



# Independent Review of Police Officer and Staff Remuneration and Conditions

Final Report – Volume 1

March 2012

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# Independent Review of Police Officer and Staff Remuneration and Conditions

## Final Report – Volume 1

Presented to Parliament  
by the Secretary of State for the Home Department  
by Command of Her Majesty

March 2012

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# Independent Review of Police Officer and Staff Remuneration and Conditions

The review was commissioned on 1 October 2010  
by instrument of appointment given by the Home Secretary,  
containing the Terms of Reference specified in Appendix 14

*The reviewer is–*

Thomas P Winsor

*The advisers to the review are–*

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Chief Constable for the West Midlands, 1996 – 2002

Professor Richard Disney  
Professor of Labour Economics, Faculty of Social Sciences,  
University of Nottingham

# Independent Review of Police Officer and Staff Remuneration and Conditions

To: The Right Honourable Theresa May MP  
Secretary of State for the Home Department

Dear Home Secretary

I was appointed by you on 1 October 2010 to review the remuneration and conditions of service of police officers and staff in England and Wales, and to make recommendations which will enable the police service to manage its resources to serve the public more cost effectively, taking account of the current state of the public finances.

In particular, I was directed to make recommendations as to:

- the use of remuneration and conditions of service to maximise officer and staff deployment to frontline roles where their powers and skills are required;
- the establishment of remuneration and conditions of service which are fair to and reasonable for both the taxpayer and police officers and staff; and
- the means of facilitating the introduction and use of modern management practices in the police in line with practices elsewhere in the public sector and the wider economy.

Your terms of reference directed me to cost my recommendations in sufficient detail to enable effective implementation.

As directed, my review has been produced in two parts. The first, on reforms that may be implemented in the short term, was published on 8 March 2011. I have pleasure in submitting to you my second report on reforms that may be implemented in the longer-term.

Yours faithfully,

*Tom Winsor* (sgd.)

**THOMAS P WINSOR**

March 2012

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## Acknowledgements

This review has been demanding and stimulating in equal measures. When I accepted the invitation of the Home Secretary to carry it out, I did not appreciate the complexity and difficulty of some of the issues which would face me, or the magnitude of the task. I have no regrets about accepting that invitation, but I wish to record my great appreciation of those who have helped me in this work.

My greatest obligation is to my adviser Sir Edward Crew, whose almost forty years' experience in policing, and whose wisdom and judgment developed over that time in relation to this critical public service, have been placed most generously and fully at my disposal. I am certain that the task on which I embarked in October 2010 would have been immeasurably more difficult and arduous, and the nature and quality of my recommendations considerably less soundly based, without the enlightened counsel which Sir Edward has given.

I also have a considerable sense of obligation to Professor Richard Disney for his outstanding work on the labour market dimension of the report, including his work for Part 2 on basic and local pay in particular. This has proved of immense assistance in understanding the conditions and dynamics of pay in policing and developing proposals which, if accepted, should last for many years to come.

I wish to record also my obligation to the Secretary to the review, Mr Paul Wylie of the Home Office, without whose industry and conspicuous ability it would have been impossible for me to have issued this report. My great thanks also go to the Deputy Secretary to the review, Ms Elizabeth Allen, the review secretariat Dr Elizabeth Wright, Mr Joseph Barker, Mr Cameron Styles, Miss Joanna Keefe, Mr Jonathan Tecwyn, Miss Daniella Oliviero, Dr Hiroko Plant and Miss Carolyn Armstrong, all of the Home Office, Miss Elena Collins of the NPIA, and Miss Lucy Smith of White & Case LLP. Miss Nilima Shah and Ms Kate Bradley, also of White & Case LLP, provided considerable help in the preparation of the report for the press.

I am also immensely grateful to Mr Michael Williams of KPMG, who was seconded to the review for three months in 2011, and to the partners of KPMG for their generosity in releasing him for so long.

I should also place on record my appreciation of the allowances and latitudes afforded to me by my partners at White & Case LLP in relation to the considerable amount of time which this work has taken.

Finally, I wish to thank all of the people and organisations who contributed to the work of the review through their written and oral representations, and the police officers and members of police staff who gave so generously of their time during my visits to police forces in England, Wales, Scotland and Northern Ireland. I found these visits, and the opportunity to spend so much time speaking to police officers and police staff, of very considerable assistance in understanding policing and in formulating my recommendations.

## Foreword and principles

1. This is the final report of my inquiry into the pay and conditions of service of police officers and members of police staff in England and Wales. It was commissioned by the Home Secretary in October 2010. My interim report, containing recommendations for reforms in the short-term, was published on 8 March 2011. This report is concerned with the longer term.
2. The maintenance of peace, order and security is one of the oldest functions of civil society. The prevention of crime and the successful, timely and efficient apprehension and conviction of criminals, their humane treatment and effective rehabilitation, are amongst the highest obligations of the state, in discharge of its duty to protect citizens and their property.
3. The present financial conditions of the nation are severe, and substantially all parts of the economy – the public and private sectors – must make economies. My interim report – Part 1 – made recommendations for savings of £1.1 billion over three years, with £635 million to be redirected to front line police officers and staff doing the most demanding jobs and using the most valuable skills. Most of the Part 1 recommendations are to be implemented, following a determination of the Police Arbitration Tribunal and the final decision of the Home Secretary in January 2012. This final report – Part 2 – makes recommendations which, if implemented alongside the PAT determination, would realise gross savings of £1.9 billion over six years, with £1.2 billion reinvested in policing.
4. The system of police pay and conditions of service was designed for a different era. It is a system whose essential features were established in 1920, and was last substantially reformed in 1978. Its failure to keep pace with the development of modern management policies and practices and the increasing complexity of policing, has led to a disfigurement of its dynamics, and a failure properly to recognise and incentivise the acquisition and use of skills of the greatest value and importance in policing.
5. Policing today is far from the relatively simple occupation it was many years ago. The sophistication, intelligence and resources of some who are engaged in crime, the malignancy of their motives and methods, and the technology available to all citizens, mean that the profession of policing will continue to require people of the highest integrity, intelligence and skill. The needs of the police service for such qualities are intensified by the weight of the modern criminal law, and the demands and expectations of the public and other agencies of the state. For these reasons, it is important that police officers with skills which are of importance in modern policing are rewarded appropriately for their development and use.
6. Merit should be the only criterion for entry into and advancement within the police service. The recruitment system for police officers should attract the very best candidates. The demands which society legitimately makes of police officers require men and women of the highest calibre, integrity and judgment. Many police officers are highly proficient in all relevant respects, and the successes which they have had deserve high praise and the gratitude of the public they serve so well. The police service has programmes for the professional development of officers, particularly in areas such as complex criminal investigation which require the greatest intellectual ability. The officers who do the most intellectually demanding work are justly proud of their achievements, and their dedication and professionalism are of a high order.
7. The pool from which such officers are drawn is the existing complement of police officers. If it is possible to increase the overall intellectual quality of that pool, officers of even higher intellectual agility will be available. The lack of formal educational attainments for entry to the police service today is striking, and could well operate as a deterrent to intellectually able people who have the requisite qualities to make good police officers.
8. For too long, policing has been unfairly regarded by many as an occupation of an intellectually largely undemanding nature, with more in common with blue-collar work for skilled manual workers who clock in and out. The roots of policing are firmly in such an environment, and for many decades that is what it was. Policing today is entirely different, and yet so much of its ethos is of the past. The attitudes of some police officers today remain fastened in that mindset. It holds them back, and it reinforces or corroborates the lower social and professional standing

with which too many people wrongly associate policing and police officers. If policing is to become the profession which it deservedly should, police officers must come to think of themselves not as the blue-coated workers of the past, but the practitioners of a profession which requires skills and attitudes which are distinctly above those of factory workers. Policing should be a career and a vocation which is attractive to the brightest and the best in our society, as well as the people of considerable quality who are already part of it.

9. Policing, including its criteria and procedures for entry, should be reformed so that all young men and women of intelligence and character consider a policing career on a par with law, medicine, the clergy, the armed and security services, finance and industry. Policing has a very great amount to offer able people, including professional variety and satisfaction in serving the public. It should no longer be dismissed, or even unconsidered, by anyone as the preserve of any particular stratum of society, ill-befitting anyone, of whatever background or origin, of good education and high aspiration. The police service of the future needs the best of the nation's human capital, to serve the public in the noblest purpose of their protection and safety.
10. The greatest asset of the police service is its people – police officers and police staff. Those assets should be nurtured and developed with skill and sensitivity in order to release their greatest potential. In too many respects, officers and staff suffer frustration and must work around inefficiency and unnecessary bureaucracy, antiquated and malfunctioning systems and practices which belong to a past age, blunting their ability to serve the public which the very great majority are eager and determined to do. The discharge of this essential obligation is part of the core skills of every manager in the police service, and should be seen as such.
11. A system of direct entry to the police service, and accelerated promotion for the most promising, should be established. The leaders of the police service, selected entirely according to merit, should come from every section of society. Able people of high achievement should have the opportunity to join the police service at higher ranks if they can meet rigorous standards of attainment. The infusion of people of high ability from outside the police service, who have perspectives and experience which the police service lacks in sufficient measure, and needs, should improve significantly the efficiency and effectiveness of modern policing.
12. The Royal Commission on the Police in 1960 was satisfied that the “individual responsibility of a police officer is more onerous than any delegated or assumed by any comparable profession or occupation”. That remains the case. Some material aspects of policing are unique; police officers have the power to take away the liberty of the citizen, to use force and to subject him to search and detention. Unlike the military, police officers are in intimate daily contact with both the people they are sworn to protect and the people who would violate the rights of citizens. The qualities required of a police officer are substantial and significant. They include courage, self-control, maturity, judgment, the ability to deal with people and objectively to assess a situation, as well as intelligence. Those special qualities, and the onerous demands and restrictions which police officers face, deserve full and proper consideration. My recommendations provide that in full measure.
13. Pay should be set at levels which will reliably attract and retain police officers of the calibre which the service and the public need. Advancement in pay should recognise increases in competence and the acquisition and use of essential and specialist skills. The vocation of policing and its commitment to public service should be preserved and protected. My recommended reforms are designed to do that.
14. As I explained in Part 1, police officers are not motivated by money, but they do wish to be treated fairly. My discussions with many police officers revealed a strong resentment of a system of equal pay for unequal work, where the demands of the job and the application of the officer are inadequately recognised. The frustrations of police staff are substantial too, when they see their jobs replicated or taken by police officers of lower specialist skills who are being paid at considerably higher rates. My recommendations, if implemented, will remedy these injustices.
15. Other than in exceptional circumstances, such as major public order events, public protection depends principally on what police officers do and how well they do it, not simply the numbers

of police officers in a force. A highly efficient police officer who has considerable policing skills and strong motivation, may be more effective than two or three who do not. There is much that can and should be done to improve efficiency in policing, and some forces have recently achieved considerable successes in this respect.

16. For too long, police forces have enjoyed unpressurised financial settlements. This state of affairs has, in too many respects, engendered practices of waste and inefficiency. This must change. It is almost inevitable that the economic condition of the country will maintain or intensify the need for improved performance against reducing budgets. In the interests of taxpayers, significant change to ensure higher productivity is therefore essential and urgent. In policing, saving money at the expense of performance and public satisfaction is not an acceptable option. What is needed is better and more enlightened management, managers with the skills and the determination to achieve it, and police officers with the will, which so many have, and the ways to prevent and fight crime without unnecessary impediments.
17. Whilst not in my terms of reference, my examination of the operation of the police service has shown me that the efficiency of the criminal justice system as a whole is in pressing need of improvement. Its constituent parts should work as a single system, with properly designed and efficiently operating interfaces. In too many respects, this is not the case, and the public interest suffers as a result. The police cannot make these improvements alone.
18. Policing is undergoing a great deal of change. The architecture of accountability is about to be altered very considerably when police and crime commissioners are elected and take office in November 2012. Financial pressures are severe, and the need and demand for public protection is and will continue to be unabated. Much is demanded of modern police officers and police staff, and more will be expected in the future. They need systems of pay and conditions of service which are attuned to what they face now and will face in future, not a regime rooted in the past.
19. The reforms which I have recommended in this report are radical. They have been designed with sensitivity to the personal circumstances and conditions of police officers and police staff, and their introduction, if accepted, would be phased over time, to ensure that the affected individuals have time to plan and adjust. If they are put into effect, they have the potential to effect fundamental change for the better in policing, to give police forces the means and the motives to make the very best out of their most precious assets, and to attract, retain and develop the capacities and commitments of police officers and future police officers of the highest ability and application.

## Summary

### The future challenges

- 1 Part 1 of this review was published on 8 March 2011. That report examined the system of police officer pay and conditions and established that it had remained largely unchanged from a system devised 33 years earlier by the Committee of Inquiry chaired by Lord Edmund-Davies. Part 1 made a number of recommendations to bring the system into line with modern management practices. By contrast, Part 2 of this review is focused on the next 30 years.
- 2 The future is inherently unpredictable, but one thing is certain – the next 30 years will not be like the last 30 years. Crime trends, increasing political accountability, the state of the economy and the population from which the police draws its personnel, are all likely to require the police service to adopt a different approach to deploying and remunerating its workforce. The following factors are especially important:
  - **Crime** – The British Crime Survey indicates that crime has reduced by 50% since 1995<sup>1</sup>. However, it cannot be assumed that this decline will continue indefinitely. Furthermore, crime types continue to change, making use of new technology, and the detection of crime can require increasingly specialist and technical skills. Predicting crime trends is notoriously difficult, but more could, and should, be done to match likely changes in crime types and other changes in the demands on policing, with a force's workforce plan. This would allow a Chief Constable to ensure proactively that he has the right number, types and quality of police officers and staff in the right jobs.
  - **Politics** – The introduction of directly elected police and crime commissioners from November 2012 is likely to have a significant effect on the way in which the public engages with policing and the ability of the public to change, through elections, how the police strategy is determined. Previous studies have found that the public favour police officers and staff who are a visible presence on their streets. It follows that pay and conditions will need to be sufficiently flexible and conducive to ensuring that there are adequate incentives for officers and staff to want to work on the frontline.
  - **Economy** – Until 2010, the police service had experienced sustained increases in central Government funding for most of the years since the Edmund-Davies reforms were implemented in 1980. The 2010 spending review reduced central Government policing grant by £1.2 billion between 2010/11 and 2014/15. Today's modern police service has never had to manage its financial and workforce resources through sustained reductions in funding, and this represents a continuing and significant pressure in the short-term. However, it cannot be assumed that central police funding will return to pre-2009 growth levels after 2015. Indeed, the Government has warned that fiscal uncertainty will mean that public sector spending restraint must continue beyond the short term spending review period. Even in the long term, the independent Office for Budget Responsibility has estimated that Public Sector Net Debt (PSND) could rise from 77.7% of Gross Domestic Product (GDP) in 2015/16 to 107% of GDP by 2060/61<sup>2</sup>. Figure S.1 illustrates the medium- to long-term rise in PSND compared with GDP:

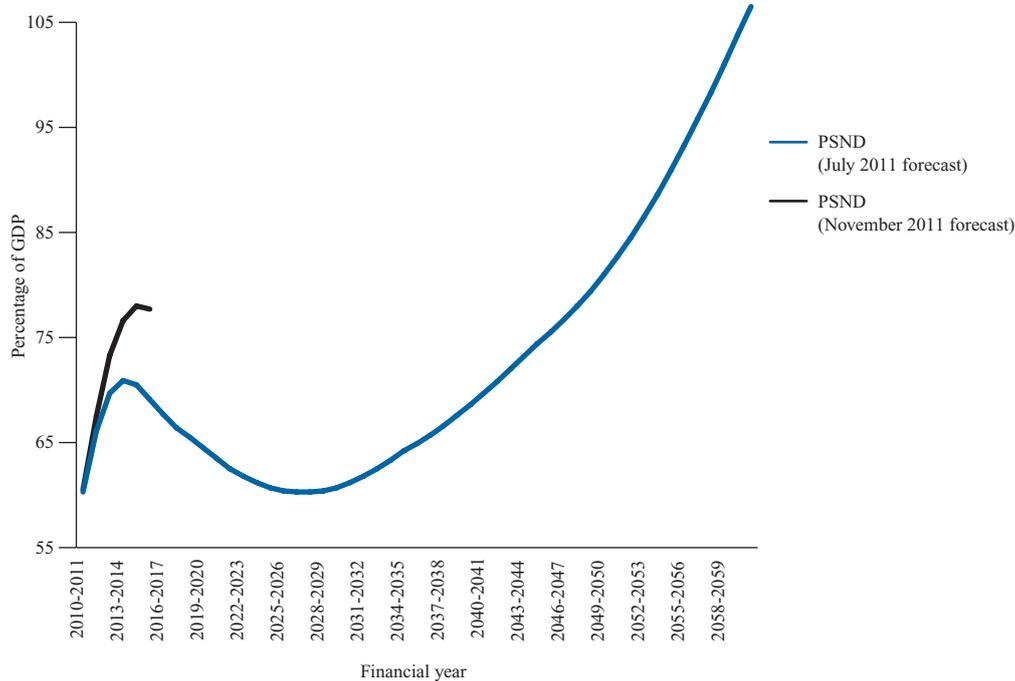
Although there are of course significant uncertainties in such long-term forecasting, it does demonstrate that public service finances are likely to remain under severe restraint for several decades to come. It would be prudent to assume that any increases in the central policing grant will be lower over the next 30 years than they were over the 30 years since the Edmund-Davies report. Indeed, there may need to be further reductions in spending. Chief Constables will almost certainly need a materially different set of financial and workforce tools to enable them to operate within their resource allocations for the next 30 years.

1 *Crime in England and Wales 2009/10, Home Office Statistical Bulletin 12/10*, Ed. J. Flatley, C. Kershaw, K. Smith, R. Chaplin and D. Moon, Home Office, London, July 2010

2 *Fiscal sustainability report*, Office for Budget Responsibility, London, July 2011, page 11. Please refer to Chapter 1 (Future Challenges) for an explanation of PSND and caveats which apply to the use of such estimates

**Figure S.1**

Office for Budget Responsibility projections of Public Sector Net Debt as a percentage of GDP, from 2010 to 2061



- Social** – The future recruits to the police service will be drawn from the general population. Demographic trends are therefore a key consideration in the long-term reform of police pay and conditions. The public have a reasonable expectation that frontline police officers and staff should be physically fit enough for the job required. However, the general population is likely to become increasingly unfit. A recent study for the medical journal *The Lancet* estimated that 48% of men and 43% of women in the United Kingdom will be obese by 2030<sup>3</sup>. The police service will need new management tools if it wishes to counteract this general trend. By contrast, the general population are also living longer. Since the Edmund-Davies review in 1978, the median life expectancy for those reaching 60 in the United Kingdom has risen from approximately 76 to 82 and 81 to 85 for men and women respectively. By 2060, the Office for National Statistics has estimated that life expectancy will rise to approximately 89 and 91 for men and women respectively<sup>4</sup>. These demographic trends have implications for how officers and staff are deployed, as well as when they leave the police service.

3 This review makes recommendations to ensure that police forces are provided with the modern management tools they currently lack, to equip them for the demands of an uncertain and very different future.

### The review

4 Part 2 of this review has continued the transparent and extensive consultation processes that were carried out for Part 1. In June 2011, the review published a consultation document. It received 75 written responses, listed in Appendix 9, all of which were subsequently placed on the review’s website. Five seminars were held with interested parties to debate some of the most important issues, and transcripts of the discussions were published on the review’s

3 *Health and economic burden of the projected obesity trends in the USA and the UK*, Y. C. Wang MD, Prof K. McPherson PhD, T. Marsh PG Dip, S. L. Gortmaker PhD, M. Brown PhD, *The Lancet*, Volume 378, Issue 9793, 27 August 2011, pages 815-825

4 *Life tables*, Office for National Statistics, 2011

website. In addition, the review has met with many individuals and organisations on an informal basis, to ensure that it understands their views; a list of these is in Appendix 10. Finally, the review conducted an internet-based consultation aimed at serving police officers and staff, which received over 2,000 contributions.

5 The general principles which informed Part 1 of the review were accepted by the Home Secretary in her direction to the Police Negotiating Board in April 2011<sup>5</sup>. They remain the basis of Part 2 of this report. They are:

- **Fairness is an essential part of any new system of pay and conditions** – In the procedure and conduct of this review, in its analysis and in arriving at its recommendations, the overriding consideration has been fairness, to the public, to police officers and police staff, and to the police service in its short-, medium- and long-term interests.
- **Office of constable is the bedrock of British policing** – The office of constable, whereby a police officer has an original and not a delegated jurisdiction, and is himself directly answerable to the law for his actions, is far from an historical adornment; it is a fundamental part of what makes British policing an essential and extremely powerful protection of the citizen in his relationship with the state and its agencies, and ensures that our country could never become a police state. A system under which senior police officers and management make decisions as to the efficient and effective deployment of police officers, and evaluate those officers in the ways in which they work and the jobs they do so as to ensure they always meet the needs of the public they serve, is entirely consistent with the integrity of the office of constable.
- **The demands of policing** – Full and proper weight must be given to the particular and onerous demands which their occupation places on police officers and their families and the ways in which they live their lives, including the risks of personal injury and death, and public responsibility and scrutiny if things go wrong. The need to work unsocial hours and the absence of the ability of police officers in a disciplined service to withdraw their labour or to refuse to work to meet the exigencies of the service must also be taken into account.
- **People should be paid for what they do, the skills they have and are applying in their work, and the weights of the jobs they do** – The structure and diversity of tasks and expertise in the modern police service are now very different from how they used to be. All police officers have a set of core skills, but the omni-competent constable no longer exists. Specialist skills and more demanding posts should be recognised.
- **People should be paid for how well they work** – Progression up national or local pay scales based purely on length of service is unfair. High performers should be paid more than those who perform adequately, and higher again than those who perform poorly.
- **A single police service** – Distinctions in pay and other conditions of service between police officers and police staff should be objectively justified having regard to the conditions which exist today, not on the basis of history or tradition. On that basis, the two systems should be brought into an appropriate degree of harmony.
- **Simple to implement and administer** – The review's recommendations should not unjustifiably add to the bureaucratic burden on individuals and police forces.
- **Phased introduction** – Some reforms should be introduced over time, so that police officers and police staff do not feel threatened and the system has time to adjust. Cultural and historical blockages need to be dissolved, management needs time to learn and demonstrate its ability to operate new systems before they are brought fully into effect; people need to have confidence that the system will treat them fairly.

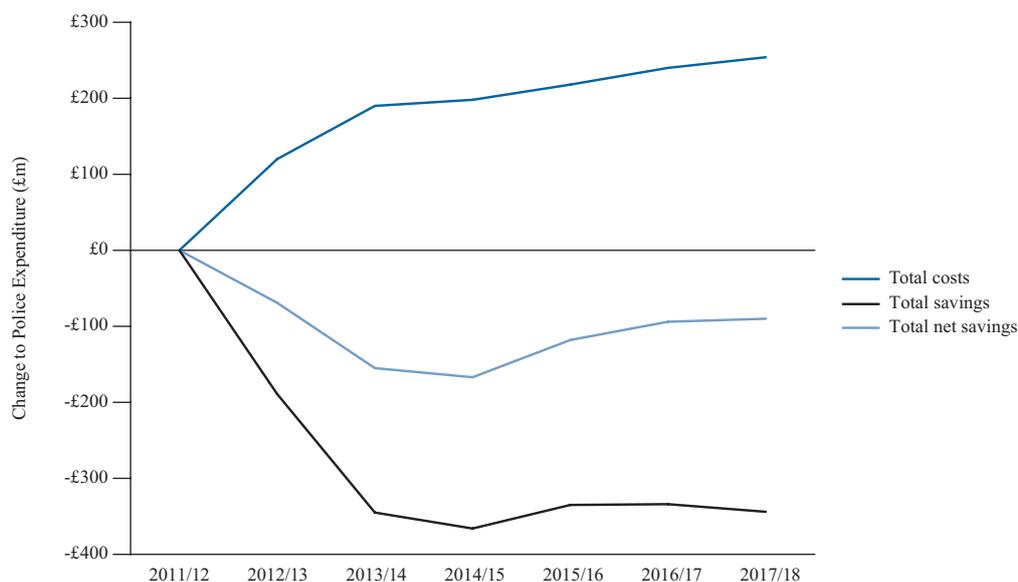
<sup>5</sup> See also *Written Ministerial Statement by the Home Secretary – Remuneration and Conditions of Service for Police Officers and Staff*, Official Report, House of Commons, 31 March 2011, 37WS

## General findings

- 6 This review makes recommendations which, if implemented, will better equip the police service to meet new and unforeseen challenges in the future. They will provide a Chief Constable with the means of attracting and recruiting high calibre candidates with different skills and experiences, of maintaining operational resilience by maximising the deployment of fit and healthy officers, and of managing his officer numbers according to the needs of the force and the public.
- 7 The public has a right to expect that its police officers and staff are highly motivated, efficient, effective and are rewarded fairly. Police staff can already be paid according to the local employment market rate, which should provide value for money to the taxpayer. However, the same cannot be said for the payment of constables. Professor Disney has shown that pay is set at a level where there are currently no recruitment and retention problems. Indeed, forces' vacancies are often heavily oversubscribed. From this it can be inferred that pay could be set at a lower rate whilst still attracting the same calibre of officer. Constables can be worth their maximum rate of pay, but only if they demonstrate high degrees of skill.
- 8 These recommendations build upon those in Part 1. Taken together, they will, if implemented, incentivise the best police officers and staff to work on the frontline, in the more demanding and highly skilled roles, whilst placing greater expectations upon them to be fit and available for duty. As with Part 1, these recommendations will affect officers and staff in different ways. Some will earn more whilst others may see their pay frozen for a time, or even cut in the longer-term. However, I have been mindful of any adverse effect on pay from a combination of the recommendations in the Part 1 report, the review of public sector pensions by Lord Hutton of Furness, and the Government's public sector pay and wider taxation policies. The Home Secretary has stated that officers and staff should be prepared to take cuts in their pay and allowances in the short-term, to avoid job losses. The savings identified in the Part 1 report will have prevented some staff being made redundant and officers being asked to leave after they have reached full pensionable service. However, such reductions in pay are not sustainable or fair in the longer-term. Accordingly, during the course of Part 2, I have sought to protect serving officers and staff members from many reductions in their take-home pay. Such a phased introduction of reforms is one of the guiding principles of the review.
- 9 Chapter 11 contains a number of case studies to assist the reader in determining the effects of the recommendations in this report. It shows that a highly skilled constable with four years' service, regularly working shifts on the frontline, will receive approximately £1,288 more in cash terms (gross pay) *per* year in 2013/14, and £7,105 more in 2017/18, than he did in 2011/12, despite the effect of the two-year progression freeze and rise in pension contribution rates. By contrast, an officer who works in a back-office role that is not capable of being done by a member of police staff, who is not highly skilled and who is no longer fit enough to be deployed on the frontline, is likely to experience a pay reduction of approximately £3,492 *per* year in 2013/14, and £10,586 less in 2017/18, than he received in 2011/12. It is right that if an officer is not performing the duties of a police officer then he should not be paid as one. The status quo is unfair to his colleagues working hard on the frontline and unfair to police staff working alongside him in the back-office.
- 10 Overall, in the short-term, the recommendations in this Part 2 report are broadly cost-neutral. Force budgets will benefit from the savings arising from the recommendations that were implemented in response to the Part 1 report. If implemented, Part 2 will allow forces increased flexibility to deploy their resources more efficiently and effectively. If the recommendations in this report are implemented in full from April 2013, with those that are implemented from Part 1 from April 2012, then there would be a cost of £188m and a saving of £346m in 2013/14, which would produce a net saving of £158m. By 2014/15, the in-year net saving would rise to an estimated £166m. These figures are illustrated in Figure S.2 below.

**Figure S.2**

In-year change to police expenditure (£ millions) from review's recommendations in 2011/12 to 2017/18



Source: Review's modelling

- 11 Cumulatively, the recommendations should deliver savings of £1.9bn by 2017/18. However, almost two-thirds of those savings, or £1.2bn, would be reinvested in a reformed system of pay and conditions. This will ensure that such a significant sum of public money is concentrated and spent on rewarding and incentivising the most effective and efficient police officers and staff.
- 12 In the medium- to longer-term, the introduction of a lower initial salary for new constables could cumulatively save over £700m during the next decade to 2022/23. This will allow forces to spend a greater proportion of their budgets on non-officer pay, such as 'civilianising' posts that can be undertaken more efficiently, effectively and cheaply by police staff, all whilst providing greater value for money to the taxpayer.

### Employment framework, entry routes and promotion

- 13 The fundamental question whether it remains necessary to have two different sets of terms and conditions within the police service, namely police officers' governed by national statutory regulations and police staff members' established by locally determined contracts, received very careful consideration. In the near future, it is recommended that they should remain separate. Police officers and staff undertake increasingly similar roles, but the levels of personal responsibility and discretion are still materially different. Instead of recommending an immediate full merger of officers' and staff terms and conditions, I have recommended that officers' terms and conditions move closer, over time, to those of locally-determined police staff members.
- 14 If police officers are to remain distinct from police staff, it is incumbent on this review to question whether the method of joining as a police officer is sufficient in the long-term. The police service can, and should, do more to attract the very best candidates, whether as police officers or staff. However, the present arrangements under which a police officer can only join at the lowest rank of constable and work his way up potentially prevents the police service from recruiting some exceptional individuals. Such candidates could contribute new ways of thinking and bring to the service the benefits of different methods and experiences.

- 15 I do not accept that every officer must start as a constable and work his way through every rank before reaching the highest ranks. Policing is a vocation which is complex and evolving constantly. For example, the operational experiences of a constable policing the public order disturbances of the 1980s are not necessarily relevant to his role as a chief superintendent with responsibility for the public order demands of the 21<sup>st</sup> century.
- 16 A new Direct Entry (Inspector) scheme should be introduced with approximately 80 candidates each year. It should be targeted at the best graduates from the best universities, and the brightest and the best within the police service. Such a scheme will have the potential to change in very material respects the future leadership of the police service. I am mindful of the need to provide those individuals with the best possible career prospects in the longer-term, and it is envisaged that they could comprise the majority of chief officers in future.
- 17 However, if one accepts that the police service would benefit from external thinking, experience and skills, then it is also necessary to devise a system of direct entry at superintendent rank in the shorter-term. A new Direct Entry (Superintendent) scheme should be introduced to attract exceptional individuals with considerable records of achievement and valuable skills in other fields – the military, the security services, industry, commerce and the professions – and train them to become fully operational police superintendents within 15 months.
- 18 The principal recommendations concerning the employment framework, entry routes and promotion include:
- Recommendation 1 – The terms and conditions of police officers and staff should remain separate for the foreseeable future;
  - Recommendation 3 – From April 2013, an additional qualification should be added to the list required for appointment to a police force in Regulation 10 of the Police Regulations 2003. Candidates eligible for appointment to a police force should have either a Level 3 qualification, or a police qualification which is recognised by the sector skills council, Skills for Justice, or service as a special constable or service as a PCSO (or another staff role which the chief officer is satisfied provides appropriate experience). The chief officer should have a discretion in relation to which of these criteria should apply to applicants for entry to his force.
  - Recommendation 8 – From August 2013, a national Direct Entry (Inspector) scheme should be established with the objective of improving police leadership and offering rapid training and promotion to individuals of high ability and capacity. It should be run by the Police Professional Body with the co-operation of police forces. The intake should be set annually, with at least 80 participants in each intake. Around half of the scheme members should be external graduates and half in-service officers and police staff members. The scheme should be rigorous and highly selective.
  - Recommendation 19 – A national scheme for recruitment directly to the rank of superintendent should be established and brought into operation from September 2013. Participation in the scheme should be at the discretion of the chief officer. The scheme should last 15 months. Participants on the scheme should be persons of exceptional achievement and ability who have been assessed as having the potential to be senior police officers. They should be paid as superintendents on the lowest pay scale whilst on the course. The knowledge, skill and experience required for them to operate competently and confidently as full superintendents should be delivered through a mixture of in-force training and an 18-week course of instruction at the police college.
  - Recommendation 24 – The eligible experience for a Chief Constable set out in Schedule 8, Part 1, paragraph 2(1)(a) of the Police Reform and Social Responsibility Act 2011 should be amended to include service in a chief officer equivalent role overseas in a common law jurisdiction which practises policing by consent.

## Health, fitness and managing the officer workforce

- 19 The public expects the police service to respond and advance when, and where, others would retreat. Police officers and staff can face dangerous situations and often do so with little thought for their own safety. A level of physical strength and fitness is required as a prerequisite to joining as a police constable, measured by a nationally-determined fitness test. However, the public may be surprised to learn that once an officer has passed his probation, he may never be subject to any test of his physical fitness again.
- 20 Chief constables have a duty of care to ensure that their officers and staff deployed on the frontline are sufficiently fit to deal with the likely risks to the safety of the public, and to themselves. Value for money considerations are also apposite. Professor Disney has found that police officers' pay scales are 10-15% higher than many comparable public sector workers, and this is partly because officers can be deployed to use their warranted powers at any time, anywhere. If officers can no longer justify that additional pay, then they should not receive it. I have recommended that a new annual fitness test should be undertaken by all officers who may be deployed on the frontline. Where an officer repeatedly fails this test, he should be required to relinquish the appropriate proportion of his pay. For a constable at the top of his pay scale, this would be £2,922 of pensionable pay.
- 21 The numbers of officers already in this category of restricted duties has grown significantly in recent years – from 2,299 officers in 2002/03 to 6,137 officers in 2010/11. In some forces, this is as high as 9.4% of their total officer workforce. If an officer on restricted duties cannot return to full deployment in the longer-term, there should be powers to remove him, offer him a suitable police staff role if his skills are critical, or use the ill-health retirement mechanism. The latter should be used more often than at present, especially in the cases of officers seriously injured or incapacitated in the course of duty.
- 22 In considering the future challenges that the police service may face, it is also important to equip Chief Constables with the instruments they need to respond to economic trends. It cannot be assumed that funding for the police service will return to pre-2009 levels; indeed there may be need for further reductions in funding. Until now, police staff members have taken the brunt of these cuts in force budgets through compulsory redundancy. This is unfair. As Policy Exchange have noted, such reductions in police staff have reversed recent achievements in the civilianisation of roles. In many cases, this has been the only option available to Chief Constables, but it represents poor value for money for the taxpayer, who faces paying higher salaries to police officers to do jobs which could – and should – be done at lower cost by more able and experienced police staff.
- 23 I have carefully considered the arguments for maintaining a protection from compulsory severance for police officers, including whether a system of short service commissions akin to those used in the military would be preferable. There is nothing intrinsic in the office of constable which would be incompatible with police officers being considered for compulsory severance alongside police staff who are facing redundancy. Regulation A19 – which allows a police force to require the retirement of an officer with 30 years' service on the grounds of the efficiency of the force – and the powers of police authorities and police and crime commissioners to require a Chief Constable to resign or retire, conspicuously establish that fact. Accordingly, I recommend that all police officers under chief officer rank with less than full pensionable service should be subject to a latent power of compulsory severance. Financial compensation should be on the same basis as is available to employees who are made redundant.

- 24 The principal recommendations concerning the health and fitness and the management of the officer workforce include:
- Recommendation 33 – A fitness test should be introduced in September 2013 for all police officers and staff required to undertake personal safety training. Participants should be required to attain level 5:4 on a 15-metre shuttle run. From September 2014, those who fail the test three times should be subject to the appropriate disciplinary procedures.
  - Recommendation 39 – From September 2014, officers on restricted duty should have their deployability and capability to exercise police powers assessed one year after being placed on restricted duty. Officers who are not deployable and are not capable of work which requires the office of constable should sustain a reduction in pay equal to the value of the deployability element of the X-factor, namely the lower of eight *per cent* and £2,922 *per annum*. After a further year, appropriate proceedings should be initiated to dismiss or retire these officers from the police service on the grounds of incapability or poor attendance. Officers who are permanently disabled from working as police officers should be ill-health retired. Those who are not permanently disabled should be given the opportunity to resign as police officers and immediately take up a police staff job on police staff terms and conditions, if one is available.
  - Recommendation 43 – The normal pension age for police officers should be set at 60 in line with the implemented recommendations made by Lord Hutton of Furness.
  - Recommendation 46 – The Police Regulations 2003 should be amended to create a system of compulsory severance for police officers with less than full pensionable service from April 2013.

### **Basic pay, contribution-related pay and role-based pay**

- 25 Professor Disney has shown that there are no recruitment and retention problems for police officers and that some forces are inundated with applications. On ordinary labour market principles, it would be possible to pay them less without damaging the quality of recruits or causing recruitment and retention problems. However, I am mindful of the effect of any further reductions in pay on individuals. I believe that constables can be worth the current maximum, £36,519, if properly skilled, and if using those skills in roles that require the warranted powers of a constable. This approach to pay is consistent with the principle articulated in my Part 1 report, that officers should be paid for what they do, the skills they have and are applying in their work, and the weights of the jobs they do. Officers in less demanding jobs, particularly those that do not require the warranted powers of a constable, should therefore receive less than their colleagues in more demanding roles.
- 26 A new shorter constable pay scale is recommended. Constables should be able to reach the same maximum after only six years, rather than the present ten years. However, for most officers, additional pay should only be secured through the acquisition, demonstration, use and retention of critical skills and expertise. The recommended new constable pay scale introduces two new skills thresholds – a Foundation Threshold to require a higher knowledge of law and criminal procedure, and a Specialist Skills Threshold for accredited skills in police officer roles. Table S.1 illustrates the proposed new pay scale for constables.

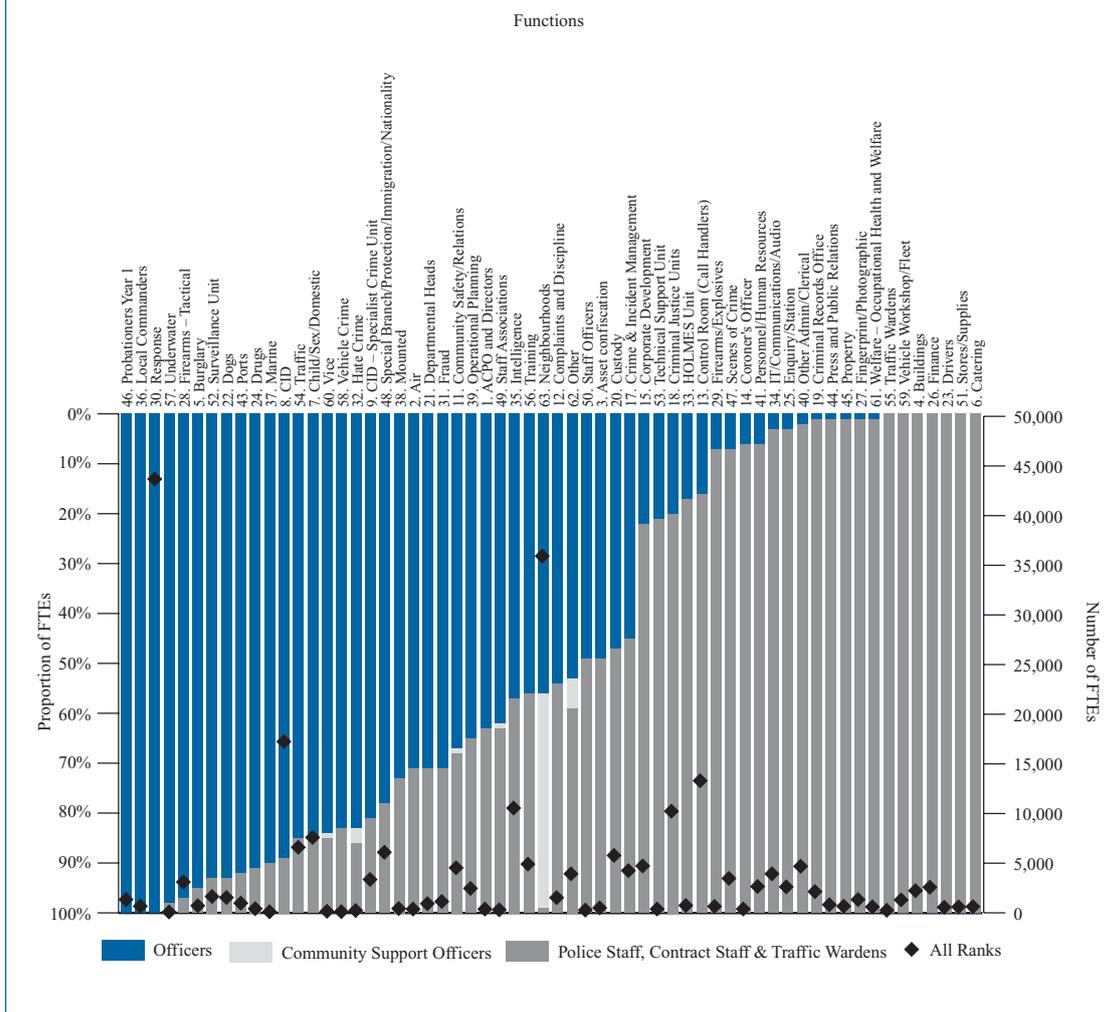
<b>Pay point</b>	<b>Constable salary</b>
0	£19,000
1	£21,000
2	£22,000
3	£23,000
4 – Foundation Threshold	£25,500
5	£27,700
6	£31,032
7 – Specialist Skills Threshold	£36,519

- 27 The Specialist Skills Threshold will affect an officer’s pay according to the skills he has and is using in his job. For example, an officer working in a response team who can demonstrate sufficient skill should continue to earn what he does now. By contrast, an officer who is working alongside police staff in a role that does not necessarily require his police powers, such as in a control room, should earn substantially less than at present. This is fair to officers who do the most difficult jobs, to police staff and to the taxpayer. Figure S.3 shows the number of officers currently working in functions where it is at least questionable whether they need their warranted powers, for example in air support<sup>6</sup>.
- 28 There should be nothing to prevent a senior police officer making an objective assessment of the abilities and contribution of a more junior officer who works for him. Such practices are essential parts of efficient and effective management. However, too often the culture and practice of management in the police service has been reticent and timid, and the present appraisal system is viewed as unnecessary bureaucracy without appreciable consequences. This should change as soon as possible. Progression up a pay scale should be based on satisfactory performance or the acquisition, use and demonstration of skills, not mere time service in the rank.
- 29 For police staff, I have recommended changes to bring them closer to the new terms and conditions which were recommended in Part 1, namely an unsocial hours allowance and reforms to the eligibility criteria for the payment of overtime. This will allow police forces to deploy officers and staff more effectively on joint operations. It is not the intention of this review to reduce the pay of frontline police staff, so these changes have been designed to be cost-neutral and individual members of police staff should not face unwarranted financial detriment.

<sup>6</sup> 266 Federated officers. Primarily helicopter-based air support. Air support functions include suspect and missing person searches, vehicle pursuits, photographic tasks, specialist transport and area identification/containment services to support ground resources (for example firearms and public order)

Figure S.3

Full Time Equivalents in Functions by Officers/PCSOs/Staff in 2010/11



30. The principal recommendations concerning basic pay, contribution-related pay and role-based pay include:

- Recommendation 54 – A new, shorter pay scale for constables should be introduced for new entrants from April 2013 as outlined in Table 7.12 of this report. It should have a lower starting salary than the current scale, but should allow constables to move to the maximum more quickly.
- Recommendation 55 – Pay points 6, 7, and 9 should be removed from the existing constables’ pay scale in April 2014, 2015, and 2016 respectively. This will allow constables to move to the maximum more quickly and ensure that the current and new pay scales merge in 2016.
- Recommendation 97 – A Specialist Skills Threshold should be introduced at the final pay point of all police officer pay scales up to and including chief superintendent, by 2016 at the latest. It should consist of a rigorous test of the specialist knowledge and skills required in each role and rank. The Police Professional Body should be remitted to devise the test.

31. Recommendation 110 – The definition of unsocial hours for police officers and staff should be harmonised. For both officers and staff, it should be defined as work which takes place between the hours of 8:00pm and 6:00am, with all days of the week being of equal weight.

## Negotiating machinery

- 32 The development of police officer pay negotiating machinery over the last century can only be described as convoluted. Rather than being designed, the evolution of police officer pay negotiating machinery has been driven by responses to events and crises, such as the police strikes of 1918 and 1919. As a result, the police service has ended up with negotiating machinery which is costly, cumbersome, bureaucratic and slow, and which has proven itself poor at reaching decisions.
- 33 The Police Negotiating Board was devised in 1978, in parallel with the recommendation of a formula for the automatic uprating of officers' pay. During the years when the so-called Edmund-Davies formula was in operation, the PNB worked well. However, from 2006 onwards it has failed to produce timely negotiated settlements on the most material issues. The PNB's reliance on the Police Arbitration Tribunal – 17 times between 2000/01 and 2010/11, not even including for the recommendations of Part 1 of this review – demonstrates that the PNB has not achieved its principal objective of reaching agreement through negotiation, and has instead too often turned difficult questions over to a group of independent individuals to decide for them. In effect, the police service already has a pay review body, in the form of the PAT. But that review body is ill-equipped to carry out the full functions of such an entity.
- 34 I have recommended that an independent pay review body be established for police officers up to the rank of chief superintendent. Chief officers' pay and conditions should be determined by the Senior Salaries Review Body.
- 35 For police staff, the current arrangements work well and consultees argued for their retention. However, the poor data available on basic management issues in the police service is striking. This is especially true for data on police staff. Accordingly, I recommend that the Police Staff Council be funded by its respective police forces so that the PSC can conduct much needed data analysis in this field.
- 36 The principal recommendations concerning the negotiating machinery include:
- Recommendation 115 – The Police Negotiating Board should be abolished and replaced by an independent police officer pay review body by late 2014.
  - Recommendation 118 – The Senior Salaries Review Body should take responsibility for setting the pay of Chief Constables, Deputy Chief Constables and Assistant Chief Constables by 2014.
  - Recommendation 119 – The Police Staff Council should receive approximately £50,000 *per annum* from police forces to fund regular data surveys of the remuneration and conditions of police staff.

## Phasing and next steps

- 37 If accepted, most of my recommendations will require referral by the Home Secretary to the Police Negotiating Board, the Police Advisory Board of England and Wales, or the Police Staff Council, as well as to those forces that negotiate police staff pay and conditions outside the PSC arrangements.
- 38 Each Chapter of this report contains a recommended phased process for introduction. Police officers and staff must be provided with the time to absorb change and allow for the principles of reform to bed in. These changes are too important to be rushed, yet too vital to delay. Achieving the correct balance will be crucial. Appendix 2 contains a summary of my principal recommendations and proposals for their phased implementation over several years.

