Office, the National Police Chiefs' Council, Association of Police and Crime Commissioners, and the staff associations, including PFEW.

See more - Police Remuneration Review Body - GOV.UK (www.gov.uk)

➤ **Why did the Police Federation of England and Wales withdraw from the PRRB?**

In 2021, PFEW withdrew from the PRRB. This action was taken by the National Board and National Council following continued concern about the lack of independence of the PRRB process. The Home Office set the parameters for what the PRRB can consider in its remit letter sent in advance of any submissions of evidence and there is no process for negotiation and arbitration, nor any requirement for the government to accept the PRRB recommendations.

The Home Secretary's decision to accept the recommendations is based on instruction from the Treasury and as such, the process is again influenced by other external decision makers, questioning the independence of the Home Secretary to make the right decisions and the fairness of those decisions.

PFEW strongly feel that the PRRB could have prevented the increasing gap between the pay received by police officers compared to that of other public sector/protected services/front line emergency service workers. Those other public service workers have been continually offered substantially better pay awards than police officers over at least the last decade.

Police officers do not have access to industrial rights due to the importance of their role. PFEW considers that the Government's actions over the last decade are indicative of the fact that they do not understand or value the dangers, restrictions, and risks police officers face. Nor do we feel that it sufficiently compensates them for these risks and the limitations placed on them.

Further information can be found at: www.polfed.org/resources/pay-and-morale-survey/police-remuneration-review-body-prrb/

PFEW always maintains an open mind about the PRRB and consideration as to whether to participate in the PRRB process is constantly under review.

In March 2023 PFEW wrote to the Chair of the PRRB to explain our continued position and requested engagement with the PRRB to resolve the issues in the interest of the membership. The letter can be read here: www.polfed.org/media/18399/pfew_prrb_2023.pdf

➤ **What are you hoping to ultimately achieve?**

A positive outcome would allow PFEW to further the members' agenda with a legitimate mandate to fight for increased industrial rights, including a process of negotiation through the right to collective bargaining and then binding arbitration.

The proposed strategy sets out a realistic road map to increase the chance of success of achieving additional industrial rights if that is the wish of the membership.

➤ **What would happen if police officers tried to undertake industrial action now?**

The Office of Constable places a series of restraints on police officers' private lives relating to their financial conduct, any active involvement in party politics and any business interests outside of policing.

Police officers have access to most statutory employment rights afforded to employees, but it is a criminal offence for police officers to take industrial action.

Under Section 91 of the Police Act 1996, it is a criminal offence to cause, attempt to cause, or do any act calculated to cause disaffection amongst police officers. It is also a criminal offence to induce, attempt to induce or do any act calculated to induce any police officer to withhold their services.

Were a police officer to go on strike, not only is this likely to be seen as a disciplinary offence, i.e. a failure to comply with a lawful order to parade for duty, but it could also be seen as inducing other police officers to withhold their services, thereby amounting to a criminal offence.

➤ **What is the justification for police officers not being able to take industrial action?**

The current restrictions are in place as a necessary part of securing public safety and the prevention of disorder and crime.

➤ **What are the potential consequences of causing disaffection?**

Anyone found guilty of such an offence could see themselves with a fine and/or up to six months or two years in prison (depending on whether summarily convicted or convicted on indictment), and this is in addition to any resulting civil liability.

Additional information

Why we are unable to re-enter the PRRB process for 2022/2023

<https://www.polfed.org/news/latest-news/2023/the-desperate-need-for-independence-in-the-prrb-process/>

Research with the Social Market Foundation (SMF) to examine police officer pay:

https://www.smf.co.uk/commentary_podcasts/caught-out-trends-in-police-pay/