## Glossary and abbreviations

accelerated progression	case where a police officer or police staff member moves up the applicable pay scale faster than one increment each year
ACAS	Advisory, Conciliation and Arbitration Service
ACO	assistant chief officer
ACPO	Association of Chief Police Officers
ACPO ranks	in county police forces: Assistant Chief Constable, Deputy Chief Constable and Chief Constable; in the Metropolitan Police: Commander, Deputy Assistant Commissioner, Assistant Commissioner, Deputy Commissioner and Commissioner; in the City of London Police: Commander, Assistant Commissioner, Commissioner
Advisory, Conciliation and Arbitration Service	statutory body, created under the Employment Protection Act 1975, with the purpose of improving employment relations; provides best practice advice and services to organisations and individuals
Agenda for Change	pay system for the National Health Service; introduced in 2004 with a central aim of delivering a fair system of pay for non-medical staff, based on the principle of equal pay for work of equal value; all NHS staff are now on a national pay scale with transparent justification for differences in the weights of their jobs and the resulting pay
APA	Association of Police Authorities
APACE	Association of Police Authority Chief Executives
APP	authorised professional practice
assistant chief officer	police staff grade equivalent to Assistant Chief Constable; usually includes grades such as directors of finance and human resources
Association of Chief Police Officers	a professional association of police officers of Assistant Chief Constable rank and above, and their police staff equivalents, in England, Wales and Northern Ireland; leads and coordinates operational policing nationally; a company limited by guarantee and a statutory consultee; its President is a full-time post under the Police Reform Act 2002
Association of Police Authorities	body which collectively represents the Police Authorities of England and Wales, as well as the Northern Ireland Policing Board; the APA has no statutory provenance, but is mentioned in legislation as a body with which certain consultations should take place
Association of Police Authority Chief Executives	professional body which represents chief executives and other senior staff within police authorities

authorised professional practice	consolidation of policing knowledge into a series of online modules, which has been authorised by ACPO. The modules are divided into (a) recurring activities common to policing; and (b) specific, often high risk areas of policing requiring consistent response and work between forces
BME	black and minority ethnic
bonus	payment additional to salary, usually awarded for the achievement of objectives beyond those ordinarily required of the rank or post of the recipient
branch board; joint branch board	board consisting of elected representatives of the members of a branch of the Police Federation holding the relevant rank; there is a constables', a sergeants' and an inspectors' branch board for each branch; the three branch boards sit together as a joint branch board to discuss matters of common interest; in the Metropolitan Police there is no joint branch board, but each branch board establishes an executive committee and the three committees sit together as the Joint Executive Committee
chief officer	holder of an ACPO rank; a member of police staff who holds an equivalent status to a police officer of ACPO rank
CPOSA	Chief Police Officers' Staff Association
Chief Police Officers' Staff Association	representative body of chief officers, concerned with pay and conditions
civilianisation	employment or engagement of staff who are not police officers to do work which does not require the warranted powers of a police officer
Committee on National Expenditure	committee established in 1921 to make recommendations to the Chancellor of the Exchequer on reductions in national expenditure; chaired by Sir Eric Geddes, an industrialist, it reviewed a wide range of areas of government expenditure, including the police service
competence related threshold payment	supplemental payment available to officers in the Federated ranks who have served for a year at the maximum of their pay scale and who satisfy the requirements of the scheme; the payment depends on an assessment of the applicant's professional competence and results, commitment to the job, good relations with the public and colleagues, and a willingness to learn and adjust to new circumstances
contribution-related pay	system of pay which links part of a worker's remuneration to his performance, fitness or skill, usually after appraisal by a line manager as part of the performance and development review process
C RTP	competence related threshold payment

Desborough	Committee on the Police Service of England, Wales and Scotland, under the chairmanship of Lord Desborough, set up in March 1919 in response to severe discontent amongst police officers at their rates of pay and conditions of service, and their ability to make representations on these subjects; police pay had not kept up with the rise in the cost of living, which had doubled during the 1914-18 war, and tensions were very high; the Desborough report was published in two parts, on 1 July 1919 and 1 January 1920, and recommended rises of the order of 230% in constables' pay, and the establishment of the Police Federation as a representative body and the Police Council as a consultative body; it also recommended that it be made a criminal offence for a police officer to join a trade union or to strike
determination	decision of the Home Secretary on a matter provided for in police regulations; the regulations give the Home Secretary the power to determine various matters, such as rates of pay; the detail of these matters is set out in the determinations rather than in the regulations themselves; the determinations are set out in the form of Annexes entitled AA to W
differential	gap between the salary of one rank or post and the next
direct entry	joining the police service at a rank higher than constable
diversity	political and social policy of promoting fair treatment of people of different backgrounds or personal characteristics; the Equality Act 2010 specifies nine protected characteristics: gender, age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
double accrual	in relation to police pensions, over a 30-year period the rate of accrual in the last ten years which is twice the rate in the first 20 years
double increment	case where a superintendent or chief superintendent moves up two annual increments of his pay scale in a single year, as a result of being rated as exceptional in his PDR
Edmund-Davies	Committee of Inquiry on the Police under the chairmanship of Lord Edmund-Davies; it was established in conditions of considerable tension involving the police, whose pay in the 1970s had fallen significantly behind comparable occupations; it reported in July 1978 (Cmnd 7283) recommending a substantial increase (of the order of 45%) in police pay, and also a pay formula which would increase police pay in accordance with a combination of changes in the index of average earnings and changes elsewhere in the community in subsequent years

EPAA	Expertise and Professional Accreditation Allowance
equality assessment	assessment of a test, condition, state of affairs or set of circumstances to determine whether it meets equality requirements
equality requirements	requirements of the Equality Act 2010 and other rules of law which are concerned with the protection of persons against unlawful discrimination on the grounds of gender, age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation; cognate terms should be understood accordingly
Expertise and Professional Accreditation Allowance	allowance of that name recommended in Part 1; the recommended amount was £1,200 <i>per annum per</i> officer, to be paid to detectives, firearms and public order officers qualified to the appropriate levels using those skills, and neighbourhood police officers who have served at least three years as neighbourhood officers; following the PAT determination in this respect, Part 2 recommends the amount should be reduced to £600 <i>per annum per</i> officer and paid to officers on the same conditions as were recommended in Part 1
Federated ranks	police ranks represented by the Police Federation, namely constable, sergeant, inspector and chief inspector
Federation	Police Federation of England and Wales, the statutory body established by the Police Act 1919 on the recommendation of Desborough to represent police officers in all matters affecting their welfare and efficiency except for questions of promotion or discipline affecting individuals; in 2011, the Police Federation had approximately 140,000 members; member of the Staff Side of the Police Negotiating Board
force management statement	annual statement, to be published by each force, containing projections of demand on the force, the force's plans for meeting those demands, and the steps it intends to take to improve the efficiency and economy with which it will maintain and develop its workforce and other assets, and discharge its obligations to the public; see further Chapter 6
Foundation Skills Threshold	fourth point in the constables' pay scale; to be eligible for progression to this point, a constable must have passed a test of his knowledge in law and criminal procedure; see Chapter 9
GMB	General, Municipal and Boilermakers Union
gold command	strategic level of command

gold/silver/bronze command structure	structure of command which is used by emergency service providers in which ‘gold’ represents the strategic, ‘silver’ represents the tactical, and ‘bronze’ represents the operational elements of command
he/him/his	she/her
Higgins	inquiry into police pay for new entrants, established in 1932 under the chairmanship of Sir George Higgins. Following the May report of 1931, a new pay scale had been introduced for new entrants to the police service. Higgins recommended a revised pay scale for new entrants which represented a pay rise from the provisional rate set in 1931
High Potential Development Scheme (HPDS)	five year scheme for serving police officers designed to develop the most able individuals to become the police leaders of the future
HMIC	Her Majesty’s Inspectorate of Constabulary
ICF	integrated competency framework
ill-health retirement	early retirement on the ground that the police officer in question is permanently disabled in relation to the performance of duty
increment	point on a pay scale, through which a police officer or police staff member moves by means of progression
integrated competency framework	first introduced in 2001, ICF is a method, still used by some forces, for assessing behavioural standards across the police service when devising role descriptions. ICF is also used as an assessment tool in the performance development review process
IPCC	Independent Police Complaints Commission
job evaluation	system of assessing the weight of a particular job, including the skills and abilities required for it, for the purposes of determining what is the appropriate remuneration for it
Lee	independent inquiry that investigated the deductions in police pay and rent allowances which had been introduced in 1922 following the report of the Committee on National Expenditure chaired by Sir Eric Geddes. The inquiry was established in 1925 under the chairmanship of Viscount Lee of Fareham
London allowance	allowance payable to all officers of the Metropolitan Police and City of London Police; the rate of the allowance in 2011/12 varies depending on when the officer joined the police in London
London weighting	uplift to the pay of all officers of the Metropolitan Police and City of London Police; in 2011/12, its value is £2,277 <i>per annum</i>

May	committee on national expenditure chaired by Sir George May, established in 1931 to make recommendations to the Chancellor of the Exchequer for effecting reductions in public expenditure. Its creation was prompted by the Great Depression. Like the Geddes committee ten years earlier, it made recommendations across the whole breadth of government expenditure, including the police service. It recommended a reduction in police pay of 12.5%
Metropolitan Police	police force for Greater London; by far the largest police force in the UK, with 48,686 officers and police staff members (including PCSOs) as of 30 September 2011
mutual aid	provision of police officers or other assistance by one police force to another for the purpose of meeting any special demand, either on the application of the chief officer of the force receiving the assistance, or at the direction of the Home Secretary; the system was recommended by Desborough
National Crime Agency	new agency to be established in 2013, responsible for tackling organised crime, border security, fraud and cyber crime, and protecting children and young people
National Policing Improvement Agency	body corporate established under the Police and Justice Act 2006 to replace the Central Police Training and Development Authority and the Police Information Technology Organisation; its objects include the promotion of good practice in policing, the provision to police forces of expert advice and assistance in connection with operational and policing matters, the identification of opportunities for and threats to police forces, assistance with information technology and procurement and training and personnel matters
National Strategic Assessment	the police service makes periodic projections of the external challenges which it is likely to face in the short- to medium-term. The NPIA produces the annual National Strategic Assessment on behalf of ACPO. The 2010 document was used in Part 1 to ensure that the proposed Expertise and Professional Accreditation Allowance (EPAA) was targeted at the right skills
NPIA	National Policing Improvement Agency

new police pension scheme	pension scheme for police officers provided for in the Police Pensions Regulations 2006; the scheme has been open to new entrants since 6 April 2006; it allows officers to earn a pension equal to one 70th of final salary for each year's service, over 35 years; it provides a target pension of half final salary; officers also earn four 70ths of final salary for each year's service over 35 years, to provide a target lump sum of twice final salary; officers in the NPPS currently pay contributions of 9.5% of their pensionable pay; Police Authorities pay the employer contribution of 24.2%; the normal minimum pension age under the NPPS is 55; the scheme also provides a range of benefits, including survivor pensions for nominated unmarried partners
NSA	National Strategic Assessment
Oaksey	independent inquiry into police pay, pensions, promotions, methods of representation and negotiation, and other conditions of service, set up in 1948 under the chairmanship of Lord Oaksey, in response to considerable discontent with the levels of police pay after the 1939-45 war and a severe manpower shortage; Oaksey recommended a 15% increase in police pay with effect from 1 July 1949
Office of Manpower Economics	non-departmental body set up in 1970 under the Employment and Training Act 1948; provides secretariat services to independent pay review bodies
official side	one of the two sides of the Police Negotiating Board (the other being the staff side), consisting of representatives of Police Authorities, chief officers and the Home Office
old police pension scheme	Police Pension Scheme 1987; it allows officers to earn one 60th of final salary for each of the first 20 years' service, and two 60ths of final salary for each of the subsequent 10 years' service; this provides a target pension of two-thirds of final salary; no lump sum is automatically payable, but an officer can elect to take a lump sum in exchange for a lower pension; this typically leaves the officer with a pension of half final salary; officers in the PPS currently pay contributions of 11% of their pensionable pay; Police Authorities pay the employer contribution of 24.2%; because many officers began their police service at age 18½, some become entitled to draw their pensions as early as age 48½; the scheme was closed to new members with effect from 6 April 2006
OME	Office of Manpower Economics
OSPPE	Objective Structured Performance Related Examination, the national police promotion qualification system for England, Wales & Northern Ireland; introduced in 1991 to provide a structure for the process for promotions from constable to sergeant, and from sergeant to inspector; see Chapter 4

overtime	payment for work which is additional to the normal working hours of a police officer or police staff member; in the case of police officers, the rates and conditions vary according to the amount of notice which is given
PAB	Police Advisory Board
Part 1	Part 1 of the Independent Review of Police Officer and Staff Remuneration and Conditions, published in March 2011
Part 2	Part 2 of the Independent Review of Police Officer and Staff Remuneration and Conditions, published in March 2012
pay scale	scale of pay rising by (usually) annual increments
pay spine	pay scale
PCC	police and crime commissioner
PDR	performance and development review
performance and development review	assessment of an individual's work performance by his line manager, usually an officer or police staff manager of the immediately superior rank or grade
performance-related pay	see contribution-related pay
PNAC	Senior Police National Assessment Centre; also referred to as Senior PNAC; see Chapter 3
Police Advisory Board	statutory body established under the Police Act 1996 to advise the Home Secretary on general questions affecting the police
police and crime commissioner	statutory officer established under the Police Reform and Social Responsibility Act 2011, elected for a police area after the abolition of Police Authorities; required to secure the maintenance of the police force and its efficiency and effectiveness; holds the Chief Constable to account for the performance of the force; appoints and may, after due process, remove the Chief Constable from office; see Chapter 7
police and crime panel	statutory body established under the Police Reform and Social Responsibility Act 2011 to review and scrutinise the decisions of a police and crime commissioner
Police Arbitration Tribunal	tribunal established under the Constitution of the Police Negotiating Board to which matters upon which the PNB has failed to agree are referred; a determination of the Tribunal has effect as an agreed recommendation of the PNB and must be taken into consideration by the Home Secretary before making police regulations, or a determination under them; Chapter 10 contains a fuller description of the operation of the Police Arbitration Tribunal

Police Authority	body corporate established for every police area in England and Wales; each Police Authority has a statutory duty to secure the maintenance of an efficient and effective police force for its area; however, it is prohibited from giving directions to chief officers or members of police forces concerning the exercise of their powers or discretions by virtue of their offices; to be abolished and replaced by police and crime commissioners
police community support officer	uniformed non-warranted officer employed by a territorial police force or the British Transport Police in England and Wales; established by the Police Reform Act 2002
Police Negotiating Board	statutory body originally established under the Police Negotiating Board Act 1980 and maintained under the Police Act 1996; it is concerned with questions relating to hours of duty, leave, pay and allowances, pensions and connected matters; before making regulations under the Police Act 1996 in these areas, the Home Secretary is required to take into consideration the Board's recommendations and give the Board a draft of the regulations; the same requirements apply to the making by the Home Secretary of a determination under the regulations
police officer	individual with warranted powers of arrest, search and detention who, under the direction of his Chief Constable, is deployed to uphold the law, protect life and property, maintain and restore the Queen's peace, and pursue and bring offenders to justice
police pay review body	proposed new statutory body which will assume responsibility for making recommendations to the Home Secretary on matters of police officer pay, allowances, leave, working time and other benefits; see Chapter 10
Police Professional Body	new body which will have responsibility for developing a professional skills and leadership framework in the police service
Policing Professional Framework	provides national rank profiles for officers and level profiles for staff based on national occupational standards
police regulations	regulations made by the Home Secretary under the Police Act 1996 as to the government, administration and conditions of service of police forces; regulations may make provision with respect to ranks, promotion, probation, voluntary retirement, the conduct, efficiency and effectiveness of police officers and the maintenance of discipline, the suspension of police officers, and the duties, hours of work, leave, pay and allowances of police officers

Police Regulations 2003	regulations made under the Police Act 1996 concerning matters such as police officers’ duty, pay, leave, allowances and expenses, the reckoning of their service, and their uniform and equipment
police staff	person employed by a police force and who is not a police officer
Police Staff Council	body consisting of a staff side and official side which negotiates national agreements on pay and conditions of service for approximately 75,000 police staff and PCSOs in England and Wales, excluding the Metropolitan, City of London, Surrey and Kent police forces
Police Staff Council Handbook	Police Staff Council pay and conditions of service handbook which contains nationally agreed pay spines and terms and conditions of service for police staff (including PCSOs) which can be varied by local collective agreement
post-related allowance	non-pensionable allowance for chief superintendents to reflect particularly onerous responsibilities
PNB	Police Negotiating Board
PRA	post-related allowance
progression	the usually automatic movement of the pay of a police officer or police staff member up a pay scale (by annual increments)
protected characteristics	gender, age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation; each is protected under the Equality Act 2010; see further ‘equality requirements’
PSC	Police Staff Council
PSNI	Police Service of Northern Ireland
recuperative duties	duties assigned to a police officer of a nature which place on him physical demands which are lower than those required for the full duties of a police officer, for the purpose of allowing him an opportunity to restore himself to full health
restricted duties	duties assigned to a police officer of a nature which place on him physical demands which are lower than those required for the full duties of a police officer; the decision to place an officer on restricted duties is taken after an assessment of the officer’s condition by a medical practitioner or an occupational health professional

Royal Commission	Royal Commission on the Police, chaired by Sir Henry Willink QC; set up to consider primarily the accountability of the police and the constitutional position of the police in the state; its terms of reference included a review of police pay; the Royal Commission published its interim report in November 1960 (Cmnd 1222) and its final report in May 1962 (Cmnd 1728); it recommended a 30% rise in the maximum of the constable's pay, with two long-service supplements taking the increase to 40%
SEARCH	Standardised Entrance Assessment for Recruiting Constables Holistically; a recruitment assessment process for candidates wishing to join the police service of England and Wales; introduced as part of national recruitment standards; designed to provide forces with the assurance that all potential recruits meet a national minimum standard; forces may not appoint candidates who have not met the national minimum passmark
Senior Salaries Review Body	pay review body which provides annual, independent advice to the Prime Minister, the Lord Chancellor and the Defence Secretary on the remuneration of holders of judicial office; senior civil servants; senior officers of the armed forces; and other public appointees
Sheehy	report of the Inquiry into Police Responsibilities and Rewards under the chairmanship of Sir Patrick Sheehy; published in June 1993 (Cmnd 2280), it made very wide-ranging and radical recommendations, including the abolition of certain ranks, the abolition of police regulations concerning pay in favour of a new pay matrix reliant on the scope of a role, the responsibilities attaching to it and its scale, and specialist requirements, the nature of the policing environment, the experience and skills of an individual and his performance in the role; it also recommended a change to a lower index for police pay, the abolition of casual overtime, and the end of secure tenure for police officers; it made proposals for radical reform of police pensions; many of the Sheehy reforms were not implemented
Skills for Justice	Sector Skills Council covering employers, employees and volunteers working in the justice, community safety and legal services sectors
SOCA	Serious Organised Crime Agency
south-east allowance	allowance payable to police officers in forces in the south-east of England; for police officers in the Essex, Hertfordshire, Kent, Surrey and Thames Valley Police forces, its rate in 2011/12 was £2,000 <i>per annum</i> ; in the case of the Bedfordshire, Hampshire and Sussex forces, the rate was £1,000 <i>per annum</i>
special priority payment	additional payments to police officers in particularly demanding posts; recommended for abolition in Part 1

Specialist Skills Threshold	final point in the pay scale for any Federated policing rank, and all police staff grades; to be eligible for progression to this point, an individual must achieve skills accreditation in a qualifying policing discipline; see Chapter 9
SPNAC	Senior Police National Assessment Centre; a stage in the appointment of officers to ACPO rank; officers must have passed this assessment stage before they may proceed to the Strategic Command Course; see Chapter 3
SPP	Special Priority Payment
SSRB	Senior Salaries Review Body
staff side	one of the two sides of the Police Negotiating Board (the other being the official side), consisting of representatives of the police officer staff associations
Strategic Command Course	prepares selected police officers for promotion to the most senior ranks in the service; open to superintendents, chief superintendents and police staff equivalents; see further ‘SPNAC’
Superintendents’ Association	Police Superintendents’ Association of England and Wales, the staff association for police officers at superintendent and chief superintendent ranks
Trenchard	Hugh Trenchard, 1 <sup>st</sup> Viscount Trenchard (1873 – 1956); appointed Commissioner of the Metropolitan Police in 1931 during a period of low morale and public criticism of the police; a distinguished senior military officer instrumental in the foundation of the Royal Air Force, who served as Chief of the Air Staff from 1919 to 1930; one of Lord Trenchard’s main concerns was the lack of “officer material” in the Metropolitan Police; he proceeded to tackle the problem with the establishment of the police college at Hendon and a scheme to promote outstanding constables and academically qualified entrants directly to the rank of inspector; see Chapter 3
Trenchard scheme	scheme of direct entry to the police service at the rank of inspector operated by the Metropolitan Police in the the Metropolitan Police College in Hendon, beginning in 1934; see Chapter 3
UNISON	largest of the trade unions representing police staff in England, Scotland and Wales; has approximately 44,000 police staff members
Unite	largest trade union in Britain; represents 1.5 million workers in many sectors of the economy

unsatisfactory performance procedures	Police (Performance) Regulations 2008 made under the Police Act 1996 containing procedures for dealing with unsatisfactory performance by police officers between the ranks of constable and chief superintendent (but not probationary constables);
UPP	unsatisfactory performance procedures
X-factor	term used to encapsulate those elements of police officers' responsibilities and obligations, and terms and conditions, that are peculiar to service as a police officer and are shared by very few workers in the public sector and even fewer in the private sector; see Chapter 7.

Attention is drawn particularly to the use of the male gender when both sexes are or either sex is meant. This approach has been used only to simplify the drafting of this report. The review is of course conscious of the significant numbers of police officers and police staff who are female; they are, as explained above, included in every such reference.

In this report, a number of documents are frequently cited. For ease of reference, those citations have been abbreviated as follows:

ACPO Part 1 submission	<i>ACPO Submission: Independent Review of Police Officers and Staff Remuneration and Conditions</i> , Association of Chief Police Officers, October 2010
ACPO submission	<i>ACPO Submission: Independent Review of Police Officers and Staff Remuneration and Conditions (Part 2)</i> , Association of Chief Police Officers, September 2011
APA Part 1 submission	<i>APA Response to the Review of Remuneration and Conditions of Service for Police Officers and Staff</i> , Association of Police Authorities, November 2010
APA submission	<i>APA Response to the Independent Review of Police Officers' and Staff Remuneration and Conditions Part 2</i> , Association of Police Authorities, September 2011
Basic pay seminar (2011)	<i>transcript of the pay review seminar on basic pay</i> , review.police.uk, 21 July 2011
Career model seminar (2011)	<i>transcript of the pay review seminar on the career model and ill-health</i> , review.police.uk, 13 July 2011
CPOSA Part 1 submission (1)	<i>Chief Police Officers' Staff Association Initial Submission to the Independent Review of Police Officers' and Staff Remuneration and Conditions</i> , Chief Police Officers' Staff Association, November 2010
CPOSA Part 1 submission (2)	<i>CPOSA Supplementary Submission to the Independent Review of Police Officers' and Staff Remuneration and Conditions</i> , Chief Police Officers' Staff Association, December 2010
CPOSA submission	<i>CPOSA Submission to Part 2 of the Independent Review of Police Officers' and Staff Remuneration and Conditions</i> , Chief Police Officers Staff Association, September 2011
Critchley	<i>A History of the Police in England and Wales</i> , T.A. Critchley, Constable, London, 1967
Deployment seminar (2010)	<i>transcript of the pay review seminar on deployment</i> , review.police.uk, 9 November 2010
Desborough report	<i>Report of the Committee on the Police Service of England, Wales and Scotland</i> (Chairman: Lord Desborough), HMSO, London, July 1919 and January 1920
Direct entry seminar (2011)	<i>transcript of the pay review seminar on direct entry</i> , review.police.uk, 7 July 2011
Dixon report	<i>The Home Office and the Police between the two World Wars</i> , Sir Arthur L.Dixon, CB, CBE (unpublished) 1966

Edmund-Davies report (1)	<i>Report of the Committee of Inquiry on the Police on the Negotiating Machinery for the Police Service of the United Kingdom</i> (Chairman: Lord Edmund-Davies), Cmnd 7283, July 1978
Edmund-Davies report (2)	<i>Report of the Committee of Inquiry on the Police on Pay for the Police Service of the United Kingdom</i> (Chairman: Lord Edmund-Davies), Cmnd 7283, July 1978
Exit routes seminar (2010)	<i>transcript of the pay review seminar on exit routes and pensions</i> , review.police.uk, 10 November 2010
Negotiating machinery seminar (2011)	<i>transcript of the pay review seminar on negotiating machinery</i> , review.police.uk, 28 July 2011
Oaksey report	<i>Report of the Committee on Police Conditions of Service</i> (Chairman: Lord Oaksey DSO), Cmnd 7674, April 1949
Part 1 report	<i>Independent Review of Police Officer and Staff Remuneration and Conditions</i> , Cm 8024, March 2011
Performance related pay seminar (2010)	<i>transcript of the pay review seminar on performance related pay</i> , review.police.uk, 11 November 2010
Police Federation Part 1 submission (1)	<i>PFEW Submission to the Independent Review of Police Officers' and Staff Remuneration and Conditions</i> , Police Federation of England and Wales, November 2010
Police Federation Part 1 submission (2)	<i>PFEW Supplementary Submission to the Independent Review of Police Officers' and Staff Remuneration and Conditions</i> , Police Federation of England and Wales, December 2010
Police Federation submission	<i>PFEW Submission to the Part 2 Call for Evidence of the Review of Police Officers' and Staff Remuneration and Conditions</i> , Police Federation of England & Wales, September 2011
Police Superintendents' Association Part 1 submission (1)	<i>Submission: Review of Remuneration and Conditions of Service for Police Officers and Staff</i> , the Police Superintendents' Association of England and Wales, November 2010
Police Superintendents' Association Part 1 submission (2)	<i>Police Superintendents' Association of England and Wales: Critique of Submissions to Winsor Review of Other Interested Parties</i> , Police Superintendents' Association of England and Wales, December 2010
Police Superintendents' Association submission	<i>Police Superintendents' Association of England and Wales Submission to Part 2 of the Review of Remuneration and Conditions of Service for Police Officers and Staff</i> , Police Superintendents' Association of England and Wales, September 2011
Post-related pay seminar (2011)	<i>transcript of the pay review seminar on post-related pay</i> , review.police.uk, 27 July 2011

Royal Commission report	<i>Interim Report of the Royal Commission on the Police (Chairman: Sir Henry Willink QC), Cmnd 1222, November 1960</i>
Sheehy report	<i>Inquiry into Police Responsibilities and Rewards (Chairman: Sir Patrick Sheehy), Cmnd 2280, June 1993</i>
UNISON Part 1 submission	<i>UNISON Pay and Conditions Strategy to Improve Police Performance – UNISON Submission to the Independent Review of Police Officers’ and Staff Remuneration and Conditions, UNISON, November 2010</i>
UNISON submission	<i>UNISON Submission to the Call for Evidence for Part 2 of the Independent Review of Police Officers’ and Staff Remuneration and Conditions, UNISON, September 2011</i>

The documents in question and the transcripts of the seminars are available on the review’s website.

# 1 Future challenges

The terms of reference for this review require it to make recommendations for long-term reform. This Chapter discusses the principal demands which policing is likely to face in the longer-term. The ability of the present police pay and conditions system to support or hinder a Chief Constable in meeting these future demands, and how it should be reformed, is discussed in later Chapters.

The future is inherently unpredictable. It is, however, clear that the next 30 years are unlikely to be like the last 30. Chief Constables will need different and better tools to respond to future challenges.

The principal future challenges for policing are considered in this Chapter in four broad areas:

- **Future crime trends** – Chief Constables will need the flexibility to predict and respond to rapidly changing requirements. This has implications for the size, quality and skills of the workforce, including how quickly new skills can be acquired or brought into the police service.
- **Political** – Increasing democratic accountability and public engagement with policing may also require the police service to be flexible in its ability to meet new and different demands.
- **Economic** – It is unlikely that policing will receive sustained increases in financial resources to the extent experienced since the Edmund-Davies review in 1978. In the future, each Chief Constable will need a different and greatly improved set of tools to manage the size and cost of his workforce, and its performance, as a material part of an overall programme of securing significant improvements in efficiency and operational effectiveness.
- **Social** – Projections of the future health of the United Kingdom population indicate that people will become increasingly obese, with an increase in the associated health problems. This is the pool from which future recruits will be drawn, and without counteracting measures such deteriorations in general health may jeopardise the operational capabilities of police forces. By contrast, the increasing longevity of the population raises the question whether fit and healthy officers should still retire relatively early in their lives.

## Introduction

- 1.0.1 Part 1 of this review of remuneration and conditions articulated the changes to policing that have occurred in the last 33 years since the committee of inquiry into the police, chaired by Lord Edmund-Davies in 1978. As a result, my Part 1 report made recommendations to bring the system of pay and conditions into step with the demands of the present.
- 1.0.2 By contrast, Part 2 of the review is focused on the future. If a system of pay and conditions fit for at least the next 20 or 30 years is to be devised, it is first necessary to make an assessment of what are the likely challenges and demands which the police service will face, and what will be the overall circumstances of society and policing, in that period. This is far from easy, especially in relation to the later years. This Chapter discusses the probable changes to policing in the foreseeable future, particularly the crime threats to which the police service may need to respond.
- 1.0.3 It is also important to identify other external opportunities and threats that may have a positive or detrimental effect on the police service. Such factors can be categorised by using a PES (political, economic and social) analysis. This Chapter discusses whether assumptions can be made about the new accountability landscape (political), the resources available (economic) and the demographics of the potential police workforce (social). In workforce planning terms, this is an assessment of the demand placed on policing. This report later discusses how police

forces ought to be able to reshape their supply of officers and staff, and their remuneration and conditions of service, to meet these demands.

- 1.0.4 In setting out these assumptions and assessments, it is important to note that they are projections. They do not, of course, constitute Government policy, nor are they exhaustive. Nevertheless, they do draw upon the best data and analysis available.

## 1.1 Future crime trends

- 1.1.1 Predicting crime trends is notoriously difficult, but not impossible. Recent developments, such as the growth in cyber crime and the use of social networking technology during public disorder, could have been, and in some cases were, predicted. The greatest likelihood of success will be attained by ensuring that policing resources are efficiently and effectively applied in the right areas, at the right times and to the right extent. But first the police service needs to know what future crime trends are likely to be. In undertaking an assessment of future policing demands, it was notable that there are few internal police papers available. This section considers the National Strategic Assessment<sup>1</sup>, the National Policing Improvement Agency's (NPIA) 'insight programme' and papers produced by recent Strategic Command Course participants. To supplement these internal analyses, the review also examined the work of think tanks and a number of academic studies.

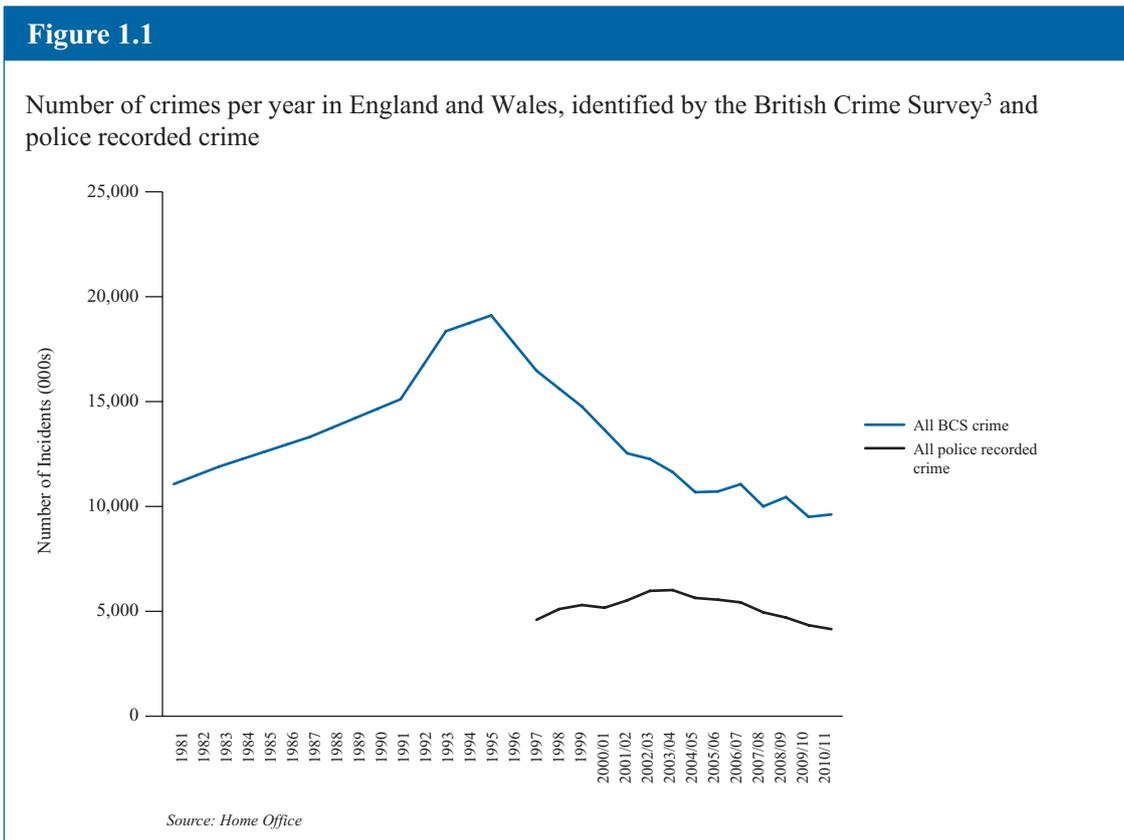
### *Crime as a driver of demand*

- 1.1.2 The Home Secretary has stated that the role of policing is to reduce crime. Even if future Ministers and Governments add to the functions of the police in some way, the reduction of crime is still likely to be a fundamental requirement. Future crime levels and trends should be a material determinant of the number, skills and quality of police officers and staff required, although, as explained in the foreword to this report, the efficiency with which police officers and staff work is also a significant factor. As Figure 1.1 shows, crime in England and Wales has reduced markedly in recent years. The British Crime Survey was introduced in 1981 and has shown that total crime has reduced by over 50% since 1995<sup>2</sup>.
- 1.1.3 It is notable that the reduction in crime from the mid-1990s coincided with a significant rise in the size of the police workforce, both officers and staff. However, the relationship between crime and police numbers is not simple and it cannot be assumed that reductions in officer and staff numbers in England and Wales since 2010 will cause crime levels to increase as a direct consequence. For example, Table 1.1 illustrates that there are examples in other countries and cities when this relationship has not been apparent. It shows that in recent years some places, such as Northern Ireland and New York, experienced falls in recorded crime alongside reductions in the numbers of police officers. By contrast, in Lichtenstein, recorded crime increased alongside an increase in the number of police officers. This suggests that there is no simple correlation between police officer numbers and recorded crime.

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1 See paragraph 1.1.5 for a description of the National Strategic Assessment

2 *Crime in England and Wales 2009/10, Home Office Statistical Bulletin 12/10*, Ed. J. Flatley, C. Kershaw, K. Smith, R. Chaplin and D. Moon, London, July 2010



**Table 1.1 International comparison of trends in police numbers and recorded crime between 1998 and 2007<sup>4</sup>**

Average annual change in police numbers	Average annual change in crime		
	Fall (≤-1%)	No change (>-1% & <1%)	Rise (≥1%)
<b>Fall (≤-1%)</b>	<ul style="list-style-type: none"> <li>Northern Ireland</li> <li>New York</li> </ul>		<ul style="list-style-type: none"> <li>Croatia</li> </ul>
<b>No change (&gt;-1% &amp; &lt;1%)</b>	<ul style="list-style-type: none"> <li>Denmark</li> <li>Hungary</li> </ul>	<ul style="list-style-type: none"> <li>Germany</li> </ul>	<ul style="list-style-type: none"> <li>Portugal</li> </ul>
<b>Rise (≥1%)</b>	<ul style="list-style-type: none"> <li>England and Wales</li> <li>Canada</li> </ul>	<ul style="list-style-type: none"> <li>Sweden</li> </ul>	<ul style="list-style-type: none"> <li>Lichtenstein</li> </ul>

3 Police recorded crime accounts for all crime reported to, or identified by, the police. Although police recorded crime serves as an indication of crime rates, it can be adversely affected by changes in statistical recording practices and the introduction of new crime types. Furthermore, in 2010/11 the Home Office estimated that only approximately 41% of British Crime Survey (BCS) comparable crimes were reported to the police (*User Guide to Home Office Crime Statistics*, Home Office, London, October 2011, page 12). This can occur for a number of reasons, such as the victim mistrusting the ability of the police to take action or the offence being relatively minor.

The BCS was introduced in 1981; it recognises that some crimes are never reported to the police. The BCS surveys a sample population of citizens in England and Wales and questions them about their personal experiences as victims of crime in the 12 months before the interview. However, the BCS has its limitations. For example, it does not include crimes such as possession of drugs, commercial crimes or murder.

Taken together, the BCS and police recorded crime provide a fuller account of the general trend in crime, which is why both have been presented in this report.

4 Taken from *Eurostat Statistics in Focus 36/2009; United Nations Office for Drugs and Crime (UNODC) International Statistics; FBI Uniform Crime Reports*.

Note: Comparative analysis of crime and officer strength data in different countries is problematic and should be treated with caution because there is no consistent definition in these countries as to what constitutes a ‘crime’ or a ‘police officer’. Moreover, in some countries recording practices have changed over time, and such changes can have an adverse effect on the reliability of data concerning long-term trends.

- 1.1.4 Other research studies have indicated that the most important factor is not how *many* police officers a force has, but how they are *deployed*. For example, Braga found that geographically-targeted policing of ‘hot spot’ areas reduced crime with only limited displacement of crime to other areas<sup>5</sup>. Similarly, a study by the Home Office found that neighbourhood policing had the potential to reduce crime when it is properly implemented, including visible and locally known officers on foot patrols concentrated on the most appropriate areas<sup>6</sup>. Both of these tactics require a degree of flexibility and workforce planning in the deployment of visible officers on the frontline.
- 1.1.5 Crime is unlikely to be the only driver of demand for policing in the future. The police service makes periodic projections of the external challenges which it is likely to face in the short to medium-term. The NPIA produces an annual ‘National Strategic Assessment’ on behalf of ACPO. The 2010 document was used in Part 1 to ensure that the proposed Expertise and Professional Accreditation Allowance (EPAA) was targeted at the right skills, namely the policing functions that deal with public protection, violent crime, drugs, terrorism and public disorder<sup>7</sup>. It is important, as far as possible, to predict accurately what the future challenges are likely to be. It is also necessary to develop a system of pay and conditions that will be sufficiently flexible to cope with changes in the needs of the police service for skills and capabilities.
- 1.1.6 For the medium to long-term, the police service must rely upon the work of the NPIA and its successor. The NPIA’s Policing People Strategy 2008 - 2013<sup>8</sup> recommended a ten-year workforce plan and it commissioned the Work Foundation to produce a report on future policing scenarios, which was published in 2009<sup>9</sup>. The report projected three very different international, political, economic and social landscapes by 2020. These ranged from a fragmented and unaffordable drive for localised public services, to a case where global co-operation has left the public services of the United Kingdom almost irrelevant. The report demonstrated the possible opportunities and threats that the police service would need to address in developing a ten-year workforce model. However, its analysis is arguably too high-level to be meaningful for most police force-level demand planning.
- 1.1.7 A further report by the Work Foundation built upon those scenarios and recommended that the police service and the Government needs to develop a long-term strategy and vision for policing. The Work Foundation said:
- “The nature of much police activity is highly responsive to short and medium term demands. It may therefore be counter-cultural for policing to think in terms of a long term vision, with a more natural preference to remain responsive to the changing external context”<sup>10</sup>.*
- 1.1.8 It is certainly true that the police service is a public service with a duty to respond to emergencies, and that it cannot choose its customers. However, the report identified other private and public sector organisations with similar pressures that *are* able to spend time and resources predicting their future demands, for example the National Health Service and the armed forces. Therefore, the Work Foundation argued that the police service could, and should, engage in a more sophisticated demand planning process.

### *Consultation*

- 1.1.9 The review’s consultation document, published on 16 June 2011, included the question:

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5 *Effects of hotspots policing on crime*, A. Braga, Campbell Collaboration, 2007

6 *An evaluation of the impact of the National Reassurance Policing Programme*, R. Tuffin, J. Morris and A. Poole, Home Office Research Series 26, London, 2006

7 *National Strategic Assessment*, ACPO, London, April 2010, page 10

8 *A People Strategy Framework for Policing in England and Wales 2008 – 2013*, NPIA, London, July 2008, page 45

9 *Future Policing Scenarios: A Report Prepared for the National Policing Improvement Agency – Insight Programme Team*, The Work Foundation, London, December 2009, page 4

10 *Workforce Planning Review: A Report Prepared in Partnership with the National Policing Improvement Agency Insight Programme Team*, The Work Foundation, London, February 2010, page 32

*“What are the future challenges facing policing and to what extent should the pay and conditions of officers and staff be reformed to meet these?”<sup>11</sup>.*

- 1.1.10 Individual police forces and authorities contributed to this debate. For example, Dyfed Powys Police argues that there are “substantial” challenges and opportunities that stem from changes to “accountability and structure as well as national and international issues”<sup>12</sup>. West Yorkshire Police suggests that the future demands on policing are likely to be a “massive explosion of policing requirement [that] will need a new breed of investigators”. It cites cyber-crime, identity fraud and international organised criminality as complex crime trends that require increasingly specialist expertise from police officers<sup>13</sup>.
- 1.1.11 Furthermore, Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire Police’s joint submission to the review identifies immediate challenges such as the policing of the London 2012 Olympic and Paralympic Games, counter-terrorism and increased levels of public disorder. However, the forces also acknowledge that there needs to be a degree of flexibility in the structure and implementation of pay and conditions to enable police forces to respond to unforeseen circumstances:
- “There is general agreement that terms and conditions ... should be reformed and that those reforms should be future proofed, i.e. contain the flexibility to allow further changes and revisions to take place quickly and easily”<sup>14</sup>.*
- 1.1.12 The Police Federation of England and Wales challenges the approach taken by this review in Part 1. It states that it is necessary to differentiate between external factors, such as crime trends, and internal challenges such as budget reductions. It argues that:
- “It appears that the Review is driven by the latter [internal challenges], treating decisions and actions made in response to external conditions as challenges in themselves, and resulting in proposals that respond to short-term contingencies rather than leading to long-term improvement”<sup>15</sup>.*
- 1.1.13 The Police Superintendents’ Association states that the primary challenge to the police service is to “do more with less”<sup>16</sup>. It places this in the context of issues such as unemployment leading to rises in crime and disorder, the threat assessment rising for the Olympics, the technological growth in social media, and the police response to increasingly extreme weather and climate conditions. With regard to the effects of these issues on officers’ and staff terms and conditions, it argues that:
- “...there has never been a more important time for police officers and police staff to be fairly remunerated for their contribution; and to remain highly motivated in their desire to protect and serve the public”<sup>17</sup>.*
- 1.1.14 UNISON argues that the overriding challenge for police staff is the prospect of equal pay claims, between and within police forces<sup>18</sup>. It says that the reductions in funding will mean that police staff are likely to be required to work harder because there will be fewer of them. In addition, the greater use of collaboration between police forces and outsourcing (that is, the buying in of services from providers outside the police service) will present significant difficulties for differing police staff terms and conditions.
- 1.1.15 It is also important to know what the emerging leadership of the service believe will be the most significant issues in the future. Each year, participants in the NPIA’s strategic command course<sup>19</sup> are required to produce a short essay on topical issues suggested by senior Chief

11 *Consultation for Part 2*, Review of Remuneration and Conditions of Police Officers and Staff, London, 16 June 2011, page 11

12 *Submission from Dyfed Powys Police*, September 2011, page 1

13 *Submission from West Yorkshire Police*, September 2011, page 1

14 *Submission from Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire Police*, September 2011, page 1

15 Police Federation submission, page 11

16 Police Superintendents’ Association submission, page 12

17 *ibid*

18 UNISON submission, pages 16-18

19 A description and analysis of the strategic command course is described in Chapter 3

Constables. In 2011, the then Chief Constable of Surrey Police (Mark Rowley, now an Assistant Commissioner, Metropolitan Police Service) asked the course participants to examine the growth in demand for police services in the coming two years. The responses were mixed but identified a considerable range of potential internal and external factors that could require the police service to respond. For example, Chief Superintendent John Robins of West Yorkshire Police produced a PESTEL (political, economic, social, technological, environmental and legal) analysis of the external challenges facing policing. He identified over 60 pressures, including the possibility of an increase in crime resulting from reductions in state benefits, a growth in public disorder, and diversifying technological crime<sup>20</sup>. The number and breadth of pressures and factors likely to be encountered in the next two years alone show that the demands on policing are difficult to predict in the short-term, let alone the long-term.

- 1.1.16 The purpose of this section is not, of course, to provide an exhaustive list of all the possible future factors with which the police service is likely to have to contend, but to demonstrate that they are many and varied. With the exception of the number of police officers and staff, many of the causes of crime and the demands upon the police are likely to be outside the direct control of the police service. It is clear that a more systematic assessment of long-term future demands would be beneficial at both police force and national level. However, the review is primarily concerned with ensuring that the police service has the instruments necessary to deploy its people and money so as most efficiently and effectively to meet those future demands. The ability of the police service to manage its workforce is discussed in Chapter 6. How the police service acquires and uses the right skills to meet demand is discussed in Chapters 3 and 8.

## 1.2 Political

- 1.2.1 Any examination of the future of police pay and conditions must take account of changes in the public's expectations of policing. Such concern for the public's expectations is not new. A report by the Home Office research department in 1997 said that police forces:

*"... currently use a range of methods, such as social surveys and Police Community Consultative Groups, to canvass local community views on policing priorities, or expectations"*<sup>21</sup>.

- 1.2.2 As part of that study, the public living and working in a division of West Mercia Constabulary was consulted and it was reported that "[t]he vast majority of respondents (82.9%) felt the division did a 'fairly good' or 'very good' job"<sup>22</sup>.
- 1.2.3 More recently, police forces and authorities have conducted their own surveys of the public's confidence in their local police service. For example, in 2010 a survey found that 49% of the population of London had confidence that:

*"the police and local council are dealing with crime and antisocial behaviour issues that matter to the community"*<sup>23</sup>.

- 1.2.4 In 2008, the Cabinet Office conducted a detailed survey of public expectations of the police. The *Engaging Communities in Fighting Crime* report, conducted by Ms Louise Casey, found that, for the public, visible foot patrols were the cornerstone of a good local police service. Research has shown that low levels of police visibility are linked to adverse perceptions of police effectiveness<sup>24</sup>. Those people who reported seeing police officers and police community support officers (PCSOs) on foot patrol at least once a month were more likely to believe that

20 *Gaudi essay: Against a backdrop of tight fiscal planning, the necessity for all public sector agencies to rationalise and the traditional role of the police as the 'agency of last resort' - what is a realistic estimate of the growth in demand for policing services over the coming two years? Outline examples of the sort of fundamental changes the service will have to make to keep demand in line with available resources*, Chief Superintendent J. Robins, Senior Command Course, National Policing Improvement Agency, Bramshill, 2011, pages 22-25

21 *Measuring Public Expectations of Policing: An Evaluation of Gap Analysis*, Police Research Series Paper 24, Home Office, London, 1997, page v

22 *ibid.* page 25

23 *Surveys in the MPS: Londoners' Views Count*, Metropolitan Police Service, London, August 2010, page 1

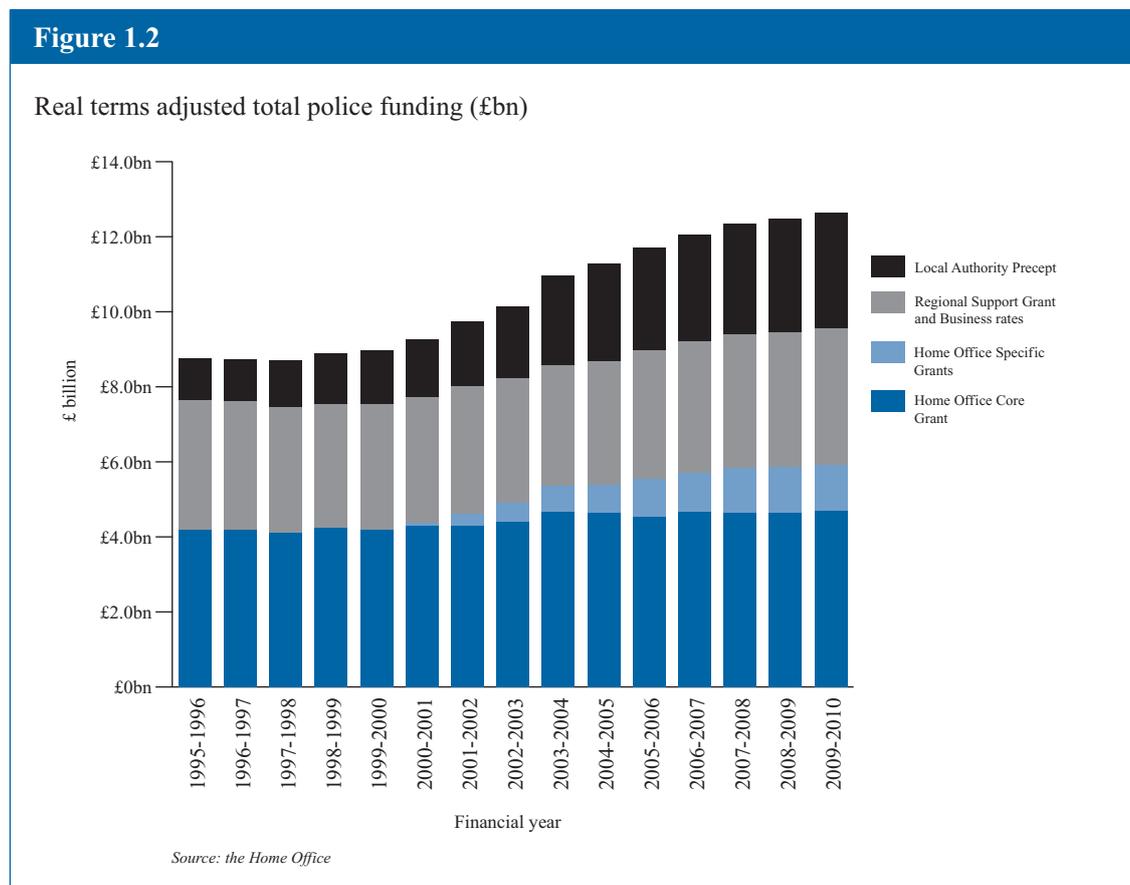
24 *Engaging Communities in Fighting Crime: A review by Louise Casey*, Cabinet Office, London, 2008

the police and local councils were dealing with the crime and anti-social behaviour problems that mattered in their areas. If the public continues to expect high levels of visible policing in the future, this has implications for the flexibility of pay and conditions, because it will be important to ensure that there are sufficient incentives for officers and staff to work on the frontline.

- 1.2.5 In the Police Reform and Social Responsibility Act 2011, Parliament has endorsed the Government's policy of establishing police and crime commissioners (PCCs) so as to improve the accountability of the police service to the people it serves, on a local basis. The first elections of PCCs for 41 of the 43 police forces in England and Wales are scheduled to be held in November 2012. PCCs are likely to have an appreciable effect on the relationship between the public and the police, and on local policing priorities and the responsiveness of the police to the needs of the public.
- 1.2.6 The combination of these trends and the introduction of more direct local democratic accountability means that Chief Constables are likely to face increased expectations from the public to deliver high quality police services. Therefore, any long-term reform of police pay and conditions ought to ensure that Chief Constables have the instruments necessary to acquire and deploy resources in the most efficient and effective ways.

### 1.3 Economics

- 1.3.1 Since their introduction in 1980, the Edmund-Davies reforms and the automatic pay index were manageable, despite the recession in the early 1990s, because Government spending on the police increased throughout that period, or at least remained broadly stable. Indeed, spending on the police has increased even more significantly since 1998. Figure 1.2 shows the adjusted real terms spending increases, year on year, from 1995 to 2010<sup>25</sup>.



<sup>25</sup> A full description of the funding of the police service, including descriptions of the various central Government grants and local precept, can be found in Appendix 3 of Part 1

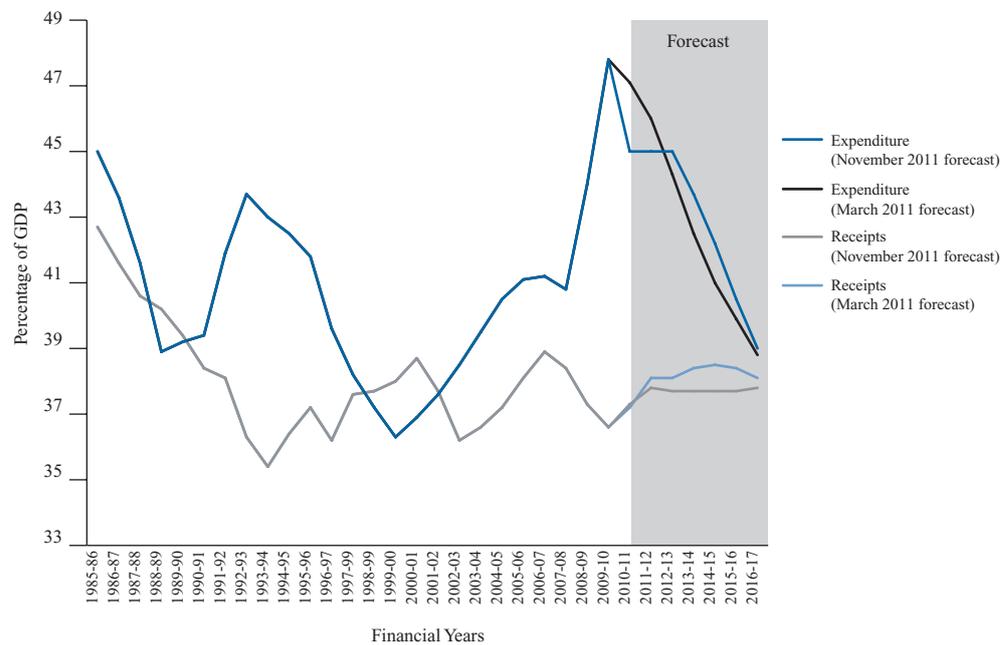
- 1.3.2 This sustained growth in police spending was placed in jeopardy in 2009. The United Kingdom faced its worst financial crisis since at least the 1930s. It required the new coalition Government significantly to reduce public sector spending from 2010. The financial pressures on the national economic condition may last for some appreciable time, and the need for fiscal restraint is likely to continue.
- 1.3.3 The Government's 2010 spending review reduced the central Government policing grant by £1.2 billion between 2010/11 and 2014/15. This is the first sustained reduction in cash funding of the police service for over 30 years. Today's police service has never had to manage its financial and workforce resources through sustained reductions in funding, and this represents a continuing and significant difficulty for the police service in the short-term. As I said in Part 1, police leaders lack some of the most important and basic management tools to tackle these problems effectively and efficiently.
- 1.3.4 One measure of the condition of the national economy is the rate of public sector net borrowing (PSNB), which is the total Government expenditure minus the total receipts received (such as taxation). If the rate is a positive, there is a fiscal deficit which can only be met by borrowing or the use of reserves. On 29 November 2011, the Office for Budget Responsibility (OBR) revised down its forecast for PSNB, amid continuing concern about the stability of the Eurozone and financial markets. It stated that:
- “Our central forecast is that public sector net borrowing (PSNB) will drop steadily as a share of GDP over the next five years from its post-war peak in 2009-10. But we now expect it to be substantially higher across all years of the forecast than in March, largely reflecting the weaker outlook for the economy. As a result public sector net debt (PSND) is also forecast to be higher than we expected in March, but we still expect it to start falling towards the end of the forecast period”<sup>26</sup>.*
- 1.3.5 The OBR's assessment is that the PSNB will reduce from 11.2% of Gross Domestic Product (GDP) in 2009/10 to 1.2% of GDP by 2016/17. This forecast reduction is a result of the funding decisions taken by the Government's in its 2010 spending review. However, the OBR's assessment means that the Government will not meet its stated aim to eliminate the deficit during the lifetime of this Parliament. The decreasing gap between annual Government receipts and expenditure is shown in Figure 1.3 below. This shows a declining reliance on borrowing to meet shortfalls in annual expenditure. It also shows that the fiscal outlook has deteriorated between the OBR's forecast in March 2011 and its revised forecast in November 2011. This slower than expected return to an annual surplus is likely to require additional public sector spending restraint during the Government's next spending review period from 2015, which may have an adverse effect on spending on the police service.

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<sup>26</sup> *Economic and fiscal outlook*, Office for Budget Responsibility, London, November 2011, page 12

Figure 1.3

Office for Budget Responsibility projections for Total Expenditure and Public Receipts, as a percentage of Gross Domestic Product, 1985 to 2017



Source: Office for Budget Responsibility

- 1.3.6 However, it should not be assumed that this means that public sector spending will significantly improve after the current spending review period ends in 2015/16. It is also necessary to have regard to the rate of Public Sector Net Debt (PSND), which includes the total structural debt<sup>27</sup>. In March 2011, PSND was £906 billion<sup>28</sup>. As a percentage of GDP, it is predicted to rise from 52.7% in 2009/10 to a peak of 78% before falling only slightly to 77.7% of GDP by 2015/16.
- 1.3.7 Financial forecasting beyond 2015/16 is of limited value because the Government has not announced its spending plans. However, some assumptions can be made. In July 2011, the OBR reported that if the Government's policies on public services remain unchanged, especially in relation to health service provision and pensions for an ageing population, then PSND could reach 106.5% of GDP by 2060/61<sup>29</sup>. It is important to take into consideration that there are significant uncertainties involved in such long-term forecasting, but it does serve to demonstrate that the public service finances are likely to remain under severe pressure for a considerable period. Indeed, in the shorter term, the OBR used its November 2011 report to increase its forecast for PSND from 69.1% in 2015/16 to 77.7%. Therefore, the longer-term consequences for PSND may be even worse than their July 2011 report estimated. Figure 1.4 illustrates the medium to long-term rise in PSND compared with GDP.

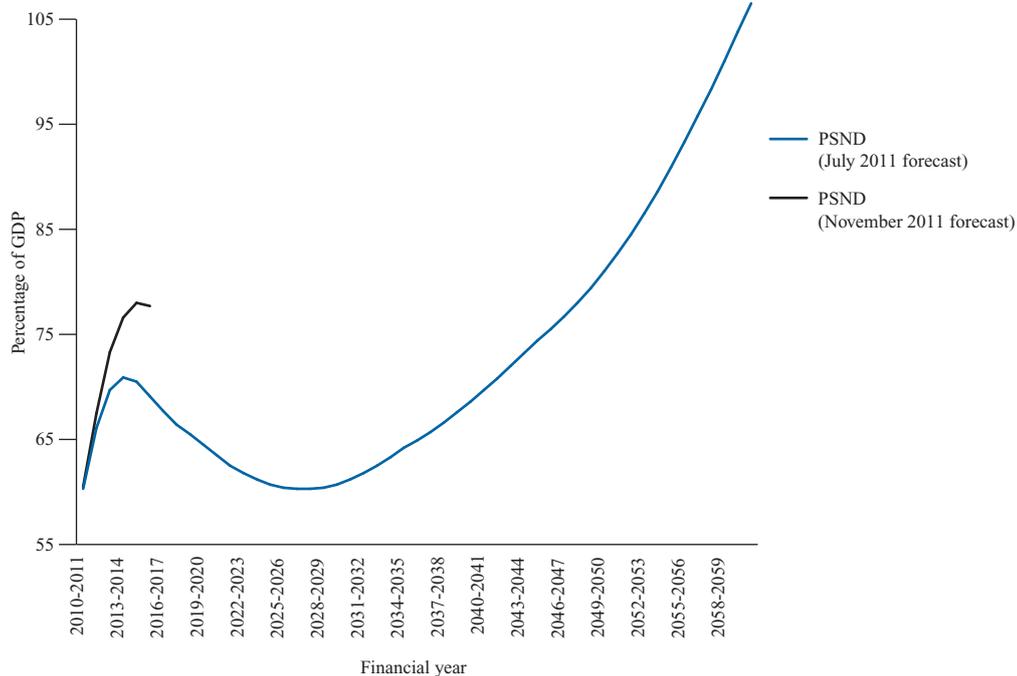
<sup>27</sup> *Government and Public Sector Debt Measures*, Office for National Statistics, London, 2011, page 1

<sup>28</sup> *Fiscal Sustainability Report*, Office for Budget Responsibility, London, July 2011, page 5

<sup>29</sup> *ibid.* page 11

**Figure 1.4**

Office for Budget Responsibility projections of Public Sector Net Debt as a percentage of GDP, from 2010 to 2061



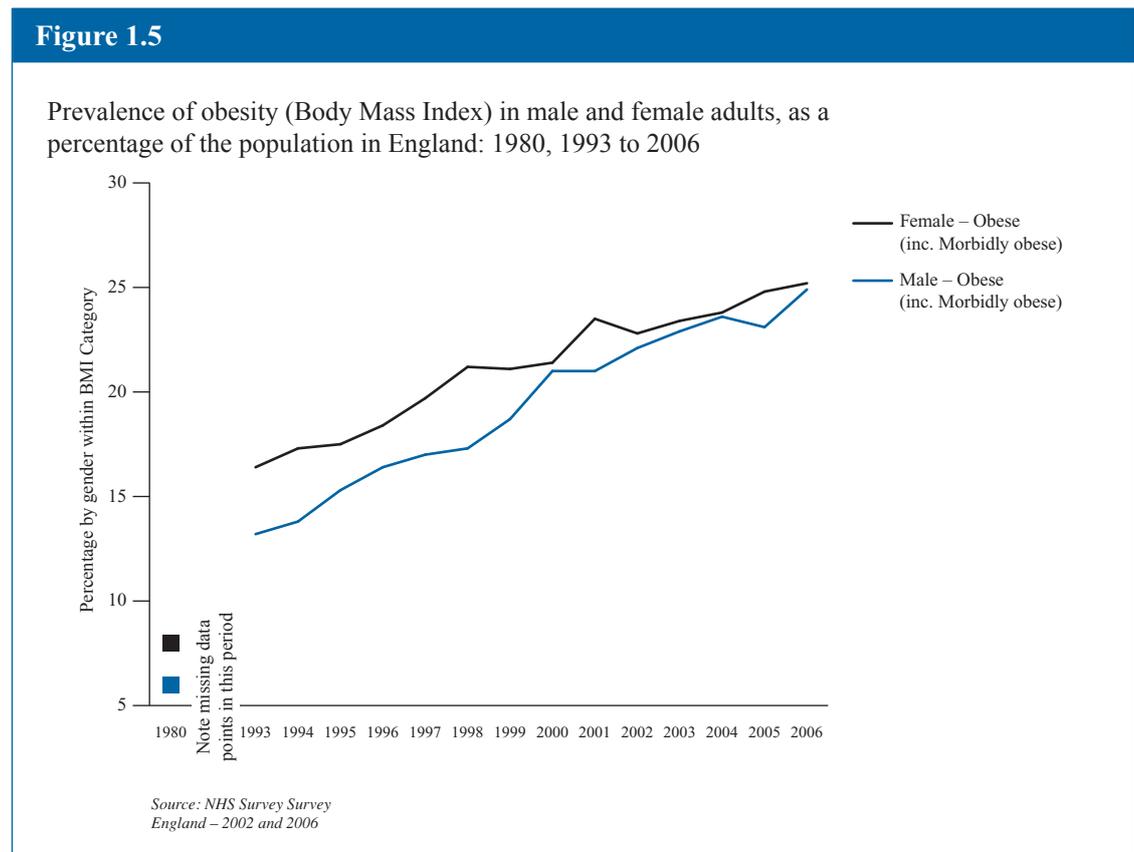
Source: Office for Budget Responsibility

- 1.3.8 These financial forecasts indicate that public sector finances will be under considerable pressure for the foreseeable future and not just the period of the Government’s current spending review until 2015/16. Therefore, it should not be assumed that central Government police service grant will return to pre-2009 levels for some considerable time.
- 1.3.9 The effects of lower central Government policing grant settlements could be offset by police and crime commissioners using their powers to raise additional money by increasing the local precept. The precept is the amount raised for policing by local council tax. However, this possibility may, at least to some appreciable extent, be more theoretical than real, especially at a time when citizens are experiencing considerable financial pressures themselves. Increases in local taxation may be politically unfeasible, at least for the foreseeable future.
- 1.3.10 For these reasons, it should be assumed that any increases in the central policing grant will be lower over the next 30 years than they were over the 30 years since the Edmund-Davies report. Indeed, there may need to be further reductions in spending. Chief Constables will almost certainly need a materially different set of financial and workforce tools to enable them to operate within their resource allocations for the next 30 years.

## 1.4 Social

- 1.4.1 The future demographics of the population from which the police must draw their recruits is also a significant consideration in the long-term reform of police pay and conditions. If the recommendations of this review are implemented, the resulting reforms have the potential to last for the next 20 to 30 years. The health and longevity of the population from which the future workforce may be drawn have implications beyond simply the composition of pension arrangements. They include the health and fitness of police officers and staff, and therefore their ability to protect the public.
- 1.4.2 As discussed in Chapter 5, the public expects the police service to be physically fit. There is currently a fitness assessment as part of the recruitment procedures for officers. However, obesity is an increasing problem. For example, the proportion of males over 30 in England who

are categorised as obese or morbidly obese (using the body mass index (BMI)<sup>30</sup> assessment) has increased from 6% in 1980 to 24.9% in 2006<sup>31</sup>. This increase is shown in Figure 1.5.



- 1.4.3 Unless there is a significant change in the lifestyle of the population, it has been projected that by 2030, 48% of male and 43% of female members of the United Kingdom population will be obese<sup>32</sup>. Although this study covers the whole of the United Kingdom, not just England, it nevertheless indicates that the obesity of potential recruits will be an additional material factor – and restraint – in police service recruitment. Given these health trends, the police service will need actively to encourage its existing workforce to be fit and healthy, as well as being clear about its expectations for future recruits. This is discussed in more detail in Chapter 5.
- 1.4.4 The age of the population is also discussed in Chapter 5, which considers pensions in the context of the increasing longevity of the general population. This demographic trend is a key future challenge for the police service, and was an appreciably lesser consideration in the Edmund-Davies review. The median life expectancy for males reaching 60 in the United Kingdom has risen from approximately 76 in 1978, to 82 in 2009. The median life expectancy for females reaching 60 has risen from approximately 81 in 1978, to 85 in 2009. It is likely that improvements in healthcare and the lifestyle of the population will contribute to further increases in the longevity of the population. For example, the Office for National Statistics has estimated that life expectancy will rise to approximately 89 for men and 91 for women by 2060<sup>33</sup>. This is shown in Figure 1.6.

<sup>30</sup> See Chapter 5 for an explanation of ‘Body Mass Index’

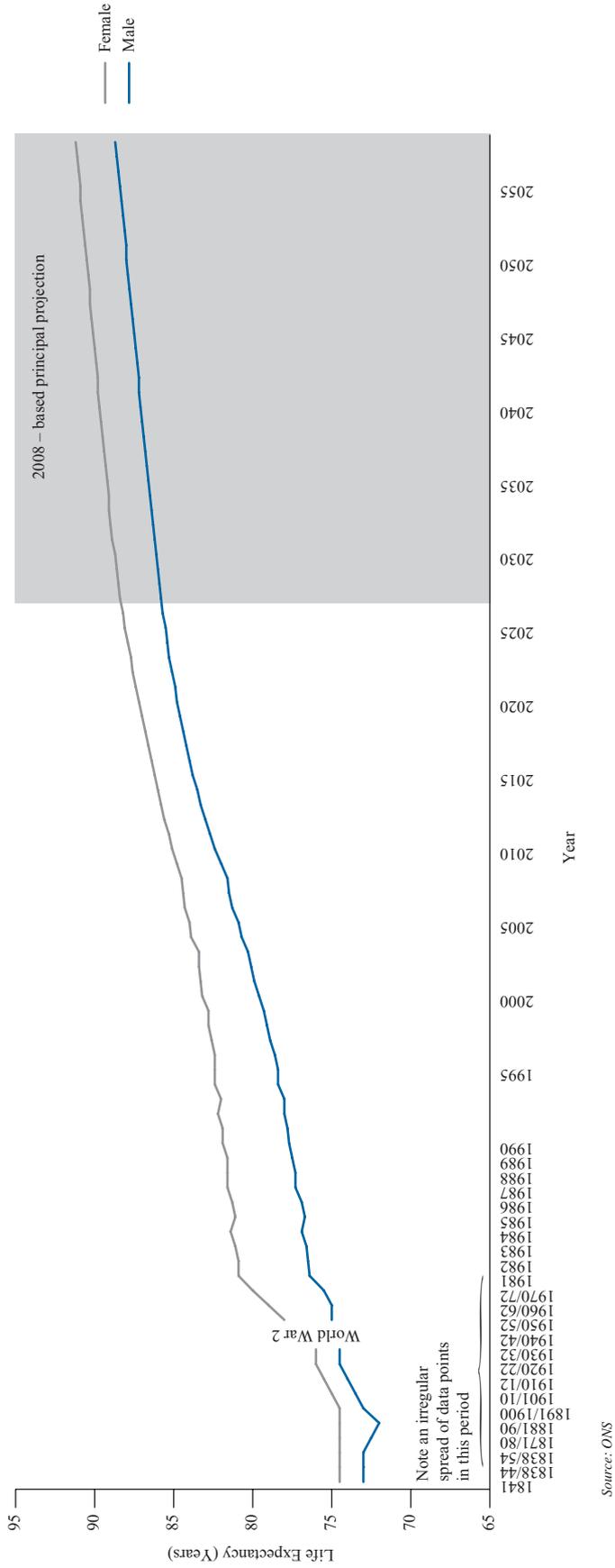
<sup>31</sup> *Health Survey for England 2006*, NHS Information Centre, 2008

<sup>32</sup> *Health and Economic Burden of the Projected Obesity Trends in the USA and the UK*, Y. C. Wang MD, Prof K. McPherson, T. Marsh PG Dip, S. L. Gortmaker PhD and M. Brown PhD, *The Lancet*, Volume 378, Issue 9793, 27 August 2011, pages 815-825

<sup>33</sup> *Life Tables*, Office for National Statistics, 2011

Figure 1.6

Period life expectancy for those reaching 60 – England and Wales, 2008 – based principal projection



- 1.4.5 In just 200 years, life expectancy beyond age 60 will potentially have increased by approximately 20% for men and 24% for women. By contrast, the normal pension age for police officer members of the 2006 police pension scheme is currently set at 55, whilst members of the 1987 police pension scheme can retire on a full pension after 30 years' service, which could be as early as their late 40s. Lord Hutton of Furness commented on this development in his final report on public sector pensions:

*"... the pension ages in the uniformed services schemes still generally reflect an assumption that pension for the majority of long-serving members should be payable from age 55 or less. But this assumption may no longer match expectations, given the increases in life expectancy that have been seen since the 19th and first half of the 20th century; when these pension ages were set"<sup>34</sup>.*

- 1.4.6 It is clear that police forces will need to give more attention to the health and fitness of their workforces to counteract the general obesity trends of the wider population. In this respect, Chief Constables are likely to need more and better instruments to measure and promote fitness. Chapter 5 discusses the implications of Lord Hutton's recommendation that the normal pension age for police officers should rise to 60. This includes an assessment of whether police officer life expectancy has kept pace with the rise in longevity in the wider population.

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<sup>34</sup> *Independent Public Service Pensions Commission: Final Report*, Lord Hutton of Furness, London, 2011, page 111

## 2 Employment Framework

The police service has experienced significant change in recent decades. One constant throughout the periods of change has been the office of constable which remains the bedrock of British policing. As police forces have adapted to the needs of modern policing, they have increased the proportion of their staff who are not, and do not need to be, police officers. These police staff do not hold the office of constable, and they do not possess the powers of arrest and search, and the other powers, of police officers. They are not subject to the same degree of direction and control by chief officers, and face fewer and lighter restrictions on their private lives. Their terms and conditions of service have developed from different roots and in different ways. In some respects, these differences are justified, and in others a greater degree of harmonisation would be right.

This Chapter includes recommendations to:

- retain separate employment frameworks for police officers and staff;
- harmonise, where practicable, the terms and conditions of police officers and staff, particularly in areas where the two workforces are working side-by-side in similar roles; and
- review periodically – every five years – the feasibility of merging the frameworks of terms and conditions of engagement of police officers and staff.

### 2.1 Employment framework

#### Background (Officers)

- 2.1.1 Because of the medieval origins of the office of constable, and its development over time, police officers are not employees of their Chief Constables or their police authorities. Rather, they are ministerial officers exercising statutory rights independently of contract. Their authority is original and not delegated from a chief officer or a police authority, and that authority is exercised at the discretion of the police officer by virtue of his office<sup>1</sup>.
- 2.1.2 Police officers are subject to the discipline of their chief officers, and, over time, have been accorded many of the rights of employees. They may be ordered to work, and are subject to restrictions on their private conduct and lives, including as to where they may live. These restrictions are discussed in more detail in Chapter 7.
- 2.1.3 Unlike employees, therefore, police officers have no contracts of employment. Their terms and conditions of service, including their pay, are established in regulations made by the Home Secretary under the Police Act 1996, the Police Pensions Act 1976 and the Greater London Authority Act 1999. The current version is the Police Regulations 2003, as amended. The police regulations also provide for the making of determinations by the Home Secretary in some respects.
- 2.1.4 The absence of a contract of employment and the right of the Home Secretary to make and amend police regulations necessitated the creation of special machinery for the determination of police officers' pay and conditions. Proposals by the Home Secretary to make new police regulations, or amend existing regulations, are referred first to the Police Negotiating Board (PNB). If the PNB and conciliation fails to attain an agreed position of the staff and official sides of the PNB, the matter may be referred by either side to the Police Arbitration Tribunal. A determination by the Police Arbitration Tribunal has effect as an agreement of the PNB. The matter then goes back to the Home Secretary, who must take into consideration the

<sup>1</sup> *Attorney-General for New South Wales –v– Perpetual Trustee Co Ltd* [1955] AC 457; see the speech of Viscount Simonds at 489

determination of the Police Arbitration Tribunal. However, the Home Secretary is not bound to follow the determination of the Police Arbitration Tribunal. A fuller description of the system of the determination of police pay and conditions is in Appendix 3 of Part 1.

- 2.1.5 Although police officers are not, in law, employees, in recent years a number of the legal characteristics of employees have been accorded to or conferred upon police officers and their relationships with chief officers and police authorities. Chief officers are vicariously liable for the unlawful conduct of their officers. Police officers are treated as if they were employees for the purposes of legislation concerning unlawful discrimination. Police officers have access to employment tribunals for redress. They are treated as employees for the purposes of legislation regulating working time and part-time workers, and legislation concerning the disclosure of certain classes of information. Police officers have substantially the same rights as employees under legislation concerning health and safety at work.

## **Background (Staff)**

### *Early history of police staff employment*

- 2.1.6 There is a lack of information available on the early history of police staff. This is an understandable reflection of their comparatively low numbers before the mid-20<sup>th</sup> century, and the limited respects in which staff once contributed to policing. However, from the late-20<sup>th</sup> century onward the contribution of police staff to policing has increased and diversified considerably.
- 2.1.7 Following the 1949 recommendation by the Oaksey Committee, police staff began taking on certain crime investigation roles which had formerly only been undertaken by sworn officers (for example, evidence collection, fingerprinting, crime scene photography).
- 2.1.8 From 1990 onwards, a phased replacement of uniformed officers by police staff in public-facing roles at police stations took place. The purpose of the replacement was to allow warranted officers greater flexibility to attend to front line duties whilst maintain a consistent front office presence at the police station <sup>2</sup>.
- 2.1.9 In the 1990s, the Metropolitan Police Service was restructured to ensure that the front-line of policing was strengthened. This included the recruitment of middle-management grade civilian staff to undertake business planning and management, and take over personnel and training responsibilities that had previously been carried by uniformed officers.

### *Development of the national police staff framework 1996*

- 2.1.10 In relation to police staff, the position outside London was quite different. Before 1996, local authorities had responsibility for the police staff in county forces. As local government employees, police staff were part of the National Joint Council for Local Government. In 1996, police staff who worked for county forces were transferred to newly incorporated police authorities.
- 2.1.11 The Police Staff Council (PSC) – consisting of an employers' and a trade union side – was established in 1996 to agree pay and working conditions of police staff. The PSC developed the National Police Staff Framework, which included the first police staff national pay spine<sup>3</sup> and the PSC Handbook of Terms and Conditions.
- 2.1.12 Since its creation, the PSC has negotiated national agreements on pay and conditions for police staff. However, the PSC's framework and negotiated agreements only have effect locally if police authorities and Chief Constables agree to incorporate them into the contracts of employment of the police staff within their individual police forces. The Metropolitan Police, Surrey, Kent and City of London forces do not follow PSC provisions.

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<sup>2</sup> *The Official Encyclopaedia of Scotland Yard*, M. Fido, London, 1999, page 99

<sup>3</sup> *Submission from Police Staff Council*, November 2010

*Metropolitan police staff framework 2001*

- 2.1.13 When local authorities began taking on the responsibility for their local forces the Metropolitan Police, due to a lack of metropolitan level of local government, was the exception. As a result, Metropolitan Police staff were retained on Home Office terms and conditions. The Home Secretary, “as police authority, had responsibility for funding, management and performance of police staff in the Metropolitan Police”<sup>4</sup>.
- 2.1.14 After 1995, the separation between local authorities and Home Office management was increasingly considered to be an irregularity. In order to introduce a comparable arrangement for the management of the Metropolitan Police, the Home Secretary set up the Metropolitan Police Committee to act as a form of police authority. Within the Committee’s remit was the management and financing of police staff.
- 2.1.15 The Greater London Authority Act 1999 led to the creation of the Metropolitan Police Authority in 2001. It should be noted that the Metropolitan Police and county forces have never shared the same police staff employment frameworks.

*Employment rights of police staff*

- 2.1.16 As civil servants or public sector workers, police staff have historically been treated in common law as servants of the Crown. In most respects, the employment rights afforded to other parts of the public and private sectors also extend to police staff.
- 2.1.17 The rights of police staff under legislation concerning employment are now substantially the same as those of other public and private sector workers. In particular, they have the right to be members of a trade union and to strike, and they may be made compulsorily redundant.

*Present police staff representation*

- 2.1.18 In comparison with the 1970s, when police staff were a relatively insignificant proportion of police workforces, they now make up 36% of all police forces, and in some forces the proportion is as high as 50%. The rise in the number and variety of roles performed by police staff has enabled more police officers to carry out the front-line roles that require the skills and powers of police officers.
- 2.1.19 Many jobs that were previously done by police officers are now typically being carried out by police staff. Examples include detention officers, control room and forensics, and posts in finance, corporate planning, information and communications technology and personnel management.
- 2.1.20 In 2002, approximately 16,000 police community support officers (PCSOs) were introduced to policing in England and Wales. PCSOs patrol alongside, or in support of, neighbourhood police officers, and have made an appreciable difference to the internal dynamics of the police force, and the efficiency and effectiveness of the service.
- 2.1.21 At present, the police staff workforce is constituted by 61 per cent women<sup>5</sup> and seven per cent people of black or minority ethnic origins<sup>6</sup>.

*Police staff employment framework*

- 2.1.22 There is no consistently applied national framework for police staff. The Police Staff Council negotiates the staff pay scale for most forces<sup>7</sup>. However, individual forces decide where to place particular staff posts on that national scale. Moreover, police staff conditions vary markedly between forces. For example, a UNISON survey in 2008 found that 87% of forces

4 *Metropolitan Police Service: Records created by the MPS and records related to the MPS created by the Home Office*, The National Archives, OSP29, June 2004 (revised 2005)

5 This figure does not include PCSOs of which 42% are female

6 *Police Service Strength: England and Wales*, Home Office Statistical Bulletin 14/10, 2010, page 2

7 The exceptions are the Metropolitan, City of London, Surrey and Kent police forces

have developed local employment frameworks for police staff to evaluate their competence or performance. These frameworks vary from force to force<sup>8</sup>.

## Analysis

### *Comparing officers with staff*

- 2.1.23 The terms and conditions of service of police officers and police staff are materially different, in the ways already described. The origins of these differences have also been explained. Police officers are subject to police regulations and police staff operate under contracts of employment. Police officers have a single national pay spine with officers at the same rank and with the same years of service earning the same basic pay. Police officer pay rises on an annual basis, and is not linked to any type of job evaluation.
- 2.1.24 In most cases, police officers are doing jobs which are materially different from those done by police staff. Front-line police officers need and use the power of search and arrest. Police staff perform qualitatively different roles, such as crime scene investigation, forensics, custody management, finance and personnel. Both are vital contributors to the efficiency and effectiveness of the police service. Each needs the other. But they are and remain quite different.
- 2.1.25 As explained, police officers are regarded as employees for a considerable range of purposes connected to the rights of employees and the consequences of employment status. But the prohibitions on their joining a trade union and on striking and the restrictions on their private lives and in other respects are quite different from the conditions of service in almost all other occupations, including police staff.

## Consultation responses

### *Response by the Association of Chief Police Officers*

- 2.1.26 In general, ACPO supports harmonising the terms and conditions of police officers and staff. It explains that it sees this as a way of improving the professionalism, flexibility, fairness and efficiency of the police workforce<sup>9</sup>.
- 2.1.27 ACPO also emphasises its support for the retention of the office of constable, and therefore the distinction between police officers and police staff. Its submission to Part 2 states that any reform to police officer pay should place “the office of constable at its heart”. It argues that:
- “A key part of that office is the expectation that as a police officer, you can be called upon to place yourself at risk of harm in order to keep the public safe ... We also believe a key part of the office of constable should be the expected and exacting level of professional expertise required to deliver policing in a complex and demanding world”<sup>10</sup>.*
- 2.1.28 ACPO says that there is a need to maintain a national framework for police officer pay, even though it also supports local determination of the pay and conditions for police staff. It expresses concern that a pay differential between forces could lead to recruitment and retention competition, ultimately resulting in workforce instability, and an increase in people management costs.
- 2.1.29 ACPO also believes that a decentralised framework for police officers would overcomplicate interoperability of forces, and inhibit collaboration arrangements<sup>11</sup>. For these reasons, ACPO argues that police officers should remain on a national framework of pay and conditions which, in a limited number of cases<sup>12</sup>, provides the options of supplemental pay to compensate for increased living costs.

8 UNISON Part 1 submission

9 ACPO submission, page 5

10 *ibid.* page 3

11 *ibid.* page 23

12 The examples provided were London and the South East

- 2.1.30 ACPO believes that a national framework should exist for police staff which, together with an objective job assessment process, should be linked to a localised determination of pay rates. ACPO's primary reason for maintaining a differential between officers and staff in this respect is to avoid "the potential loss of budgetary control"<sup>13</sup>. In other words, ACPO believes that moving police staff onto a national pay scale would drive up the costs of employing police staff.

*Response by the Association of Police Authorities*

- 2.1.31 Like ACPO, the Association of Police Authorities (APA) emphasises the importance of protecting and maintaining the office of constable, and the distinctions from the position of police staff which that implies.
- 2.1.32 The APA also believes there should be a convergence of the pay regimes for police officers and staff, including the overall employment "structures, negotiation processes, [and] role/performance-related reward systems"<sup>14</sup>.
- 2.1.33 To complement a harmonised employment framework, the APA and ACPO<sup>15</sup> are also in general agreement that an element of local discretion or flexibility should apply which allows police and crime commissioners to link officer and staff pay to local circumstances.
- 2.1.34 The APA's submission includes a proposed model for the harmonisation and integration of police officer and staff employment frameworks<sup>16</sup>. Its model is based on the requirements of the role being performed, rather than the employment status of the individual performing that role. In this respect, the APA proposes that the framework consists of nationally prescribed rates of basic pay for particular roles<sup>17</sup>.
- 2.1.35 In the opinion of the APA, distinctions in the rates of pay which are above the minimum rate set nationally should be based on one or more of the following:
- a supplemental "X-factor" payment to a police officer performing the role, in recognition of the additional responsibilities, discretions and restrictions associated with the office of constable;
  - grouping of the role within a "job family" comprising similar characteristics of complexity and risk; and/or
  - payment of a "role premium" to reflect local recruitment and retention considerations<sup>18</sup>.
- 2.1.36 The APA says the proposed framework model should be equally applicable to police officers and staff, with the exception of the X-factor element which should apply only to police officers.
- 2.1.37 The APA considers its model provides for the application of local discretion, and flexible upward, downward and lateral movement between job families. The model would also link to a role-based pay system. Further detail of the role-based element of the APA proposed model is provided in the consultation section of Chapter 9.1.

*Response by the Association of Police Authority Chief Executives*

- 2.1.38 The Association of Police Authority Chief Executives (APACE) supports reform of the existing employment frameworks for police officers and staff, and convergence to a single employment framework. The APACE submission to Part 2 states that:

*"We certainly see opportunities in this review to move the police service to a single employment framework in which there are opportunities for a more fluid and flexible*

<sup>13</sup> ACPO submission, page 27

<sup>14</sup> APA submission, page 5

<sup>15</sup> ACPO submission, page 8

<sup>16</sup> APA submission, page 8

<sup>17</sup> Alternatively, the APA does not contest the separation of the Metropolitan Police Service from other employment frameworks, see the APA submission, page 37

<sup>18</sup> The APA asserts that the role premium should not be an automatic entitlement, and as such may not necessarily be applied in individual cases

*movement and progression between different strands of the service. By the same token there is the opportunity over time for appropriate convergence in terms of pay and conditions across the branches of the service to achieve a fully integrated service”<sup>19</sup>.*

- 2.1.39 APACE argue that the framework should consist of a national pay and grading structure which includes all staff grades and federated ranks<sup>20</sup>.

*Responses by police forces and authorities*

- 2.1.40 The Metropolitan Police Service (MPS) is in favour of a single employment framework encompassing police officers, and what it describes as “two quite different types of police staff”, namely:

- staff whose skills are specific to policing (for example, forensics and PCSOs); and
- staff whose skills could be applied in many types of organisations (for example, finance and human resources).

- 2.1.41 The MPS says that sufficient recruitment and retention incentives should be in place to attract the best candidates whose skills can be applied in many types of organisations. The MPS also argues that staff whose skills are specific to policing should be aligned more closely to police officers’ terms and conditions. Overall, the MPS wants to see:

*“greater flexibility, within a broad framework, to recognise and reward – through a system of allowances – those who face long (and often overseas) deployments such as protection and counter terrorism officers. As such, we would favour (based on our historical position, the specialism of some of our roles and the London factor) a move towards a predominantly single (but local) employment framework for officers and staff, where there are differences, but those differences are logical, fair, transparent and justifiable”<sup>21</sup>.*

- 2.1.42 The MPS emphasises that as the largest single employer in London, its existing employment systems are already well-developed and effective. It also stresses that individual forces may have differing priorities, which may be inhibited by national frameworks, unless sufficient flexibility and local discretion is ensured<sup>22</sup>.

- 2.1.43 The Metropolitan Police Authority (MPA) agrees with the MPS on the necessity for local flexibility and discretion in London, particularly with respect to police staff. The MPA says:

*“In relation to police staff, the MPS already operates its own terms, conditions of service and annual pay negotiations based upon civil service grades and pension arrangements. The MPA would not wish this to be subsumed into some form of national bargaining arrangement for police staff based on local authority pay and pension arrangements”<sup>23</sup>.*

*“One could see an argument for local authority police staff having regional arrangements and a Pay Review Body. Some of this may depend upon the employment status of police staff after the Police Reform and Social Responsibility Bill becomes law”<sup>24</sup>.*

- 2.1.44 The MPA also raises the size and efficiency of its existing employment framework, but remains open to the retention of an over-arching national arrangement for police officers, on the basis of it providing room for local discretion<sup>25</sup>. Overall, the MPA believes that, with the exception

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19 *Submission from Association of Police Authority Chief Executives*, September 2011, page 8

20 APACE includes detail on pay rates for ACPO ranks, which can be found in Chapter 7

21 *Submission from Metropolitan Police Service*, October 2011, page 4

22 *ibid.* page 4

23 *Submission from Metropolitan Police Authority*, September 2011, page 6

24 *ibid.* page 7

25 *ibid.* page 48

of the over-arching police officer framework, the remaining employment systems and processes should be decentralised<sup>26</sup>.

- 2.1.45 Hertfordshire Constabulary collaborates with two other forces<sup>27</sup>. Hertfordshire also has mutual aid agreements with neighbouring forces, and provides national mutual aid deployments each year. During collaboration, Hertfordshire's police officers and staff work alongside officers and staff from other forces. In the case of its police staff, Hertfordshire's workforce may be regularly working alongside members of police staff who have different terms and conditions.
- 2.1.46 In this context, Hertfordshire Constabulary argues in favour of a single employment framework for officers and staff, which supports equitable and efficient force collaboration. In its submission, Hertfordshire Constabulary says:

*“We do think that there should be a single employment framework. With this approach, the terms and conditions are distinguished by whether the office of constable is held. This would seem to be far more relevant in managing the needs of the policing business. Jobs can be sized, valued and rewarded according to skills and responsibilities and paid from a common pay spine with greater harmonisation of service conditions. This would provide real benefits in simplifying the management and deployment of staff even though the distinct legalities of office holders and employees would remain”<sup>28</sup>.*

- 2.1.47 Hertfordshire Constabulary also believes that any employment framework should include an element of “portability”. In this context, portability would allow a police officer to choose to be deployed to a staff role if he is no longer capable of carrying out the full range of duties of a police officer. A single framework would permit transference to staff terms and conditions. This may also facilitate portability between forces working in collaboration.

#### *Response by the Police Federation of England and Wales*

- 2.1.48 The Police Federation is strongly opposed to localisation or regionalisation of police officer pay. In this respect, the Police Federation and ACPO are in agreement about the retention of a national employment framework for police officers, along with the importance of retaining the office of constable. In its submission to Part 2, the Police Federation states that:

*“A national system ... offers major advantages to the police service; it supports and enables collaboration, secondment and mutual aid as well as the transfer of officers. It facilitates interoperability between forces which is central to responding to major incidents and emergencies”<sup>29</sup>.*

- 2.1.49 The Police Federation points out that in the case of collaboration between forces using more than one employment framework, differentials in pay or conditions may be perceived as divisive, leading to equal pay claims.
- 2.1.50 In its response to Part 2, the Police Federation does not provide comment on whether police officer and staff employment frameworks should be harmonised. In an earlier submission to Part 1, however, the Police Federation states its belief that the pay structures for police officers and staff should remain separate<sup>30</sup>.

#### *Response by UNISON*

- 2.1.51 In many respects, UNISON concurs with ACPO and the APA. UNISON is in favour of there being a national, harmonised employment framework for all police staff<sup>31</sup>, and pay rates

<sup>26</sup> *ibid.* page 52

<sup>27</sup> Bedfordshire and Cambridgeshire constabularies. By 2014, Hertfordshire, Bedfordshire and Cambridgeshire forces will have approximately 50% of their combined resources working in full collaboration (source: Hertfordshire Constabulary's Director of Human Resources, November 2011)

<sup>28</sup> *Submission from Hertfordshire Constabulary*, November 2011, page 3

<sup>29</sup> Police Federation submission, page 10

<sup>30</sup> Police Federation Part 1 submission (1), page 57

<sup>31</sup> On this point, the Police Federation is also in agreement as it pertains to police officers

which are linked to the acquisition and utilisation of role-based skills. UNISON argues for the rectification of what it describes as the “fragmentation and discrimination inherent in current police staff pay systems” and “the unnecessary costs to the public purse of duplicating police staff pay systems 43 different ways”<sup>32</sup>.

- 2.1.52 UNISON’s submission highlights the need for standardisation of the rates of pay for police staff performing the same or similar roles in neighbouring forces working in collaboration.
- 2.1.53 UNISON’s submission also suggests that the police service should move to a national, potentially harmonised, framework that encompasses the entire police workforce and recognises the increased contribution to specialist policing skills and experience by police staff. UNISON argues that whilst the contributions and overall value of police staff have increased considerably, such contribution and value are not reflected within the current frameworks applied to staff<sup>33</sup>.

#### *Response by Prospect*

- 2.1.54 Prospect – which represents approximately 1,000 police staff in the Metropolitan Police – opposes a national framework for police officers and staff. It argues that the MPS pay system already meets the needs of employer and staff. Indeed a “one size fits all” national framework would not provide for the specialist requirements of London<sup>34</sup>. Prospect makes the following point on converging the MPS terms and conditions with those of other forces:

*“A national pay scale would not have the flexibility to be able to adapt to the unique demands of London. It would also probably not reflect the labour market conditions in London, and would have to be topped up by another form of London Allowance. It is commonly accepted that the cost of living in London is higher than elsewhere in the UK, and the commuting distances are greater”<sup>35</sup>.*

#### *Response by Unite*

- 2.1.55 Unite argues that the time is now ripe to take the opportunity to modernise police employment frameworks, which includes demonstrating recognition of the contributions of police staff who are, in modern policing, performing roles that were traditionally reserved for police officers<sup>36</sup>.
- 2.1.56 Unite states that this review:

*“remains an opportunity to take forward the modernisation of pay in the police force, ensure fair and equal pay for work of equal value and to bring an end to the detrimental attitudes on the status of police staff compared to police officers ... [W]here similar situations, working environments and expectations exist across police officers and police staff there should be parity in the benefits, allowances and rewards given”<sup>37</sup>.*

#### *Additional consultation responses*

- 2.1.57 The think-tank Reform favours an “increase in chief constables’ freedom to structure the workforce appropriately”<sup>38</sup>. Reform is opposed to a centralised employment framework. It argues that local innovation would not be possible within a centralised framework. Reform also says that measures should be taken which result in the redundancy of any existing national structures<sup>39</sup>.

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32 UNISON submission, page 2

33 *ibid.* page 4

34 *ibid.* page 5

35 *Submission from Prospect*, September 2011, page 3

36 *Submission from Unite*, September 2011, page 1

37 *ibid.* page 1

38 *Submission from Reform*, September 2011, page 8

39 *ibid.* page 8

- 2.1.58 The Confederation of British Industry argues that police forces need to manage their workforces more effectively by reviewing the basic structure of all police officer and staff roles. It suggests that roles be examined to determine the most efficient and cost-effective deployment of officers and staff:

*“As a starting point, police chiefs should define operational (neighbourhood and response police officers/teams), non-operational (such as facilities management and catering) and operational support functions (such as custody, offender profiling and intelligence) and prioritise the ‘visible’ over the ‘invisible’. At every stage, the question should be asked as to what category of staff can perform this role most effectively and efficiently with changes made accordingly”<sup>40</sup>.*

- 2.1.59 The Serious Organised Crime Agency (SOCA) operates a fully harmonised employment framework. SOCA says that the harmonisation of officer and staff terms, which are nationally applied, reinforces the flexibility of the workforce. SOCA says:

*“SOCA is underpinned by the principle of ‘one culture’. There is no distinction in terms and conditions between officers who hold powers and those whose roles do not require them to hold powers. This also reinforces the flexibility SOCA expects of its officers and mobility between jobs”<sup>41</sup>.*

- 2.1.60 The review also received a number of responses from individuals, including police officers and staff. Detective Chief Inspector Paul Cunningham of Cleveland Police said that police staff are “catching up” with officers and should be equitably treated. He favours the development of “a national police staff structure akin to police officers’ and pay according to that consistently”. However, DCI Cunningham also warns against the risks of what he believes may become:

*“a minefield which will require subjectivity, bureaucracy, appeals and probable closing of the gap further between the flexible police officer and the rights-protected staff members”<sup>42</sup>.*

### Seminars

- 2.1.61 At the review’s seminar on 13 July 2011, Mr David Hays, representing ACPO, said:

*“For me, what is interesting [is] that in the language we use we seem to talk instinctively about roles far more than we talk about rank. Rank is just a management level ultimately. We talk about roles, but, certainly with the police officer side, everything is predicated around it being a rank management structure when it is really about roles. The debate is around whether the contribution that they can make would be determined by the role they can do. It is less about being a police officer but about the role they could actually perform.*

*... a single employment framework would actually bring some of that out to the fore, to allow the service to make more informed decisions around some of these issues. It would take down the barrier. If you have a police officer who cannot perform certain duties but can perform some that may be performed currently by police staff members, if everyone is in the same position, that barrier no longer exists. The movement across the whole of the organisation will be open to a whole lot more people”<sup>43</sup>.*

- 2.1.62 At the review’s seminar on 21 July 2011, Mr Blair Gibbs, Head of Crime and Justice at Policy Exchange, said:

*“I do not think you will end up with a fair outcome unless you acknowledge that there is this unnecessary and historical divide between officers and staff. That may have been justified 30 years ago, but the police service is a big organisation. There are 256,000 personnel taking into account all officers, staff and others. I think for morale and for*

40 Submission from Confederation of British Industry, September 2011, page 3

41 Submission from Serious Organised Crime Agency, August 2011, page 6

42 Submission from Detective Chief Inspector Paul Cunningham, September 2011, page 5

43 Career model seminar (2011), page 72

*fairness reasons, it is necessary now to look at radical options around unifying the pay structure. The SOCA approach could be one area to look at”<sup>44</sup>.*

## Conclusion

- 2.1.63 In Part 1, it was made clear that the office of constable – with its attendant legal status, characteristics and immunities – is and should remain the bedrock of British policing. It is what ensures the operational independence of Chief Constables and so much about the integrity of the police officer and his freedom to discharge his onerous obligations objectively and fearlessly. Nothing should be done which undermines or jeopardises this precious and fundamental part of what makes British policing what it is.
- 2.1.64 Policing has become considerably more complex as it has developed, and it is likely to continue on that path. The growth of the work done by police staff, who are not police officers, is an indicator and manifestation of that increased complexity and the need for ever greater degrees of specialisation. Police staff are a relatively new part of policing, but their importance is immense and the police service could not function as it does and as it should without them.
- 2.1.65 In some cases, the work done by police officers and staff is almost identical. Particularly in recent years, some police staff (such as detention officers, PCSOs and crime scene investigators) are heavily, and in some cases exclusively, doing work that was once done only by police officers. With increasing specialisation, this work is now often done to a higher and more consistent standard at lower cost. This undoubtedly operates to the benefit of the public, the taxpayer and the force, and releases police officers for work which requires the special skills and powers which only they possess.
- 2.1.66 It is clear that consultees see considerable merit in increasing harmonisation of the terms and conditions of police officers and police staff. However, they are different roles, and the special status of the office of constable deserves particular and careful protection. It would be anomalous and inappropriate to make all who work in police forces police officers, holding the office of constable. It is unnecessary for a person who works in finance, information technology or personnel management to be given powers of arrest and search. It would also probably be most unwelcome to the police staff in question to face the special restrictions and prohibitions which apply to police officers. It would of course be possible to create two classes of police officer, one with warranted police powers and one without, as happens in some other countries. However, in my view that is more likely adversely to intensify internal distinctions between police workers, and confuse the public.
- 2.1.67 Achieving complete identity in the terms and conditions of police officers and police staff would also necessitate either moving police officers onto contracts of employment or police staff conditions into the field of police regulations. The first approach would be inconsistent with the legal nature of the office of constable – because police officers would become employees – and would diminish or remove the Home Secretary’s power to make a final decision on pay and conditions for police officers, through the power to make and amend police regulations. In my view, and for the reasons given in Chapter 10, this would not be in the public interest. The second approach would almost certainly be seen by police staff as a material loss in their existing bargaining power, and the imposition of intrusive and onerous conditions of service which have not, to date, been considered to be necessary.
- 2.1.68 As explained above, police officers already have the benefit of many of the protections of employment law. But the powers of the Chief Constable to order police officers to work and to deploy them at the times and in the ways he sees fit, are essential to the efficient and effective working of the police service. These powers should not be subject to negotiation or dispute on a contractual basis. Police officers join a disciplined service, and the regime of police regulations is an important feature of it.
- 2.1.69 In relation to the choice between national and local terms of service, it is conceptually possible for police officers to be subject to police regulations made locally, or separately for different

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<sup>44</sup> Basic pay seminar (2011), page 47

regions or police forces. It would require an amendment of the relevant primary legislation, but it could be done. There would be advantages, such as greater compatibility and a closer relationship with local labour and pay markets. However, for the reasons given in Chapter 7.6, it would also involve a degree of bureaucracy and complexity which would not presently be justified by the benefits which it would be likely to bring. The advantages of police staff being on locally determined pay – the present position – are pronounced and should not be lost. Local labour markets provide police staff, and therefore their terms and conditions of service should remain harmonised with those local features. Moving police staff onto national rates of pay would almost inevitably lead to pay inflation, which would be unjustified and burdensome for taxpayers, and may well lead to police forces being able to afford to employ fewer police staff. Where police forces are, as at present, able to recruit and retain police staff of the right calibre, using local negotiation, there is no sustainable case for unnecessarily increasing the cost of their employment.

- 2.1.70 The efficient and economical development of the police workforce and its increasing specialisation and professionalisation make it desirable that people are able to do work of different kinds in policing, irrespective of whether it is work normally done by police officers or police staff. As members of the police workforce develop their careers, it is advantageous for the public and the force that they gain experience of several different aspects of policing. In principle, they should not be unduly constrained by the existing division between police officers and police staff.
- 2.1.71 Chapter 5 discusses the issue of differing terms and conditions which apply to police officers and police staff who do the same work in the same place. In principle, this is unfair if it continues for an appreciable length of time. It creates resentment and is unsustainable. If a police officer is doing the same work as a member of police staff, and is not deployable to front-line duties, his terms and conditions of service should be the same as those for the police staff member alongside him. Chapter 5 makes recommendations in that respect.
- 2.1.72 The closer harmonisation of the terms and conditions of police officers and police staff is a desirable objective, to be attained as and when the work they do becomes more easily comparable and capable of being accorded the same weight. In my judgment, this is not presently practicable, and if attempted would be likely to lead to unnecessary and unworthwhile bureaucracy. But it is an objective to be retained.
- 2.1.73 As the professionalisation of the police proceeds under the stewardship of the Police Professional Body it is likely that it will be more practicable realistically and efficiently to make comparisons of the relative weights of jobs done by police officers and those done by police staff, and perhaps to bring the roles of the two sides of the police workforce closer together. Therefore, I recommend that a new police pay review body (see Chapter 10) should undertake a periodic review of the development of the police workforce, and its increasing professionalisation and specialisation, and make an assessment and recommendation to the Home Secretary as to the feasibility of attaining a greater degree of harmonisation of the terms and conditions of police officers and those of police staff. I do of course recognise that the proposed police pay review body's terms of reference do not include police staff and that the Home Secretary does not have the power to agree police staff pay and conditions. However the proposed terms of reference for the pay review body have been devised so as to be sufficiently flexible for just such a commission on a periodic basis. The corresponding recommendation in Chapter 10, that the Police Staff Council should be provided with funding to undertake data surveys on police staff matters, should also allow the police pay review body to make such a recommendation on the basis of better evidence than is available at present. Where harmonisation is feasible, it should be done. The period in question should be not less than five years.
- 2.1.74 In the short to medium term, I recommend that the existing national framework for the pay and conditions of police officers, and local frameworks for those of police staff, should be retained. However, harmonisation to the greatest extent reasonably practicable should be attained.

**Recommendation 1 – The terms and conditions of police officers and staff should remain separate for the foreseeable future.**

**Recommendation 2 – The new police pay review body (see Chapter 10) should undertake a periodic review of the development of the police workforce, and its increasing professionalisation and specialisation, and make an assessment and recommendation to the Home Secretary as to the feasibility of attaining a greater degree of harmonisation of the terms and conditions of police officers and those of police staff. Where it is feasible, it should be done. The period in question should be five years.**

## 3 Entry routes for police officers

Policing today is more complex and demanding than it has ever been. It should be a career and a vocation which is attractive to the brightest and the best in our society, as well as the people of considerable quality who are already part of it. Policing, including its criteria and procedures for entry, should be reformed so that all young men and women of intelligence and character consider a policing career on a par with law, medicine, the clergy, the armed and security services, finance and industry. It should no longer be dismissed, or even unconsidered, by anyone as the preserve of any particular stratum of society, ill-befitting anyone, of whatever background or origin, of good education and high aspiration.

Existing recruitment practices miss too many people who might make highly effective police officers. With few pre-application eligibility criteria, including no academic qualification requirements, forces are overwhelmed by prospective applicants, or introduce arbitrary strategies to reduce the numbers of candidates. Eligibility criteria should be introduced, requiring prospective recruits to hold at least A-level standard qualifications, a recognised police qualification or have service as a special constable or member of police staff.

The best of the police service and the best from outside it should be provided with the opportunity and the means to advance quickly to senior ranks. The police service should take steps to attract the best graduates from the best universities to be its future leaders, and actively to manage their careers. The current High Potential Development Scheme should be replaced with a scheme open to exceptional graduates, police staff and internal candidates, which enables the most promising to progress from constable to inspector in three years (two in the case of serving officers).

There should also be change at higher ranks to enable individuals of considerable achievement and capacity to join as senior officers, with appropriately rigorous training. Direct entry should be introduced at the ranks of superintendent and Chief Constable.

The principal recommendations in this Chapter include measures to:

- establish the principle that recruitment into and advancement within the police service should be on the sole criterion of merit
- increase the educational requirements for the recruitment of constables
- provide police and crime commissioners with the ability to appoint a Chief Constable with experience in a chief officer-equivalent role in an overseas police service
- establish schemes to allow direct entry at inspector and superintendent ranks
- provide in-service inspectors with aspirations to reach superintendent rank with better training and opportunities to obtain management experience outside the police.

### 3.0 Introduction

- 3.0.1 All police officers enter the service by the same route and at the same rank, as constables. All those now in senior ranks have risen through the officer hierarchy. This approach to recruitment dates back to 1829 and the foundation of the Metropolitan Police, the first recognisably modern police force in England and Wales. Since then, with the exception of the most senior ranks and some short-lived recruitment schemes, all police officers have begun service as constables. This single-tier entry system was created deliberately to minimise any potential parallels with the army and navy, both of which have clear divisions between their officer classes and those serving in the ranks. The founders of the Metropolitan Police sought to recruit men from the labouring classes rather than the middle or upper classes of society. This reflected contemporary political sensitivities around the creation of the Metropolitan Police and the desire that it should be drawn from and so reflect the communities being policed. This ethos, that police forces should represent the communities that they serve, has rightly continued and can be discerned in the recruitment standards for police officers today.

- 3.0.2 This Chapter first discusses the current recruitment standards for constables in terms of competencies, academic qualifications, age and physical attributes, and sets them in the context of police recruitment processes of the past. The Chapter’s second section considers the recruitment and development of future leaders of the police, with an examination of current approaches to leadership development in the police and other organisations. It then considers and makes recommendations in relation to direct entry at higher ranks.

## 3.1 Entry Standards

### Background

#### *History*

- 3.1.1 In the late 18th and early 19th centuries, there was considerable public hostility to and anxiety about the establishment of a police force at all. Public debate concentrated on the dangers which would be realised if a police force of the kind so brutally used as an instrument of state oppression of the citizenry and terror in the French Revolution were established in England. There were loudly expressed concerns that the police would be indistinguishable from a standing army and ‘a dangerous innovation and an encroachment on the rights and security of the people’<sup>1</sup>.
- 3.1.2 Although by 1829 much of the opposition had calmed, when the Metropolitan Police was established by the Metropolitan Police Act 1829, the decision was taken to minimise the parallels that could be drawn between the police and the army. The new police force had to demonstrate that it was not a standing army, and its founders aimed to create “a homogeneous and democratic body, in tune with the people, understanding the people, belonging to the people and drawing its strength from the people”<sup>2</sup>. One of the ways in which this was achieved was through a policy decision to avoid the two-tier system of recruitment which existed in the army, with a clear divide between officers and the men in the ranks<sup>3</sup>. Instead, it recruited men who were literate but “who had not the rank, habits or station of gentlemen”<sup>4</sup>. The first regulations required recruits to be under 35 years of age, to be of good physique, at least five feet seven inches tall and of good character<sup>5</sup>. The turnover of officers was initially extremely high, largely because of insobriety<sup>6</sup>. The desired calibre of recruits was reflected in the levels of pay offered. The wages of a constable were set to deter former army officers, but to attract former warrant officers and non-commissioned officers<sup>7</sup>. Applications from former officers in the armed forces and those with influence with the government were generally refused.
- 3.1.3 During the 1830s, police forces began to be established outside London, with police forces in the towns being created under the Municipal Corporations Act 1835 and the County Police Act 1839 establishing police forces in rural areas. Using the powers in the County Police Act 1839, a uniform system of regulations for county forces was drawn up by the Home Secretary, Lord Normanby. These regulations set out the minimum national recruitment standards for a constable, which were similar to those already used by the Metropolitan Police. Police officers had to be under 40 years of age, at least five feet seven inches tall, able to read, write and keep accounts, and be in good health<sup>8</sup>. The average age of police officers at recruitment was 26 in the middle decades of the 19<sup>th</sup> century<sup>9</sup> and, as in London, most officers came from the ‘labouring classes’<sup>10</sup>.

1 *English Local Government*, Sidney & Beatrice Webb, Vol 1 (1906), page 576; *The English Police: A Political and Social History*, C. Emsley, Harlow, 1991, page 26

2 Critchley, page 52

3 *ibid.* page 52

4 *Mr Secretary Peel*, N. Gash, London, 1961, page 492, cited in Critchley, page 52

5 Critchley, page 52

6 *ibid.* page 54

7 *ibid.* page 52

8 *Rules made by the Marquess of Normanby for establishing an uniform system for the government, pay, clothing, accoutrements and necessaries for constables*, 7 December 1839, Whitehall, Form A

9 *Select Committee on Police Superannuation Funds*, P.P., Volume XV, Session 1877. Evidence of Mr W. Farr, cited in Critchley, page 145

10 *ibid.* page 145

- 3.1.4 In 1886, the rules under the County Police Act 1839 were updated, with different criteria for different ranks. A Chief Constable had to be under 46 years of age (to which the Secretary of State could make an exception); in good health; fitted to perform the duties of his office and a person of good character and qualifications<sup>11</sup>. Superintendents and inspectors had to be under 41 years old; not less than five feet seven inches tall (to which the Secretary of State could make an exception); of good character and general intelligence, able to read and write well and keep accounts and also be in good health. Finally the lowest ranks, sergeants and constables, had to be younger still: under 36 years of age; not less than five feet seven (to which the Secretary of State could make an exception); active and intelligent, able to read and write, be of good character and connections, and in good health.

#### *Desborough Committee*

- 3.1.5 In 1919, the Desborough Committee summed up the qualities required of a successful police officer:

*“A combination of moral, mental and physical qualities not ordinarily required in other employments”<sup>12</sup>.*

These qualities included “intelligence, memory and powers of observation [which are] distinctly above average”<sup>13</sup> as well as tact, discretion, initiative, responsibility and humanity. The committee noted that, since the demobilisation following the First World War, police recruits were increasingly drawn from beyond the traditional source of agricultural labourers, who tended to be seen as being physically better suited and stronger than industrial workers<sup>14</sup>.

- 3.1.6 The Desborough Committee went on to emphasise the importance of recruits being well-educated, noting that the need for recruits to have a good standard of education had been repeatedly raised during the committee’s evidence gathering<sup>15</sup>. So whilst expressing the expectation that the standards of recruits’ education would be raised, not least because of the increase in remuneration recommended by the committee, it also recommended that general education should be recognised as an integral part of the training of all constables<sup>16</sup>. During the probationary period, the committee recommended that all constables who were not fully up to the required education standard should receive at least an hour’s educational instruction each day in their duty hours, focusing particularly on report writing but also including the history of local government. It suggested making arrangements with local education organisations to provide these classes. It decided not to recommend that recruiting and the training of recruits should be centralised<sup>17</sup>.

#### *Examples of previous examination questions*

- 3.1.7 In the 1930s, 1940s and 1950s, the police service required officers to pass tests of general knowledge, reasoning and numeracy. Examples of these are in Appendix 7 of this report.

#### *Oaksey Committee*

- 3.1.8 In 1949, the Oaksey Committee noted the conditions that police officer candidates then had to meet before appointment. These were set out in police regulations and were similar to the qualities set out by the Desborough Committee 30 years before. Recruits had to be:

*“of good character and have satisfactory records in past employment; within certain limits of age; not less than a stated height; physically and mentally fit to perform the duties of the office of constable; and sufficiently well educated”<sup>18</sup>.*

11 Rules made by The Rt. Hon. Hugh Culling Eardley Childers *for Establishing a Uniform System for the Government, Pay, Clothing, Accoutrements and Necessaries for Constables*, 12 April 1886, Whitehall, page 1

12 Desborough report, paragraph 29

13 *ibid.* paragraph 29

14 *ibid.* paragraph 109

15 *ibid.* paragraph 117

16 *ibid.* paragraph 117

17 *ibid.* paragraph 111

18 Oaksey report, page 7

- 3.1.9 Height and age restrictions could be waived in special circumstances and with the approval of the Secretary of State. However, the committee noted that the qualifications were stringent, meaning that, in some forces less than five *per cent*, and seldom more than ten *per cent*, of candidates “can be accepted”<sup>19</sup>.
- 3.1.10 In terms of age, the Oaksey Committee noted that there was then no specified minimum, and recommended that police regulations should set a minimum age of 19 for male officers. It also recommended a minimum age of 19 for females, for whom the minimum age then stood at 22<sup>20</sup>.
- 3.1.11 The Oaksey Committee noted that the recruitment standards required by the police regulations in 1949 had recently been reviewed by the Police Post-War Committee<sup>21</sup>. The Oaksey Committee endorsed the Police Post-War Committee’s recommendation that the educational level required should be equivalent to that obtained by the average pupil in the last year of compulsory education (from 1947 this was 15 years of age, following the Education Act 1944)<sup>22</sup>. The Oaksey Committee regarded character and intelligence as more important than education, at least in the lower ranks, and stated that candidates who were otherwise suitable “should not be excluded by too rigorous insistence upon educational qualifications”<sup>23</sup>.

*Royal Commission*

- 3.1.12 In 1960, the Royal Commission noted that whilst qualifications for entry to the police were laid down in police regulations, there was some freedom as to how they were applied locally<sup>24</sup>. Candidates had to be between the ages of 19 and 30 years, attain a minimum educational standard, be at least five feet eight inches tall, physically fit and in a satisfactory standard of health.
- 3.1.13 A recruit also had to “be of good character and background, and possess the right personal qualities”<sup>25</sup>. The Royal Commission believed that integrity, mental and physical fitness and adequate education were all essential. Each police force set its own educational test. Some witnesses to the Commission argued that educational standards had been lowered to increase recruitment, then a problem, but this was not accepted by Chief Constables<sup>26</sup>. The Home Office was satisfied with the general level of educational attainment.
- 3.1.14 The Royal Commission found it difficult to draw conclusions on the desired educational level of recruits. Data on the level of education received by recruits in 1959 showed 40% were educated at grammar schools or equivalent<sup>27</sup>. The level of educational attainment achieved by these recruits is set out in Table 3.1 below.

**Table 3.1: Educational attainment of recruits aged 19 and over in 1959**

	<b>1 – 4 GCE subjects at ordinary level</b>	<b>5 or more GCE subjects at ordinary level</b>	<b>2 or more GCE subjects at advanced level</b>
Provincial police forces	20%	11%	1%
Metropolitan police forces	18%	11%	2.5%

*Source: Royal Commission report, page 27*

19 *ibid.* page 7

20 *ibid.* pages 8-9

21 The Police Post-War Committee was set up in May 1944 to review the post-war organisation of the police. The first report of the committee was published in March 1947. The second report of November 1946, third report of December 1946 and fourth report of May 1947 were all published in 1949. Cited in the Oaksey report, page 8

22 Oaksey report, page 7

23 *ibid.* page 9

24 Royal Commission report, page 26

25 *ibid.* page 26

26 *ibid.* page 27

27 *ibid.* page 27

- 3.1.15 The Commission was concerned about the level of educational attainment, noting that the difference between passing one and four O-levels was significant and that only ten *per cent* of recruits achieved the minimum five or more O-level passes then required to enter a profession<sup>28</sup>. Additional data acquired by the Commission on county forces suggested that only nine *per cent* of recruits had the four O-level passes then required for sub-professional occupations. The Commission noted the tiny number of recruits with A-levels, and stated it could find no recent instances of university graduates joining the police service as constables.
- 3.1.16 In its final report, the Royal Commission stressed that to be satisfactory, a recruitment policy needed first to ensure that enough ‘efficient’ recruits joined the police. It added that the police service also needed to attract enough people with the ability and education to progress, in future, to the senior ranks<sup>29</sup>. When considering qualifications in its final report, the Commission considered it irresponsible to propose educational requirements “so stringent that they must cause a crisis in recruitment”. It also noted that the difficulty with setting desirable educational standards was that most applicants had left school perhaps four to ten years before<sup>30</sup>. The relevant police regulations had been in place since 1921 and stated that the applicant:
- “must satisfy the Chief Constable that he is sufficiently educated by passing a written or oral examination in reading, writing and arithmetic”*<sup>31</sup>.
- 3.1.17 The Royal Commission believed that uniformity in these tests was desirable, but impractical, because forces did not have any educational experts. Any test would need to be suitable for people no longer at school, testing mental potential rather than basic skills. The Royal Commission wanted to introduce some uniformity into the assessment process without removing the discretion of Chief Constables. It therefore recommended that standardised intelligence tests should be introduced, to focus on natural ability and not the amount of study a candidate had done to prepare for the test<sup>32</sup>. It proposed that the pass level should be fixed for the country but that exceptions could be made as the decision to recruit was ultimately one for the Chief Constable<sup>33</sup>. The Royal Commission was clear that its proposals for improving the educational assessment of applicants were not made because it believed that qualifications were more important than integrity or mental or physical fitness.
- 3.1.18 In terms of recruitment age limits, the average age of recruitment at the time was around 22 or 23 years of age<sup>34</sup>. The Royal Commission believed that the maximum age should be left to forces, rather than set nationally.

#### *Edmund-Davies committee*

- 3.1.19 The committee chaired by Lord Edmund-Davies in 1978 found that there was general agreement that the standard of recruits was satisfactory<sup>35</sup>. Indeed, the educational standards that these recruits had attained were considered to have risen since the 1960s. In 1968, 50% of recruits had passes at O-level, whereas by 1978 the figure was more than 70%<sup>36</sup>. Individual forces were responsible for recruitment, with each emphasising the importance of ability, character and initiative. The Committee said that it had no evidence that the standards were too high. Thirty *per cent* of those taking the standard entrance test were eliminated, with another third being eliminated at selection boards. Rejection at other stages in the process meant that only around 20% of those who applied to the police service were accepted.

28 *ibid.* page 28

29 *Final Report of the Royal Commission on the Police (Chairman: Sir Henry Willink MC QC)*, Cmnd 1728, May 1962, page 89

30 *ibid.* page 90

31 *ibid.* page 90

32 *ibid.* page 91

33 *ibid.* page 92

34 Royal Commission report, page 30

35 Edmund-Davies report (2), page 15

36 *ibid.* page 15

*1980s to present day*

- 3.1.20 During the 1980s and 1990s, police forces remained responsible for recruiting their own police officers and ensuring that they met the standards set out in police regulations. Home Office guidance on the matter was only advisory. This meant that there were potentially 43 different ways of joining the police service, with schemes that were open to legal challenge on the grounds of equality. They tended not to be monitored, validated, evaluated or reviewed<sup>37</sup>. Forces assessed candidates according to different criteria and used different assessment exercises.
- 3.1.21 This varied approach was criticised by the Home Affairs Select Committee in a 1989 report into higher police training and the police staff college<sup>38</sup>. The report recommended that the Home Office should investigate the establishment of a professional method of nationally directed and regionally organised recruitment<sup>39</sup>. The then government accepted that the demands likely to be faced by the police service in the forthcoming decade would require a fundamental reappraisal of police recruitment procedures. A Police Advisory Board working party was set up to consider the matter.
- 3.1.22 By 1999, recruits had to undertake a national police initial recruitment test before proceeding to assessment by individual forces, although forces could require a different passmark than the one stipulated in advisory guidance by the Home Office. This was described as:
- “an exclusionary test ... which tests basic numeracy, literacy and observational skills ... It is ... designed to exclude those who are clearly unsuitable rather than to select those who are suitable”<sup>40</sup>.*
- 3.1.23 In 1999, the Home Affairs Select Committee considered police training and recruitment again. Responding to the Home Affairs Select Committee, HMIC criticised the then system as being “disorganised and disjointed” and confusing for recruits. HMIC found the basis for the variations in eligibility criteria and assessment practices to be “tenuous” given the essential skills required to be an effective officer were the same across the country<sup>41</sup>. The report coincided with work that the National Police Training organisation had begun with three forces in the West Midlands, to run a more collaborative police recruitment process. The National Police Training organisation helped to design the process, focussing it on attracting candidates with the right aptitudes to become an officer. It informed the Home Affairs Select Committee that the process had the potential both to save money and to improve standards<sup>42</sup>. The Home Affairs Select Committee recommended more consistent eligibility criteria and common minimum standards for recruitment practices<sup>43</sup>. It stated its disappointment that, ten years after the last Home Affairs Select Committee report on the subject, nothing had been done to develop a more nationally directed process. It therefore proposed that the Home Office should establish more nationally coherent processes based on best practice<sup>44</sup>.
- 3.1.24 Following the agreement of ACPO in December 2001, an advisory group on national recruiting standards was set up involving the Home Office, the Police Federation, the Superintendents’ Association, the Association of Chief Police Officers, representatives from CENTREX<sup>45</sup> (the successor to National Police Training) and members of regional recruitment groups which brought forces together to manage recruitment regionally. The advisory group’s remit was to develop national recruiting standards, such as the eligibility criteria, the initial application

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37 *National Recruitment Standards: 2004 Inspection Report*, Her Majesty’s Inspectorate of Constabulary, London, 2004, page 6

38 *Higher Police Training and the Police Staff College*, Volume 1: Report, House of Commons: Home Affairs Committee, Session 1988-89 and *Higher Police Training and the Police Staff College*, Volume 2: Minutes of Evidence and Appendices, House of Commons: Home Affairs Committee, Session 1988-89

39 *The Development of Police National Recruitment Standards and the Implementation of the Disability Discrimination Act*, ACPO, London, 14 December 2000, Annex 1, page 1

40 *Police Training and Recruitment*, Home Affairs Committee, London, 28 June 1999, paragraph 126

41 *ibid.* paragraph 132

42 *ibid.* paragraph 134

43 *ibid.* paragraph 136

44 *ibid.* paragraph 137

45 Central Police Training and Development Authority, established under Part 4 of the Criminal Justice and Police Act 2001

form, the assessment centre, medical standards and the fitness test. These were to be applied consistently across all forces, facilitating transferability of applicants, so that an applicant acceptable in one force would be acceptable to another. The benefits of developing national recruitment standards were seen as greater consistency in recruitment standards, and greater clarity of standards for applicants. The new system was considered to be superior and more efficient than its predecessor because it would facilitate greater management of recruitment on a more regional basis. Job-related standards would also reduce the risk of legal challenge at employment tribunals or in the courts. The advisory group reported to Home Office Ministers in June 2001 with recommendations about how national recruitment standards should be established and implemented. Ministers agreed that a national process for assessing and selecting police recruits should be developed.

- 3.1.25 The locally-driven approach to recruitment also came under scrutiny and criticism in respect of diversity<sup>46</sup>. Discrimination on racial grounds was both offensive to most people and, of course, illegal, and the police were expected to provide a high quality service to everyone<sup>47</sup>. A number of formal reports during this period found failures by some in the police service in respect of racial issues. In 1981, Lord Scarman, in his report on the Brixton riots, found that a major cause of community hostility towards the police was the racially prejudiced conduct of some police officers<sup>48</sup>. He recommended that this could be tackled by increasing the recruitment of police officers from ethnic minorities, by extending recruits' initial period of training, and by recruiting more mature individuals.
- 3.1.26 In 1998, Sir William Macpherson published his report into the death of Mr Stephen Lawrence<sup>49</sup>. His overall conclusion was that the Metropolitan Police was institutionally racist, and very significant reform in this respect was urgently required. His first recommendation was that trust and confidence in policing amongst ethnic minority communities needed to be increased, in part by increasing the levels of recruitment, retention and progression of ethnic minority recruits. In recommendation 64, he said that black and minority ethnic recruitment and progression should be monitored and assessed. He also recommended that the Home Office and police service should facilitate initiatives to increase the number of qualified ethnic minority recruits (recommendation 65). The overall aim of these recommendations was the elimination of racial prejudice and disadvantage, and the demonstration of fairness in all aspects of policing. The Macpherson report's criticisms contributed to the development of the current recruitment process which applies minimum national standards to all recruits. These latter reforms were introduced from May 2003<sup>50</sup>.
- 3.1.27 Other factors also led to the improvement of diversity becoming an important objective in police recruitment. In April 1999, the Home Secretary announced that national recruitment standards would be developed<sup>51</sup>.
- 3.1.28 The importance of improving the recruitment process was reinforced in 2004 by Sir Bill Morris in his report on workforce management in the Metropolitan Police. He concluded that recruits, including those from ethnic minorities, needed to be better supported by the police service during recruitment and training<sup>52</sup>.

46 Police Federation Part 1 submission (1), page 7

47 *National Recruitment Standards: 2004 Inspection Report*, Her Majesty's Inspectorate of Constabulary, London, 2004, page 6

48 *The Brixton Disorder, April 10-12 1981: Report of an Inquiry by the Rt. Hon. The Lord Scarman OBE*, Cmnd 8427, London, 25 November 1981

49 *The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William Macpherson of Cluny*, Cmnd 4262-I, February 1999

50 *National Recruitment Standards: 2004 Inspection Report*, Her Majesty's Inspectorate of Constabulary, London, 2004, page 4

51 *The Development of Police National Recruitment Standards and the Implementation of the Disability Discrimination Act*, ACPO, London, 14 December 2000, Annex 1, page 1

52 *The Case for Change: People in the Metropolitan Police Service, The Report of the Morris Inquiry*, Sir Bill Morris, December 2004, pages 205-207

## Status quo

### *Application criteria*

- 3.1.29 Under the current recruitment system, each police force runs its own recruitment, in compliance with a national framework. The national framework establishes minimum qualification criteria which individual recruits must meet, and a series of national minimum standards which all recruits must attain.
- 3.1.30 The qualification criteria are in Regulation 10 of the Police Regulations 2003 and in Determination Annex A made under it. Candidates must be at least 18 years of age. There is no upper age limit for appointment, although National Policing Improvement Agency (NPIA) guidance reminds forces of the need to receive a reasonable return of their investment in the training of recruits<sup>53</sup>. The NPIA suggests that a maximum age which complies with relevant equality legislation should be based on requiring a minimum length of service of three years, including the probationary period.
- 3.1.31 Candidates must hold British citizenship, or citizenship of an EU member state or Norway, Iceland or Liechtenstein. Other foreign nationals may also apply, but must have no restrictions on their rights to stay in the United Kingdom. Under Regulation 10, prospective recruits must be of satisfactory character and have satisfactory employment references for the last three years<sup>54</sup>.
- 3.1.32 Regulation 10 also provides that police officers must be “of sound constitution and fitted both physically and mentally to perform the duties of a police officer”<sup>55</sup>. Police officers should also be solvent and must pay their debts<sup>56</sup>.
- 3.1.33 Candidates must be sufficiently competent in written and spoken English and numeracy (these requirements are dealt with in greater detail later in this Chapter).
- 3.1.34 Police forces may choose not to recruit candidates with criminal histories, although each case is considered individually based on the nature of the offence. Police forces can also take into account spent convictions under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. This is to avoid the integrity of individual police officers or the police service being called into question, to reduce the risk of an officer’s vulnerability to pressure from criminals, and to ensure that the Crown Prosecution Service can put forward police officers as witnesses in court with confidence in their integrity<sup>57</sup>. As part of the vetting process, candidates’ families and associates are also scrutinised for any potential vulnerability, conflict of interest or embarrassment that they might cause the recruit or the police service<sup>58</sup>.

### *The recruitment process*

- 3.1.35 Each police force manages its own recruitment process, deciding when and how many police officers to recruit based on its own workforce requirements. Individual police forces also determine the recruitment process, within the context of an outline national process. This includes an initial competency-based application form, an assessment centre and a job-related fitness test<sup>59</sup>. Forces must also follow national recruiting standards<sup>60</sup>. These standards were introduced progressively between 2003 and 2005. A force will advertise for candidates, setting

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53 *Police Officer Recruitment: Eligibility Criteria for the Role of Police Constable*, National Policing Improvement Agency Circular 02/2011, London, page 1

54 *ibid.* page 12

55 Regulation 10(1)(d) of the Police Regulations 2003

56 Regulation 6 and Schedule 1(4) of the Police Regulations 2003

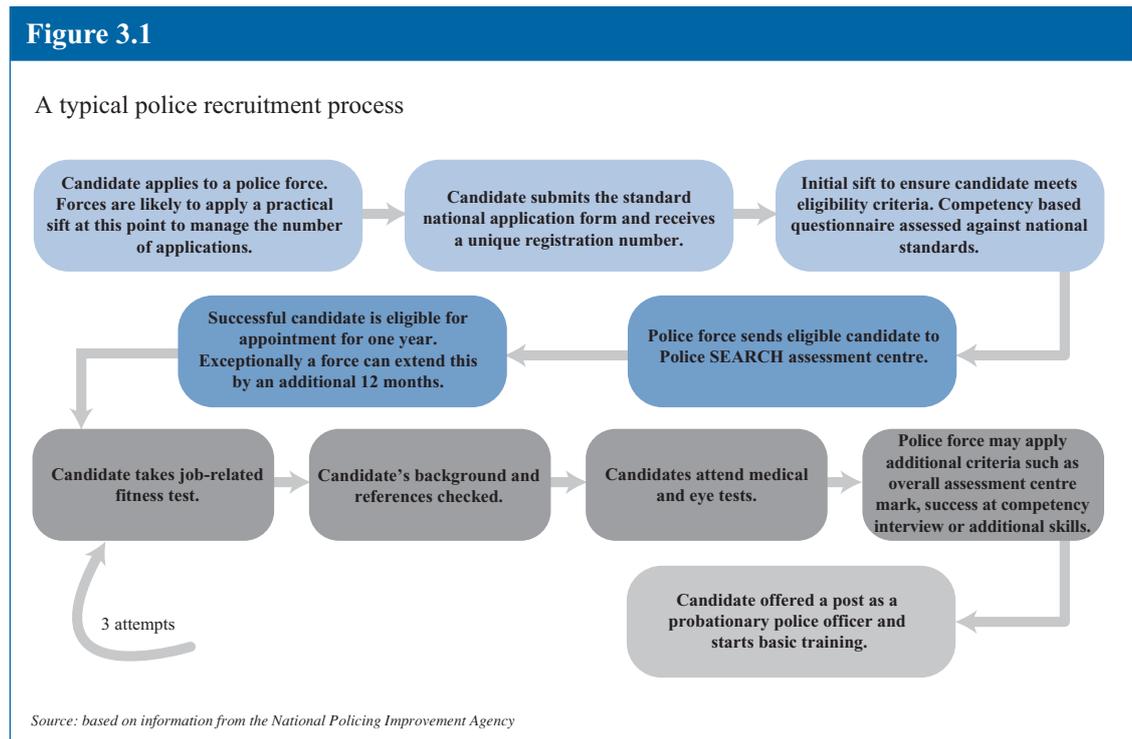
57 *Police Officer Recruitment: Eligibility Criteria for the Role of Police Constable*, National Policing Improvement Agency Circular 02/2011, London, page 3

58 *ibid.* page 6

59 *National Recruitment Standards: 2004 Inspection Report*, Her Majesty’s Inspectorate of Constabulary, London, 2004, page 4

60 *ibid.* pages 8-9

out eligibility criteria and the process for applications. Candidates may only apply to one force at a time<sup>61</sup>. If rejected, a candidate must wait six months before reapplying<sup>62</sup>.



- 3.1.36 Figure 3.1 shows a typical recruitment process. Candidates must apply to a police force using a standard application form. Given the number of potential applicants, forces will generally apply a practical sift of potential applicants before deciding those who are to be given an application form as a first stage in the recruitment process. This can involve requiring potential applicants to attend a familiarisation event, as an indication of their interest in a police career. Other forces may simply limit the numbers of forms that are printed. For example, in March 2010, Suffolk Constabulary had a small number of police vacancies, and decided to limit the number of printed application forms to 500. The first 500 people who telephoned the force on an appointed day received the forms; no higher or more scientific method was used to ration the number of applications which the force received. In 2010, North Yorkshire Police received over 300,000 (and possibly as many as 500,000) telephone calls requesting application forms for 70 police officer posts.
- 3.1.37 The application form used by police forces includes a national competency-based questionnaire. Applicants are tested as to their abilities, aptitudes and attitudes in certain important areas, namely: community and customer focus, effective communication, personal responsibility, problem solving, resilience, respect for race and diversity, and team working. Future recruitment rounds assess candidates' capacity and potential in respect of service to the public, openness to change, service delivery, professionalism, decision-making and working with others.
- 3.1.38 Candidates which score highest at the first stage are then selected to attend the police SEARCH recruit assessment centre, which all candidates wishing to join the police service in England and Wales must pass<sup>63</sup>.

61 *Police Officer Recruitment: Eligibility Criteria for the Role of Police Constable*, National Policing Improvement Agency Circular 02/2011, page 2

62 *ibid.* page 2

63 The full title of SEARCH, which is the copyright of the Home Secretary, is 'Police SEARCH®'. SEARCH is an acronym for Standardised Entrance Assessment for Recruiting Constables Holistically

- 3.1.39 Police SEARCH was introduced as part of national recruitment standards, following approval by ACPO on 10 September 2003<sup>64</sup>. It is designed to provide forces with the assurance that all potential recruits meet a national minimum standard, and are consistency assessed against that standard. Forces may not appoint candidates who have not met the national minimum passmark<sup>65</sup>.
- 3.1.40 Police SEARCH is an assessment centre. Its purpose is to assess a candidate’s current achievement, establish his future potential, and determine in what respects he needs training<sup>66</sup>. Candidates participate in a range of job-related exercises which provide them with opportunities to demonstrate that they have the skills and abilities for the role.
- 3.1.41 The activities include a competency-based structured 20-minute interview, four interactive exercises, two 20-minute written exercises and verbal and numerical reasoning tests, each lasting 12 minutes. The numerical and verbal logical reasoning tests are designed to assess aptitude, beginning with simple questions and becoming steadily more difficult. Only those with a particular aptitude for the skill being tested are likely to complete all of the questions in the time available. Sample questions for candidates for the numerical reasoning test, which are carried out without a calculator, are in Tables 3.2 and 3.3:<sup>67</sup>

<b>Table 3.2: Police SEARCH numerical reasoning test sample questions</b>				
<b>1. A purse was found with one £5 note, four 20p coins and five 2p coins. How much did the purse contain altogether?</b>				
A	B	C	D	E
£5.10	£5.22	£5.82	£5.85	£5.90
<b>2. A car park has space for 220 cars per floor. How many cars can fit on 3 floors?</b>				
A	B	C	D	E
440	460	640	660	680
<b>3. A work shift begins at 14.15 and lasts for six hours. What time does it end?</b>				
A	B	C	D	E
20.15	16.15	20.45	22.30	19.45
<b>4. If there is an average of 30 accidents per month, how many would you expect there to be in 12 months?</b>				
A	B	C	D	E
420	380	360	300	120
<b>5. What percentage of £40 is £8?</b>				
A	B	C	D	E
5%	20%	22%	25%	48%
<small>Source: Structured Entrance Assessment for Recruiting Constables Holistically: information for candidates, National Policing Improvement Agency, 2009, Annex B1<sup>67</sup></small>				

64 *National Recruitment Standards: 2004 Inspection Report*, Her Majesty’s Inspectorate of Constabulary, London, 2004, page 8

65 *Police Officer Recruitment: Assessment Centre Passmark*, National Policing Improvement Agency, London, 1 November 2007, page 2

66 *Structured Entrance Assessment for Recruiting Constables Holistically*, National Policing Improvement Agency, London, 1 November 2009, page 3

67 Answers: 1.E 2.D 3.A 4.C 5.B

**Table 3.3: Police SEARCH verbal logical reasoning test sample questions**

Some time on the night of October 1st, the Copacabana Club was burnt to the ground. The police are treating the fire as suspicious. The only facts known at this stage are–

- The club was insured for more than its real value.
- The club belonged to John Hodges.
- Les Braithwaite was known to dislike John Hodges.
- Between October 1st and October 2nd, Les Braithwaite was away from home on a business trip.
- There were no fatalities.
- A plan of the club was found in Les Braithwaite’s flat.

State whether the following are true (A), false (B) or impossible to say (C)

1. A member of John Hodges’ family died in the blaze.
2. If the insurance company pays out in full, John Hodges stands to profit from the fire.
3. The flat where the plan was found is close to the club.
4. John Hodges could have been at the club when the fire took place.
5. There are definite grounds to arrest John Hodges for arson.

Source: Structured Entrance Assessment for Recruiting Constables Holistically: information for candidates, National Policing Improvement Agency, 2009, Annex B<sup>68</sup>

- 3.1.42 The passmark for SEARCH has been changed four times since the assessment centre’s introduction, with changes agreed by the Police Advisory Board.
- 3.1.43 Analysis of the operation of SEARCH was undertaken by CENTREX on behalf of the Home Office and the Advisory Group on National Recruitment Standards. The analysis applied the different permutations of standards retrospectively to the candidates who had already been through the assessment centre process. This modelling approach showed the effect which the different permutations would have had on success rates overall, and success rates classified according to different factors including sex, ethnic origin, age and disability. The first passmark for the SEARCH Assessment Centre, between 2000 and April 2001, was 50% of the available marks in specified competency areas, namely respect for race and diversity, written communication and oral communication. A candidate who displayed unacceptable behaviour in relation to the respect for race and diversity competency area was automatically failed. By the time implementation of SEARCH began on a national scale (from May 2001), the minimum standard for written communication was lowered from 50% to 44%, whilst all other passmarks remained the same. This change was made because a third element of written ability had been introduced, and because the 1 to 3 rating scale which was used made it mathematically impossible to achieve a passmark of 50% (4.5) of the available marks in this competency area. The passmark could either have been raised to 56% (5) or lowered to 44% (4) of the available marks. The Police Advisory Board chose the 44% passmark because statistical analysis showed a potentially disproportionately adverse effect that the higher passmark would have on different gender, age, disability and ethnic groups’ success rates. Between June 2005 and October 2007, the standard was raised to 60% of the overall available marks, including 60% in respect for race and diversity, 44% in written communication and 60% in oral communication. This change was agreed by the Police Advisory Board because police forces had too many candidates with SEARCH passes on their waiting lists, and applications were much higher than demand. In November 2007, the Police Advisory Board unanimously recommended that the standards should be changed back to those of May 2001.

- 3.1.44 The passmark was most recently revised by the Police Advisory Board, with the approval of Home Office Ministers, in November 2007<sup>69</sup>. The previous raising of the passmark to 60% of available marks had meant that costs had increased for police forces. This was because it became necessary for more candidates to be sent to SEARCH so as to ensure that there would still be enough successful candidates at SEARCH from which police forces could choose. Forces did not have concerns about the quality of candidates being passed above the minimum 50% threshold, but there were concerns about the effect on different minority groups. From November 2007, a candidate has had to achieve 50% of the available marks at the assessment centre, 50% of the available marks in the part of the course concerning respect for race and diversity, 50% in the oral communication competency, and 44% in the written communication competency.
- 3.1.45 A pass at SEARCH is valid for 12 months. However, that does not guarantee that the candidate will go on to the later stages of the appointment process, still less does it assure him of a job. SEARCH provides police forces with a pool of accredited candidates from which to choose. They will only choose the numbers they need.
- 3.1.46 The later stages of the assessment process have a number of elements. Candidates must pass a job-related fitness test, which is described in more detail in Chapter 5. Candidates who fail can re-take the test twice. In the final phase, candidates have their references checked. Candidates also undergo background and security checks.
- 3.1.47 From November 2007, police forces have been allowed to exercise more discretion in their selection of the best candidates. Forces are permitted to choose candidates on the basis of their SEARCH scores, interviews and additional appointment criteria devised by the force in question<sup>70</sup>. A force can require that candidates have higher scores in SEARCH than the national minimum.
- 3.1.48 Candidates who pass all these stages are accepted as probationary police officers. Probation lasts two years. The Chief Constable can extend a probationary period.
- 3.1.49 As explained earlier in this Chapter, the details of the recruitment process vary between police forces. In the last several years, there have been few police forces recruiting new officers; the ones which have done so have been inundated with applications.

#### *Pre-entry qualifications*

- 3.1.50 The current police recruitment system focuses on potential rather than pre-existing skills, knowledge and experience. The police service trains all recruits in the same way, regardless of age, education or previous occupation<sup>71</sup>.
- 3.1.51 In his review of police leadership and training in 2010, Mr Peter Neyroud concluded that a requirement for vocational training was missing<sup>72</sup>. All new recruits were trained by the police service from a position of no knowledge or experience, which is expensive and means that much of a probationer's time is spent away from duty, undergoing training. He argued that individual officers should take responsibility for their own professional development, beginning before entry. He stated that there were three pre-entry qualification models currently attracting the interest of police forces<sup>73</sup>. The first is a further or higher education accredited qualification, which teaches the student those elements of the Policing Diploma which can be conducted in an environment outside policing. The second is service as a special constable. The third is service as a Police Community Support Officer (PCSO), which requires a Level 3 certificate in policing. Internationally, he pointed out that the Australian State Police in New South Wales only recruit those who have attended a course run by Charles Stuart University<sup>74</sup>. Mr Neyroud's fourth recommendation was that recruits should be required to have obtained

69 *Police Officer Recruitment: Assessment Centre Passmark*, National Policing Improvement Agency, London, 1 November 2007, page 1

70 *ibid.* page 2

71 *Report on Exploring Options for Multi Point Entry in the Police Service with a Pilot Programme for the Metropolitan Police Service*, Metropolitan Police Authority, London, May 2011, page 18

72 *Review of Police Leadership and Training*, P. Neyroud QPM, London, March 2011, page 83

73 *ibid.* page 84

74 *ibid.* page 85

a national pre-entry qualification before applying to the police. He believed that this would improve the standing of policing as a profession and instil individual responsibility for training.

- 3.1.52 Policy Exchange has calculated the cost of recruiting and training a police officer to be approximately £80,000 over two years<sup>75</sup>. The NPIA believes this figure is too high, attributing as it does two years of a probationer's salary (and associated employment costs) to training when even those officers who receive all their training after recruitment achieve independent patrol status on average six months from joining. The actual amount varies considerably depending on how an officer can be deployed and on the extent of his development and the use by forces of pre-joining qualifications, which can significantly reduce costs. Nevertheless, recruiting and training a new police officer over the two years of his probation represents a significant expenditure for a police force. Some police forces regard the current system as inefficient, particularly financially, and are already requiring individuals to demonstrate knowledge relevant to policing before recruitment. Some forces – such as Norfolk, Lancashire and Surrey – have introduced pre-joining qualifications for candidates hoping to join the police service, with the qualifications delivered through local higher- and further-education institutions<sup>76</sup>. The qualification is undertaken by prospective recruits in their own time and at their own expense, and covers areas which would previously have been taught during the in-service initial police learning and development programme.
- 3.1.53 In October 2008, Surrey Police introduced a requirement for police officer applicants to have a pre-entry qualification to join the police force. As well as living in Surrey or having strong local ties, the force requires applicants to have completed a police law and community course with a passmark of at least 60%<sup>77</sup>. However, obtaining the qualification is no guarantee that the applicant will become a police officer, although the force points out that it has value for other roles within the criminal justice system.
- 3.1.54 The police law and community course was developed by Surrey Police in partnership with the Institute of Criminal Justice Studies at Portsmouth University. It is delivered through Guildford College and Weybridge College. During the course, students learn the majority of the legal knowledge normally acquired during the initial police learning and development programme taken by all newly recruited officers. Recruiting only successful graduates of the course reduces the initial training period from around 24 weeks to ten weeks, during which recruits put their learning into practice.
- 3.1.55 In September 2010, the Metropolitan Police Authority endorsed a new approach to recruitment which focuses on applicants from the special constabulary, who already have independent patrol status and a satisfactory appraisal, and serving PCSOs. The MPA also allows those prevented from joining the special constabulary to apply to become police constables. Some people are precluded by their professions from becoming special constables, either by legislation (such as members of the armed services, traffic wardens and civil enforcement officers) or because their employers have decided that it is inappropriate for their employees to perform public-facing, uniformed roles (such as neighbourhood wardens or PCSOs)<sup>78</sup>. Those working in certain roles in the justice system such as magistrates, justices, justices' clerks and members of the Crown Prosecution Service are prevented from joining the special constabulary because of potential conflicts of interest.
- 3.1.56 Other individuals are precluded from becoming special constables by their personal circumstances. Under the MPA's proposal, participants will be required to pass a course of accredited learning for a police law and community certificate covering communities, legislation and policing, before appointment as regular police constables. Metropolitan Police personnel, including PCSOs, will be eligible for the internally-delivered course. External applicants will be required to finance the course themselves, although local colleges are likely

<sup>75</sup> *Cost of the Cops – Manpower and Deployment in Policing*, E. Boyd, R. Geoghegan and B. Gibbs, Policy Exchange, London, 2011, page 34

<sup>76</sup> *Submission from National Policing Improvement Agency*, September 2011, page 33

<sup>77</sup> *Recruiting Police Officers*, [www.surrey.police.uk](http://www.surrey.police.uk)

<sup>78</sup> *Special Constables: Eligibility for Recruitment*, National Policing Improvement Agency Circular 01/2011, March 2011, Annex A

to offer concessions to many groups, such as the unemployed, to help cover course fees. Where the funding for the course is not available, the course is likely to cost approximately £700. A bursary scheme is to be developed as part of the strategy to ensure compliance with equality laws, if it proves necessary. The police law and community certificate is a national vocational qualification at Level 3.

- 3.1.57 This new approach to recruitment has been endorsed by the Police Advisory Board and is likely to reduce significantly the time required for initial training, in turn lowering training costs by approximately £12,000 to £20,000 *per* recruit. Between April 2011 and March 2012, the Metropolitan Police expects to recruit approximately 1,100 new police officers, of whom around two-thirds are likely to have been PCSOs and one third special constables. The MPA estimates that there is likely to be a very small number, around 1.5%, who will join through regular recruitment.
- 3.1.58 Policing qualifications are currently being developed largely in isolation and are not transferable between forces. The NPIA is developing a pre-entry curriculum to underpin a nationally recognised and accredited qualification<sup>79</sup>.

## Analysis

### *The current process*

- 3.1.59 In his analysis of the current recruitment process for this report, Professor Disney found that strategies for recruitment vary widely between forces. Some send out large numbers of application forms on a continuous basis whilst others run recruitment drives. He considers that the rationing of application forms undertaken by some forces appears quite arbitrary. This has led him to conclude that this indicates an oversupply of potential recruits or that the initial entry requirements are too unspecific to allow any proper sifting in the initial application stage; it may be both. He expressed surprise that the current recruitment process is not organised so as to reduce the sheer volume of applications and to provide a consistent and standardised entry procedure.
- 3.1.60 Professor Disney also considered the extent to which the potential officers provided by the recruitment process are of adequate quality. Between 2006 and 2011, police forces put forward just over 65,000 candidates for national assessment at SEARCH. Just over 39,400 people, or 61%, met the standard. Over the same period, forces recruited just over 38,000 police officers, although some in the early part of the period may have been assessed before 2006. He concluded that there are broadly enough applicants successful in the SEARCH process to fill available positions. He pointed out that this is as one would expect, as large numbers of successful candidates who do not ultimately find a police job would represent a waste of resources and time for all concerned.

### *The attractiveness of policing as a career*

- 3.1.61 A Home Office report on recruitment was published in 2000 as part of its work to increase police recruitment from black and minority ethnic communities following the Macpherson report. The Home Office's report considered attitudes in black and minority ethnic communities towards a career in the police<sup>80</sup>. The report found more similarities than differences between ethnic communities and age groups. Most respondents believed that, when choosing a job, career prospects and colleagues were more important than pay. Whilst some saw policing as an attractive career, offering challenges, excitement, financial security and respect within the community, this tended to be outweighed by the perceived drawbacks<sup>81</sup>. These included a belief that racism, and sexism in the case of women, would be experienced from both colleagues and the public, and that individuals would feel isolated within a white culture. Concerns were also expressed about the potential dangers of the role, and there were reported fears of negative reactions from friends and family. There were also concerns about

<sup>79</sup> Submission from National Policing Improvement Agency, September 2011, page 33

<sup>80</sup> *Attitudes of People from Minority Ethnic Communities Towards a Career in the Police Service*, V. Stone and R. Tuffin, Home Office Police Research Series Paper 136, 2000, page v

<sup>81</sup> *ibid.* page vi

community pressure to decide “where their loyalties were”<sup>82</sup> and a view that black and minority ethnic officers had fewer opportunities for promotion. Personal safety was also a concern.

- 3.1.62 Overall, whilst policing was not rejected outright as a potential career<sup>83</sup>, other jobs were perceived to offer greater opportunities, especially in relation to promotion and pay, with less fear of racism or danger<sup>84</sup>. Amongst the principal factors driving the encouragement of black and minority ethnic recruitment were forces’ need to improve perceptions about their attitudes to racism, and the requirement that all members of the police service should regard recruitment as their responsibility. The inquiry also concluded that potential recruits’ opinion and attitude to the police were influenced by their personal experiences of the police, the experiences of their families and friends, and by the media<sup>85</sup>.
- 3.1.63 An article published in 2007 by Dr Ian Waters *et al* considered the barriers to joining the police which were faced by people from black and minority ethnic communities, and what factors would encourage their interest in a career as a police officer<sup>86</sup>. The authors found that the issue of status in a job is important in many black and minority ethnic communities. In the eyes of many in those communities, the status of policing had been eroded and its standing did not match that of professions such as law and medicine<sup>87</sup>. Many of the reported views of people from black and minority ethnic communities towards joining the police were similar to those identified by the Home Office report in 2000. These included the nature of the job, particularly long hours and exposure to danger, perceptions of racism and sexism and the negative reaction of friends and family.
- 3.1.64 The Waters research found that many respondents harboured significant ill-will towards the police. They also had a limited knowledge about what a police career would involve, and had fears about police culture<sup>88</sup>. Nevertheless, some did express potential interest, with around one-third indicating that they might join the police<sup>89</sup>. The Waters report also concluded that the quality of the service provided to local ethnic minority communities was as important as any recruitment campaign<sup>90</sup>. Poor personal experiences – such as where the police stop and search individuals – could create significant, negative impressions of and feelings towards the police<sup>91</sup>.

#### *Characteristics of those going through the SEARCH assessment centre*

- 3.1.65 Table 3.4 shows that the majority of SEARCH candidates in 2009/10 were male (this is the most recent year for which robust data is available). Out of the 4,271 SEARCH candidates, 2,866 or 67.1% were male. There were 1,405 female candidates making up 32.9% of those assessed. This was a 2% increase in the number of female attendees compared with the 2008/09 assessment centre, when 5,995 or 30.9% of candidates were female.

**Table 3.4: Police SEARCH candidates in 2009/10 by sex**

	Number of attendees	Percentage of attendees
Male	2,866	67.1%
Female	1,405	32.9%

Source: Interim Annual Results Report 2009/10<sup>92</sup>

82 *ibid.* page vii

83 *ibid.* page 45

84 *ibid.* page vii

85 *ibid.* page x

86 *Ethnic Minorities and the Challenge of Police Recruitment*, I. Waters, N. Hardy, D. Delgado and S. Dahlmann, *The Police Journal*, Vol. 80, 2007, pages 191-216

87 *ibid.* page 194

88 *ibid.* page 199

89 *ibid.* page 211

90 *ibid.* page 191

91 *ibid.* page 202

92 *National Policing Improvement Agency Examinations and Assessment, Police SEARCH Recruit Assessment Centre: Interim Annual Results Report 2009/10*, National Policing Improvement Agency, London, 2011, page 7

- 3.1.66 Table 3.5 show that, in terms of age, the category with the largest number of candidates was people aged between 21 and 25, which made up 43.9% of those attending, or 1,875 candidates. The category with the lowest representation was people between 31 and 35, which made up 9.3% of those attending, or 398 candidates. The average age of candidates was 26.94 years, with individuals ranging in age from 18 to 56<sup>93</sup>.

<b>Table 3.5: Police SEARCH candidates in 2009/10 by age</b>		
	<b>Number of attendees</b>	<b>Percentage of attendees</b>
20 years and under	418	9.8%
21 – 25 years	1,875	43.9%
26 – 30 years	1,002	23.5%
31 – 35 years	398	9.3%
36 years and over	578	13.5%

*Source: Interim Annual Results Report 2009/10<sup>94</sup>*

- 3.1.67 In relation to ethnicity, Table 3.6 shows that the great majority of candidates, 86.0% of the total, came from a white background. Two hundred and eighty-eight candidates, or 6.7%, indicated that they were from a minority ethnic group. This was a decrease compared with the 2008/09 assessment centre, when 2,452 candidates or 12.6% came from black and minority ethnic backgrounds. Three hundred and twelve candidates, or 7.3%, did not disclose their ethnicity.

<b>Table 3.6: Police SEARCH candidates in 2009/10 by ethnicity</b>		
	<b>Number of attendees</b>	<b>Percentage of attendees</b>
Asian or Asian British	148	3.5%
Black or Black British	43	1.0%
Chinese	8	0.2%
Mixed	76	1.8%
White	3,671	86.0%
Any other background	13	0.3%
Not stated	312	7.3%

*Source: Interim Annual Results Report 2009/10<sup>95</sup>*

- 3.1.68 Figure 3.2 shows the number of candidates attending SEARCH and their success rates between 2005/06 and 2009/10.
- 3.1.69 The proportion of those successful at the SEARCH assessment centre has varied considerably over the last five years. Between June 2005 and October 2007, the passmark for SEARCH was 60% of the overall available marks. In 2005/06, 47% of candidates were successful, and in 2006/07, one third, or 34%, of candidates were successful. In 2007/08, the percentage of those passing rose markedly to more than three-quarters, or 77%. This coincides with the lowering of the passmark in November 2007 to 50%. Since then, the proportion of successful candidates has been 65% in 2008/09 and 81% in 2009/10.

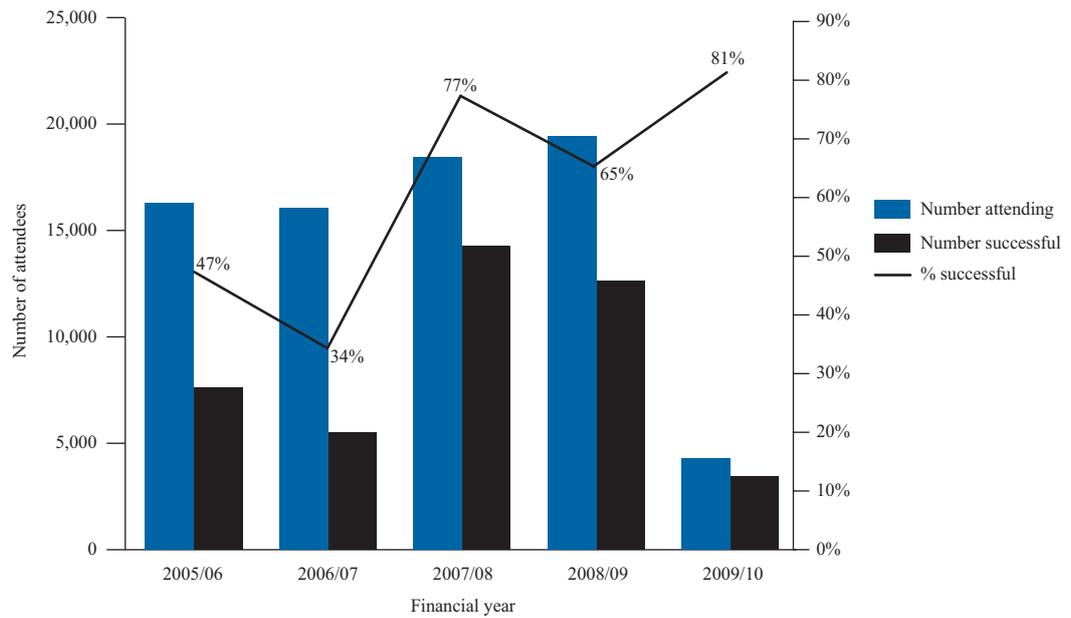
93 *ibid.* page 8

94 *ibid.* page 8

95 *ibid.* page 9

**Figure 3.2**

Number of candidates attending and successful at Police SEARCH

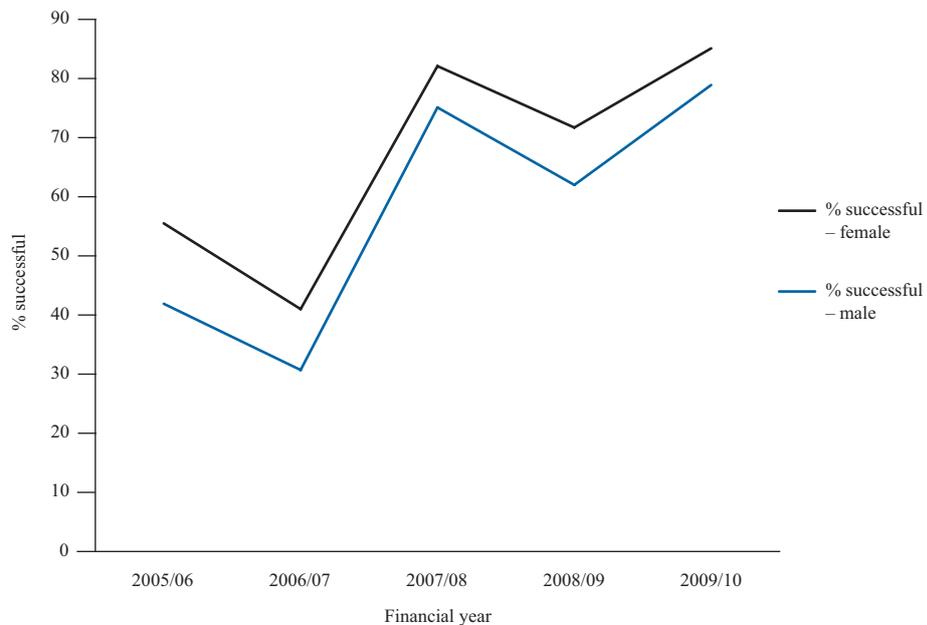


Source: Police SEARCH Recruitment Assessment Centre Annual Results Reports 2005/06 – 2008/09, Interim Annual Results Report 2009/10

3.1.70 Figure 3.3 shows the success rates of candidates at SEARCH, arranged by gender. Female candidates are consistently more successful at the SEARCH assessment centre than male candidates. The gender of the applicant was the strongest independent predictor of success at SEARCH<sup>96</sup>.

**Figure 3.3**

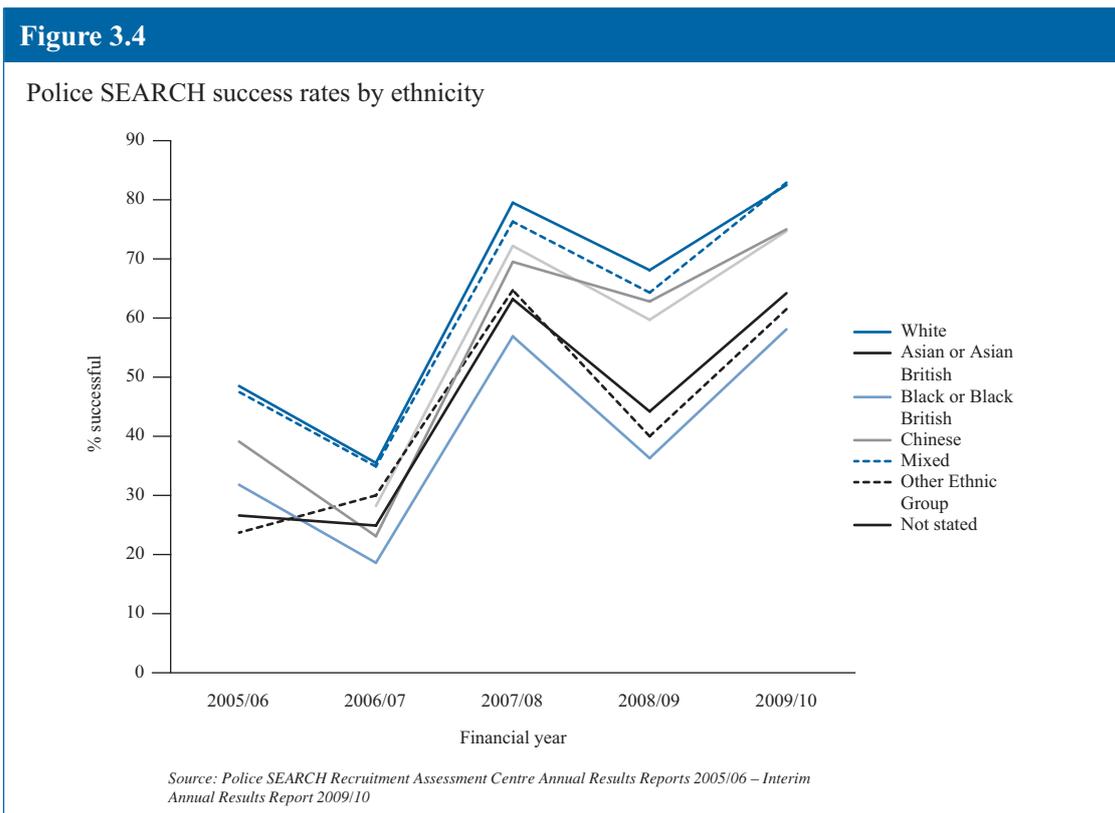
Police SEARCH success rate, by gender



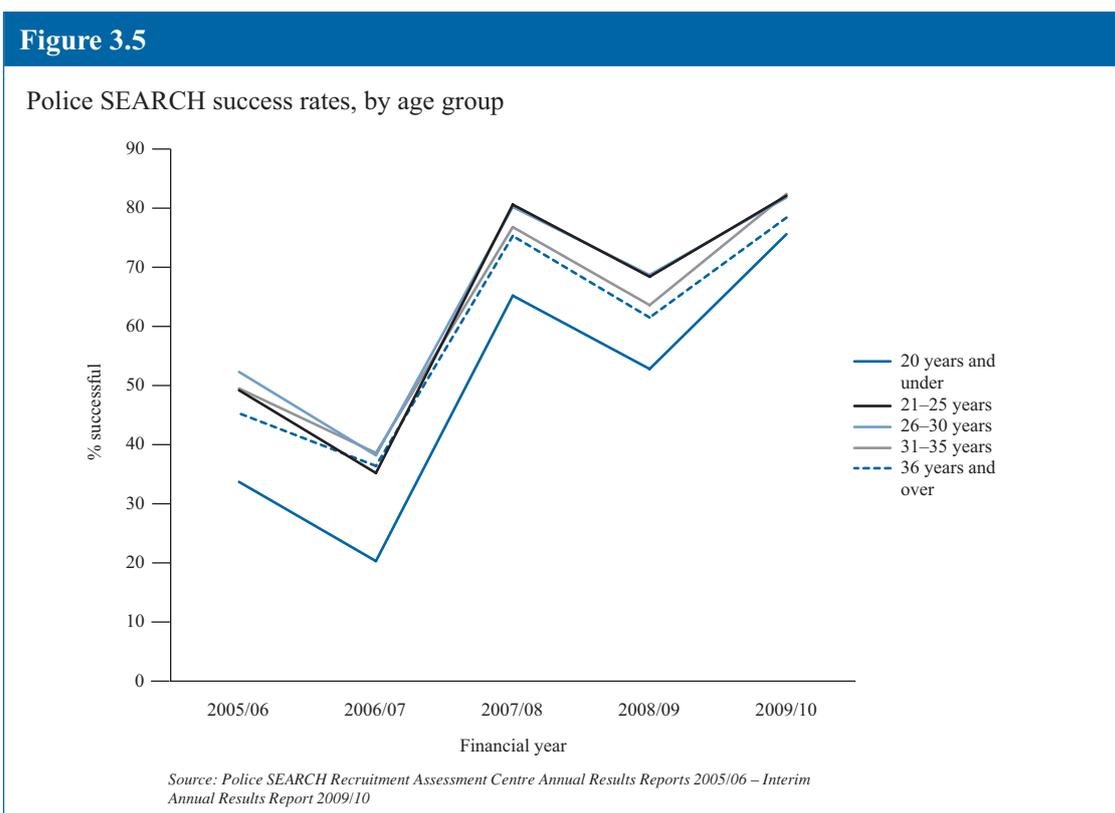
Source: Police SEARCH Recruitment Assessment Centre Annual Results Reports 2005/06 – Interim Annual Results Report 2009/10

96 Police SEARCH Recruit Assessment Centre: Annual Results Report 2008/09, National Policing Improvement Agency, London, 2010, page 46

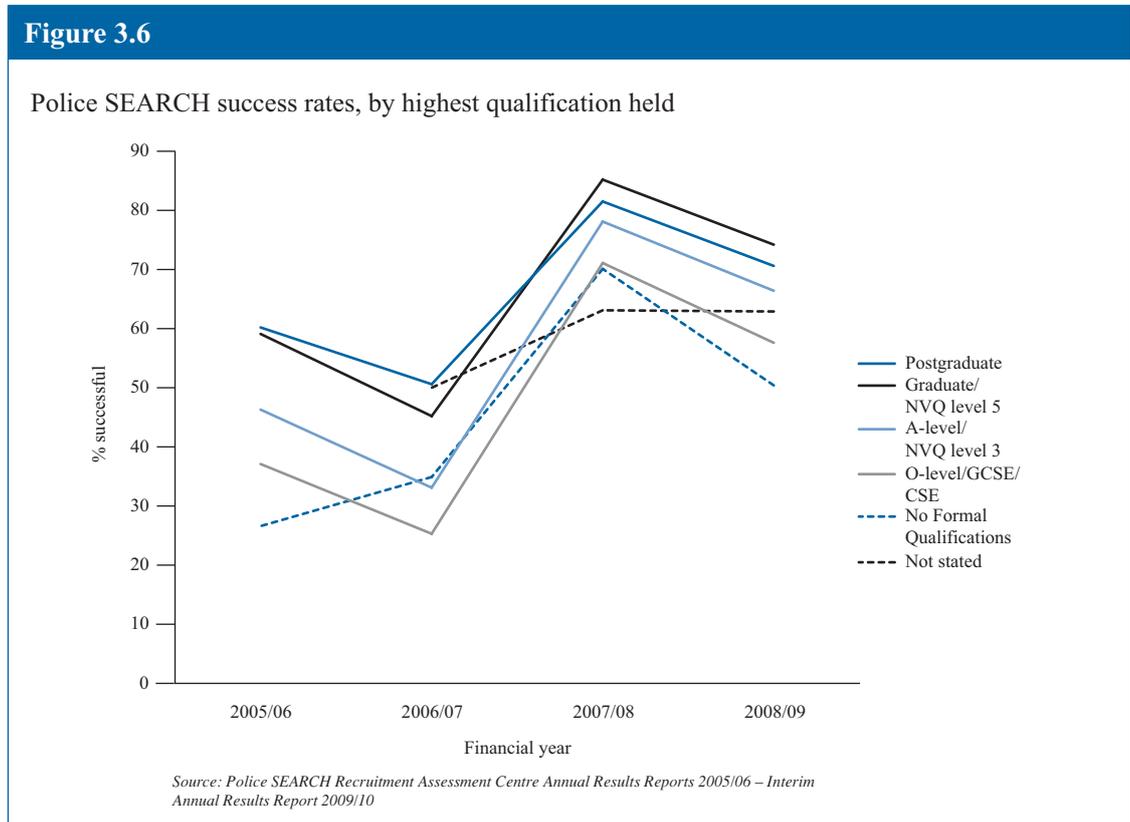
3.1.71 Figure 3.4 shows the success rate at SEARCH, arranged by ethnicity.



3.1.72 All six ethnic groups in Figure 3.4 have followed the same pattern in terms of SEARCH success rates over the past five years. There are some differences between the success rates of the ethnic groupings. For example, in 2009/10 candidates from a mixed background were most successful (63 candidates, 82.9%), whereas candidates who declared themselves as black or black British had the lowest success rate (25 candidates, 58.1%). However, the wide variation between the numbers of candidates in each group means that further analysis is not possible.



- 3.1.73 Figure 3.5 shows success at the SEARCH assessment centre, arranged by age group.
- 3.1.74 A combination of two variables, age and academic attainment (see Figure 3.6) was found to be the strongest predictor of success at SEARCH. For instance, for candidates aged 20 and below, the higher the level of academic attainment the higher the pass rate<sup>97</sup>. For candidates aged 36 or older, there is no consistent pattern with academic attainment.
- 3.1.75 Figure 3.6 shows success at the SEARCH assessment centre by the highest academic qualification held. It shows that those educated to graduate and postgraduate level consistently have the highest success rates at SEARCH.



- 3.1.76 Table 3.7 shows the proportion of successful candidates at SEARCH in 2009/10, arranged according to qualifications held.

**Table 3.7: Proportion of candidates and successful candidates at Police SEARCH in 2009/10 by qualification held**

	<b>Total number of national candidates</b>	<b>As a percentage</b>	<b>Total number of national successful candidates</b>	<b>As a percentage</b>
Postgraduate	446	2.3%	315	2.5%
Graduate/NVQ Level 5	4,720	24.3%	3,504	27.7%
A-level / NVQ Level 3	7,104	36.6%	4,720	37.4%
O-level/ GCSE/CSE	6,125	31.5%	3,528	27.9%
No formal qualifications	695	3.6%	350	2.8%
Not stated	342	1.8%	215	1.7%
<b>Total</b>	<b>19,432</b>		<b>12,632</b>	

Source: SEARCH Annual Results Report 2008/09<sup>98</sup>

- 3.1.77 The Table shows that just over one quarter of successful candidates (27.7%) had a graduate or NVQ Level 5 qualification. Over one third of successful candidates (37.4%) were educated to A-level or NVQ Level 3. Just over one quarter (27.9%) were educated to O-level or GCSE standard. Of the remaining categories, 2.5% of successful candidates had postgraduate qualifications and 2.8% had no formal qualifications.
- 3.1.78 In 2009/10, 9% of candidates, or 1,758, stated that they had previously served or were serving as special constables<sup>99</sup>. These candidates had a higher success rate (72.5%) than the 17,674 candidates who had not served as special constables (64.3%). This was found to be consistent with performance at SEARCH in 2006/07 and 2007/08. The 3,151 candidates (19.6%) who stated that they had served or were serving as PCSOs had a higher success rate (74.3%) than candidates who did not have PCSO experience (63.2%)<sup>100</sup>. This was found to be consistent with performance at SEARCH in 2006/07 and 2007/08.
- 3.1.79 In his report for this review, Professor Disney analysed determinants of the average success rate in the national assessment process between 2006 and 2011. He found that female applicants perform much better than males in the assessment tests, with a 49% increased likelihood of success. Those with previous experience of policing (such as being a special constable) perform somewhat better, with an increased probability of success of between 7% and 10%. From this, he concluded that requiring a minimum qualification standard of A-levels would probably increase the number of successful recruits within the existing application process, as would other characteristics, such as recruiting more females or people in their mid-twenties.

## Consultation

### *Response by the Association of Chief Police Officers*

- 3.1.80 In its submission to Part 1, ACPO states that there should be pre-entry qualifications or accreditation for police officers, or both<sup>101</sup>. It cites Surrey Police and the Metropolitan Police as examples of this working in practice, and notes the savings that have been made on training costs. It further notes that as entry routes change, there is a risk that forces will no longer attract the broadest range of candidates, although it points out that the existing system is not

<sup>98</sup> *ibid.* page 35

<sup>99</sup> *ibid.* page 35

<sup>100</sup> *ibid.* page 36

<sup>101</sup> ACPO Part 1 submission, page 11

producing numbers of female or black and minority ethnic officers which are proportionate to the compositions of the communities in question<sup>102</sup>.

*Response by the Association of Police Authorities*

- 3.1.81 The APA recognises the appeal of requiring candidates to the police service to have prior learning, but it does not support any national qualification criterion other than a minimum of five GCSEs or equivalent at grade C or higher, including demonstrable literacy and numeracy skills<sup>103</sup>. It argues that a requirement for candidates to have academic qualifications can exclude some of the best, but the current lack of entry qualifications may suggest to some applicants that a police career is neither sufficiently challenging nor provides appropriate opportunities for advancement. It believes that these two points need to be balanced carefully. To minimise the risk of a negative effect on groups with protected characteristics, the APA says that recruitment processes should be flexible.

*Response by the Association of Police Authority Chief Executives*

- 3.1.82 The Association of Police Authority Chief Executives (APACE) says that it supports a minimum academic qualification for officers as evidence of the higher level of educational capacity needed for policing<sup>104</sup>. However, APACE says a requirement for educational qualification needs to be balanced with the need to remove barriers to entry and widen access to the service.

*Response from police forces and authorities*

- 3.1.83 The Metropolitan Police Service states in its submission to Part 1 that it is in favour of entry at constable level for the majority of officers, but with the starting salary and routes into the service varying depending on learning and experience<sup>105</sup>.
- 3.1.84 The Metropolitan Police Authority believes that there should be a shift from the traditional recruitment process, with or without academic qualifications, to a new approach focusing on learning before application or appointment<sup>106</sup>. This could be through the new Metropolitan Police special constable training programme (explained earlier in this Chapter), or by recruiting PCSOs or other targeted groups, such as professions excluded from the special constabulary. The MPA argues that under such a regime, training costs would be reduced, operational capability would improve, and turnover would fall as officers will already have proved themselves and invested considerable time in their own development.
- 3.1.85 Cheshire Constabulary believes that there needs to be clarity over the objectives of pre-entry training<sup>107</sup>. It questions whether such qualifications will be able to streamline training and how transferrable to other sectors such qualifications will in reality be. However, it acknowledges that training costs could be reduced.
- 3.1.86 Lancashire Police Authority is concerned by the lack of national accreditation of courses designed in conjunction with forces as a condition of entry<sup>108</sup>. It does not support policing becoming a graduate-only career. It believes that non-graduates who join the police should have opportunities for further education.
- 3.1.87 Leicestershire Constabulary believes that academic qualifications are a useful tool for assessing candidates, but they do not automatically imply that a candidate will make a good constable<sup>109</sup>.

102 ACPO Part 1 submission, page 12

103 APA submission, pages 5 and 30

104 *Submission from Association of Police Authority Chief Executives*, September 2011, page 6

105 *Submission from Metropolitan Police Service*, October 2011, page 3

106 *Submission from Metropolitan Police Authority*, pages 23-25

107 *Submission from Cheshire Constabulary*, September 2011, pages 13-14

108 *Submission from Lancashire Police Authority*, September 2011, page 10

109 *Submission from Leicestershire Constabulary*, September 2011, page 2

*Response by the Police Federation of England and Wales*

- 3.1.88 The Police Federation states that the police service has worked hard over the past decade to change the way it recruits, and the people it recruits, to ensure that officers have the support of local communities<sup>110</sup>. It says that the principles governing the selection of constables must not be lost. The SEARCH recruitment process creates a system that identifies those with the range of competencies required to be an effective police constable, including a complete lack of tolerance for those who do not show respect for race and diversity. SEARCH establishes greater consistency in recruitment across England and Wales, and allows the service to gather information on the backgrounds of a wide range of candidates, which can then be analysed to monitor the process and its effect on different groups of candidates.
- 3.1.89 The Police Federation recognises the value of relevant experience as a special constable or PCSO, but states that there are dangers in recruiting them as police officers without the rigorous assessment of SEARCH<sup>111</sup>. It points out that not everyone is able to become a special constable, particularly if they have jobs or family commitments, whilst some employees are specifically precluded from serving as special constables. It argues that reducing or restricting the pool of potential applicants by requiring service as special constables will also have a negative effect on diversity.
- 3.1.90 The Police Federation says that academic qualifications have “no real bearing” on whether someone has the personal attributes needed to be a police officer<sup>112</sup>. Based on successful candidates at SEARCH in 2008/09, it states that introducing an eligibility criterion of academic qualification at Level 4 (first degree level) would exclude almost three-quarters of the people currently joining the police service, and would be “clearly unjustifiable”<sup>113</sup>. It points out that representation of those from disadvantaged backgrounds, different ethnic groups and age groups would mean that the pool of candidates would be more restricted<sup>114</sup>. It also points out that the rise in university tuition fees, up to £9,000 *per annum* in some cases, is likely to create a barrier because higher education may become less affordable to those from poorer backgrounds, such as those from black and minority ethnic communities and women with children. In conclusion, the Police Federation states that setting any academic requirement to become a police officer would deny access to those who are currently demonstrating their suitability to be police officers through SEARCH, could have a disproportionate effect on certain groups, and risks alienating the community<sup>115</sup>.

*Response by the Police Superintendents’ Association of England and Wales*

- 3.1.91 The Police Superintendents’ Association does not support minimum levels of academic qualifications to apply to become a police officer<sup>116</sup>. Despite criticism of the academic attainment of some officers, the organisation believes that SEARCH is generally effective and efficient. If there were any evidence of a deficiency in recruits’ literacy and numeracy, the Association says that it would support standards being increased, but not to the extent that the diversity of the age, sex and ethnic backgrounds of new police officers suffers.
- 3.1.92 The Association also does not support the introduction of formal pre-entry qualifications, and in particular the proposals by Mr Peter Neyroud for the standard to be set at Level 4 (first degree level). It believes that this would exclude many applicants because of affordability and the availability of tertiary education to some groups of people.

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110 Police Federation submission, page 68

111 *ibid.* page 69

112 *ibid.* page 71

113 *ibid.* page 71

114 *ibid.* page 72

115 *ibid.* page 73

116 Police Superintendents’ Association submission, page 46

*Responses by other staff side groups*

- 3.1.93 The National Association of Retired Police Officers says that higher educational qualifications should not be required to become a police officer, as the service would have a disproportionately high number of officers “bent on attaining promotion to a higher rank” when only a few will ultimately achieve promotion<sup>117</sup>. This would lead to disenchantment and higher leaving rates, which would, in turn, lead to higher training and development costs. It also believes that there should be no minimum standards as this would disadvantage those from socially deprived and black and ethnic minority backgrounds<sup>118</sup>.
- 3.1.94 The National Black Police Association says that the current entry requirements and processes create opportunities for everyone to apply and are open and fair<sup>119</sup>. However, it notes the example of North Yorkshire Police receiving a large number of telephone calls for a small number of posts, and suggests that there should be more effective filters. It supports a minimum academic standard to enter the service as long as overseas qualifications can be accredited and qualifications at the appropriate level are accepted.

*Additional consultation responses*

- 3.1.95 The criminal justice sector’s skills council, Skills for Justice, states that it has established the competencies individuals need to be effective police officers<sup>120</sup>. It recommends that the existing recruitment tests should assess the capacity of candidates to meet these competencies, in preference to the introduction of a new mandatory academic requirement. It points out that the average age of entry into the police is now 26, so whilst the majority of officers may have qualifications, they will not necessarily be in a relevant discipline or be recent. It states that making academic attainment a criterion for entry would disadvantage those who left school without qualifications but were successful later.
- 3.1.96 Skills for Justice says that it has worked with forces, higher and further education providers and the NPIA to assist with the development of pre-entry development and qualification schemes<sup>121</sup>. At present, initial police training assumes that entrants have none of the relevant core skills, knowledge or capabilities needed to be a police officer. This means that forces make a significant investment in training each officer. As the skills required of officers become wider, more complex and more transferable, the benefits of doing this, when set against the costs and return on investment, are open to doubt. It states that a growing number of forces are now developing pre-entry qualifications or recruiting from the special constabulary. However, whilst many schemes have reduced costs for individual forces, Skills for Justice believes that the variety of approaches and the lack of a single qualification recognised by all forces mean that the full benefits of pre-entry qualifications have not yet been realised.
- 3.1.97 Mr Andrew Hills wrote to the review with his experience of the application stage of the police officer recruitment process. He said that he had studied criminal justice at university with the objective of becoming a police officer, but decided to gain more experience of life before applying. When he did try to apply, he found it impossible to obtain an application pack, as they were available only to the first 500 callers to a telephone number on a single day. Mr Hills said that:

*“... your potential recruits are the people who have an entire day available to sit by a phone pressing redial. I don’t know of anyone gainfully employed, with any modicum of responsibilities, who would have the time to spare or the inclination”<sup>122</sup>.*

117 *Submission from National Association of Retired Police Officers*, September 2011, page 3

118 *ibid.* page 4

119 *Submission from National Black Police Association*, September 2011, page 2

120 *Submission from Skills for Justice*, September 2011, pages 4-5

121 *ibid.* page 5

122 *Email correspondence to the Review*, A. Hills, 14 September 2011

### *Seminars*

- 3.1.98 On 7 July 2011, the review held a seminar to discuss entry routes. Constable Jonathan Evans (Metropolitan Police and a participant on the High Potential Development Scheme) said that he found the current assessment centre for police officers, which he had taken five years earlier, very challenging, particularly the interviews and role-play assessments<sup>123</sup>. He believed this provided a much better assessment of an individual's suitability to be a police officer than any academic qualification. He stated that the best sergeant he had worked for had only an E grade at O-level<sup>124</sup>. Inspector Robyn Williams (British Association for Women in Policing) said that whilst some good officers did not necessarily have significant qualifications, they nevertheless had the aptitude for the role<sup>125</sup>.
- 3.1.99 Chief Constable Gargan of the National Policing Improvement Agency said that changes in policing which have led to an increasing focus on an officer's discretion, mean that it is more important that police officers have the necessary life skills and judgment than a significant degree of legal knowledge<sup>126</sup>. In his view, this means that successful recruits are just as likely to be people with some work experience, strong interpersonal skills and common sense, as people of academic distinction. However, the more the process of joining the police is elongated, in his view the more it becomes a test of endurance and motivation. This will actively discourage the brightest and the best, particularly graduates with degrees which are of advantage to employers<sup>127</sup>.
- 3.1.100 Lieutenant-Colonel Andrew Stevenson (Ministry of Defence) explained that the principal objective of the military assessment process is the identification of candidates' potential, as skills can be taught<sup>128</sup>. Mr Michael Williams of KPMG said that forces receive thousands of applications from people with no qualifications, and he argued that the current system which requires no academic qualifications places a large and unnecessarily bureaucratic burden on forces<sup>129</sup>.

## **Conclusion**

- 3.1.101 Merit should be the only criterion for entry into and advancement within the police service.
- 3.1.102 The recruitment system for police officers should attract the very best candidates. The demands which society legitimately makes of police officers require men and women of the highest calibre, integrity and judgment. As explained in the foreword to this report, the prevention of crime and the successful, timely and efficient apprehension and conviction of criminals is one of the highest obligations of the state, in discharge of its duty to protect citizens and their property.
- 3.1.103 For too long, the police service has recruited the great majority of its officers from too narrow a stratum of society, and formal intellectual attainment has played too little a part in recruitment. The qualities required of a police officer are many, and include courage, self-control, maturity, judgment, the ability to deal with people and objectively to assess a situation, as well as intelligence. These qualities must be found in every police officer in sufficient measure; a predominance of one at the expense of others is insufficient. An Oxford graduate with first class honours in jurisprudence may make a materially worse police officer than a man or woman without tertiary education but who possesses the other qualities I have mentioned in abundance. But it is also true that, other things being equal, the higher the intelligence of the average police officer, the more efficient and effective he is likely to be.

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123 Direct entry seminar (2011), page 11

124 *ibid.* pages 27-28

125 *ibid.* page 28

126 *ibid.* page 15

127 *ibid.* page 24

128 *ibid.* page 19

129 *ibid.* pages 25-26

- 3.1.104 As I explain in Chapter 9, with greater competence will come greater confidence of officers and so their increased efficiency and effectiveness. Their work will be of a higher quality and will need less supervision. As a result, the integrity of criminal cases, their prospects of proceeding in the hands of the Crown Prosecution Service, and the chances of a successful and just conviction, or a plea of guilty to an appropriate charge, will improve markedly.
- 3.1.105 Many criminals are of low or mediocre intelligence, and their apprehension and successful prosecution should present most police officers with relatively little difficulty. Some criminals are at the other end of the spectrum, and their aptitude, sophistication and resources are matched only by their wickedness. Police officers must be well-equipped for both. The prospects of successful detection and prosecution are materially determined by what the police officers at the beginning of the criminal justice process do. The quality of their preparation for and of the execution of their duties, their questioning of suspects and witnesses, the conduct of the inquiry and the judgments they make, their knowledge and application of the relevant rules of law and of evidence and procedure, and of their records, can lead to a just conviction, or an unjust and unnecessary acquittal or a refusal of the Crown Prosecution Service to proceed with the case at all.
- 3.1.106 Many police officers are highly proficient in all these respects, and the successes which they have had deserve high praise and the gratitude of the public they serve so well. The police service has programmes for the professional development of officers, particularly in areas such as complex criminal investigation which require the greatest intellectual ability. The officers who do the most intellectually demanding work are justly proud of their achievements, and their dedication and professionalism are of a high order.
- 3.1.107 However, the pool from which such officers are drawn is the existing complement of police officers, and if it is possible to increase the overall intellectual quality of that pool, officers of even higher intellectual agility will be available. It is also important that the officers who are not in specialist fields are as efficient and effective as possible. As explained, if their intellectual capacity and versatility is the highest it can be for the work they are to do, the efficiency and effectiveness of policing will be correspondingly higher. That will mean that the public will have a greater degree of protection because conviction rates will be higher, deterrence and therefore the prevention of crime will be greater, and these will be achieved without higher expenditure of taxpayers' money; indeed it ought to be possible to achieve these increased levels of policing productivity for less money than is presently spent. Other than in exceptional circumstances, such as major public order events, public protection depends principally on what police officers do and how well they do it, not simply the numbers of police officers in a force. A highly efficient police officer who has considerable policing skills and strong motivation, may be more effective than two or three who do not.
- 3.1.108 Many police officers today have all of the qualities I have mentioned, including high intelligence, although they may have few, if any, formal educational qualifications. A considerable proportion left school at a time when far fewer people went on to tertiary education than do today, and the police service offered an attractive career without requiring more than basic secondary school education. If the same people were beginning their careers today, it is very likely that most if not all would have a great deal more formal educational attainments.
- 3.1.109 As I have explained in this report, the police service and the public will be best served by mechanisms and instruments which impel officers and staff to improve their skills and expertise on a continuing basis. That is why I have recommended the establishment of the foundation and specialist skills thresholds, and a system of progression dependent upon satisfactory performance. Most police officers will begin and end their careers as constables. The reasons for not applying for promotion are of course varied, but I believe many do not wish to become supervisors, preferring to remain at the rank where they consider they can make the greatest difference to the public whom they have sworn to protect. It is important that such officers have varied and rewarding careers which enable them to make the greatest commitment and contribution to the achievement of the purposes of policing. Lack of promotion must not be regarded as a mark of failure. In the great majority of cases,

it emphatically is not. The public and the police service need dedicated constables who are zealous in this respect, and whom they should – and do – value for the high order of the work they do.

- 3.1.110 The lack of formal educational attainments for entry to the police service today could well operate as a deterrent to intellectually able people who have the requisite qualities to make good police officers. For too long, policing has been regarded by many as an occupation of an intellectually largely undemanding nature, with more in common with blue-collar work for skilled manual workers who clock in and out. The roots of policing are firmly in such an environment, and for many decades that is what it was. Policing today is entirely different, and yet so much of its ethos is reminiscent of the past. The attitudes of some police officers today remain fastened in that mindset. It holds them back, and it reinforces or corroborates the lower social and professional standing with which too many people associate policing and police officers. If policing is to become the profession which it deservedly should, police officers must come to think of themselves not as the blue-coated workers of the past, but the practitioners of a profession which requires skills and attitudes which are distinctly above those of factory workers. Policing today is more complex and demanding than it has ever been. It should be a career and a vocation which is attractive to the brightest and the best in our society, as well as the people of considerable quality who are already part of it. We should reform policing, including its criteria and procedures for entry, so that all young men and women of intelligence and character consider a policing career on a par with law, medicine, the clergy, the armed and security services, finance and industry. Policing has a very great amount to offer able people, including professional variety and satisfaction in serving the public. It should no longer be dismissed, or even unconsidered, by anyone as the preserve of any particular stratum of society, ill-befitting anyone, of whatever background or origin, of good education and high aspiration. The police service of the future needs the best of the nation's human capital, to serve the public in the noblest purpose of their protection and safety.
- 3.1.111 I recommend therefore that the police service establishes a programme of intensive promotion of itself, and all the advantages it has to offer, to young people in schools and universities throughout the country. The programme should include visits to these institutions by serving officers of junior and senior ranks, university careers fairs, a national promotional website and the use of all that modern media and electronic communications have to offer. Opportunities should also be made available to interested potential candidates to visit the police to see them at work.
- 3.1.112 This remainder of this section examines and makes recommendations in two areas: the requirements for entry to the police service, and the national recruitment process.

#### *Eligibility requirements*

- 3.1.113 As I have explained, policing today is – and should be – a highly attractive career. In some ways, as the recruitment regime is presently configured, it may be regarded as too attractive for its capacity. This is illustrated by the example of North Yorkshire Police, which received hundreds of thousands of attempted telephone enquiries for between 60 and 70 officer posts, and was inevitably only able to deal with a very small fraction of them. When forces are inundated in this fashion, the ability of forces to deal properly with them is materially diminished. They inevitably use a range of different strategies to deal with such numbers, and some are far from ideal. Selection processes can appear, and in some cases are, arbitrary and lacking in transparency or fairness. In some such processes, forces are almost certainly missing candidates who may be better qualified and more suited to a police career than those who successfully negotiate a process which has more in common with a lottery than a sound mechanism of elimination of the weakest and least promising candidates.
- 3.1.114 I agree with Professor Disney that the current system needs to become more effective and robust in managing the very high numbers of applicants in the first stage of the recruitment process. It is impractical to expect forces to respond to potentially tens, or hundreds, of thousands of applications. No organisation could field the resources to manage these numbers within a time-limited recruitment campaign or even on a continuing basis. After examining

the current recruitment process, I believe that the most logical way of achieving a more manageable number of recruits is to introduce an additional qualification, or qualifications, which applicants must satisfy in order to apply to become a police officer.

- 3.1.115 I have remarked that it is striking that there are currently no formal requirements of academic attainment or work experience required of a person who wishes to apply to become a police officer. This contrasts markedly with other public sector occupations such as nursing and teaching, which are increasingly becoming graduate-only professions. The Police Federation argues that making policing an occupation open only to graduates would be unjustifiable. They are, in my view, correct. There are many aspects of the duties of a police officer which do not require graduate-level educational attainments. Innate intelligence, life skills and experience, and the natural suspicions and instincts of good policing are not things which are taught or acquired in universities, yet they are fundamental parts of the make-up of the successful and effective police officer. As I have explained, it is also important that a police officer has sufficient intelligence to learn and apply the salient parts of the criminal law, including the rules of evidence and procedure, to understand the importance and relevance of the investigatory process in the wider criminal justice system, and to act within the law and in a manner which is conducive to the successful prosecution of the guilty. That requires a level of intellectual capacity and agility, and an ability to express oneself orally and in writing, which is higher than was required of police officers in earlier generations. The criminal law and the workings of the criminal justice system are immeasurably more complex than they were even 25 years ago, and they will continue to become so.
- 3.1.116 At the higher ranks, the level of pure intellectual challenge is of course much greater. It is noteworthy that whilst only one third of successful candidates at SEARCH have qualifications at first degree level or above, at Senior PNAC and chief officer rank around three quarters have qualifications at first degree level or higher.
- 3.1.117 Although, as explained, academic attainment is not alone a predictor of success as a police officer, it is as Leicestershire Constabulary point out, a valuable guide when assessing applications. The possession of an academic qualification is evidence of prior application to studies and a guide to an ability to acquire and apply knowledge. The higher the qualification, the greater the intellectual agility the candidate is likely to possess. These are valuable characteristics for any person embarking on a career, particularly one where there will be an increased focus on continual professional development in the future (see Chapters 7, 8 and 9). Many respondents, including ACPO, APACE and the National Black Police Association, support the introduction of minimum educational qualifications for the police, as long as any potential negative implications for groups with protected characteristics under the Equality Act 2010 have been considered.
- 3.1.118 Under section 1 of the Education and Skills Act 2008, the compulsory participation age in education or training will rise from 16 to 17 in 2013, and to 18 in 2015. Young people will be required to stay in education and training in one of three ways: through full-time education in a school or sixth-form college, through an apprenticeship, or through part-time education if they are working or volunteering more than 20 hours each week. This means that young people can continue to leave school at 16 after their GCSEs, but they must participate in education or training, working towards an accredited vocational or academic qualification until their 18<sup>th</sup> birthdays, or until they gain a Level 3 qualification. The expectation of the Government from 2015 is that most young people will leave compulsory education and training at the age of 18 with a Level 3 qualification.
- 3.1.119 For the reasons given above, an eligibility criterion of academic qualification should be introduced to make the recruitment process more manageable for police forces and to improve the quality of candidates. It should be set at Level 3 (such as A-levels), not first degree level because this will match the Government's future expectations of the qualification level that most young people will reach without unjustifiably disadvantaging underrepresented groups (see later in this Chapter). Level 3 is broad, covering both academic and vocational qualifications, making them suitable for young people with a wide range of aptitudes. In the academic national qualifications framework, these include qualifications at AS and A-levels,

General Certificate in Education in an applied subject, International Baccalaureate and Key Skills Level 3, national vocational qualifications (NVQs) at Level 3, the Cambridge International Awards and an advanced and progression diploma<sup>130</sup>.

- 3.1.120 As the National Black Police Association points out, some candidates will have obtained their educational qualifications overseas. No national mechanism exists for recognising the equivalence of overseas qualifications, so candidates will need to prove the worth of their qualifications and forces will need to judge on a case-by-case basis whether a candidate’s qualifications fulfil the educational criterion. As the recommended entry requirement is Level 3, the level normally required to gain admission to higher education in England and Wales, it is likely that the equivalent would be the qualification used as an indication of achievement before going on to higher education in that particular country.
- 3.1.121 The National Policing Improvement Agency has analysed the results of the 42,214 people who attended Police SEARCH between 2007 and 2010. This can be used to assess the effect on certain groups by requiring a qualification at Level 3. It should be noted that these data are based on self-declared, unverified information.

**Table 3.8: Police SEARCH success rates between 2007 and 2010 classified according to gender and ethnic background**

		<b>Total 2007-2010</b>	<b>Candidates with at least A-level or equivalent</b>
Male	% successful	69.4%	76.3%
Female	% successful	77.8%	81.0%
	Adverse impact ratio Male/Female	89.2%	91.1%
	Proportion of total successful who are female	34.5%	36.6%
White	% successful	74.6%	78.71%
Black and Minority Ethnic Candidates	% successful	56.2%	60.5%
	Adverse impact ratio BME/ White	75.3%	76.9%
	Proportion of total successful who are BME	8.8%	9.1%

*Source: National Policing Improvement Agency*

- 3.1.122 These data showed that the effect on the 2007 to 2010 cohort of candidates at SEARCH of introducing an A-level or equivalent qualification criterion would have been to improve the performance of males and black and minority ethnic candidates. The adverse impact ratio between males and females was 89.2% for the 2007 to 2010 cohort as a whole. This means that males were just over 10% less likely to be successful than females. When considering only those candidates with at least a Level 3 qualification, this gap narrows slightly (by 2%). The adverse impact ratio between people from white and black and minority ethnic backgrounds is 75.3% for the whole 2007 to 2010 cohort; this means that those from black and minority ethnic backgrounds were around 25% less likely to be successful than those from white backgrounds. With a Level 3 qualification, this gap also closes slightly, by 1.5% to 76.9%. This shows that introducing a Level 3 requirement will have a positive effect on the diversity results of the

<sup>130</sup> *Explaining Qualifications*, Ofqual, London, 11 June 2009, page 7

SEARCH process, narrowing the success gap between males and females and between those from different ethnic groups. It should be acknowledged, of course, that there is no guarantee that this narrowing will translate into those actually appointed, since, as explained, passing SEARCH is only one step in the appointment process.

- 3.1.123 The statistics show that the formal educational qualifications of the population are improving over time. There has been a steady increase in the level of educational qualification of the population over the first decade of this century, partly because young people are entering the workforce with better skills than those older people who are leaving the workforce, and partly because adults are acquiring qualifications<sup>131</sup>.
- 3.1.124 Table 3.9 shows that whilst just over half the population had a Level 3 qualification in 2008, projections of educational achievements of the population in England by the Department for Business, Innovation and Skills indicate that by 2020 almost two thirds are expected to have a Level 3 qualification by 2020<sup>132</sup>. This means that, by 2020, almost two thirds of the population should be eligible to become candidates to join the police service.

<b>Table 3.9: Attainment rates of different qualification levels in 2008 and in 2020</b>		
	<b>Attainment in 2008</b>	<b>2020 projection</b>
Level 2	71%	90%
Level 3	51%	63%
Level 4	31%	40%

Source: Supporting analysis for "skills for growth: the national skills strategy", page 24

- 3.1.125 Table 3.10 shows that in 2010, just over half of the working population of the United Kingdom, 57% of males of working age and 53% of females, had a qualification equivalent to NVQ Level 3 or above. The percentage of those with a Level 3 qualification or above varied considerably by age, with older people being less likely to have a Level 3 qualification than those in younger age brackets.

<sup>131</sup> *Supporting Analysis for "Skills for Growth: the National Skills Strategy": BIS Economic Paper No. 4*, Department for Business, Innovation and Skills, London, March 2010, page 17

<sup>132</sup> *ibid.* page 24

**Table 3.10: Highest qualifications held by adults of working age by gender, age and region in 2010**

<b>Personal characteristics</b>				
	<b>All working age adults (000s)</b>	<b>NVQ level 4 or above (percentage)</b>	<b>NVQ level 3 or above (percentage)</b>	<b>NVQ level 2 or above (percentage)</b>
<b>By gender</b>				
<b>males</b>	18,652	34	57	76
<b>females</b>	17,003	36	53	73
<b>By age</b>				
<b>19-24</b>	5,020	22	56	79
<b>25-29</b>	4,178	42	63	81
<b>30-39</b>	3,825	43	61	79
<b>40-49</b>	4,255	35	52	73
<b>50-64</b>	4,643	31	49	69
<b>By region</b>				
<b>United Kingdom</b>	35,655	35	55	75
<b>England</b>	29,930	35	56	75
<b>Wales</b>	1,669	33	51	72
<b>Scotland</b>	3,034	36	56	75
<b>Northern Ireland</b>	1,022	29	49	70

*Source: Education and training statistics for the United Kingdom, Department for Education, April 2011, Table 3.8*

3.1.126 Table 3.11 shows that in 2007, 51% of white people between 19 and the age of retirement had qualifications at Level 3 and above, compared with 47.7% of people from non-white backgrounds. Although there is a slight difference here, it is not a significant gap which should preclude an improvement in police entry qualifications.

**Table 3.11: Percentage of people aged 19 to 59 (females) and 19 to 64 (males) with each qualification level in 2007**

By ethnic origin	Popula- tion aged 1959/64 (thou- sands)	Level 7-8	Level 4-6	Level 4 and above	Level 3	Level 3 and above	Level 2	Level 2 and above	Below level 2	No qualifi- cations
White	25,971	6.8	23.8	30.6	20.4	51.0	20.5	71.6	17.7	10.8
Non-white	3,612	9.4	23.2	32.5	15.2	47.7	17.0	64.7	19.4	16.0
of which:										
Mixed	238	8.2	28.0	36.3	18.8	55.0	18.7	73.7	17.2	9.0
Asian or Asian British	1,730	8.6	20.7	29.2	15.5	44.8	17.5	62.2	19.7	18.1
Black or Black British	880	8.1	25.2	33.2	16.2	49.5	17.9	67.3	19.0	13.7
Chinese	191	19.6	34.9	54.4	11.6	66.0	9.8	75.8	14.3	9.8
Other ethnic group	573	10.8	21.6	32.4	12.2	44.6	16.0	60.7	21.3	18.0

*Source: The level of highest qualification held by adults: England 2007 (revised), Department for Business, Innovation and Skills, 19 June 2008, Table 1*

- 3.1.127 I recognise that many policing recruits are not school leavers, and are older. The average age of successful candidates at SEARCH in 2009/10 was 26.89<sup>133</sup>. To focus solely on academic qualifications might disadvantage older candidates who are more likely to have been away from formal education for a number of years. This rich pool of more mature applicants should not be disadvantaged by the recommended changes. Therefore, there should be other qualification routes for people to be eligible to apply to the police force. A number of forces already require candidates to meet pre-entry requirements. These can be academic qualifications, such as the policing qualification required by Surrey Police, or demonstration of relevant experience, such as service as a PCSO or special constable as required by the Metropolitan Police. The experience gained through these routes means that the length, and therefore the cost, of initial police training can be reduced, and probationary officers will be able to serve on the front line sooner. Potential officers are also required to demonstrate commitment, and people with prior police service are more likely to know they are making the right career decision, thereby reducing the rate of attrition in early years of service. Police forces should be able to decide the best way to implement this locally. To reflect the experience and savings to the police force budget from applicants with pre-entry experience or qualifications, I recommend that these recruits should receive a higher initial salary and progress more quickly to the maximum of the constables' pay scale. These recommendations are set out in Chapter 7.
- 3.1.128 Regulation 10 of the Police Regulations 2003 should be amended to provide a chief officer with a discretion to require that candidates must satisfy one or more of the criteria set out above. If forces choose to require all candidates to have pre-entry qualifications or service as a special constable or PCSO, they should ensure that any adverse effects on protected groups are mitigated.
- 3.1.129 As explained above, a number of forces have already developed pre-entry qualifications with the advice and assistance of Skills for Justice. Forces should, wherever possible, collaborate when developing and setting policing qualifications for candidates wishing to become police officers. Not only does this approach represent better value for money for taxpayers in reducing the costs of course development, it is also fairer to candidates. The police service should avoid a return to the situation seen before the introduction of SEARCH in 2001 where candidates wishing to apply to the police service had to meet different standards in different forces. This stifles transferability and therefore reduces the pool of available candidates. It would also mean that candidates, who will normally fund their own policing qualifications, would be restricted in the forces to which they are able to apply.
- 3.1.130 As explained in Chapter 1, the demands on the police service, and the skills which police officers are going to need, will increase in their volume, intensity and complexity. In those and other respects, the professional policing body will establish and operate a system of continuous professional development of the skills of police officers. This is both necessary and overdue. In harmony with those reforms, I have made recommendations (in Chapter 7) that the skills of officers and their use of them should be financially recognised and rewarded.

**Recommendation 3 – From April 2013, an additional qualification should be added to the list required for appointment to a police force in Regulation 10 of the Police Regulations 2003. Candidates eligible for appointment to a police force should have either a Level 3 qualification, or a police qualification which is recognised by the sector skills council, Skills for Justice, or service as a special constable or service as a PCSO (or another staff role which the chief officer is satisfied provides appropriate experience). The chief officer should have a discretion in relation to which of these criteria should apply to applicants for entry to his force.**

<sup>133</sup> *Police SEARCH Recruit Assessment Centre: Interim Annual Results Report 2009/10*, National Policing Improvement Agency, London, 2011, page 13

**Recommendation 4 – Forces should collaborate on the development of policing qualifications.**

*National recruitment procedures*

- 3.1.131 All systems of assessment and recruitment can be improved. I do not believe that the current 50% passmark is sufficiently rigorous, particularly the 44% passmark for literacy and numeracy, in the light of the importance of these skills in the efficient operation of the criminal justice system. It is of course recognised that the passmark is a minimum standard that all candidates must meet, and is not a guarantee of a job. The discretion which forces have had since 2007 to prioritise candidates by their SEARCH scores and to introduce additional interviews and apply more rigorous selection criteria is an advantageous feature of the recruitment process which should be retained.
- 3.1.132 Nevertheless, either the test itself should be made more difficult, or the existing passmark should be raised. In my judgment, a passmark of 50% is insufficiently demanding. As a first step, the passmark should be increased to at least 70%, which would indicate the candidate is considerably above average intelligence, with a 70% pass rate for the literacy test.
- 3.1.133 Taken together, a change to the passmarks and the introduction of new minimum eligibility criteria (such as academic standards) should enable the police service to attract and recruit the most able candidates. Provided those people also possess and demonstrate the other essential qualities of a police officer, the calibre of officers entering the police service should rise considerably. The accuracy of this projection should be tested by the new Police Professional Body in 2017. The effect of this change on protected groups should also be monitored. If the calibre of officer is not judged to have improved by then, the existing psychometric tests at SEARCH should be replaced altogether with a more demanding series of academic tests.

**Recommendation 5 – The passmark for the 2013 SEARCH assessment process should be raised to at least 70%. This should be reviewed after five years to ensure that the academic threshold is sufficiently rigorous.**

- 3.1.134 The criminal justice system should operate, as far as possible, as an orderly and efficient apparatus which prosecutes and convicts the guilty, and acquits the innocent. Its principal components are the police, the Crown Prosecution Service, the legal profession which defends accused persons, the courts, the prison service and the probation service. Whilst of course the courts are and must always be entirely impartial, there can be no objection to their co-operating with the other participants in the system to ensure that criminal business is despatched efficiently. This was done with conspicuous success in the prosecutions which followed the summer 2011 riots.
- 3.1.135 It is necessary that the police and the Crown Prosecution Service work well together, in close co-operation, to ensure that charging decisions are correctly and timeously made, and that prosecutions proceed swiftly and efficiently. For the CPS to authorise the charging of a suspect, it needs sound and sufficient information from the police. In the most complex and serious cases, it is apparent that that working relationship is a good one. However, in other cases, which of course make up a very large proportion of all cases, the experience of these parts of the system, one with the other, is often less than satisfactory, and tensions and difficulties are not uncommon. The police often express dissatisfaction and frustration with the refusal of the CPS to authorise a charge, when they (the police) believe that the case is sound. The CPS, prosecution and defence solicitors and counsel have their criticisms of the quality of evidence which is sometimes provided by the police. Cases which go to trial sometimes collapse without the jury making a decision, and that can be because of the quality of the police work which has been done.

- 3.1.136 It is not in the public interest for these difficulties to occur, although it must be recognised that with heavy caseloads carried by police officers and CPS lawyers, mistakes will occasionally happen.
- 3.1.137 It is sometimes objected that cases fail because of poor initial work by police officers, or the ignoring of, or insufficient compliance with, procedures. Whilst I am certain the blame cannot rest solely with the police, in my discussions with some officers I have been struck by the lack of understanding they appear to have about the operation of the criminal justice system and the part in it which policing plays. Some appeared to see their role as simply apprehending suspects, with the next, and most important, step of bringing them to justice as the responsibility of other organisations, according to criteria and using procedures of which the police officers were little aware. If the system is to improve, particularly in an era of austerity, each part of the criminal justice system needs to work more efficiently and effectively, as a single system.
- 3.1.138 In Chapter 9, I make recommendations in relation to the improvement of officers' knowledge and understanding of the applicable rules of law and their place in the criminal justice system. Those recommendations should be carried through to the basic training of police officers as well.

**Recommendation 6 – The basic training of police officers should be improved so as more fully to cover the essential features of the place of the police in the criminal justice system.**

## 3.2 Recruiting Leaders

### Background

#### *History*

- 3.2.1 Other than for the most senior ranks, leaders have been appointed from within the police service since the foundation of the police service by Peel in 1829<sup>134</sup>. This meant that there was no separate officer corps, and leaders rose from within. The principal exception to this was the Commissioner of the Metropolitan Police. The Metropolitan Police initially had two Commissioners: Colonel Charles Rowan who was a retired soldier, and the much younger Mr Richard Mayne, who was a barrister. Mr Richard Mayne, later Sir Richard, became the first (that is most senior) joint Commissioner in 1850 alongside another retired army officer, Captain William Hay. In 1855, Sir Richard became the sole Commissioner. The service has had a single Commissioner since then, but until 1953 they almost always had an armed service or civil service background, not one in policing. It was not until Sir John Nott-Bower was appointed in 1953 that the Metropolitan Police had a Commissioner who had had a full career in the police service.
- 3.2.2 As police forces spread across the country during the Victorian era, differences appeared between police authorities in the borough forces and in the counties as to how they appointed their most senior officers. County forces tended to look to larger, metropolitan forces such as the Metropolitan Police for their more senior officers. However, they preferred Chief Constables with good social and local connections, and military experience, rather than promote them from within the force<sup>135</sup>. In contrast, police authorities in smaller boroughs tended to appoint senior officers and Chief Constables from within the forces. These differences in approach can be understood by the different roles played by Chief Constables and police authorities. In the counties, Chief Constables acted as the supreme commanders of their forces, whilst in towns police authorities (watch committees) tended to be more dominant so the authorities saw the appointment of qualified, independently-minded outsiders

<sup>134</sup> Critchley, page 52

<sup>135</sup> *ibid.* page 141

as too expensive, and a threat to their own power. These differences can be demonstrated in the statistics. In 1908, only 12% of Chief Constables in county forces had risen through the ranks<sup>136</sup>. However, in the same year, 93% of Chief Constables in borough forces had come through the ranks.

- 3.2.3 By the early 20<sup>th</sup> century, there was a sense that the police service was undergoing a leadership crisis. There was a perception that insufficient numbers of recruits were qualified to reach the highest levels of leadership, and that the original approach of filling vacancies from below was failing<sup>137</sup>.

#### *Desborough Committee*

- 3.2.4 In 1919, the Desborough Committee stated that many of the representatives of the police service, and some other witnesses, argued that all appointments within the police service should be confined to those with experience in all ranks of the police service<sup>138</sup>. In contrast, others suggested that service at a lower rank is not necessarily the best training for a Chief Constable, “nor as valuable as experience in dealing with men in other professions, e.g. the Army or Navy”<sup>139</sup>. In coming to its recommendation, the committee set out to balance the founding principle of the police (that the higher ranks should be filled by those who had worked their way up) with what was seen as a distinct lack of talent. It recommended that no one without previous police experience should be appointed to the rank of Chief Constable unless he had exceptional qualifications or experience or no internal candidates were considered suitable. The committee also recommended that the Home Secretary should approve all appointments at Chief Constable level. These recommendations were accepted and set out in the police regulations made under the Police Act 1919. Exceptions proved rather common however. Of the 240 Chief Constable appointments between 1918 and 1939, 65 (or 27%), were made from outside the police force<sup>140</sup>.
- 3.2.5 The Desborough Committee’s recommendations, and their subsequent adoption into legislation, did not solve the perception that there was a problem of leadership in the police service. In 1929, the Royal Commission stated that it would:

*“regard as inimical to the public interest any system which limited appointments to the higher posts to those who had entered the police as constables ... such posts should be filled by the best men available, irrespective of the source from where they are drawn”<sup>141</sup>.*

- 3.2.6 However, the Police Federation disliked the idea that outsiders could monopolise the higher ranks and debated how far other qualifications could make up for a lack of police experience<sup>142</sup>.
- 3.2.7 In this context, the Home Office drew up the Dixon Scheme towards the end of the 1920s. This proposed the creation of a national police college, which would offer a two-year training course covering general as well as policing topics. To be eligible, an officer would have to have served for five years, passed the examinations to be promoted to sergeant and be under 35 years of age<sup>143</sup>. As well as acting as a centre of policing research, this college was designed to bring out latent talent and make the police service more attractive to good recruits, whilst at the same time reassuring the Police Federation by making the course open to all police officers. The Police Council, a precursor to the Police Advisory and Negotiating Boards, endorsed the idea, but it coincided with the economic crisis of 1930/31 and the idea was rejected on the grounds

136 *Select Committee on the Police Forces Weekly Rest-Day*, P.P, Volume IX, 1908. Evidence provided by the then Editor of the Police Review, cited in Critchley, page 143

137 Critchley, page 204

138 Desborough report, paragraph 139

139 *ibid.* paragraph 139

140 Critchley, page 204

141 *Report of the Royal Commission on Police Powers and Procedure*, Cmd. 3297, London, 16 March 1929, page 52. Cited in Critchley, page 205

142 Critchley, pages 204-205

143 *ibid.* page 205

of cost. The Police Federation had anyway decided to reject the idea because it said it “would cause serious discontent which would far outweigh any benefits”<sup>144</sup>.

### *The Trenchard scheme*

- 3.2.8 During the 1930s, another solution to the perceived leadership problem was devised. In 1931, Lord Trenchard was appointed Commissioner of the Metropolitan Police at a time of low morale and public criticism<sup>145</sup>. He had had a distinguished army career before being instrumental in the foundation of the Royal Air Force and serving as the Chief of the Air Staff from 1919 to 1930. His appointment by the government was a recognition of the fact that the Metropolitan Police needed a strong leader<sup>146</sup>. One of Lord Trenchard’s main concerns was the lack of “officer material”<sup>147</sup> which he found in his police force<sup>148</sup>. In his second annual report for 1932, published on 3 May 1933, Lord Trenchard set his view of the problem. He wrote:

*“On coming to Scotland Yard I was surprised to find that the very great improvements in the status and pay of the police after the Desborough Committee’s report had not led to much change in the type of men entering the service”*<sup>149</sup>.

- 3.2.9 Lord Trenchard went on to express concern at the lack of recruits from universities and public schools, and the fact that whilst educational standards had improved, between 80% and 90% of Metropolitan Police recruits had not progressed beyond an elementary level education. He believed that the poor economic situation in the early 1930s had improved the quality of recruits, but that more drastic steps were needed to improve the quality of leadership in the future. He considered that Peel’s principle of filling the senior ranks from below using men “from whom little more was demanded at the start than that they should have a good character and a satisfactory physique” was “very remarkable”<sup>150</sup>. However, just as criminals were becoming more skilful and mobile and were making better use of scientific developments, so the police service needed “to secure a steady supply of the best brains from every available source”<sup>151</sup>. He argued for a scheme:

*“which opens up a clear avenue of fairly rapid promotion for outstanding men who join as constables, and also provides for the direct recruitment into the officer posts of men who have acquired good educational qualifications”*<sup>152</sup>.

- 3.2.10 This was the initial statement of the principles of what became known as the ‘Trenchard Scheme’. Following discussions within Government, the details, and proposals for a Metropolitan Police college, were set out in a White Paper on 11 May 1933. In submitting the proposal to the Cabinet on 9 March 1933, the then Home Secretary made clear that he believed reform was needed urgently, although he was aware that the scheme might be criticised as militarising the police and for being anti-democratic<sup>153</sup>.
- 3.2.11 The college opened at Hendon on the outskirts of London on 31 May 1934. It provided a 15-month, later two-year, course which was designed to make potential senior officers ready for fast-track promotion<sup>154</sup>. Entry to the course was open to three groups. The first were men from the Metropolitan Police or outside, aged between 20 and 26, who had passed a competitive examination roughly equivalent to the School Certificate (the exam usually taken at the age of 16)<sup>155</sup>. The second were men from inside or outside the Metropolitan Police, also

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144 *ibid.* page 205

145 *ibid.* page 203

146 *ibid.* page 203

147 *ibid.* page 205

148 *ibid.* page 205

149 *ibid.* page 206

150 *ibid.* page 206

151 *ibid.* page 206

152 *ibid.* pages 206-207

153 Dixon report, page 207

154 *The Great British Bobby: A History of British Policing from the 18<sup>th</sup> Century to the Present*, C. Emsley, London, 2009, pages 220-221

155 Dixon report, page 209

in their twenties, but with higher qualifications which would qualify them for a university degree or entry to armed services colleges such as Sandhurst and Cranwell. The third were men from within the Metropolitan Police who were considered likely to qualify for promotion after completing the course at the police college and who might be up to 30 years of age.

- 3.2.12 The aim of the course was to improve the development of officers with exceptional qualifications and suitability and to attract and equip better educated people than those who normally joined as constables<sup>156</sup>. In time, Lord Trenchard intended promotion above the rank of inspector to be dependent on successfully passing the college course<sup>157</sup>. The course combined general subjects such as history, law and administration with more specialist police subjects<sup>158</sup> and a period of time on duty<sup>159</sup>. The scheme's first intake had 32 students. Of those, 20 came from within the police force, including a future Metropolitan Police Commissioner, Sir Joseph Simpson (1958 – 1968)<sup>160</sup>. The remaining third were direct entrants.
- 3.2.13 The officers took the rank of junior station inspectors whilst at the police college and, on successful completion of the course, would become 'inspectors standing', subject to two years' probation<sup>161</sup>. Lord Trenchard ensured that they believed themselves to be separate, and were separated, from the rest of the police service. The Metropolitan Police Act 1933 excluded those on the course from joining the Police Federation. This already applied to regular inspectors and chief inspectors<sup>162</sup>. The idea was not popular in the police service. Those on the scheme were seen as "young gentlemen" who had landed easy jobs whilst others walked the beat<sup>163</sup>. The Home Office had little enthusiasm for the scheme either, fearing that it would lead to the division of the Metropolitan Police into officers and 'ranks'<sup>164</sup>. The Police Federation was hostile, criticising the idea as the creation of an officer class. However, the media largely supported it. Several Labour Members of Parliament attacked Lord Trenchard's reforms as "class measures" and "militarism"<sup>165</sup>.
- 3.2.14 The scheme did not last long in its original form. Lord Trenchard resigned as Commissioner in 1935 and his replacement was Sir Philip Game, who was much more sceptical about the efficacy of the scheme. A review was undertaken and the candidates entering the college course from outside the police service were found not to be as good as had been expected<sup>166</sup>. Sir Philip Game attached more importance to practical experience, and the age limit was regarded as barring too many promising candidates from promotion<sup>167</sup>. The new Commissioner therefore refocused the Hendon college on practical police work and, from November 1938, modified the course entry qualifications to favour serving police officers. The age limit for selection was raised from 26 to 30, and constables had to have passed the selection process (including the examination) for promotion to sergeant, which required four years' service<sup>168</sup>. Direct entrants were restricted to around six a year, had to have a university degree or similar qualification, and had to serve as constables for at least 12 months before joining the course<sup>169</sup>. At the same time, the junior station inspector rank was abolished, county and borough officers could join the scheme in the second year, and those not selected for the scheme were given an equal opportunity to be promoted to inspector and on to the higher ranks. This was a significant degrading of the Trenchard scheme. However, the revised scheme never came into operation because the college closed at the outbreak of war in 1939, and the scheme was never revived.

156 *ibid.* page 125

157 *ibid.* page 209

158 *ibid.* page 125

159 *ibid.* page 209

160 Critchley, page 207

161 Dixon report, page 209

162 *ibid.* page 211

163 *On the Mersey Beat: Policing Liverpool Between the Wars*, M. Brogden, Oxford, 1991, pages 80-81. Cited in *The Great British Bobby: A History of British Policing from the 18<sup>th</sup> Century to the Present*, C. Emsley, London, 2009, page 221

164 Critchley, page 207

165 *ibid.* page 208

166 Dixon report, page 211

167 *ibid.* page 212

168 *ibid.* page 212

169 *ibid.* page 212

According to Sir James Robertson (Home Office), as well as the outbreak of war, the scheme was ended because it was causing “considerable dissatisfaction within the police service” and its actual success was not as great as had been anticipated<sup>170</sup>.

- 3.2.15 However, the Trenchard scheme did have a strong legacy in the service. Out of 197 men attending the course between 1934 and 1939, 69 were still serving in 1966<sup>171</sup>. Of these, six were holding all the top posts in the Metropolitan Police, 25 were other Chief Constables and five were working in HMIC, including Her Majesty’s Chief Inspector himself<sup>172</sup>. In its evidence to the Oaksey Commission in 1949, the Home Office recognised that the scheme had produced excellent officers but did not consider the intention to exclude non-college graduates from senior ranks to have been a success because it lowered morale and reduced the quality of general recruits<sup>173</sup>. In 1960, Sir Charles Cunningham (Permanent Under Secretary of State at the Home Office) said that whilst it was not possible to say whether the quality of leadership in the police service would have been different without the Trenchard scheme, many of the very senior officers then in the service had entered the service by that route<sup>174</sup>.

### *Oaksey Committee*

- 3.2.16 In 1949, the Oaksey Committee reported on the conditions of service for the police. On leadership, they did not propose a direct entry scheme, but believed that better educated men and women needed to be attracted if higher ranks were to be “filled satisfactorily from within the service”<sup>175</sup>. To encourage higher quality candidates to come forward, the report therefore recommended that those who had reached a suitable standard in external examinations (shortly to become the ordinary level examinations) should be exempted from the police test of educational attainment<sup>176</sup>. The standard they suggested was four passes at ordinary level, one subject being English.
- 3.2.17 In May 1950, Lord Trenchard moved a motion in the House of Lords which regretted that more action was not being taken by the government to bring police forces up to more effective strength. Using the data in the Oaksey report that only between five and ten *per cent* of candidates were suitable, Trenchard remarked that given the numbers rejected on educational, character and physical grounds, police forces were “evidently not attracting the right type of man”<sup>177</sup>. He suggested that one reason was that “bright young men [see] no chance of getting out of the rut early in their careers”<sup>178</sup>. He agreed with the Oaksey report’s conclusion that educational qualifications were less important than character, intelligence and personality because with the proper training, the rest would come. However, he also agreed that better educated men and women were required for the more senior ranks and said that this had been the “whole essence” of his reforms<sup>179</sup>.
- 3.2.18 Despite the efforts of Lord Trenchard, the leadership debate within the police service focused on education in the post-war years. A national police college was established in June 1948 at Ryton-on-Dunsmore in Warwickshire to train officers for the higher ranks, and specialist roles. It was designed to mitigate the fact that much policing work is undertaken alone with few opportunities for those aiming at the senior ranks to practise leadership skills<sup>180</sup>. It was also recognised that if future leaders were to be grown from within the service rather than brought

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170 *Evidence Submitted by the Home Office to the Royal Commission*, 18 March 1960, page 61. See also *The Recruitment of People with Higher Educational Qualifications into the Police Service - Report of a Working Party*, Home Office, London, 1967 – see Part VI in particular

171 Critchley, pages 208

172 *The Chief Constables of England and Wales: The Socio-legal History of a Criminal Justice Elite*, D. S. Wall, Aldershot, 1998, pages 213 to 220, cited in *The Great British Bobby*, C. Emsley, London, page 221

173 Dixon report, page 213

174 *Evidence submitted by the Home Office to the Royal Commission*, 18 March 1960, page 57

175 Oaksey report, page 9

176 *ibid.* page 9

177 *House of Lords Debate*, 30 May 1950, Vol. 167, Col. 82-132

178 *ibid.*

179 *ibid.*

180 Critchley, pages 246

in from outside, training was necessary to identify and nurture talent. This had to be done without any suggestion that an ‘officer class’ was being created, as many opponents argued that this was simply a replacement Trenchard scheme<sup>181</sup>. In contrast, the police college was designed so as to be seen as fair by all members of the service and not to create a privileged class<sup>182</sup>. As well as policing courses, there were also complementary academic courses, so the college was both university and senior staff college. In 1960, the national police college moved to Bramshill House at Hartley Wintney in Hampshire.

- 3.2.19 In 1960, the Royal Commission noted that it was a fundamental and long-standing principle of police recruitment policy that officers should only be appointed at the rank of constable, filling senior ranks from within its own ranks. Evidence to the Commission from police officers was that this policy was supported at all ranks. The County Councils Association argued that to increase the number of recruits meeting high educational standards, a graduate scheme should be introduced. It said that it should be open to graduates from both inside and outside the police service, with competition on merit for selection for accelerated promotion<sup>183</sup>. The County Councils Association also recommended paying more to recruits with high educational qualifications. The Association of Municipal Corporations suggested changes should be made to the recruitment of senior officers. Accelerated promotion was already being actively examined by the Home Office, so the Royal Commission did not comment. However, it stated that existing recruitment policies were unsatisfactory if they did not ensure an adequate number of competent officers, or attract enough recruits of sufficient ability and education to be suitable for the highest ranks in future<sup>184</sup>.
- 3.2.20 The ‘special course’ was offered by the national police college at Bramshill. This was announced in 1961, with the first cohort of 36 officers beginning in October 1962<sup>185</sup>. Places on the course, which lasted one year, were offered to those who came high enough in the promotion examinations to sergeant, who passed a rigorous extended interview, and were assessed as having the potential to reach the highest ranks in the police<sup>186</sup>. During the course, officers were promoted to sergeant, and, after successful completion of a year’s operational experience following the course, to inspector. Further promotion was then on merit, although those on the special course had received a significantly faster route to inspector and were likely to be recognised as people aiming for the most senior ranks.
- 3.2.21 The purpose of the special course was to enable the service to produce its own leaders by giving early training to those who had demonstrated suitability for high rank, and to offer attractive prospects for good quality recruits<sup>187</sup>. The average age of the first cohort in 1962 was 27. Half of these had obtained the highest marks in the promotion examination, and the other half were chosen after extended interviews from those whose marks were slightly lower. All but one member of the first cohort passed the course and returned to their police forces on promotion. The experience of the first cohort led to the selection of candidates for future courses being done through extended interview as well as success in the promotion examinations<sup>188</sup>. The assessment consisted of two days of intelligence tests, group exercises and interviews. Initially, officers had to have had four years’ service before taking the sergeant examinations, so the earliest an officer could take the special course was after five years’ service. However, from 1964, officers could take the promotion examinations after just three years’ service and attend the special course after four years.
- 3.2.22 A review of the career paths of those who attended the special course, and its successor the accelerated promotion course, between 1962 and 1992 found that the retention rate was

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181 *ibid.* page 247

182 *ibid.* page 247

183 Royal Commission report, page 28

184 *ibid.* page 29

185 Critchley, pages 304-305

186 *The Making of a Police Officer Part 3: Training*, kent-police-museum.co.uk

187 Critchley, page 305

188 *ibid.* page 305

high<sup>189</sup>. The review was carried out by Adler, Lowden and Snell. Ninety-four *per cent* were still working in the police service at the time of the study or had retired with a full 30 years' service. The subsequent promotion achievements of those officers were impressive<sup>190</sup>. Between 1962 and 1992, the scheme had produced at least:

- 35 Chief Constables;
- 31 Deputy Chief Constables;
- 60 Assistant Chief Constables<sup>191</sup>; and
- three HM Inspectors of Constabulary.

- 3.2.23 Whilst not all special course officers proceeded to APCO rank, many reached higher management positions, with 13% achieving ACPO rank, 16% becoming chief superintendents and 24% becoming superintendents.
- 3.2.24 The results of the special course and the accelerated promotion course differ according to the periods under examination. Of those on the scheme between 1962 and 1971, 29% reached ACPO rank and a further 29% became chief superintendents<sup>192</sup>. Fourteen *per cent* of the sample remained at the rank of inspector, which demonstrates that not everyone who succeeds on such a scheme will progress as intended. Very few, if any, of such fast-track advancement schemes have a 100% success rate; if they did, the schemes themselves would be failures, since they would not be sufficiently demanding.
- 3.2.25 The Adler, Lowden and Snell review found that the second (1972 to 1981) and third (1982 to 1986) cohorts confirmed the general trend<sup>193</sup>. The speed of promotion varied considerably between individuals. However, the general trend was for those promoted to be advanced more quickly<sup>194</sup> than officers not on the schemes. There were also indications that graduate entrants on the accelerated promotion scheme were moving from inspector to chief inspector more rapidly than non-graduates. In a comparison with other officers, those on the scheme tended to be promoted from constable to sergeant in around five years instead of nine years, and then from sergeant to inspector in around three years instead of five years. This was significantly faster than ordinary officers. However, the length of time at inspector rank was similar to ordinary officers – around six years<sup>195</sup>. The review concluded that the effect of the scheme had been very considerable<sup>196</sup>. On average, approximately 35 officers were accepted annually for the scheme, comprising a very small proportion of all police officers<sup>197</sup>. Whilst their representation at each rank was minute, this increased at each successively higher rank, and only at the rank of Chief Constable did scheme members exceed others, with around 60% having been on the scheme. The report suggested that this might lead to fears of a reduction in opportunities for police officers not on the scheme.
- 3.2.26 The special course went through several phases of evolution, and eventually became the accelerated promotion scheme. This was open to existing officers with four or five years' service who had been promoted to sergeant<sup>198</sup>. There was also an accelerated promotion scheme for graduates. This was open to applicants to the police service and officers in their first year of service. In the 1990s, between 12 and 30 officers annually were recruited in this manner. The scheme was intended to identify and encourage officers with the potential to reach the highest ranks. In 1999, a Home Office official described the scheme as “a fairly small operation, run very much on a shoestring”<sup>199</sup>.

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189 *Fast track*, S. Adler, S. Lowden and J. Snell, Policing II(I), 1995, page 15

190 *ibid.* page 16

191 *ibid.* page 16

192 *ibid.* page 18

193 *ibid.* page 19

194 *ibid.* page 21

195 *ibid.* page 22

196 *ibid.* page 22

197 *ibid.* page 23

198 *Fourth Report: Police Training and Recruitment*, Home Affairs Committee, HC 81, 28 June 1999, paragraph 148

199 *ibid.* paragraph 147

*Recent reports covering direct entry*

- 3.2.27 Direct and multi-point entry schemes have been considered in a number of reports over the last decade. Sir Bill Morris discussed multi-point entry in his 2004 report on the case for change in the Metropolitan Police Service. He welcomed the then Government's announcement that it supported the principle of multi-point entry (see below), and recommended that the Metropolitan Police should consider the "early implementation of any proposed scheme of multi-point entry for officers"<sup>200</sup>. He did this because he saw multi-point entry as a way in which the Metropolitan Police could draw on the skills and experiences of a wider range of people who might otherwise not consider a career in the police service<sup>201</sup>. He also recognised it as a way of bringing about more rapid cultural change<sup>202</sup>. Morris questioned whether the current system of officers working their way up the career ladder from the bottom was the best way of securing the right people, with the right skills, for managerial and other senior posts<sup>203</sup>.
- 3.2.28 A number of contributors to the Morris review were in favour of multi-point entry. Assistant Commissioner Bernard Hogan-Howe (now Commissioner of the Metropolitan Police) saw multi-point entry as a way of addressing under-representation of women and ethnic minority officers in the senior ranks, which might otherwise take a generation<sup>204</sup>. Deputy Assistant Commissioner Carole Howlett of the Association of Senior Women Officers argued it would have the advantage of bringing the richness of experience in all London's communities into the police service, something which had, at the time, only been achieved with very limited success<sup>205</sup>. Others disagreed. Some were concerned that multi-point entry would be seen as a form of special treatment for those in particular groups, or as a form of positive discrimination, and that such perceived preferential treatment could have the effect of undermining the professional credibility of the individual concerned<sup>206</sup>. There was also concern from the Police Federation that officers recruited into more senior roles might not have the knowledge or command sufficient respect to command more junior officers<sup>207</sup>.
- 3.2.29 In his 2004 report 'Modernising the Police Service', Sir Ronnie Flanagan also discussed "multilateral" entry points when considering whether the service can "remain isolated from modern employment trends"<sup>208</sup>. He acknowledged that there were strong views on both sides about direct recruitment. However, rather than explicitly state his view, Sir Ronnie concluded that:
- "unless someone takes a leap of faith, the service will not be able to tap into a wealth of experience and talent currently lodged outside policing"*<sup>209</sup>.
- 3.2.30 He pointed out that a 40-year-old expert in drugs would probably not apply to be a probationary constable but could be invaluable in shaping the police response to such issues. In conclusion, he recommended that either controlled trials of such a scheme be established or the debate should move on.
- 3.2.31 Direct entry was also considered by the last government, at the same time and for many of the same reasons as set out by Sir Bill Morris. In its 2004 White Paper 'Building Communities, Beating Crime'<sup>210</sup>, the then government proposed to introduce multiple points of entry into

200 *The Case for Change: People in the Metropolitan Police Service, The Report of the Morris Inquiry*, Sir Bill Morris, December 2004, page 211

201 *ibid.* page 208

202 *ibid.* page 210

203 *ibid.* page 209

204 *ibid.* cited page 209

205 *ibid.* page 209

206 *ibid.* pages 209-210

207 *ibid.* page 210

208 *Modernising the Police Service: a Thematic Inspection of Workforce Modernisation – the Role, Management and Deployment of Police Staff in the Police Service of England and Wales*, Her Majesty's Inspector Sir Ronnie Flanagan, July 2004, page 175

209 *ibid.* page 175

210 *Building Communities, Beating Crime: a Better Police Service for the 21<sup>st</sup> Century*, Home Office, November 2004, page 89

the police service and remove the requirement that all police officers serve specific amounts of time at junior ranks. They argued that the changing labour market and the requirement for more specialist and managerial skills at all ranks, meant that without multiple points of entry the police service risked being denied access to the people it needs<sup>211</sup>. According to the paper, the absence of such a regime also slowed the pace of change in the composition of different ranks, whether in terms of skills, gender or ethnicity.

- 3.2.32 The paper argued that the current system denies the police service the opportunity to recruit from senior leaders in broadly comparable occupations, such as the probation service, HM Customs, financial crime investigation and the armed forces. The government stated its belief that suitably qualified individuals could become police officers at any level of seniority, and could be trained to exercise the powers required<sup>212</sup>, although it recognised that experience on the front line would be an essential foundation for operational leadership. It proposed developing suitable programmes for direct entrants in partnership with the police service. In the event, this proposal was not developed much further, and nor were trials established. However, neither has the debate moved on as Sir Ronnie Flanagan hoped; the police service is still discussing the issue eight years later.
- 3.2.33 Some concerns about multi-point entry were raised in a 2007 article on black and minority ethnic recruitment by Dr Ian Waters *et al.* The article suggests that the result of opening up entry might be a more stratified and segregated police force. Those with better education and skills, such as people from white and Indian communities, may be appointed at higher ranks, whereas those with fewer skills, such as those from Bangladeshi communities, might remain in the lower ranks of the police service<sup>213</sup>. The article cites an example of where this has already happened. Those from black and minority ethnic communities form a much higher proportion of PCSOs whilst being under-represented in the ranks of warranted police officers<sup>214</sup>. The article also cites examples in the Netherlands, where direct entry at higher ranks already exists. Several Dutch forces had significant numbers of black and minority ethnic officers, but they were concentrated in the lower ranks<sup>215</sup>. This lack of progress into the higher ranks was attributed to the two-level entry system in the Netherlands, and a lack of educational qualifications amongst black and minority ethnic officers. The article said that it had been established that whilst people from ethnic minority communities welcomed the improvement of diversity in the police, special recruitment initiatives were not necessarily welcome<sup>216</sup>. They preferred the appointment of police officers on merit.
- 3.2.34 More recently, Mr Peter Neyroud (latterly a Chief Constable and Chief Executive of the NPIA), in his 2010 review of police leadership and training, acknowledged that there continued to be overwhelming support in the police for retaining the current, single point of entry within the police service. He stated that whilst this should not exclude consideration of the issue, there was “real and passionately expressed opposition” from within the service<sup>217</sup>. His belief was that multiple points of entry should not be considered before his proposed ‘professional qualifications framework’ is in place and that, even then, other ways of increasing diversity of all kinds at senior ranks exist and should be exploited.

#### *The Metropolitan Police inquiry into direct entry*

- 3.2.35 In 2010 and 2011, the Metropolitan Police Authority carried out an inquiry into issues related to race and faith in the Metropolitan Police. One of its recommendations was that multi-point

211 *ibid.* page 89

212 *ibid.* page 90

213 *Ethnic Minorities and the Challenge of Police Recruitment*, I. Waters, N. Hardy, D. Delgado and S. Dahlmann, *The Police Journal*, Vol. 80, 2007, page 197

214 *ibid.* page 196

215 *Policing and Integrated Racial Equality: a Study of the Dutch Experience*, G. J. Osocroft, Nottingham: Nottinghamshire Constabulary, 1991 cited in *Ethnic Minorities and the Challenge of Police Recruitment*, I. Waters, N. Hardy, D. Delgado and S. Dahlmann, *The Police Journal*, Vol. 80, 2007, pages 196-197

216 *ibid.* page 210

217 *Review of Police Leadership and Training*, P. Neyroud QPM, London, March 2011, pages 124-125

entry should be thoroughly examined and a conclusion reached and acted upon<sup>218</sup>. The inquiry argued that individuals from all backgrounds would benefit from multi-point entry, as would the police service itself, with the broadening of its senior manager pool. Its assessment was that senior managers in the police did not see multi-point entry as impossible, but they were concerned that it could not be successfully implemented and that the success rate of entrants would be low<sup>219</sup>. The MPA was concerned that early failure of direct entrants could jeopardise the future of any direct entry scheme.

- 3.2.36 Following the race and faith inquiry's recommendation, a symposium was held by the Metropolitan Police Authority in January 2011 to make progress with the recommendation that direct entry ideas should be developed. Those invited came from the police, Government and voluntary and community sectors. The symposium was very supportive of the concept. After this symposium, the Metropolitan Police Authority began to develop proposals for multi-point entry, largely focused on improving the diversity of the police force. Potential options for multi-point entry, none of which was exclusive of others, included:
- an 'in house' version based on existing fast-track and positive action programmes;
  - a direct entry version for those with specialist skills, with entry at superintending rank; and
  - a 'rank-skipping' option designed to provide intensive learning and experience at constable, inspector and Borough Commander levels<sup>220</sup>.
- 3.2.37 The Metropolitan Police Authority argued that the current constrained budgetary circumstances are likely to make improving diversity and specialist skills in police forces even more problematic<sup>221</sup> as recruitment and promotion had slowed or ceased, and the number of police officers leaving the service had reduced.
- 3.2.38 In May 2011, a business case for multi-point entry was agreed by the board of the Metropolitan Police Authority<sup>222</sup>. This argued that the complexities and challenges of modern policing mean that Chief Constables need to have an enhanced capability to manage their workforces. These workforces will need to be more specialised, more flexible and more skilled. New entry routes and career paths could facilitate this. It argued that direct entry would not allow inappropriately experienced managers straight in to senior police officer posts, since each would have to prove that he is qualified for the position for which he applies. It stated that multi-point entry should be seen as an opportunity to address the challenges facing policing by attracting the best and brightest into the police service, and then ensure that their initiative, intelligence and flair is not stifled by putting them through a time-serving process<sup>223</sup>. It also pointed out that a direct entry regime would be an opportunity to improve the diversity of the police service, to make it better reflect the community it serves. Improving equality and diversity, it argued, enhances creativity, innovation and performance. A diverse team is arguably better at solving problems, offering different approaches and more innovation. The pool of talent from which the service is able to draw is increased, and the environment becomes more positive with different approaches being valued. Externally, the public becomes more confident in the police, supplying better intelligence leading to better outcomes, and consequently greater respect from and acceptance in all communities. The business case also pointed out precedents in other parts of the public sector, notably the armed forces, which demonstrate that front line experience is not necessarily required to be successful at senior levels in a uniformed, disciplined organisation<sup>224</sup>.

218 cited in *Race and Faith Enquiry – Exploring Options for Multi Point Entry to the Police Service*, Chief Executive of the Metropolitan Police Authority, London, 26 May 2011, page 1

219 *Report on Exploring Options for Multi Point Entry in the Police Service with a Pilot Programme for the Metropolitan Police Service*, Metropolitan Police Authority, London, May 2011, page 9

220 *Race and Faith Enquiry – Exploring Options for Multi Point Entry to the Police Service*, Chief Executive of the Metropolitan Police Authority, London, 26 May 2011, page 3; see also Chapter 4 for a discussion of rank-skipping and my recommendations in that respect

221 *ibid.* page 2

222 *Report on Exploring Options for Multi Point Entry in the Police Service with a Pilot Programme for the Metropolitan Police Service*, Metropolitan Police Authority, London, May 2011, pages 12-15

223 *ibid.* page 13

224 *ibid.* page 3

- 3.2.39 The MPS paper lists a number of benefits of multi-point entry. Beyond the increase of diversity at middle and senior police officer ranks, it said that multi-point entry would:
- enhance the force’s ability to attract the brightest and best;
  - improve the organisation’s culture;
  - benefit the organisation with new skills and experience;
  - increase the pool from which the organisation can draw specialists, reducing the risk of key posts remaining unfilled and ensuring that “the right people are in the right place at the right time”<sup>225</sup>; and
  - give the Metropolitan Police Service a better position in the competitive London labour market<sup>226</sup>.
- 3.2.40 The same paper also sets out problems or challenges that may result, namely that:
- there is no guarantee that successful managers outside the police service will be successful in it;
  - police management includes operational decision making (this, it suggests, can only be learned on the job);
  - senior officers entering above constable may lack credibility;
  - entrants may lack the experience and judgment properly and efficiently to exercise the office of constable, including the use of coercive powers; and
  - inappropriate pressure would be placed on individuals who are perceived as having been selected for diversity reasons rather than for their talent or competence to perform as senior police officers<sup>227</sup>.
- 3.2.41 In terms of implementation, the Metropolitan Police Authority suggested that a year-long trial should be carried out<sup>228</sup>. With organisational change taking place across the public sector, it argued that there may be individuals at senior levels in other organisations looking for a career change, and who might with advantage be considered alongside internal police candidates to identify those with the greatest ability to perform senior, specialist roles in the police service. The results from the internal and external candidate groups would then be benchmarked against each other to assess the suitability of any future scheme.
- 3.2.42 To ensure the success of the scheme, the MPS paper argued that any proposals for multi-point entry need to take account of the significant change in culture that would be required, and there should be appropriate engagement with staff associations during the development stages of the scheme. The paper suggested that any proposals should have the broad support of officers so as not to create an environment conducive to failure for prospective candidates<sup>229</sup>. The MPA suggested that at least some performance of the role of constable should be part of any entry route for those who would come to make operational decisions, and that, as well as specific roles, those entering through multi-point entry need exposure to a variety of roles and breadth of experience to advance. Multi-point entry should facilitate the advancement of police staff with useful experience, complementing schemes such as the high potential development scheme.
- 3.2.43 The MPA also suggested that what it described as ‘multi-point exit’ should be considered, allowing officers to leave to obtain different experience and skills and then rejoin at the same rank in order to use those new skills in policing.

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225 *ibid.* page 3

226 *ibid.* pages 1-2

227 *ibid.* page 2

228 *Race and Faith Enquiry – Exploring Options for Multi Point Entry to the Police Service*, Chief Executive of the Metropolitan Police Authority, London, 26 May 2011, pages 2-3

229 *Report on Exploring Options for Multi Point Entry in the Police Service with a Pilot Programme for the Metropolitan Police Service*, Metropolitan Police Authority, London, May 2011, pages 16

*Recent debates about police leadership*

- 3.2.44 During the summer of 2011, two events occurred which led to public debates about senior police leadership in England and Wales. The first were revelations about the unlawful interception of private voicemail messages by journalists at a national newspaper, following which both the Commissioner of the Metropolitan Police and an Assistant Commissioner resigned<sup>230</sup>. Speaking in the House of Commons on 20 July 2011, the Prime Minister said:
- “We believe that this crisis calls for us to stand back and take another, broader look at the whole culture of policing in the country, including the way it is led. At the moment, the police system is too closed. There is only one point of entry into the force. There are too few and arguably too similar candidates for the top jobs ... I want to see radical proposals for how we can open up our police force and bring in fresh leadership ... Why should all police officers have to start at the same level? Why should not someone with a different skill set be able to join the police force in a senior rank? Why should not someone who has been a proven success overseas be able to help us to turn around a force here at home”<sup>231</sup>.*
- 3.2.45 On 27 July 2011, Lord Dear, a former Chief Constable of the West Midlands, published an article in *The Times* newspaper. Lord Dear argued that the police service should copy the army and business if it wants to “solve the leadership crisis” brought about by the “cataclysmic” loss of two senior officers, including the Metropolitan Police Commissioner<sup>232</sup>. He argued that many people are drawn to the police service but decide against joining because they would spend too much time in the lower and middle ranks. He pointed out that the police service lacks the central recruitment structure found in the armed services or multi-national companies. Multi-national companies spend time and money finding and nurturing talented individuals, managing performance and culling existing staff so that the successful and talented reach senior levels quickly. He proposed that the police service needs to recruit 250 to 300 top graduates from Russell Group universities each year to change the current dominant culture. These people should be sent out to work in other organisations to prevent the development of a “siege mentality” within the police. He wrote that there is a risk that as police forces become increasingly locally focused with the introduction of police and crime commissioners, chief officers will be promoted from within a small group, “establishing mediocrity”. To prevent this, he argued for the creation of a national career development system, which would give police and crime commissioners a shortlist of candidates.
- 3.2.46 The second event that led to a public debate about senior police leadership in England and Wales was the widespread rioting in London and latterly in other English cities in August 2011. As a result, there was some criticism of the way in which the police appeared to have lost control. On 16 August 2011, the Home Secretary made a speech on why policing reform was urgently needed. She praised the bravery of the police during the recent violence and disorder, but argued that considering how to make the police “more effective, efficient and accountable” was not a criticism of individuals, but necessary if the public were not to be let down. She, like the Prime Minister, argued that part of improving the police is to open up the talent pool – the people who may be recruited. She said that she had asked this review to consider:

*“how we can introduce direct entry into the police – including the most senior police ranks – so that suitably qualified outsiders may apply”<sup>233</sup>.*

230 This had been initially investigated by the Metropolitan Police in 2006 after which the *News of the World*'s Royal Correspondent Clive Goodman was sentenced to four months in prison. In 2009, further allegations were made, but the Metropolitan Police did not reopen its inquiry into interceptions until January 2011. A number of *News of the World* journalists and News International executives were subsequently arrested, and it emerged that up to 4,000 people could have been affected by the interceptions, both prominent individuals and victims of crimes such as the London bombings in 2005. Questions were raised about the conduct of the Metropolitan Police's investigation, and about possible links between some police officers and News International, the newspaper's parent company

231 *House of Commons Debate*, 20 July 2011, Vol. 531, Col. 920

232 *A Touch of Officer Class is What the Police Need*, Lord Dear, *The Times*, 20 July 2011, page 25

233 *The Urgent Need for Police Reform*, Home Secretary, 16 August 2011

- 3.2.47 On 12 September 2011, Mr Nicholas Herbert, Minister for Policing and Criminal Justice, and Chief Constable Stephen Otter, the lead for the Association of Chief Police Officers on equality and diversity, argued for the introduction of direct entry in the context of maintaining community consent for policing, particularly after the August 2011 riots<sup>234</sup>. They argued that police forces need to reflect and understand the communities they police, and whilst much has been done to increase the numbers of female and black and minority ethnic police officers, new approaches are needed. They argued that the single career path for police officers limits the perspectives of police officers at more senior ranks. They suggested that if outside candidates can offer new skills and experience for the benefit of the police service and the public it serves, ways should be found to build the necessary operational skills such people would need.

### **Status quo**

- 3.2.48 As explained, there is currently one recruitment path for police officers. Regardless of age, previous experience or skills, all officers start as constables. The career which new police officers would currently expect to follow would last for 35 years, with a very substantial majority of recruits remaining in the rank of constable. This career structure contrasts with the career structure for police staff, who are recruited into the police service at all levels, including the most senior, based on their experience and ability to do specific jobs. Police staff would not necessarily expect to remain in the service for their whole careers, and might well move employers if promotion opportunities in their specialisms were unavailable in their particular police forces.
- 3.2.49 The current regime for police officers, in which there is only one rank at which recruits can join, is not a requirement stemming from primary legislation, nor is it wholly set out in Determination Annex C, made under Regulation 12 of the Police Regulations 2003. Regulation 3 of the Police (Promotion) Regulations 1996 requires prior service in the ranks of constable and sergeant for promotion to the ranks of sergeant and inspector respectively. This dates from regulations made under the Police Act 1919<sup>235</sup>. There is no requirement in regulations for those above the rank of inspector to have served at any lower rank until the rank of Chief Constable. Chief Constables are required, by the Home Secretary's Determination Annex B, made under Regulation 11 of the Police Regulations 2003, to have been an Assistant Chief Constable in a recognised police force, or a Commander in the Metropolitan Police, for at least two years before they can be appointed.
- 3.2.50 There is also an established eligibility requirement within the police service that candidates should have passed the Senior Police National Assessment Centre (SPNAC) and successfully completed the police service's Strategic Command Course (SCC – see later in this Chapter for a description), and have received the approval of the Senior Appointments Panel (SAP – see below) before the Home Secretary makes a decision on their appointment. The requirement to have passed Senior PNAC and have completed the SCC is not currently set out in law. However, the requirement that officers should attend the SCC in order to be promoted to Assistant Chief Constable and above was set out in Home Office Circular 98/1991. Since then it has been a convention that officers should have passed Senior PNAC in order to attend the SCC. The use of an assessment process to select candidates for the SCC and its predecessors dates back to Home Office Circular 37/1962, which directed that the Extended Interview (later Senior PNAC) should be used as part of the selection process to attend the course. Following Ministerial approval, the use of Senior PNAC as part of a more robust selection process to chief officer level in England and Wales was set out in a letter from Sir Keith Povey, then Her Majesty's Chief Inspector of Constabulary, to Chief Constables and Clerks to Police Authorities on 25 June 2004. Regulation 11 of the Police Regulations 2003 has been amended (but will not have effect outside the Metropolitan police district until 22 November 2012) so that no officer can be appointed to a rank above chief superintendent unless "he has

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234 *Why Outside Candidates May Help Us Defeat Crime*, N. Herbert and S. Otter, The Times, 12 September 2011, page 25

235 Critchley, page 250

satisfactorily completed such courses or assessment centres as the Secretary of State shall determine”<sup>236</sup>.

- 3.2.51 Until November 2012 and the election of police and crime commissioners, the recruitment of all police officers at chief officer rank, except for recruitment of chief officers in the Metropolitan Police and the recruitment of the Commissioner of the City of London Police, are made under sections 11(1), 11A and 12(2) of the Police Act 1996. As of January 2012, appointments in the Metropolitan Police Service are made under sections 42 to 47 of the Police Reform and Social Responsibility Act 2011. The Commissioner of the City of London Police is appointed by Her Majesty The Queen under section 3 of the City of London Police Act 1839.
- 3.2.52 Sections 11, 11A and 12 of the Police Act 1996 require all chief officer appointments to be approved by the Home Secretary. Advice on the suitability of candidates for chief officer roles is given to the Home Secretary by the Senior Appointments Panel (SAP). The SAP is an advisory body with members drawn from ACPO, the Association of Police Authorities, the Home Office, HMIC and an independent member. For each chief officer appointment, the SAP will generally consider each candidate’s application and the reports on the candidate provided by his chief officer and regional Inspector of Constabulary. The panel takes a view on the suitability of each candidate for the chief officer role for which he has applied and advises the Home Secretary as to whether or not the candidate is suitable for appointment. Whilst the police authority will decide which of the candidates it wishes to appoint, that appointment is subject to the approval of the Home Secretary.
- 3.2.53 The eligibility requirements for Chief Constables are set out in Regulation 11 of the Police Regulations 2003 and subsequent determinations. Those Regulations provide that no person may be appointed as Chief Constable of a police force unless he holds, or has held, the rank of Assistant Chief Constable (or Commander in the Metropolitan Police Service or the City of London Police) or above, for a period of not less than two years. This period may have been in (a) some other police force in the United Kingdom; (b) the British Transport Police; (c) while engaged on relevant service within the meaning of section 97(1) of the Police Act 1996; or partly in one of (a), (b) and (c) and partly in another. This requirement may be waived by the Secretary of State.
- 3.2.54 As a result of the Police Reform and Social Responsibility Act 2011, a new process will apply for the appointment of Chief Constables following the election of local police and crime commissioners in November 2012. Section 38 of the Act provides that a PCC will appoint the Chief Constable for his police area. It is then for the Chief Constable to appoint his own chief officers, under section 39 and 40 of the Act. He must consult with the PCC before making those appointments.
- 3.2.55 Schedule 8 of the Police Reform and Social Responsibility Act 2011 sets out the relevant processes for the appointment of a Chief Constable. The PCC must tell the police and crime panel which candidate he proposes to appoint as Chief Constable and why. The panel then has three weeks to hold a public confirmation hearing with the candidate, review the appointment and make a recommendation to the PCC. The panel has power to veto the appointment.
- 3.2.56 The appointment of the Commissioner of the Metropolitan Police Service is now made under section 42 of the Police Reform and Social Responsibility Act 2011. Before recommending to Her Majesty a candidate for appointment as Commissioner, the Home Secretary must have regard to any recommendations made by the London Mayor’s Office for Policing and Crime.
- 3.2.57 The appointment of the Deputy Commissioner is made by Her Majesty on the recommendation of the Home Secretary under section 43 of the Police Reform and Social Responsibility Act 2011. Before making a recommendation, the Home Secretary must have regard to any recommendations made by the Commissioner of the Metropolitan Police Service and the London Mayor’s Office for Policing and Crime.

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236 Regulation 7 of the Police (Amendment) Regulations 2011

- 3.2.58 Appointments of Assistant Commissioners, Deputy Assistant Commissioners and Commanders in the Metropolitan Police are made under sections 45 to 47 of the Police Reform and Social Responsibility Act 2011. These appointments are made by the Commissioner of the Metropolitan Police after consulting the Mayor's Office for Policing and Crime.

#### *Leadership schemes*

- 3.2.59 The police service currently runs a national scheme that aims to identify suitably qualified police officers and provide assistance to them in their rapid progression through the ranks. There is no specific graduate accelerated promotion scheme for those joining the police service. As the numbers on this High Potential Development Scheme (HPDS) are very small, some police forces run their own talent management schemes to provide career progression assistance to the many able officers who are not accepted onto the HPDS. Once police officers reach superintending rank, officers who wish to advance into the Chief Officer ranks must pass the Senior Police National Assessment Centre (SPNAC) and successfully complete the police service's Strategic Command Course (SCC) before they can apply for Assistant Chief Constable roles.
- 3.2.60 The HPDS is aimed at serving constables and sergeants in England and Wales, Northern Ireland, the States of Jersey and the British Transport Police. It is operated by the NPIA in partnership with police forces.

#### *High Potential Development Scheme*

- 3.2.61 The current High Potential Development Scheme is a revised version of a scheme first introduced in 2002 to replace the accelerated promotion scheme and accelerated promotion scheme for graduates. The 2002 HPDS was less structured than the current scheme, with no set time frames. In February 2011, there were 102 officers on the first HPDS. Those on this version of the scheme who are constables or sergeants are permitted to remain on the scheme until 31 March 2012, with the endorsement of their police forces. These officers have access to a development adviser, masterclasses in subjects such as leadership, and are subject to HPDS promotion regulations (see later in this Chapter).
- 3.2.62 The HPDS is designed to enable individual officers to meet the challenges of senior leadership in the police, by giving them operational credibility, management skills and strategic awareness. For the organisation, the scheme is designed to improve the quality and quantity of candidates for senior roles<sup>237</sup>. The scheme also contributes to efforts to address the under-representation of females and black and minority ethnic groups at senior levels. The current version of the HPDS is designed as a more defined, cohort-based programme than the previous scheme, and allows members to obtain an accredited qualification<sup>238</sup>. Responsibility for the scheme currently sits with the NPIA, whereas before 2001/02 its predecessor scheme was run by HMIC; between 2001/02 and 2007/08 the scheme was run by the Home Office.
- 3.2.63 The first cohort of the new HPDS was selected in 2008 and began the programme in 2009. There is one cohort each year, comprising approximately 60 officers. High potential development scheme officers will therefore always be a very small percentage of the police service. The scheme is planned to be fully operational in 2013 when five cohorts will be in the programme. As of February 2011, there were 189 officers on the current scheme.
- 3.2.64 The scheme is open to serving constables and sergeants, including probationary officers. Sergeants who have been selected for promotion to inspector and whose forces have confirmed that the promotions will be implemented before their forces submit their application forms are ineligible<sup>239</sup>. All Home Office forces in England and Wales are eligible to take part in the scheme, and other recognised forces, such as the Police Service of Northern Ireland, also

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237 *High Potential Development Scheme (HPDS): Manual of Guidance*, National Policing Improvement Agency, London, 3 August 2011, page 3

238 *High Potential Development Scheme*, National Policing Improvement Agency, London, 7 February 2011, page 1

239 *High Potential Development Scheme (HPDS): Manual of Guidance*, National Policing Improvement Agency, London, 3 August 2011, page 6

take part subject to agreement with the NPIA and funding. Officers are allowed two separate attempts to pass the national selection process; this limit is designed to reduce unmeritorious applications.

- 3.2.65 The selection process is competitive and challenging. Participants have to demonstrate their desire, commitment and potential to reach senior officer levels and progress to ACPO rank. In 2011, there were three stages in the entry process. The first stage involved the submission of an application form. The second stage comprised a written exercise and a situational judgment test. The third stage required the candidate to pass tests at an assessment centre.
- 3.2.66 Applicants must first be nominated by their forces as potential high potential development officers. Forces select officers in different ways, although there is national guidance as to the characteristics which officers should possess. Forces may do this through a paper sift, their own assessment centres, or talent management programmes.
- 3.2.67 The second stage is designed to measure candidates' abilities against factors relevant to being a HPDS member and a future senior police officer<sup>240</sup>. In 2011, stage 2 had two elements. A written exercise assesses three competencies: leading change, leading people and managing performance. There is then a situational judgment test where candidates must demonstrate judgment and the ability to make effective decisions in policing-based managerial situations. In 2011, 119 people, or 65.4% of candidates, were successful at stage 2<sup>241</sup>.
- 3.2.68 Candidates who are successful at stage 2 progress to stage 3, the assessment centre. Each candidate's performance at stage 2 is used in conjunction with the further four exercises at stage 3 to determine suitability for the scheme<sup>242</sup>.
- 3.2.69 Once through the selection process, officers take part in a five-year programme of professional and academic development. In the first two years, members take part in an induction programme, which is designed to develop them as a cohort and act as a foundation for future development<sup>243</sup>. Members are part of an 'action learning set'<sup>244</sup> of their peers, have the support of development advisers, participate in masterclasses on subjects such as continuous improvement, performance management and serious and volume crime, and have greater opportunities for secondments and attachments. The core of the academic side of the programme is a part-time postgraduate diploma in police leadership, delivered in partnership with Warwick Business School.
- 3.2.70 The Warwick course has been developed with a range of policing organisations. It focuses on executive, professional and business skills. The course involves six modules and a dissertation. The first – entitled "leadership and public value" – considers the characteristics of the public and voluntary sectors, the challenges faced by those sectors, and the meaning of leadership and public value in this complex context. The second module is entitled 'operations management and performance management'. This focuses on designing, developing and delivering continuous improvement and innovation in the police service and in partnerships. Officers also learn about performance measurement and management. The third module is 'managing people and change'. This focuses on the behaviour of individuals and groups in an organisational context, to improve leadership and management skills and effect change. In 'partnership working, stakeholder management and community engagement', students learn about partnership working, its history, strengths and weaknesses, and what makes them effective. Officers then take a project management module, and a module on managing and using resources which focuses on budgeting, accounting and auditing in a public sector and police context. Finally, officers write a dissertation in which they demonstrate the models

240 *High Potential Development Scheme(HPDS) Selection Process 2011: Stage 2 – Results Overview*, National Policing Improvement Agency, London, September 2011, page 3

241 *ibid.* page 6

242 *ibid.* page 4

243 *High Potential Development Scheme(HPDS): Manual of Guidance*, National Policing Improvement Agency, London, 3 August 2011, page 4

244 An action learning set is a small group which meets regularly to provide advice and assistance to one another

and frameworks learned in the diploma. The course requires that the dissertation makes “a significant contribution to the thinking and development of the police service”<sup>245</sup>.

- 3.2.71 After completing the Warwick diploma, HPDS officers have a two-year period of professional consolidation<sup>246</sup>. This phase is designed to allow members to apply their learning in force, develop their experience and potentially achieve promotion. Development activities are more individually focused and may be done as a cohort or in smaller groups. Officers are expected to devise an appropriate plan for their personal development. In the fifth and final year of the HPDS, the highest performing scheme members have the opportunity to study for a master’s qualification in police leadership. No members have yet reached this stage, but it is envisaged that around 25 officers will study for this qualification. The selection process has not yet been finalised but it is likely to be based on continued force support, demonstration of performance and continued professional development<sup>247</sup>. The personal sponsorship of an ACPO business area lead (Chief Constable or equivalent) will also be required, as will at least an upper second class honours in the postgraduate diploma.
- 3.2.72 The ethos of the scheme is that it is “hard to get on and hard to stay on”<sup>248</sup>. Officers must actively and effectively participate in the scheme, work positively with a development adviser, perform consistently in the workplace and be able to demonstrate a career strategy which puts them on course to reach superintendent level or above. The officers’ forces are expected to review performance regularly, and to give any members giving rise to concern early feedback so that there is an opportunity to rectify the problem. The final decision on whether or not to remove an officer from the scheme rests with the chief officer of his force, after advice and guidance available from HPDS staff.
- 3.2.73 Regulations require that a HPDS officer shall (not may) be promoted to the next rank when his Chief Constable decides he is competent to perform the duties of a sergeant. This can speed up the progression of the HPDS officers as, in theory, they do not have to wait for a vacancy to become available. However, the NPIA guidance states that they should still be subject to the OSPRE rules and syllabus and the requirements of the national police promotions framework (see Chapter 4). This means that those on the scheme do not have to be confirmed as full constables or complete two years as a substantive constable before taking the OSPRE examination for sergeants<sup>249</sup>. The NPIA guidance also states that HPDS officers should have priority in the allocation of jobs on being promoted.
- 3.2.74 Under Regulation 7(2) of the Police (Promotion) Regulations 1996, sergeants qualified under Regulation 3<sup>250</sup> and on a HPDS must be promoted to inspector rank, as soon as they are determined to be competent. Chief officers are given no discretion in the matter. Promotion is mandatory. High potential development officers are required to be a substantive sergeant for one year before they can be promoted to inspector, rather than the usual two years. The NPIA provides forces with promotion assessment reviews and guidance to assist them in making promotion decisions, but how a force makes a decision on competence is for the Chief Constable. However, under Regulation 7(4) of the Police (Promotion) Regulations 1996, promotion is mandatory irrespective of the existence of a vacancy at the higher rank.
- 3.2.75 The Police (Promotion) Regulations 1996 are designed to facilitate HPDS officers achieving promotion more swiftly than otherwise, up to the rank of chief inspector, for the five years they are on the scheme. However, the current financial situation has led to a significant reduction or cessation of promotion in many forces and a reduction of opportunities at all ranks. This can lead to difficulties for police forces as it is impermissible to prevent progression on any grounds other than competence. Many forces are not holding promotion boards because there

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245 *Post Graduate Diploma in Police Leadership and Management: Overview of Modules*, Warwick Business School

246 *High Potential Development Scheme (HPDS): Manual of Guidance*, National Policing Improvement Agency, London, 3 August 2011, page 4

247 *ibid.* page 11

248 *ibid.* page 12

249 *ibid.* page 16

250 Regulation 3(1) of the Police (Promotion) Regulations 1996 states that to be promoted to sergeant, a constable must have completed his probationary service and a further two years of service as a constable

are no vacancies<sup>251</sup>. The guidance for the scheme recognises that it can take some time to facilitate a move into an appropriate role on promotion<sup>252</sup>. The officers themselves recognise the difficulties of the situation, but ultimately forces are legally bound to promote competent scheme members and honour the commitments made to them when they joined the scheme.

#### *High potential development scheme for graduates*

- 3.2.76 In 2009, the National Policing Improvement Agency piloted a graduate entry scheme with two police forces, using the civil service selection process. A small high potential graduate entry scheme operated in 2010. The two schemes were designed to identify high-potential graduates who would then be nominated by police forces to attend a national assessment process. To be eligible, applicants had to have at least an upper second class honours degree. No university or subject was specified for that degree, as this was regarded by the NPIA as having an unjustifiable effect on groups with protected characteristics. Applicants also had to have passed the police force selection process. It was expected that around 80 to 90 candidates would be assessed, with 20 to 25 being successful. Successful candidates would then join the high potential development scheme after completing basic training.
- 3.2.77 Police forces initially expressed considerable interest in the graduate scheme but the financial climate led to a rapid reduction in recruitment and only 18 candidates were nominated, of whom ten succeeded and, of those, eight were female. By February 2011, only six of these candidates were likely to begin in force, joining the 2011 cohort of the high potential development scheme<sup>253</sup>. The lack of recruitment meant that a 2011 scheme was not run.

#### *Other talent management schemes*

- 3.2.78 Some forces operate their own fast-track and positive action schemes. For instance, the Metropolitan Police has two schemes, the 'Metropolitan Police Service emerging leaders programme' and the 'equip to achieve programme'. The emerging leaders programme is aimed at identifying and developing both officers and staff who display the drive, potential and commitment to succeed at a senior level. Only police officers at the rank of inspector and chief inspector, and police staff at band C or D or equivalent level (broadly middle management grades), are eligible, all of whom are unable to join the HPDS scheme because of their rank. The scheme is designed to facilitate the talent management of inspectors and chief inspectors who are considered to have the potential of attaining accelerated promotion to superintendent.
- 3.2.79 The MPS's 'equip to achieve programme' is designed to address concerns around the success rates of ethnic minority police officers in the promotion process and the extent to which they are accepted onto the high potential development scheme. It aims to identify and develop the brightest and best police officers from ethnic minorities to create 'a more representative pipeline of talent at all levels'<sup>254</sup>. Constables and sergeants are given help in preparing for the Police National Assessment Centre, passing which is a precondition to admission to the national HPDS.

#### *Developing chief officers*

- 3.2.80 As explained above, officers wishing to progress from superintending to chief officer ranks must first pass the Strategic Command Course, a course for superintendents and chief superintendents who aspire to chief officer rank<sup>255</sup>. The requirement to attend the SCC in order to be promoted to Assistant Chief Constable and higher ranks was set out in Home Office Circular 98/1991. The Strategic Command Course is the only mandatory course for police

251 *High Potential Development Scheme*, National Policing Improvement Agency, London, 7 February 2011, page 5

252 *High Potential Development Scheme (HPDS): Manual of Guidance*, National Policing Improvement Agency, London, 3 August 2011, pages 16-17

253 *High Potential Development Scheme*, National Policing Improvement Agency, London, 25 February 2011, page 4

254 *Race and Faith Enquiry – Exploring Options for Multi Point Entry to the Police Service*, Chief Executive of the Metropolitan Police Authority, London, 26 May 2011, Appendix 1, page 2

255 *Strategic Command Course 2012 – Curriculum Guide*, National Policing Improvement Agency, London, May 2011, page 5

officers other than basic training. To attend the course, police officers must have passed the Senior Police National Assessment Centre. Police staff seeking promotion to assistant chief officer roles may also attend the course if they pass the senior police staff selection process<sup>256</sup>, but attendance is not mandatory.

- 3.2.81 The early 2000s saw further reviews of senior leadership development in the police service. In 2002, the Home Office undertook a review of senior officer training and development. This made 20 recommendations about the training of senior police officers, including a recommendation that the purpose and content of the Strategic Command Course should be reviewed<sup>257</sup>. This review led to the course being shortened from six months to nine teaching weeks over a four-month period<sup>258</sup>. Some of the previous curriculum was included in training for superintendents and chief superintendents through the Senior Leadership Programme, a five-module programme. This has now been superseded by the Leading Powerful Partnerships Programme which is aimed at chief superintendents. This is a one-week partnership-working course bringing together officers and people from the public and voluntary sectors to improve understanding of different organisations' motivations and perspectives.
- 3.2.82 Mr Peter Neyroud, in his review of police leadership and training, criticised the lack of consistency of judgment on the parts of chief officers when selecting candidates for the Strategic Command Course, the inability of the system to improve equality of opportunity in the service and the lack of subsequent training for those appointed as chief officers<sup>259</sup>.
- 3.2.83 Those wishing to be considered for the Strategic Command Course must first complete an application form to demonstrate their readiness, against four criteria. These are having:
- held a substantial and challenging command in a significant role to show executive policing and effective leadership;
  - commanded police operations demonstrating professional policing or operational command;
  - developed organisational strategy to demonstrate business policing or business and management principles; and
  - promoted, managed and respected race and diversity.
- 3.2.84 Officers are advised to consider carefully their experience against these criteria, seeking feedback and advice from colleagues, mentors, peers and subordinates, and to attend an open day on Senior PNAC and the Strategic Command Course<sup>260</sup>.
- 3.2.85 Applicants submit their application forms setting out how they meet the eligibility criteria. This form is reviewed by the applicant's line manager who is asked to provide his own assessment before forwarding the form onto the nominated ACPO referee, normally the relevant Chief Constable. The ACPO referee's role is to endorse, or not, the candidate's application. Without endorsement, the application cannot progress. ACPO referees must complete a declaration that the applicant is "ready now" to operate at Assistant Chief Constable or Commander rank<sup>261</sup>.
- 3.2.86 If the Chief Constable is satisfied that an officer meets the criteria, he will recommend that the candidate attends the Senior Police National Assessment Centre (Senior PNAC). The Senior Police National Assessment Centre is designed to identify superintendents and chief superintendents who are 'ready now' to become Assistant Chief Constables or Commanders in the Metropolitan Police<sup>262</sup>. It is a three-day assessment centre, using multiple assessors and different tests and exercises to give candidates the opportunity to demonstrate the required

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256 *ibid.* page 10

257 *ibid.* page 6

258 *ibid.* page 6

259 *Review of Police Leadership and Training*, P. Neyroud QPM, London, March 2011, page 109

260 *Senior Police National Assessment Centre (Senior PNAC)*, National Policing Improvement Agency, London, 2010, page 7

261 *Guidance Notes for ACPO/ACPOS Referees*, National Policing Improvement Agency, London, April 2011 Page 13

262 *Senior Police National Assessment Centre (Senior PNAC)*, National Policing Improvement Agency, London, 2010, page 4

competencies. The competencies deemed necessary for effective performance at Assistant Chief Constable and Commander level are: community and customer focus, maximising potential, negotiating and influencing, problem solving, resilience, respect for race and diversity and strategic perspective. The assessment centre exercises are developed after consultation with senior officers to ensure they are relevant and realistic as well as fair<sup>263</sup>. Exercises include a chief officer briefing, where candidates receive an information pack and have 90 minutes to prepare a briefing document for a 40-minute meeting with two chief officers, as well as a two-and-a-half-hour written management exercise<sup>264</sup>.

- 3.2.87 As set out earlier in this Chapter, police staff may also attend the Strategic Command Course. The senior police staff assessment process is designed to identify senior police staff likely to benefit from the Strategic Command Course and go on to become members of the chief officer team<sup>265</sup>. To be eligible, candidates must give explicit evidence of leadership and delivery and their experience at a high level of policing and leadership<sup>266</sup>. This is focused on four core competencies: understanding the policy governing policing and how it is developed, participating in the development of organisational strategy, promoting, managing and respecting race and diversity through personal leadership and demonstrating the ability to lead in a substantial and challenging role<sup>267</sup>. Applicants complete a form which is then reviewed by the force's chief officer. Those put forward by their force are invited to join the senior police staff assessment process. This two-day assessment process is a mixture of assessed written and practical tests and exercises and interviews. Staff candidates are measured against the same seven behavioural competencies as officers<sup>268</sup>. Successful staff candidates join the Strategic Command Course.
- 3.2.88 As well as officers and staff from United Kingdom forces, external candidates are also taken. External organisations are invited to send individuals and are given guidance as to the level at which an individual should be operating to be successful. Such delegates do not need to pass Senior PNAC or the police staff equivalent. Recent courses have included people from the Serious Organised Crime Agency, the Civil Nuclear Constabulary and Her Majesty's Revenue and Customs, the *Garda* (Republic of Ireland) and police forces in the United States and Canada. From 2012, organisations such as the Home Office and the probation service will also be invited to send delegates.
- 3.2.89 The Strategic Command Course aims to "prepare selected UK and international police officers and police staff for appointment to the most demanding executive roles in the police service"<sup>269</sup>. It is taught over nine weeks, and divided into three modules delivered at Bramshill in England and at Tulliallan in Scotland, by the National College of Police Leadership, currently part of the NPIA, in association with the Scottish Police College. Delegates also spend one week in a non-policing organisation to improve their business skills and experience a different organisational culture.
- 3.2.90 Each course is divided into syndicate groups of up to ten delegates, each with a serving Assistant Chief Constable as a syndicate director<sup>270</sup>. The work of these tutors is supplemented by individual advice and assistance (including coaching) from other tutors, according to the needs of each delegate.
- 3.2.91 By the end of the course, delegates should have improved their skills in three leadership areas: business, executive and professional policing. The objectives of each course are set by

263 *ibid.* page 11

264 *ibid.* page 13

265 *Senior Police Staff Assessment Process for the Strategic Command Course*, National Policing Improvement Agency, London, 2010, page 4

266 *ibid.* page 5

267 *ibid.* pages 5 to 7

268 *ibid.* page 10

269 *Strategic Command Course 2012 – Curriculum Guide*, National Policing Improvement Agency, London, May 2011, page 7

270 *ibid.* page 13

the professional reference group<sup>271</sup>, and in 2012 the principal themes are business change, ethics and integrity, operational delivery, politics and social media. In terms of business skills, delegates should be able to manage resources confidently, including within a changing financial environment, and get the most from an organisation in its use of assets, including its people<sup>272</sup>. The executive skills focus on demonstrating adaptive leadership, responding to the complex and challenging policing environment, understanding and influencing the constitutional position of policing, and setting and communicating a vision for the future of the service<sup>273</sup>. Delegates must also learn professional skills: balancing the demands of civil liberties and legitimacy; being clear how senior commanders add value in a critical incident locally and nationally, and learning how to take on the challenges of leading in high-risk ‘gold command’ situations, including negotiating with a range of agencies<sup>274</sup>.

- 3.2.92 Most of the course is comprised of exercises which are designed to stretch delegates’ knowledge, skills, attitudes and abilities<sup>275</sup>. There are also external speakers with experience of strategic leadership in a range of organisations, and experts in particular fields who work with delegates on the strategic exercises. Delegates must also produce a 3,000-word dissertation on a current issue facing the service. The dissertations are marked by an external academic institution and are then edited and published in *Police Professional* magazine.
- 3.2.93 The assessment of delegates is primarily achieved by the syndicate directors through observation and discussion with their respective syndicates on a daily basis. Delegates also submit a personal record of their own learning after each module to demonstrate their professional development on the course and to draw up a personal action plan to be implemented when they return to the police service. At the end of the course, each delegate receives a final report and is told whether he has passed or failed the course. In 2011, one candidate out of 41 failed the course, and he was given the opportunity to retake the course.
- 3.2.94 On successful completion of the Strategic Command Course, delegates can go on to take the Institute of Directors’ certificate in company direction<sup>276</sup>. Delegates are also eligible to take part in the Institute of Directors’ executive development programme as part of their continuous professional development.
- 3.2.95 The cost of the Strategic Command Course varies according to the number of delegates, which is in turn decided by the numbers passing through the selection process which culminates in attendance at Senior PNAC. In 2011, costs were calculated for the Strategic Command Course by the NPIA using an assumption of 50 delegates, based on the past few years. The total cost was £664,228, or £13,285 per person. Total direct costs, such as costs of syndicated directors and the course venue and accommodation were £520,833. Indirect costs such as the design of the course were £59,017. Total corporate costs such as the internal costs of supporting the NPIA team running the course were £84,378. Non-Home Office force delegates pay fees of £6,000 which offset some of these costs, unless there are reciprocal arrangements.
- 3.2.96 Passing the Strategic Command Course is no guarantee that a delegate will reach chief officer rank. Those who have passed the Strategic Command Course do not have a time-limit on their right to apply for Assistant Chief Constable and Commander roles. However, former course members who have not yet attained promotion to chief officer rank may, over time, become less attractive unless they can demonstrate a track record in strategic roles. Police forces advertise such vacancies, and those interested and eligible will fill out a detailed force application form. The police authority will then run a paper-based sift of applicants, and then an interview process for short-listed candidates. All Assistant Chief Constable and Commander

271 *ibid.* page 14. The professional reference group monitors and quality assures the design and delivery of the Strategic Command Course. Its membership includes representatives from ACPO, ACPOS, HMIC, NPIA the Metropolitan Police Service and Strategic Command Course staff

272 *ibid.* pages 8-9

273 *ibid.* page 9

274 *ibid.* page 10

275 *ibid.* page 12

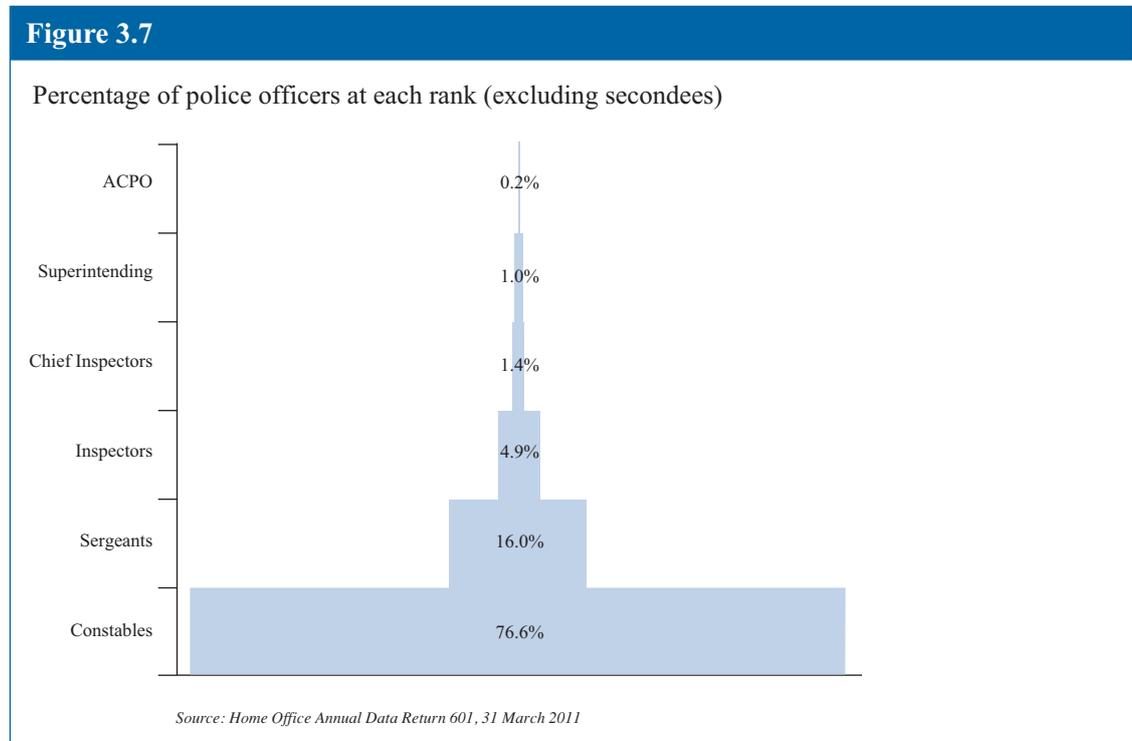
276 *ibid.* pages 18-19

appointments are subject to approval by the Home Secretary, who receives advice from the Senior Appointments Panel as set out earlier in this Chapter.

## Analysis

### *Chief officer ranks*

3.2.97 Figure 3.7 shows the organisation profile of police officers by rank.



3.2.98 Almost 77% of police officers are at the most junior rank – constable. Of the remaining 23%, or 32,501 police officers, at more senior ranks, almost 70% are sergeants, and almost 27% are inspectors or chief inspectors. The Federated ranks make up 98.8% of police officers. Those at the superintending ranks comprise just under 1% of police officers, and those at chief officer rank represent just 0.2% of the total officer strength.

3.2.99 The position on the gender balance at chief officer ranks has improved over time. Table 3.12 shows that in 2011, females formed 17% of chief officers, as opposed to 12.5% of chief officers in 2007<sup>277</sup>. Females are currently under-represented at chief office rank, as they form 26.2% of police officers in total as at 31 March 2011, although this is probably because females tend to have fewer years' service. However, as at 31 March 2011, 17 forces had no female officers at ACPO rank, and 22 have only one female officer at ACPO rank<sup>278</sup>.

<sup>277</sup> *Home Office Statistical Bulletin – Police Service Strength*, A. Dhani and P. Kaiza, Home Office, London, July 2011, page 14

<sup>278</sup> *ibid.* page 27

<b>Table 3.12: Diversity at chief officer ranks</b>			
<b>Year</b>	<b>Number of chief officers</b>	<b>Number of female chief officers</b>	<b>Number of BME chief officers</b>
<b>2011</b>	223	38 (17.04%)	3 (1.35%)
<b>2010</b>	231	35 (15.15%)	9 (3.90%)
<b>2009</b>	223	35 (15.69%)	9 (3.90%)
<b>2008</b>	209	29 (13.88%)	7 (3.35%)
<b>2007</b>	216	27 (12.5%)	7 (3.35%)

*Source: Home Office Annual Data Returns 601*

- 3.2.100 The position on ethnicity has deteriorated significantly since 2010, with the number of black and minority ethnic chief officers reduced by two-thirds in a year from nine in 2010 to three in 2011. As of 31 March 2011, black and minority ethnic chief officers made up 1.3% of the total number of chief officers, but represented 4.8% of all police officers<sup>279</sup>. There are no black or minority ethnic Chief Constables or Metropolitan Police Assistant Commissioners.
- 3.2.101 In its ‘Equality in Employment Report 2010’, the NPIA considered the future career prospects of women and minority groups<sup>280</sup>. It cited a 2009 study by the Fawcett Society which found that only 7% of senior police officers are women, contrasting with 23% of senior civil servants. The proportion of women members of the boards of FTSE 100 companies was 12%. The Fawcett Society argued that such institutions draw their senior people from a narrow demographic of predominantly white men, missing out on the talents of over 50% of the population.
- 3.2.102 The National Policing Improvement Agency argues that the *status quo* is unlikely to change quickly. In 2009, only 12% of those at the ranks of superintendent and above were women<sup>281</sup>. If the recruitment and progression rates of 2009 were to continue, the NPIA estimates that it will take until 2038, or another 26 years for 35% of officers at the rank of superintendent and above to be women<sup>282</sup>. These projections are unlikely to have improved significantly in the light of the reduction of promotion opportunities in recent years. The NPIA report also suggests that, in order to accelerate the improvement in the proportions of women in the highest police ranks, multiple points of entry should be considered for those of the right calibre. Multiple points of entry would mean that women would have a better chance of comprising an appreciable proportion of the senior ranks in a faster time frame, because they would not need to take time progressing through all the ranks.
- 3.2.103 The number of police officers from ethnic minorities at senior positions is also low. The NPIA found that, in 2009, officers from black and minority ethnic communities made up 4.33% of ACPO’s ranks and, as of March 2009, 35 forces had no officers from ethnic minorities at ACPO rank, eight forces had one member, and the Metropolitan Police had two<sup>283</sup>. Twenty-eight forces had no officers from ethnic minorities at either ACPO or chief superintendent rank. The NPIA calculated that, at the 2009 rates of increase in the numbers of BME officers being promoted to senior ranks, raising the proportion of officers from BME backgrounds to 7% (broadly the BME representation in the general population) would take approximately 11 years<sup>284</sup>.

#### *Length of chief officer service*

- 3.2.104 Figure 3.8 shows that just over a quarter of police officers at chief constable or equivalent rank first became chief officers before 2000. A further 65% first became chief officers between 2001 and 2004. Only four chief constables or equivalents reached chief officer rank after 2004.

<sup>279</sup> *ibid.* page 14

<sup>280</sup> *Equality in Employment Report*, National Policing Improvement Agency, London, 2010, page 66

<sup>281</sup> *ibid.* page 66

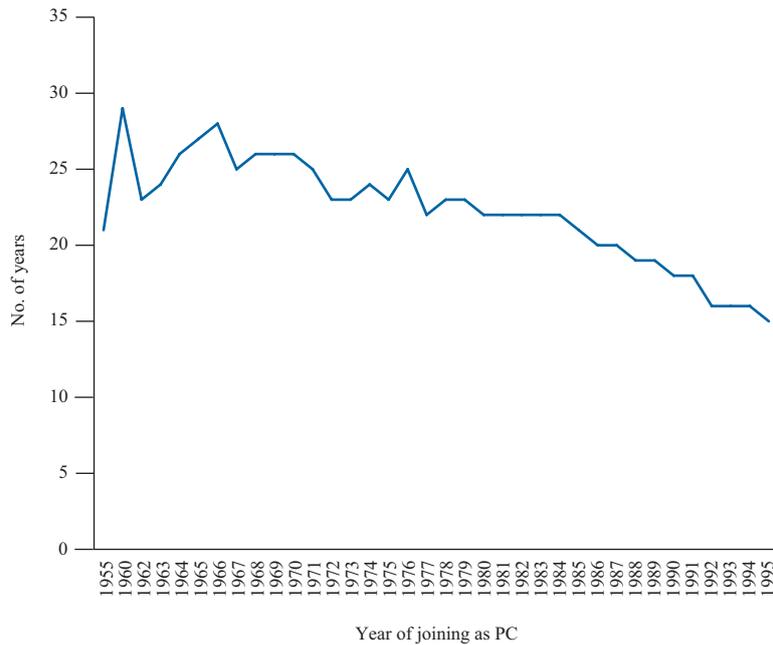
<sup>282</sup> *ibid.* page 67

<sup>283</sup> *ibid.* pages 129-130

<sup>284</sup> *ibid.* page 131

**Figure 3.8**

Average progression time from constable to chief officer

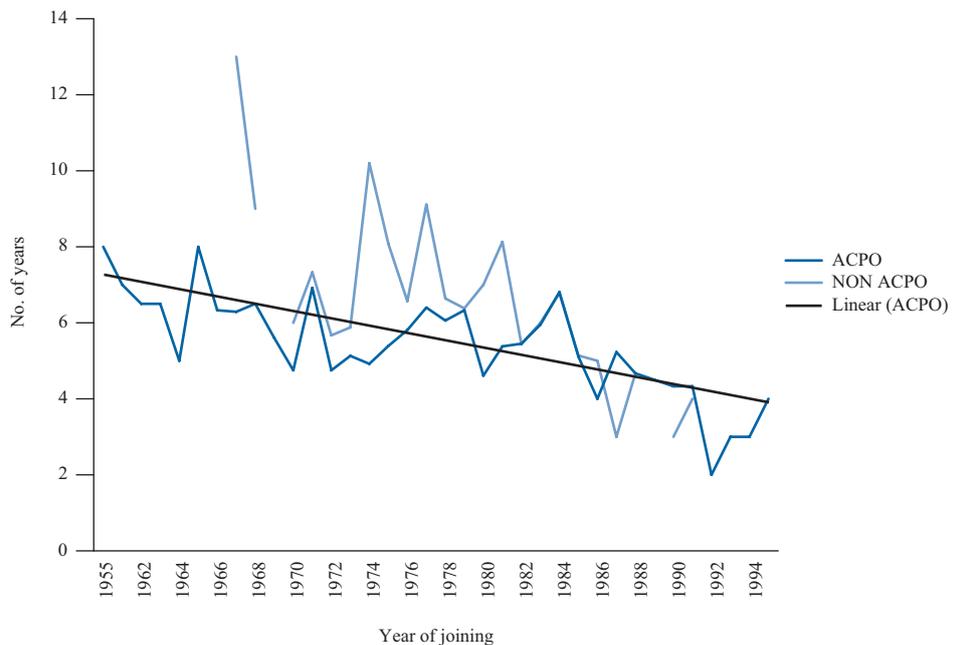


Source: Home Office, Senior Appointments Panel database, July 2011 (unpublished)

3.2.105 Figure 3.8 shows that the average time a police officer takes to progress from being a police constable to becoming a chief officer has been on a downward trend. The time required has nearly halved from those who joined in the mid-1960s (when it took between 27 and 28 years to become a chief officer), compared with those who joined in the mid-1990s; in their cases, it now takes an average of 15 years to reach chief officer rank.

**Figure 3.9**

Average time as a police constable for those progressing to or at ACPO rank

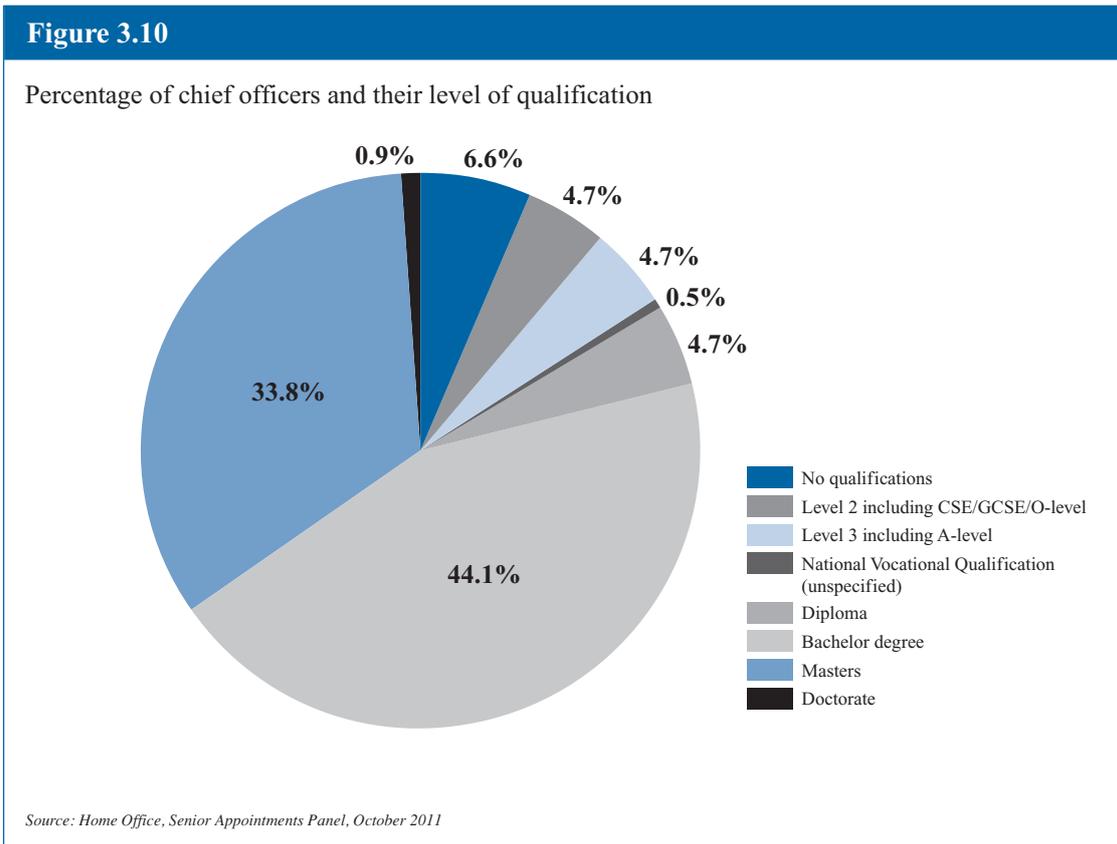


Source: Home Office, Senior Appointments Panel database, July 2011 (unpublished)

3.2.106 Figure 3.9 shows that the average time that officers spend as a police constable before progressing to ACPO rank is on a downward trend, from seven years for those joining in 1955 to just under four years for those joining in the mid-1990s.

*Academic qualifications*

3.2.107 There are no objective data on the quality of leadership in the police. It is therefore necessary to look at proxies, such as academic qualifications. There is some information on the level of qualifications held by those at chief officer ranks shown in Figure 3.10. These data come from the Senior Appointments Panel database held by the Home Office. It should be noted that these data are unpublished, are self-declared, and have not been verified.



3.2.108 Figure 3.10 shows that almost half of current chief officers, 44.1%, hold a bachelor’s degree. A further third, or 33.8%, are qualified to master’s level. Of the final 25% of chief officers, almost 7% have no qualifications, around 5% have either a diploma, a Level 3 qualification such as an A-level, or a Level 2 qualification such as a GCSE. Two officers, or just under one *per cent*, hold doctorates. The institutions, subjects and classes of these academic qualifications are not recorded.

3.2.109 There are also data on the qualifications of those who have attended Senior PNAC (Table 3.13) and their rates of success set against their qualifications (Table 3.14).

<b>Table 3.13: Percentage of candidates attending Senior PNAC by academic attainment</b>			
	<b>2010</b>	<b>2009</b>	<b>2008</b>
<b>No formal qualifications</b>	0.0%	0%	0.0%
<b>O-level/GCSE/CSE</b>	9.0%	7.90%	9.1%
<b>A-level/NVQ Level 3</b>	11.9%	18%	14.5%
<b>Degree/NVQ Level 5</b>	29.9%	30.30%	33.6%
<b>Postgraduate MSc/PhD</b>	47.8%	41.60%	42.7%
<b>Missing</b>	1.5%	22.20%	0.0%

Source: 2010 – Senior Police National Assessment Centre 2010: Results and Analysis Report, National Policing Improvement Agency, October 2010, page 22  
2009 – Senior Police National Assessment Centre 2009: Results and Analysis Report, National Policing Improvement Agency, November 2009, page 18  
2008 – Senior Police National Assessment Centre 2008: Results and Analysis Report, National Policing Improvement Agency, November 2008, page 16

- 3.2.110 Table 3.13 shows that between 2008 and 2010, between 40% and 50% of candidates at Senior PNAC were educated to postgraduate level, having either a masters or doctoral qualification. Around a further third had been educated to degree level. Of the remainder, most had qualifications to Level 3, which includes A-levels, with the remainder being qualified to O-level. No officer was recorded as having no academic qualifications.

<b>Table 3.14: Percentage of candidates successful at Senior PNAC according to their highest level of academic achievement</b>			
	<b>2010</b>	<b>2009</b>	<b>2008</b>
<b>No formal qualifications</b>	0%	0%	0%
<b>O-level/GCSE/CSE</b>	50.0%	57.10%	70%
<b>A-level/NVQ Level 3</b>	50.0%	50%	37.50%
<b>Degree/NVQ Level 5</b>	40.0%	48.10%	64.90%
<b>Postgraduate MSc/PhD</b>	46.9%	48.60%	44.70%
<b>Missing</b>	100.0%	50%	0%

Source: 2010 – Senior Police National Assessment Centre 2010: Results and Analysis Report, National Policing Improvement Agency, London, October 2010, page 22  
2009 – Senior Police National Assessment Centre 2009: Results and Analysis Report, National Policing Improvement Agency, London, November 2009, page 30  
2008 – Senior Police National Assessment Centre 2008: Results and Analysis Report, National Policing Improvement Agency, London, November 2008, page 27

- 3.2.111 Table 3.14 shows that the success rates vary across the three years for those at the various qualification levels. It is fairly consistent for those with a postgraduate qualification, varying from 44.7% to 48% over the three years. For those educated to degree level, there was a 40 or 48.6% likelihood of them passing Senior PNAC in 2010 and 2009, but a 64.9% likelihood in 2008. In contrast those educated to Level 3 standard had a 50% likelihood in 2010 and 2009 but a 35.5% likelihood in 2008. Those with O-levels, GCSEs and CSE had a 50 and 57.1% change in 2010 and 2009 but a 70% in 2008. Within years, those attending in 2010 and 2009 had similar success rates regardless of academic attainment. There was more of a range in 2008, with those with O-levels, GCSEs or equivalents almost twice as likely to pass as those with A-levels or equivalent. It should be noted that in all three years, there are too few candidates to carry out a reliable or meaningful statistical comparison. In 2010, 67 candidates attended<sup>285</sup> compared to 89 in 2009<sup>286</sup> and 110 in 2008<sup>287</sup>.

<sup>285</sup> Senior Police National Assessment Centre 2010: Results and Analysis Report, National Policing Improvement Agency, London, October 2010, page 1

<sup>286</sup> Senior Police National Assessment Centre 2009: Results and Analysis Report, National Policing Improvement Agency, London, November 2009, page 1

<sup>287</sup> Senior Police National Assessment Centre 2008: Results and Analysis Report, National Policing Improvement Agency, London, November 2008, page 1

*High potential development scheme*

- 3.2.112 The most recent year for which a full analysis of the HPDS application process is available is 2010, which selected membership for the 2011 cohort. In that year, 317 initial applications were received for the high potential development scheme. One hundred and sixty two applicants (or 51.1%) were endorsed by their force as eligible to proceed to the second stage of the application process<sup>288</sup>. Males and females had similar endorsement rates (of 50.5% and 52% respectively) but females had a greater representation in this group than in the police service as a whole (being 31.5% of endorsed candidates but only 25.7% of police officers)<sup>289</sup>. Seventy-six *per cent* of applicants stated that they were white and 7.9% stated that they were from a black and minority ethnic background. Those from a black and minority ethnic background were more likely to be endorsed by their force than white applicants, having an endorsement rate of 68% compared to a rate of 56.8% for white officers<sup>290</sup>. Black and minority ethnic offers also had a high rate of representation in this group (7.9%) than in the police service as a whole, where they make up 5% of constables and 3.4% of sergeants<sup>291</sup>.
- 3.2.113 In terms of age, those in the 26 to 30 and 31 to 35 year brackets made up almost two-thirds of endorsed candidates (making up 32.7% and 30.2% of the group)<sup>292</sup>. In terms of length of service, officers with between one and ten years' service made up almost two-thirds of endorsed candidates<sup>293</sup>. It is interesting that 8% of those endorsed by their force had between 16 and 20 years' service, and 1.9% had between 21 and 25 years. However, those with 21 to 25 years' service had the lowest rate of endorsement (30%) and those with between one and five years' service the highest (65.4%) suggesting those with less service were more likely to be endorsed by their force.
- 3.2.114 One hundred and sixty one candidates took the second, written stage of the assessment process, which had a pass rate of two-thirds (or 66.5%). Of the 107 officers who attended stage three, 58 (or 54.2%) were recommended for the HPDS scheme. This represents a success rate of 35.8% of eligible candidates from the start of the process.
- 3.2.115 Males had a slightly higher success rate at the end of stage 3 than females (56.5% to 50% respectively)<sup>294</sup>. However, females have a higher representation in the 2011 HPDS cohort than in the police service as a whole (32.7% compared to 25.7%). Those from black and minority ethnic backgrounds had a higher success rate (62.5%) than those from white backgrounds (53.7%) although the sample size was much smaller<sup>295</sup>. Black and minority ethnic officers have a higher representation on the HPDS scheme in 2011 than in the service as a whole. They will make up 8.6% of the 2011 cohort but only 3.4% of sergeants and 5% of constables.
- 3.2.116 In terms of age, over one-third of officers (36.2%) in the 2011 cohort will be between 31 and 35 years of age and just under a third (32.8%) will be aged between 26 and 30<sup>296</sup>. Younger officers (those between 21 and 25 years of age) make up 5.2% of the 2011 cohort. The remaining quarter are aged between 36 and 45 years of age. No one over the age of 45 was successful. In terms of length of service, the largest number of successful applicants had between six and ten years' service (43.1% of the 2011 cohort) followed by those with between one and five years' service (27.5% of the cohort)<sup>297</sup>. Of the remaining quarter, most had between 11 and 15 years' service.

<sup>288</sup> *High Potential Development Scheme (HPDS) Selection Process 2010: Results and Analysis Report*, National Policing Improvement Agency, London, February 2011, page vii

<sup>289</sup> *ibid.* page 8

<sup>290</sup> *ibid.* page 9

<sup>291</sup> *ibid.* page 9

<sup>292</sup> *ibid.* page 12

<sup>293</sup> *ibid.* page 12

<sup>294</sup> *ibid.* page 23

<sup>295</sup> *ibid.* page 24

<sup>296</sup> *ibid.* page 27

<sup>297</sup> *ibid.* pages 27-28

- 3.2.117 The High Potential Development Scheme has operated since 2008, so no cohort has yet completed the five-year scheme. A comparison of the first cohort between 1 October 2008 and 1 October 2011 is set out in Table 3.15.

**Table 3.15: Progression of the first cohort of the High Potential Development Scheme, 1 October 2008 to 1 October 2011**

	October 2008				October 2011				
	Constable	Sergeant	Inspector	Chief Inspector		Constable	Sergeant	Inspector	Chief Inspector
<b>Total</b>	41	43	0	0	<b>Total</b>	6	20	29	11
<b>Male</b>	24	36	0	0	<b>Male</b>	1	16	25	9
<b>Female</b>	17	7	0	0	<b>Female</b>	5	4	4	2
<b>BME</b>	3	2	0	0	<b>BME</b>	0	1	3	0

*Source: National Policing Improvement Agency*

- 3.2.118 Table 3.15 shows that on 1 October 2008 there were 84 members of the first cohort of the High Potential Development Scheme. Sixty (or 71.4%) of whom were male and 24 (or 28.6%) were female. Five officers (or 6%) were from black and minority ethnic backgrounds. In terms of rank, the first cohort was fairly evenly split between constables (41, or 48.8%) and sergeants (43, or 51.2%). There were no inspectors or chief inspectors. Three years later the cohort had reduced by a fifth to 66 members. Females were more likely have left the scheme, with a 37.5% reduction in numbers compared to a 15% reduction for males. The number of black and minority ethnic members reduced from five to four (or 20%), similar to the reduction in white officers from 79 to 62 (a reduction of 21.5%).
- 3.2.119 In terms of rank, six members remained as police constables in 2011. This means that 85.4% of those who were constables in 2008 had been promoted. Constables made up 9.1% of scheme members in 2011 compared to 48.8% in 2008. Sergeants made up 24.2% of scheme members rather than 51.2% in 2008. In 2011 inspectors accounted for 43.9% of the scheme, and chief inspectors accounted for 16.7% of the scheme, compared to none in 2008. Of those on the scheme in October 2011, 11 or 16.7% had not been promoted, 39 or 59.1% had been promoted once and 16, or 24.2%, had been promoted twice. All those who reached the rank of chief inspector had risen by at least two ranks during the three years of the programme.

#### *Senior police national assessment centre*

- 3.2.120 Table 3.16 shows the characteristics of those who applied for Senior PNAC between 2007 and 2010. The academic achievements of those attending and being successful at Senior PNAC are set out above.

**Table 3.16: Characteristics of Senior PNAC candidates between 2007 and 2010 (and percentage of total candidates)**

		2007		2008		2009		2010	
<b>Number of candidates</b>		92		110		89		67	
<b>Male</b>		79	86.8%	96	87.3%	70	78.7%	61	91.0%
<b>Female</b>		12	13.2%	13	11.8%	19	21.3%	6	9.0%
<b>White</b>		88	96.7%	107	97.3%	84	94.4%	63	94.0%
<b>BME</b>		3	3.3%	3	2.7%	5	5.6%	4	6.0%
<b>Age</b>	Under 35 yrs	0	0.0%	0	0.0%	0		0	
	36 to 40 yrs	7	7.6%	8	7.3%	4	4.5%	1	1.5%
	41 to 45 yrs	48	52.2%	53	48.2%	47	52.8%	29	43.3%
	46 to 50 yrs	35	38.0%	39	35.5%	36	40.4%	33	49.3%
	51 to 55 yrs	2	2.2%	10	9.1%	2	2.2%	4	6.0%
<b>Declared disability</b>		5	5.4%	2	1.8%	2	2.2%	1	1.5%

*Sources:*

*Senior Police National Assessment Centre 2010: Results and Analysis Report, National Policing Improvement Agency, London, October 2010*  
*Senior Police National Assessment Centre 2009: Results and Analysis Report, National Policing Improvement Agency, London, November 2009*  
*Senior Police National Assessment Centre 2008: Results and Analysis Report, National Policing Improvement Agency, London, November 2008*  
*Senior Police National Assessment Centre 2007: Results and Analysis Report, National Policing Improvement Agency, London, December 2007*

3.2.121 The number of candidates in 2010 was 67, a 25% reduction on the number of candidates in 2009, a 39% reduction on 2008 and a 27% reduction on 2007. In 2010, females made up 9% of the candidates at Senior PNAC, noticeably lower than in previous years when there were 19% of females at the 2009 Senior PNAC, 13% in 2008 and 12% in 2007. In 2010 females represented between 11 and 13% of superintendents and chief superintendents, so female representation at Senior PNAC in 2010 was less than across forces<sup>298</sup>. The representation at Senior PNAC of candidates from black and minority ethnic backgrounds was 6% in 2010, higher than the approximately 3% of black and minority ethnic backgrounds in the superintending ranks at that time. In 2009 a similar proportion of candidates were from black and minority backgrounds, 5.6%, with a much lower percentage in the two earlier years of 2.7% in 2008 and 3.3% in 2007. In all four years, the years between 41 to 45 and 46 and 50 were by far the most usual age brackets for those attending Senior PNAC, making up 92.6% of candidates in 2010, 93.2% in 2009, 83.7% in 2008 and 90.2% in 2007. In 2010 the age brackets 41 to 45 years had 43.3% of candidates, and the age bracket 46 to 50 had 49.3% of candidates. In the preceding years there were more candidates in the 41 to 45 age category than in the 46 to 50. In all four years there have been no candidates below the age of 35 and less than 10% of candidates in either the 36 to 40 or 51 to 55 age category. The percentage of candidates with declared disabilities fluctuated being highest in 2007 with 5.4% of candidates and lowest in 2010 with 1.5% of candidates.

<sup>298</sup> *Home Office Statistical Bulletin 14/10; Police Service Strength, England and Wales*, J. Sigurdsson and A. Dhani, Home Office, London, 22 July 2010

3.2.122 Table 3.17 shows the characteristics for those successful at Senior PNAC.

<b>Table 3.17: Characteristics of successful Senior PNAC candidates between 2007 and 2010 (and success rate)</b>									
		2007		2008		2009		2010	
<b>Number of candidates</b>		92		58		44		31	
<b>Success rate</b>		41.3%		52.7%		49.4%		46.3%	
<b>Male</b>		32	40%	50	52.1%	33	47.1%	27	44.3%
<b>Female</b>		6	50%	8	61.5%	11	57.1%	4	66.7%
<b>White</b>		35	39%	58	54.2%	42	50.0%	30	47.6%
<b>BME</b>		2	66.7%	0	0.0%	5	40.0%	1	25.0%
<b>Age</b>	Under 35 yrs	0	0.0%	0	0.0%	0	0.0%	0	0.0%
	36 to 40 yrs	4	57.0%	7	87.5%	4	100%	0	0.0%
	41 to 45 yrs	21	44.0%	32	60.4%	21	44.7%	18	62.1%
	46 to 50 yrs	13	37.0%	15	38.5%	19	52.8%	13	39.4%
	51 to 55 yrs	0	0.0%	4	40.0%	0	0.0%	0	0.0%
<b>Declared disability</b>		4	80%	1	50.0%	1	50.0%	0	0.0%
<p><i>Sources:</i>  <i>Senior Police National Assessment Centre 2010: Results and Analysis Report, National Policing Improvement Agency, London, October 2010</i>  <i>Senior Police National Assessment Centre 2009: Results and Analysis Report, National Policing Improvement Agency, London, November 2009</i>  <i>Senior Police National Assessment Centre 2008: Results and Analysis Report, National Policing Improvement Agency, London, November 2008</i>  <i>Senior Police National Assessment Centre 2007: Results and Analysis Report, National Policing Improvement Agency, London, December 2007</i></p>									

3.2.123 The success rates of candidates between 2007 and 2010 ranged from a low of 41.3% in 2007 to a high of 52.7% in 2008. During the four years, females had between a ten and 15% higher success rate than males, although the number of females in the group was much lower. The success of white candidates was very similar to the general success rate of the group, which is understandable as white people make up the great majority of those at Senior PNAC. The success of black and minority ethnic candidates fluctuated between 66.7% and 0%. This variation is again understandable because of the small number of black and minority ethnic candidates. In terms of age those in the 36 to 40 age group had between a 0% (in 2010) and a 100% success rate (in 2009). This age group made a small proportion of those attending. Those in the 41 to 45 age bracket had between a 44% (in 2007) and 62.1% (in 2010) chance of success. Those in the 46 to 50 years of age group had a success rate of between 37% (in 2007) and 52.8% (in 2009). Another small category, the 51 to 55 age group, had a success rate of between 0% (in 2007, 2009 and 2010) and 40% in 2008. Those with a declared disability had a success rate of between 0% in 2010 and 80% in 2007. Again those with disabilities were a very small group.

#### *The Strategic Command Course*

3.2.124 Table 3.17 shows the characteristics of those who have attended the Strategic Command Course since 2007. It should be noted that the data for 2012 is provisional, being the figures known as of 10 October 2011. Much of the 2009 course took place in 2010 so there was no separate course for that year.

**Table 3.18: Characteristics of Strategic Command Course delegates 2007 to 2012**

Year	Total Delegates	Delegates via SPNAC	Non-SPNAC delegates	Females	Black and Minority Ethnic
2007	50	38	12 (24%)	9 (18%)	2 (4%)
2008	67	62	5 (7%)	9 (13%)	1 (1%)
2009	55	47	8 (15%)	12 (22%)	2 (3.6%)
2010	No separate course				
2011	41	35	6 (15%)	6 (15%)	1 (2%)
2012	35	25	8 (23%)	7 (20%)	2 (6%)

*Source: National Policing Improvement Agency, unpublished data*

- 3.2.125 Table 3.18 shows that the average number of delegates on the Strategic Command Course between 2007 and 2012 is 50. The majority of delegates join the course via the senior PNAC, between three-quarters and over 90%, depending on the year. Females tend to make up around one fifth of delegates, although in 2008 they formed only 13% of delegates. The proportion of delegates from black and minority ethnic backgrounds varies considerably between 1% in 2008 and 6% in 2012, although the number of delegates is consistent at between one and two each year.
- 3.2.126 The average length of service for those attending the Strategic Command Course in 2012, as of 10 October 2011, was 22 years and four months.
- 3.2.127 The success rates of those attending the Strategic Command Course since 2007 are set out in Table 3.19.

**Table 3.19: Number of passes and failures at the Strategic Command Course as a percentage of those attending the course**

Year of course	Pass	Fail
2007	100%	0
2008	100%	0
2009	100%	0
2010	No course	No course
2011	98	1

*Source: National Policing Improvement Agency, unpublished data*

- 3.2.128 On the most recent courses, between 2007 and 2011, one individual has not passed the Strategic Command Course. The individual has been offered the opportunity to retake the course.

- 3.2.129 Table 3.20 sets out the outcome for individuals following successful completion of the Strategic Command Course since 2009.

<b>Table 3.20: Number of successful Strategic Command Course delegates in securing Assistant Chief Constable and Commander positions as of September 2011</b>			
<b>Year of course</b>	<b>Number of delegates</b>	<b>Number with ACC/ Commander roles</b>	<b>Percentage</b>
2009	44	28	67
2010	No course	No course	No course
2011	31	16	52

*Source: National Policing Improvement Agency, unpublished data*

- 3.2.130 The recruitment context has changed significantly over the last few years. There used to be significant demand for Strategic Command Course participants, and the great majority of successful participants in 2007 and 2008 were promoted to Assistant Chief Constable or Commander roles within a few months of finishing the course. During the last few years there has been a drop in suitable vacancies. Some forces have been reducing the number of posts when the previous incumbent retires rather than refilling it. Even in this more challenging environment, Table 3.14 shows that just over half of those who graduated in April 2011 already have jobs at Assistant Chief Constable and Commander level, and almost two-thirds of those graduating in 2009 have achieved Assistant Chief Constable and Commander rank.
- 3.2.131 A survey by the NPIA, based on interviews with 15 delegates from the 2010 Strategic Command Course, nine serving chief officers and four other principal police stakeholders<sup>299</sup> found that interviewees were generally positive about the Strategic Command Course and its value<sup>300</sup>. Whilst most interviewees believed that key ACPO skills were learned predominantly through observing role models and working on the job – particularly at Borough Commander level – training and other development opportunities were important in supporting this<sup>301</sup>. Those chief officers interviewed who had attended less recently were more likely to recommend changes to the Strategic Command Course and to leadership training in general. Positive feedback focused on the mental preparation it gave for APCO roles rather than the acquisition of knowledge and skills<sup>302</sup>. Most delegates on the 2010 Strategic Command Course said that they had felt ready for APCO before the course but that the course had developed them further, particularly in terms of self-confidence, self-awareness, and a greater sense of their personal values and vision for policing. The most frequently cited benefits to the course were increased confidence in making difficult decisions and commanding critical incidents, improved skills for working with partner organisations and negotiating and influencing skills. They also believed that they were better equipped to lead a police force and be both creative and radical.

#### *Alternative public sector approaches*

- 3.2.132 It is difficult to make direct comparisons between organisations, they all have different structures and rank profiles, and so the promotion prospects are different. However, comparisons are useful to illuminate the unique approach that the police service takes in having only one point of entry at the most junior rank.

299 Representatives from the Home Office, the Association of Police Authorities, Her Majesty's Inspectorate of Constabulary and ACPO – *Preparing for ACPO – Exploratory Interview Research on Developing Skills for Chief Police Officer Roles, to Inform NPIA Leadership Development Services*, I. Campbell, F. Stewart and J. Kodz, National Policing Improvement Agency, London, August 2011, page 4

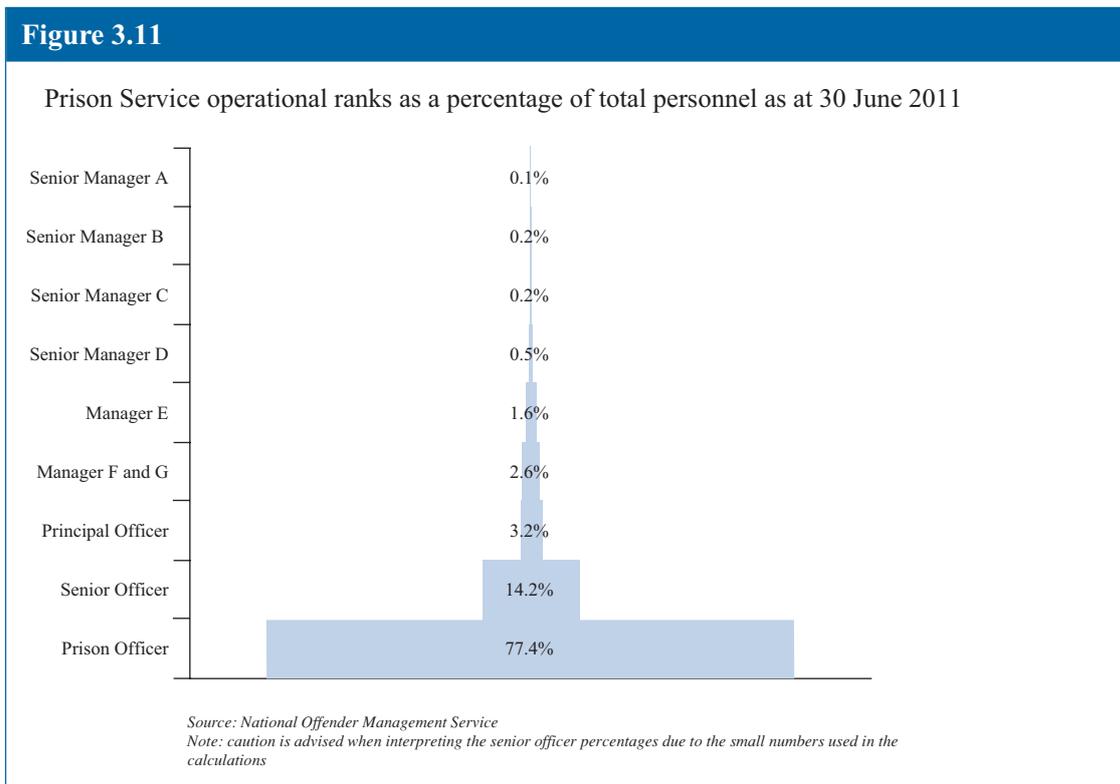
300 *ibid.* page iii

301 *ibid.* page ii

302 *ibid.* page iii

*HM Prison Service*

- 3.2.133 Figure 3.11 shows the organisational profile of the operational grades of the prison services, excluding operational support grades.



- 3.2.134 Prison officers make up 77.4% of the prison service's operational ranks. This compares with 76.6% of police officers being police constables and 65.2% of the army being privates or junior non-commissioned officers<sup>303</sup>. Senior prison officers make up 14.2% of the workforce, compared to 16% of sergeants in the police and 15.1% of senior non-commissioned officers in the army. Principal officers and managers at grades F and G, who would manage wings and functions, form 5.8% of the prison workforce, compared to 4.9% of inspectors and 5.8% of warrant officers in the army. Managers at 'E level' in the prison service, who would manage a larger wing or function, form 1.6% of the workforce, compared with 1.4% of chief inspectors. At this level and above, comparisons with the army are meaningless. Prison service senior managers at 'level D', who could perhaps be roughly equivalent to superintendents, would not be a governor of a prison but would have significant managerial responsibilities form 0.5% of the workforce compared to 0.1% of superintendents. Senior managers at grades A to C, who could be governors of a prison and are roughly equivalent to Assistant Chief Constables, account for 0.5% of the workforce compared with the 0.2% of the police service formed by all ACPO ranks.
- 3.2.135 The Prison Service has had a graduate entry scheme in some form since the 1980s. These have been aimed at graduates but also open to internal members of staff. The current scheme, which began in 2010, now only accepts those with degrees. It attracts graduates directly from university and also those seeking a second career. The scheme is small and highly competitive. Candidates need at least an upper-second class degree, and go through an assessment centre process. In 2011 it accepted 12 people from over 1000 applicants, although in previous years it has accepted between 25 to 30 recruits. The scheme is also open to in-service candidates with degrees, who make up between 15 and 20% of each intake.

<sup>303</sup> Please note that comparisons between ranks or grades within different organisations are only approximate, particularly when making comparisons with the armed forces

- 3.2.136 The scheme is operated nationally. A previous graduate scheme, the intensive development scheme operated at local level, but scheme members found it hard to get the right jobs that would develop them operationally. In the current scheme, local prison service areas have discretion but there is central oversight through a co-ordination manager who monitors and manages members' development. This provides equality of opportunity. The scheme is viewed as successful by the prison service themselves, with a low rate of wastage.
- 3.2.137 Candidates must normally pass a three-stage assessment process to be accepted onto the graduate scheme. Candidates submit a competency-based application form and curriculum vitae. Approximately 80 candidates are then invited to attend the job simulation assessment centre (JSAC), where they take part in four role-play based assessments. The final element, in which around 40 candidates take part, is a written paper equivalent in standard to that taken to achieve promotion to the grade of senior operational manager, although this paper tests candidates' strategic thinking and financial management skills, rather than requiring technical knowledge. For the 2011 graduate intake, an additional element of online numerical psychometric tests was introduced as an additional sift before JSAC, because of the large numbers who applied. The number of people finally recruited depends on the funding available to operate the scheme and the standard of available candidates. The assessment process costs around £6,000 *per* applicant.
- 3.2.138 Once candidates have passed the assessment process, they can join the prison service approximately eight months later. People spend between two and five years on the scheme. They are paid a higher rate than those entering as prison officers, around £26,000 as opposed to around £17,000. Members remain on this salary for their time on the programme. The training costs of the scheme have not been quantified.
- 3.2.139 Scheme members first spend six months as a prison officer on a prison wing. They then move to a new establishment as a senior prison officer, managing a team of prison officers for around a year. They therefore spend 18 months at uniformed ranks before progressing. Progression from senior prison officer rank is through a modified version of the assessment centre process taken by non-graduate scheme officers. The assessment centre for non-graduate scheme officers has three elements, a written element, problem management test and job simulation assessments tested through role-play. The assessment centre for those on the graduate scheme consists of one element only, the problem management test. This is because graduate scheme members have already had the other elements tested at their initial assessment centre. Those passing the assessment centre become accredited senior prison officers, who can then move into the junior governor grade. Graduate scheme members tend to spend 18 months at the junior governor grade before taking the assessment centre to become an accredited junior governor, at middle manager level. This gives them operational manager status, meaning they can undertake most operational roles within prisons, and marks the end of the scheme.
- 3.2.140 Thereafter, successful former graduate scheme members are likely to spend several years as junior governors before taking the senior operational manager assessment which, if successful, gives access to the senior deputy prison governor and prison governor grades. Members could expect to become governors between ten and 15 years after joining the prison service. The scheme was established over 20 years ago and is largely accepted, although graduates are expected to prove themselves to their non-graduate scheme colleagues. Former members of the graduate scheme can expect to reach governor grade in eight to ten years. The issue that this raises is how to give the most successful individuals a varied and interesting career. In the past, people would become governors in their late 40s and 50s. Now, people can be governors in their early 30s. High-flyers are increasingly doing a mixture of roles involving policy development, operational work and secondments. Of those taken onto the graduate programme in 2010, five individuals, or 21%, are male, and 18, or 78%, are female. There were no members from black and minority ethnic backgrounds.
- 3.2.141 The senior prison management programme was first piloted in 2006 in the light of concern at the large number of experienced senior staff then retiring. It was seen as a way of bringing in external, experienced leaders from other organisations. Members are expected to reach deputy governor grade in two years and governors in four to five years. Previously the prison service

had run a ‘cross-hierarchical’ scheme in the late 1990s. This enabled non-operational staff, such as those in human resources, to cross over into operational roles at middle management level. Most stayed at this level, although some became deputy governors and governors.

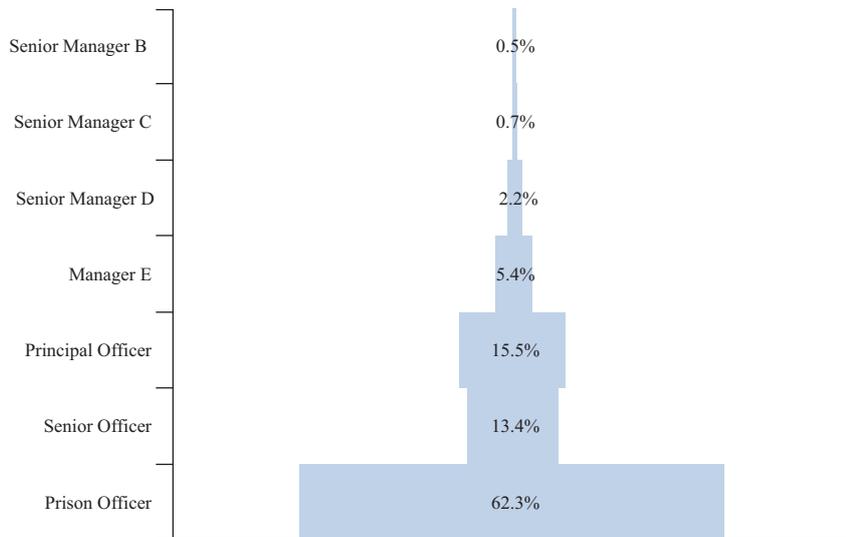
- 3.2.142 The scheme is highly competitive, attracting between 500 and 800 applications. Those joining the current senior prison management programme are already senior leaders. Initially, the civil service was the main source of entrants, but it is now increasingly diverse, including managers from the private sector, the National Health Service, the police, the probation service and some internal, non-operational staff. However, those with no criminal justice experience are in the minority. They range in age from their late 20s to early 50s, and all have demonstrated in the assessment centre the ability to be self-sufficient. There are now 39 people on the scheme, in five cohorts. The scheme is currently not recruiting because the prison service is reducing in size.
- 3.2.143 The assessment process is the same as that for the graduate scheme, although the assessment is at a higher level. Candidates submit a competency-based application form and curriculum vitae. Approximately 80 candidates are invited to attend JSAC, where they take part in four role-play based assessments. The final element, in which around 40 candidates take part, is a written paper equivalent in standard to that taken to achieve promotion to the grade of senior operational manager, although this paper tests candidates’ strategic thinking and financial management skills, rather than requiring technical knowledge. The number of people finally recruited depends on the funding available to operate the scheme and the standard of available candidates. Once candidates have passed the assessment process, they can join the prison service in approximately eight months later.
- 3.2.144 Scheme members enter the service at senior management grade D, the lowest senior management grade but still senior in the operational line of command, and they have two years on the scheme to reach deputy governor grade. Members are paid at that grade from the outset of the scheme, around £51,000. On entry, members do the prison officer entry level training course. This normally lasts eight weeks, but is shortened to four weeks for those on the senior prison management programme. This course covers the same material but at a faster pace, focusing on operational basics rather than skills such as communication which entrants already have.
- 3.2.145 Members then spend eight weeks in a prison as a prison officer to ensure they have some time in uniform. This is sufficient time to give members an idea of what it means to be a prison officer. They work shifts and begin to understand how a prison operates and the roles of the different departments. After completing this time in uniform, members return to the prison service college, where they spend an intensive three months learning core skills such as incident command, adjudication and about health and safety. The curriculum focuses on teaching them operational knowledge and about areas of the highest risk. Members then join a prison as a head of department, managing either a wing or a function. This represents a significant learning curve, but so far all members have performed well. Whilst some have on occasion made poor decisions, this is the case for all managers.
- 3.2.146 Key to the success of the scheme is ensuring that senior prison management programme members have a supportive environment and line management who believe in the benefits of the scheme. Members need to gain exposure to a variety of operational roles, so ensuring the right placement is important. The first two years of the scheme is funded centrally, with bridging funding for a further year. After this, the prison pays for members, and sometimes this can lead to members not receiving the opportunities they should. Members are given a mentor from outside the chain of command, normally within the same prison region.
- 3.2.147 Between 2006 and 2010, 44% of entrants were male and 56% were female. Fifteen *per cent* came from black and minority ethnic communities and 85% were white.

#### *Fire service*

- 3.2.148 Source: Fire and Rescue Service – Operational Statistics Bulletin for England 2010-11, Department for Communities and Local Government, August 2011, page 9

**Figure 3.12**

Fire Service strength (FTE) by role as a percentage of total 'wholetime' personnel as at 31 March 2011



Source: Fire and Rescue Service – Operational Statistics Bulletin for England 2010-11, Department for Communications and Local Government, August 2011, page 9

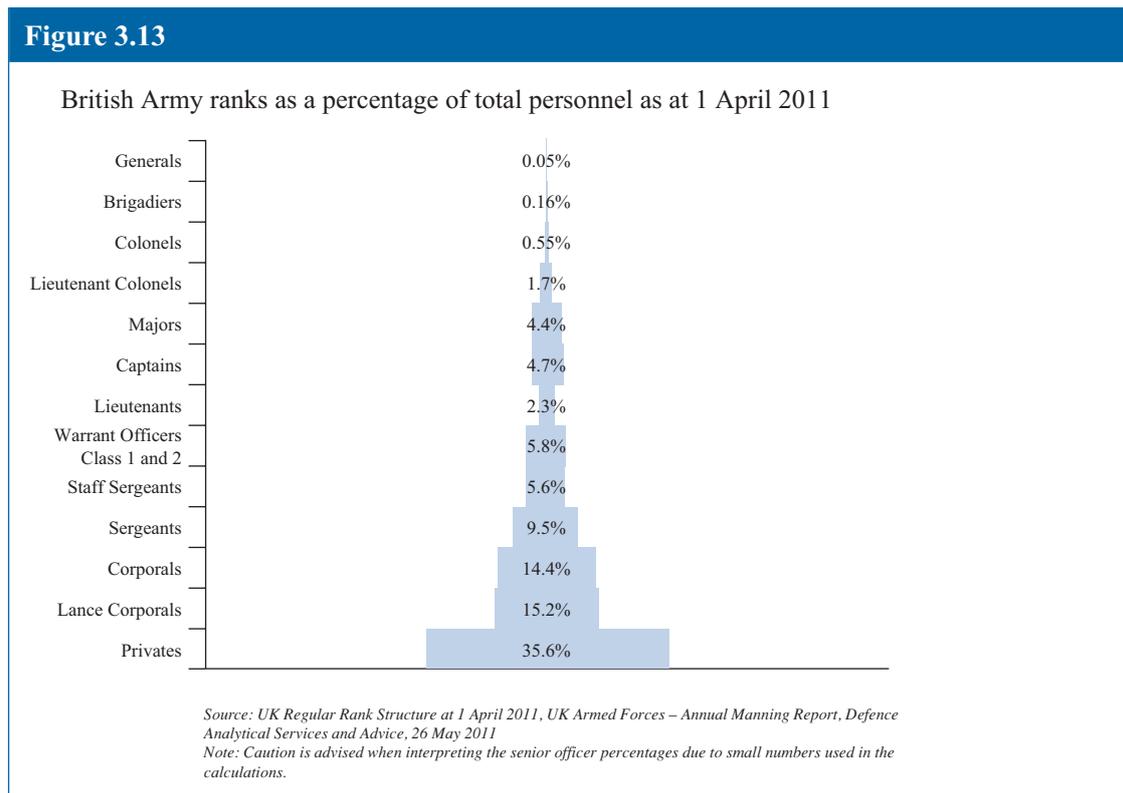
- 3.2.149 The fire service has more personnel at higher rank than the police service. Firefighters make up 62.3% of the fire and rescue service's 'wholetime' personnel. Those on retained duty are not included. This differs considerably from the 76.6% of police officers who are constables. Crew Managers make up 13.4% of the workforce, less than the 16% of the police officer workforce being sergeants. Watch and Station managers, similar to the inspecting ranks, make up 20.9% of the workforce, compared to 6.3% of the police inspecting ranks. Group and area managers, perhaps equivalent to the superintending ranks, make up 2.3% of the fire service, compared to 0.1% in the police. Brigade managers, roughly comparable to the ACPO ranks, make up 0.5% of the fire service compared to 0.2% of the police service.
- 3.2.150 Until 2004 the appointment regulations for the fire and rescue service limited entry to firefighter level only. As in the police service all senior firefighters rose through the ranks. Since the repeal of these regulations in the Fire Services Act 2004, fire and rescue services have had the freedom to recruit directly at any level up to an including chief fire officer, roughly equivalent to Chief Constable. No national data exist but it is understood that direct entry has not been extensively used, although at least one current chief fire officer/chief executive has been recruited externally.
- 3.2.151 The fire and rescue service has an internal accelerated promotion scheme, the high potential leadership programme. This has run as a pilot between 2009 and 2011, with the aim of attracting high calibre candidates from a wide range of backgrounds to improve the leadership and diversity in operational roles. Twenty-five people from 13 fire and rescue services participated in the pilot. From April 2012 it will be for the fire and rescue service to decide whether they wish to continue with the scheme. The London Fire Brigade has in the past run its own graduate scheme, most recently in 2009. After between 18 and 24 months training as a firefighter, potential leaders were fast-tracked through the supervisory roles, such as managing a watch, with the aim of reaching middle management roles in five years.
- 3.2.152 The fire service college at Moreton-in-Marsh operates as the centre of leadership for the fire service following the development of the "Aspire" leadership model<sup>304</sup>. It offers a range

304 'Aspire', *Excellence in Leadership, the New Leadership Model for the FRS*, The Fire and Rescue Service, the Centre for Leadership

of courses aimed at developing leadership. One of the principal courses is the executive leadership programme which is aimed at those who have been assessed as having the potential to become a brigade manager, equivalent to ACPO rank in the police service. Entry to the course is by application form and an interview. Participants must also have the endorsement of their chief fire officer. The objective of the course is the development of future senior leaders with the skills, knowledge and approach required to become an inspirational leader. The course lasts 20 days and is accredited to postgraduate certificate level by the University of Warwick. It is possible to work towards a postgraduate diploma or a master's qualification as an extension of the executive leadership programme, also assessed by the University of Warwick.

### *The army*

3.2.153 Figure 3.13 shows the structure of the British army by rank groups.



3.2.154 Officers make up just under 14% of total personnel. Warrant officers form 5.8% of total personnel. Senior non-commissioned officers, those at the rank of sergeant and staff sergeant are 15.1% of personnel. Junior non commissioned officers, lance corporals and corporals, form 29.6% of the service. Just over one third of army personnel are privates.

3.2.155 The army, and the other armed services, has a clear division between the ‘officer class’ and ‘other ranks’. There are two different entry points, depending on whether the individual wishes to become an officer or a soldier. Those wishing to become officers receive initial officer training at the Royal Military Academy Sandhurst, during which the recruit holds the rank of officer cadet.

3.2.156 There is an expectation that officers, often at a young age, lead and direct operations without having had experience of serving in the ranks. An analogy given is the difference between understanding how to drive a car and how the engine works. It is not necessary to know one to do the other<sup>305</sup>.

<sup>305</sup> *Report on Exploring Options for Multi Point Entry in the Police Service with a Pilot Programme for the Metropolitan Police Service*, Metropolitan Police Authority, London, May 2011, page 19

### *Officer recruitment*

- 3.2.157 Civilian candidates wishing to join the army as officers must be sponsored to attend the army officer selection board. Their sponsor may be an army careers adviser, who works from one of the army careers offices on the high streets of Great Britain, or a specific corps or regiment. Candidates attend a briefing at the army officer selection board at Westbury before visiting the corps and regiments that they are interested in joining. The latter normally involves a familiarisation visit lasting a two days with some basic pre-selection tests to see if the corps or regiment wishes to sponsor the candidate further. If deemed suitable, candidates then attend a pre-brief for the main board. If successful at army officer selection board briefing, candidates then go forward to the main board.
- 3.2.158 The army officer selection board main board lasts four days, with up to 40 candidates being tested at the same time in groups of around eight<sup>306</sup>. Candidates are assessed against a common standard, not each other, with the exercises being designed to give the assessors an appreciation of an individual's potential. The first day begins with physical tests. Males must reach level 10:2 in a shuttle run test (see Chapter 5 for a description of the shuttle run process) and do 44 press-ups. Females must reach level 8:1 in the shuttle run and do 21 press-ups. Males and females must both complete 50 sit-ups. There are then written tests to assess communication skills and computer-based tests on general knowledge, service knowledge and current affairs, and a suite of psychometric tests. On the second day, there is a group discussion on moral topics and current affairs, followed by interviews with three members of the assessing panel. There are then outdoor tasks where no leader is assigned. On the third day, candidates have an hour to produce a written solution to a problem, in an exercise designed to test ability to use people, equipment and time. A group discussion then follows, with the objective of reaching an agreed plan. After this, each candidate takes command of his group with the aim of completing a practical task within a time-limit. Candidates then tackle an assault course before the final exercise of the day in which they deliver a short lecture. The main board concludes with the 'final race' on the fourth day - an outdoor, leaderless task competing against other groups.
- 3.2.159 Army officer selection uses the group-based approach to testing where a candidate's performance is assessed within a group and compared to behaviourally anchored rating scales. The sequence of testing allows the group to "form, norm and storm" and gives the candidates the opportunity to show their potential in a variety of indoor and outdoor exercises. The principles of testing include multiple, non-conferring, assessors, who have different amounts of information about the candidates, and multiple tests. The rated performance is then set in the context of a candidate's background and an assessment is made about the candidate's officer potential.
- 3.2.160 The assessment process costs approximately £2,500 *per* applicant, rising to £4,500 if the candidate is one of the ten *per cent* who returns for a second attempt to pass the main board.
- 3.2.161 Serving soldiers have two routes open to them for officer selection. They may be commissioned as a late entry officer after serving a number of years in the army and reaching a senior non-commissioned officer rank (attending a short course at the Royal Military Academy Sandhurst) or, if recommended by their commanding officer and young enough (under 29 years of age), they may follow the same selection process as civilians, attending the army officer selection board at Westbury and the full commissioning course at Royal Military Academy Sandhurst.

### *Army officer training*

- 3.2.162 The army officer selection board identifies leadership potential, which is then developed in the 44-week, three-term commissioning course at the Royal Military Academy Sandhurst.

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306 *Army Officer Selection Board Main Board Document*, October 2011, [www.army.mod.uk](http://www.army.mod.uk)

- 3.2.163 To enter the Royal Military Academy Sandhurst, an individual requires 180 UCAS points<sup>307</sup>, broadly equivalent to three D grades at A2 Level or two C grades and an E grade at AS level. Shortly, the entry requirement will rise to 240 UCAS points, broadly equivalent to three C grades at A2 Level.
- 3.2.164 The commissioning course is designed to expand the officer cadet's character, intellect and professional skills so that he can lead and manage soldiers whilst upholding the army's core values. The commissioning course has six core objectives:
- *“to develop commanders of courage and willpower, with the temperament for decisive action in difficult and dangerous circumstances;*
  - *to foster attitudes to integrity, selflessness and loyalty which set the soldier apart from others;*
  - *to teach officer cadets how to think and communicate as commanders and to foster a deep interest and care for the individual;*
  - *to achieve a grounding in British military doctrine and its significance in all forms of conflict;*
  - *to encourage the analysis of strategic and war studies as a foundation to military thought and wisdom; [and]*
  - *to train officer cadets in the basic skills and battlefield disciplines of soldiering”<sup>308</sup>.*
- 3.2.165 In the first term, officer cadets learn basic military skills such as leadership, tactics, drill and weapons handling, and undertake an “adventurous training” week during which they become qualified to organise and lead an expedition of their own the following term. The second term focuses on developing officers, teaching leadership, initiative and the role of an officer. As well as field exercises, officer cadets study academic subjects such as conventional warfare, international affairs and leadership psychology. Officer cadets also undertake detailed planning for the “adventurous training” expedition which they will lead. During the third term, officer cadets take more responsibility for motivating and organising activities for themselves such as sporting activities. They also continue with academic study. Officer cadets also take part in live-firing field exercises. Those that pass the course take part in the Sovereign's Parade and receive The Queen's Commission which concludes the course. The Royal Military Academy Sandhurst costs approximately £50,000 *per* officer cadet.
- 3.2.166 On commissioning, the new officer becomes a second lieutenant. This rank is normally held for up to two years, during which the officer completes special training relevant to his corps. Afterwards he is responsible for leading up to 30 soldiers in a platoon or troop, both in training and on operations.
- 3.2.167 The average age of those attending Sandhurst is around 23, and over the past few years approximately 80% of an intake have been graduates. Any degree is acceptable, and they range from astrophysics to watersports technology, so long as it is acceptable to the army officer selection board educational advisers. Of the few younger non-graduates in each intake, some will decide to return later after acquiring more experience.
- 3.2.168 The first-time pass rate at the Royal Military Academy Sandhurst is approximately 70%. Within this, there is a substantial amount of ‘churn’ due to injury or the need for an individual to have more time to reach the standard, known as “backterming”. This recognises that individuals progress at different rates. It is also recognised that success at the academy does not necessarily translate into success in the field. A proportion of candidates arrive at the academy with an ‘at risk’ pass, which means the army officer selection board has identified an issue which requires observation. It should be noted that being categorised as at risk does not

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307 UCAS is the organisation responsible for managing applications to higher education courses in the United Kingdom. It operates a tariff system, which helps organisations when setting entry requirements for different courses. The tariff is normally expressed as a minimum level of achievement

308 *Training and Education: RMA Sandhurst – Commissioning Course*, October 2011, [www.army.mod.uk](http://www.army.mod.uk)

mean that the individual will fail. Candidates may attend the selection board at the age of 18, although they may not begin at the Academy until several years later, after university.

- 3.2.169 In the year 2010/11, there were three intakes at the Royal Military Academy Sandhurst. Table 3.21 shows some of the characteristics of the 2010/11 intakes.

<b>Table 3.21: Outline statistics of the 2010/11 intakes at the Royal Military Academy Sandhurst</b>						
	<b>Intake 1</b>		<b>Intake 2</b>		<b>Intake 3</b>	
<b>Start total</b>	<b>200</b>		<b>263</b>		<b>233</b>	
male	172	86%	234	89%	200	86%
female	28	14%	29	11%	33	14%
Over age 25	49	25%	50	19%	51	22%
State school	128	64%	151	57%	136	58%
Independent school	72	36%	106	40.3%	95	41%
Graduates	155	78%	235	89%	184	79%
<b>End total</b>	<b>168</b>		<b>205</b>		<b>204</b>	
Loss as % of intake	20		19		12	
“Backtermed”	18		11		0	
Injured	19		23		19	
<b>Churn as % of intake</b>	<b>19</b>		<b>13</b>		<b>8</b>	
<i>Source: Royal Military Academy Sandhurst</i>						

- 3.2.170 In these intakes, an average of 87% were male and 13% were female. An average of 22% were over the age of 25 years. Sixty *per cent* of the intakes were from state schools. An average of 82% over the three intakes were graduates. In the first two intakes, almost a fifth of those starting the course did not complete it, whilst in the third intake this was lower at 12%. The proportion of each intake represented by ‘churn’ varied at 19% in the first intake, 13% in the second intake and 8% in the third intake.

### *Senior leadership in the armed services*

- 3.2.171 The armed services run a range of courses for more senior leaders at the Defence Academy of the United Kingdom. Some modules are appropriate to the service to which the individual belongs, but most are more generic. These ‘staff’ courses are run by the joint services command and staff college. The joint services command and staff college runs a range of command and staff training courses. There are two Senior Command Courses aimed at different ranks.
- 3.2.172 The higher command and staff course is an annual 14-week course for approximately 30 individuals at the rank of colonel or equivalent from all three services, NATO nations and some United Kingdom government departments. Participants are selected by boards within each of the armed services having been identified as having the potential to benefit from the course through the annual reporting process.
- 3.2.173 The higher command and staff course aims to prepare selected officers and officials for higher command and staff roles. The course is designed to “revitalise and broaden professional interest” and “enhance the ability to identify and focus on key strategic, operational, joint

and multinational issues”<sup>309</sup>. The course has five phases. The first, ‘context – strategy, security and military thinking’, is designed to give participants an understanding of the principles, practicalities and realities of the current and future strategic environment, both nationally and internationally. The second phase is ‘operational art and campaigning’, which focuses on strategic and operational campaign planning, including how government, international organisations and non-governmental organisations may be involved. The third phase, ‘challenge and reflect’, is designed to encourage participants to reflect on and challenge norms and the prevailing culture. The fourth phase – ‘theatre war game’ – brings together all the aspects of the course in a final exercise. It focuses on military-strategic and operational planning and decision making within a political environment and under media scrutiny. Senior, retired officers mentor participants in their role-play as senior commanders, whilst politicians and officials offer advice to help decision-making. The final phase is the ‘staff ride’ where participants write a 5,000 word paper, applying history to create hypotheses for successful command and use of military force in the 21<sup>st</sup> century.

- 3.2.174 The advanced command and staff course is designed to prepare around 330 selected officers between the ranks of major and lieutenant colonel, and their equivalents, for senior joint and single service appointments<sup>310</sup>. Participation on the course begins following identification through the annual review process as having the required potential to attend, followed by a selection process within each of the services. The army chooses participants through the selection process for promotion to lieutenant colonel. As well as the armed services, the course is open to United Kingdom government departments and around 90 international officers attend each year.
- 3.2.175 The advanced command and staff course is designed to develop command, analytical and communications skills and provide a wide understanding of defence as a whole, including joint, single-service and combined operations. The course lasts 46 weeks, from September to July each year. There are three terms: the foundation term, the policy and security term and the operations term. The course considers military, political and international issues, focusing on capability, its development and subsequent employment to address four principal questions: how does the world work, what military capability is at commander’s disposal, how is the required capability created, and how is it used. As well as the full course, there are also a number of modules which can be undertaken, which are aimed at civil servants.

#### *International comparisons*

- 3.2.176 It is difficult to make international comparisons as the culture and operational environments of police forces vary widely. Similar forces such as those in Australia and New Zealand also recruit at constable level. However, there are some international examples of police forces that do recruit above constable level.

#### *Hong Kong*

- 3.2.177 The Hong Kong police recruit at two levels: police constable and inspector level<sup>311</sup>. Those wishing to join at inspector level require a Hong Kong degree or equivalent, and an accredited associated degree or diploma or passes in two subjects at advanced level and three passes at grade C or above in the Hong Kong CEE examinations. They must also be able to pass written Chinese and English papers. The selection process is by a written examination of six papers testing English and Chinese, aptitude and basic law, then an extended day-long interview process with group, management and leadership exercises, psychometric tests and a 45-minute final interview board with candidates being eliminated at each stage. Those who pass these phases must then meet physical fitness, medical and integrity tests. After 36 weeks of basic training and passing the “standard one examination” new inspectors can either complete three years’ service and then pass the “standard two” and all subjects of the “standard three” examinations with credits, or complete three years at inspector, pass the “standard two”

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309 *Higher Command and Staff Course: Course Structure*, October 2011, [www.da.mod.uk](http://www.da.mod.uk)

310 *Advance Command and Staff Course: Course Structure*, October 2011, [www.da.mod.uk](http://www.da.mod.uk)

311 *Recruitment*, October 2011, [www.police.gov.hk](http://www.police.gov.hk)

examination and then complete a further five years' service and then pass the "standard three" examination. Inspectors are then eligible for promotion to senior inspector. After a further five years, and after being recommended by the selection board, the officer can then be promoted to chief inspector, and after a further two years, to superintendent. The fastest an inspector entrant can therefore reach superintendent rank in Hong Kong is ten years.

- 3.2.178 The test for those applying as constables is less rigorous. Those wishing to apply at constable level must have passed five subjects in the Hong Kong CEE examinations, have fluent Cantonese and an English language Hong Kong CEE pass. Candidates must also be able to pass the Hong Kong Government standard examination for civil servants. Candidates must first pass a fitness test, then attend a half-day group interview, pass psychometric tests and final interview board and basic law tests before integrity checks and a medical examination. After four years as a police constable, and after passing the promotion examination and selection board the officer can be promoted to sergeant. After a further three years the officer is eligible to apply for promotion to station sergeant. Constables can also apply for inspector rank either through the open recruitment process or by internal appointment after being recommended by a selection board.

### *The Netherlands*

- 3.2.179 Police in the Netherlands have four levels of regular recruitment. The first is at sub-constable level, similar to National Vocational Qualification Level 2 and 3. This level is akin to a PCSO, although with more training and powers. Officers recruited at assistant police officer level will remain at that level unless they gain additional academic qualifications or evidence of vocational learning. The next level is entry at police constable level. Entrants at this level require educational qualifications below that of a bachelor's degree but above that required for an assistant police officer. In order to progress, police officers must take further qualifications after initial training. Additional training usually occurs several years after initial training to enable an individual to gain work experience<sup>312</sup>.
- 3.2.180 Entrants with a bachelor's degree are eligible to enter at a rank equivalent to sergeant. Those who have entered at graduate level can progress to a level akin to superintendent after which additional qualifications at master's level or evidence of vocational learning are required to progress further. The final level of entry is for those with a qualification at master's level. Entrants also enter at a level akin to sergeant but are eligible for accelerated promotion.
- 3.2.181 In addition to these regular recruitment paths, there is also direct entry at senior ranks in two ways. Although unusual, senior police staff in a particular area can be "painted blue", that is become a police chief leading an area following intensive operational training. There are also cases where civilians can direct operational policing. Police regions are headed by regional police boards consisting of mayors and chief public prosecutors. Civilian mayors who have demonstrated the relevant competencies are responsible for community safety in their areas. Local police chiefs must consult these mayors on public safety matters and the mayor can direct the police chief in community safety matters.

### **Consultation**

- 3.2.182 The following sections deal with the issues regarding direct entry in three parts – first at inspector rank, then at superintendent rank and finally at Chief Constable level. The views of consultees regarding an accelerated promotion scheme or direct entry at the inspector rank, and my subsequent conclusions, are set out below.

### **Accelerated promotion**

#### *Response by the Association of Chief Police Officers*

- 3.2.183 The Association of Chief Police Officers states that it supports enhanced talent management and accelerated promotion schemes, although the submission does not elaborate on the ideal structure or conduct of such schemes<sup>313</sup>.

312 *Policing in the Netherlands*, Ministerie von Binnenlandse en Koninkrijksrelaties, 2004, page 34

313 ACPO submission, page 42

*Response by the Association of Police Authorities*

- 3.2.184 The APA says that it is unpersuaded that a fast-track entry scheme is necessary. It advocates progression through the service according to the individual “volition and motivation” of the police officer concerned<sup>314</sup>.

*Response by the Association of Police Authority Chief Executives*

- 3.2.185 The Association of Police Authority Chief Executives (APACE) is in favour of direct entry in principle in order to broaden the pool of people who consider a police career<sup>315</sup>. It states there are other working environments that provide similar experiences to policing, and few other organisations require all recruits to join at the most junior rank. It argues that community experience at neighbourhood level is invaluable, for instance in prisons, hospitals or local authorities. Through a conversion course or other specialist training, APACE says that it should be possible to enable people with such skills to become warranted officers more quickly or at a higher rank<sup>316</sup>.

*Responses by police forces and authorities*

- 3.2.186 The joint submission by Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire police forces states that there is no evidence that the police service has problems attracting the brightest and best graduates<sup>317</sup>. It says that many of its applicants have “good degrees”<sup>318</sup>. It also points out that many of its best officers do not have degrees.
- 3.2.187 Cambridgeshire Constabulary states that the HPDS suffers from being perceived as an “elite group” of officers, with the scheme having an “anti-intellectual” focus on less successful members rather than the notable leaders it is producing<sup>319</sup>. It argues that officers are either HPDS members or regular officers, and something is needed to fill the ‘gap’ in the middle. It believes that an accelerated promotion scheme is needed, and that any such scheme should be run nationally to avoid any suggestion of favouritism. By contrast, a joint submission by Gwent Police and South Wales Police states that there is no need for an accelerated promotion mechanism other than the HPDS<sup>320</sup>.
- 3.2.188 North Yorkshire Police believes that the current HPDS does attract the right candidates, but could be better promoted outside the police service<sup>321</sup>. It advocates a regime under which participants have continuing contact with others on a national basis, and says that the scheme should be nationally co-ordinated.

*Response by the Police Federation of England and Wales*

- 3.2.189 The Police Federation supports the use of the HPDS as a way of attracting potential leaders to the police service and then promoting them rapidly through the ranks<sup>322</sup>. However, it says that it is important that all officers continue to enter the service as constables and gain experience at each rank. The Federation does not believe a specific period must be spent at each rank, only that the relevant skills need to be demonstrated before promotion.

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314 APA submission, page 30

315 *Submission from Association of Police Authority Chief Executives*, September 2011, pages 6-7

316 *ibid.* page 7

317 *Submission from Derbyshire, Leicestershire, Lincolnshire, Northamptonshire and Nottinghamshire Police Forces*, September 2011, page 28

318 *ibid.* page 28

319 *Submission from Cambridgeshire Constabulary*, September 2011, pages 6-7

320 *Submission from Gwent and South Wales Police Forces*, September 2011, page 6

321 *Submission from North Yorkshire Police*, September 2011, page 13

322 Police Federation submission, page 66

*Response by the Police Superintendents' Association of England and Wales*

- 3.2.175 The Police Superintendents' Association believes that the police service does not have difficulty in recruiting graduates. It states that there is also no evidence to suggest that the quality of entrants is insufficient to produce future leaders<sup>323</sup>. It suggests that the varying degrees of adoption, support and operation of the HPDS might have discredited the current system. The promotion of a police career is not centrally co-ordinated, and the Association believes that any graduate scheme should be run nationally. It does not believe that a graduate scheme should only be focused on attracting candidates from the more prestigious universities.
- 3.2.176 Any accelerated promotion scheme, for graduates or internal candidates, should be operated at national level, providing an objective selection process and meet the needs of the police service<sup>324</sup>. Successful applicants should form a central group funded by all forces. The Association suggests the following principles for an accelerated promotion scheme to enable officers to reach senior ranks quickly, with the right operational knowledge and experience<sup>325</sup>:
- strong links should be built with universities;
  - the scheme should be hard to get on and hard to stay on;
  - officers should join at the rank of constable and be part of a structured programme of learning with their peers, and have a bespoke career structure and mentor;
  - officers should remain on the scheme until reaching chief superintendent level as a minimum, and there should be maximum timescales for attaining promotion at each rank, after which an officer should leave the scheme; and
  - officers should be promoted as soon as they are ready, irrespective of vacancies within forces, and could be part of a regional scheme to gain wider experience.

*Additional consultation responses*

- 3.2.177 Assistant Chief Constable Allyn Thomas (Kent Police) said that during his career the graduate entry scheme has been “revamped and relaunched” at least four times<sup>326</sup>. He notes that many graduates are already joining the police service. The issue is the attractiveness of policing with a single point of entry. Under the current scheme, an officer may take five to six years to reach chief inspector from constable, which is still a junior management rank. He believes a fast-track scheme should be locally managed but centrally co-ordinated.

*Seminars*

- 3.2.178 The review held a seminar on the subject of police officer entry routes on 7 July 2011. Constable Jonathan Evans (Metropolitan Police and a member of the High Potential Development Scheme) remarked that the police service had not promoted itself as an employer at his university six years earlier<sup>327</sup>. Indeed, Chief Constable Gargan (National Policing Improvement Agency) stated that the promotion of graduate recruitment had “gone backwards” over past years, compared with earlier periods<sup>328</sup>. He said that the police service is now recruiting outstanding people through normal entry because there is no graduate scheme at present<sup>329</sup>. Ms Lorraine Booth (Head of Human Resource Management, South Yorkshire Police) questioned whether the police service markets itself as a sufficiently ‘aspirational employer’, explaining the opportunities available to those who progress<sup>330</sup>.
- 3.2.179 There was a discussion about the lack of formal career and workforce planning. Chief Constable Gargan said that forces do have career development teams, and there are external

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323 Police Superintendents' Association submission, page 47

324 *ibid.* page 47

325 *ibid.* pages 48-49

326 *Submission from ACC Allyn Thomas*, page 16

327 Direct entry seminar (2011), page 37

328 *ibid.* page 38

329 *ibid.* page 39

330 *ibid.* page 41

schemes such as the HPDS and internal schemes for identifying the best performers who would be suitable for promotion<sup>331</sup>. He said that officers on accelerated promotion schemes need a supportive senior manager, or patron, within the service. Chief Superintendent Sarah Hamlin, who represented ACPO, said that such a sponsor is crucial<sup>332</sup>.

- 3.2.180 In relation to the speed of promotion, Lieutenant-Colonel Andrew Stevenson (Ministry of Defence) said that there is a risk that people would be drawn through the ranks too quickly without gaining appropriate experience<sup>333</sup>. The early years of a career, where officers grow to understand the service and those under their command, and gain operational experience, are essential.

### *Website*

- 3.2.181 There was little discussion about accelerated promotion schemes in either the website consultation held in October 2010 or the supplementary consultation held in June and July 2011. However, one respondent stated that:

*“I believe one of the biggest challenges facing all police forces is the lack of a national graduate recruitment scheme to attract high-calibre officers ...”.*

### **Conclusion – Direct Entry (Inspector) scheme**

- 3.2.182 A significant proportion of large organisations in the public and private sectors have schemes through which talented individuals can progress rapidly to senior positions. Almost all respondents to the formal consultation supported the police service operating an accelerated promotion scheme to attract and rapidly promote potential leaders. The police service has had accelerated promotion schemes for much of the 20<sup>th</sup> century. These included the Trenchard scheme and the special course (see earlier in this Chapter), and its subsequent incarnations. It is interesting to note how the aims of police accelerated promotion schemes have evolved over time. The objectives of the HPDS are development and professionalisation, rather than accelerated promotion for the benefit of the individual and the force. In my view, this has led to a loss of aspiration and ambition. I have heard the HPDS scheme described as ‘little more than a privileged coaching scheme’ with officers not receiving enough support or career development.
- 3.2.183 I believe that there are flaws in both the design and implementation of the current HPDS. Whilst I acknowledge that the attempt in 2010 to introduce a graduate entry scheme failed because of a general lack of recruitment in the current financial climate, any accelerated promotion scheme should have a significant graduate entry element in future. This helps to introduce, in each intake, an intellectual calibre and willingness to question the system which complements the practical skills brought by internal candidates with experience of the service. In a training environment, each can learn from the other.
- 3.2.184 At present, those joining the HPDS have no certainty as to their rank on successfully completing the scheme. By contrast, the accelerated promotion schemes of the past gave members a guarantee of the minimum rank they would attain. Instead, the current HPDS has the more nebulous aim of supporting scheme members to meet the challenges of senior leadership by giving them operational, management and strategic skills, qualifications and experience. Given that the assessment process is designed to assess potential for future leadership rather than a particular aptitude to be a constable or sergeant, this can lead to a waste of talent, investment and frustration on the part of the officer concerned.
- 3.2.185 The lack of certainty regarding promotion is not only anomalous but also a breach of police regulations. Regulation 7 of the Police (Promotion) Regulations 1996 provides that an officer on an accelerated promotion course recognised by the Secretary of State *shall* be promoted to the next rank when the Chief Constable decides he is competent. Regulation 7 does not give

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331 *ibid.* page 59

332 *ibid.* pages 59-60

333 *ibid.* page 60

a Chief Constable a discretion in the matter; if the HPDS officer is competent, he must be immediately promoted, irrespective of the availability of a vacancy. Despite this, HPDS officers are often not promoted even though they have passed the competence test. Some forces require HPDS officers to compete for posts at higher ranks alongside and in competition with other officers who have not been on the scheme. This is a violation of regulations which should not continue.

- 3.2.186 The HPDS is too slow to be attractive to many potential senior officers. Officers remain on the scheme for five years, yet may not rise in rank. This is a waste of the talent and new ideas that could be injected at more senior levels. Indeed officers with as many as 19 years' service have been allowed to join the HPDS. It is difficult to see how there is a reasonable prospect of a return on the investment in officers of such seniority, who may be only seven years from retirement when they have finished the HPDS course. In this respect, the HPDS represents poor value for money for the police service and the taxpayer.
- 3.2.187 I also have concerns that leadership is not given a sufficient priority in the HPDS curriculum. The post-graduate diploma teaches HPDS members useful and important management skills, but leadership makes up only a small part of the curriculum.
- 3.2.188 I believe that the material flaws in the HPDS model require a significant reform of the system. The present scheme simply assists officers in obtaining the skills needed for senior management, but then appears to leave it too much to chance whether they reach higher rank. An accelerated promotion scheme should train a group of officers of the greatest potential and do much more to ensure their early advancement to ranks of sufficient seniority to enable their capacity and training to provide material advantages to policing. The minimum appropriate rank for scheme members to attain is inspector. Inspectors are the officers who organise, manage and engage to the greatest extent with constables and sergeants. They are the officers who can introduce, or block, change which may have the greatest effect on the policing services which forces provide. Promoting officers of the highest potential rapidly to this rank should have an appreciable beneficial effect on the police service culture and the way policing is managed.
- 3.2.189 To do this, the structure of the current course should be changed so that members attain positions of leadership quickly. An intensive training scheme preparing officers for the rank of inspector after three years should be introduced. The standard of those recruited must be very high, and the individuals will need to be resilient. The course should focus on leadership, alongside practical operational and management skills. Scheme members should be recruited for their potential and capacity to lead at senior levels, rather than because they make – or will make – good constables or sergeants. Together, this should produce a more demanding and rewarding scheme, which should attract some of the most ambitious people in society.
- 3.2.190 To be successful, the scheme will need to be properly marketed, as North Yorkshire Police and others have said. I share Chief Constable Gargan's belief that the increase in the number of graduates joining the police service is not due to their aspiration for senior management, but because the number of graduates in the general population has risen.
- 3.2.191 Candidates for the scheme should be targeted from the longest established and most prestigious universities, including all those in the Russell Group<sup>334</sup>.
- 3.2.192 External entrants to the graduate scheme should continue to join as constables and to acquire experience at that rank before promotion. This does not need to be a lengthy process, but officers do need experience of what it means to be on the streets. They should have used the powers of a constable, and understand how serious it is to make a decision to arrest a suspect, subject an unwilling person to a search, and to use reasonable force. They should have faced danger.

<sup>334</sup> The Russell Group comprises 20 leading universities in the United Kingdom. These are the universities of Birmingham, Bristol, Cambridge, Cardiff, Edinburgh, Glasgow, Leeds, Liverpool, Manchester, Newcastle, Nottingham, Oxford, Sheffield, Southampton and Warwick, together with Imperial College, King's College and University College London, the London School of Economics and Political Science and Queen's University, Belfast

- 3.2.193 Many applicants to the scheme will be young graduates with little experience of working life, and even less experience of the situations they will encounter and the wide variety of communities with which they will need to engage. A period on the front line is important to acquire the necessary experience and skills, to understand the types of people they will lead and what their working lives are like, and to give them a context in which to place future learning and development.
- 3.2.194 The scheme should continue to operate within a national framework.

*Direct Entry (Inspector) scheme*

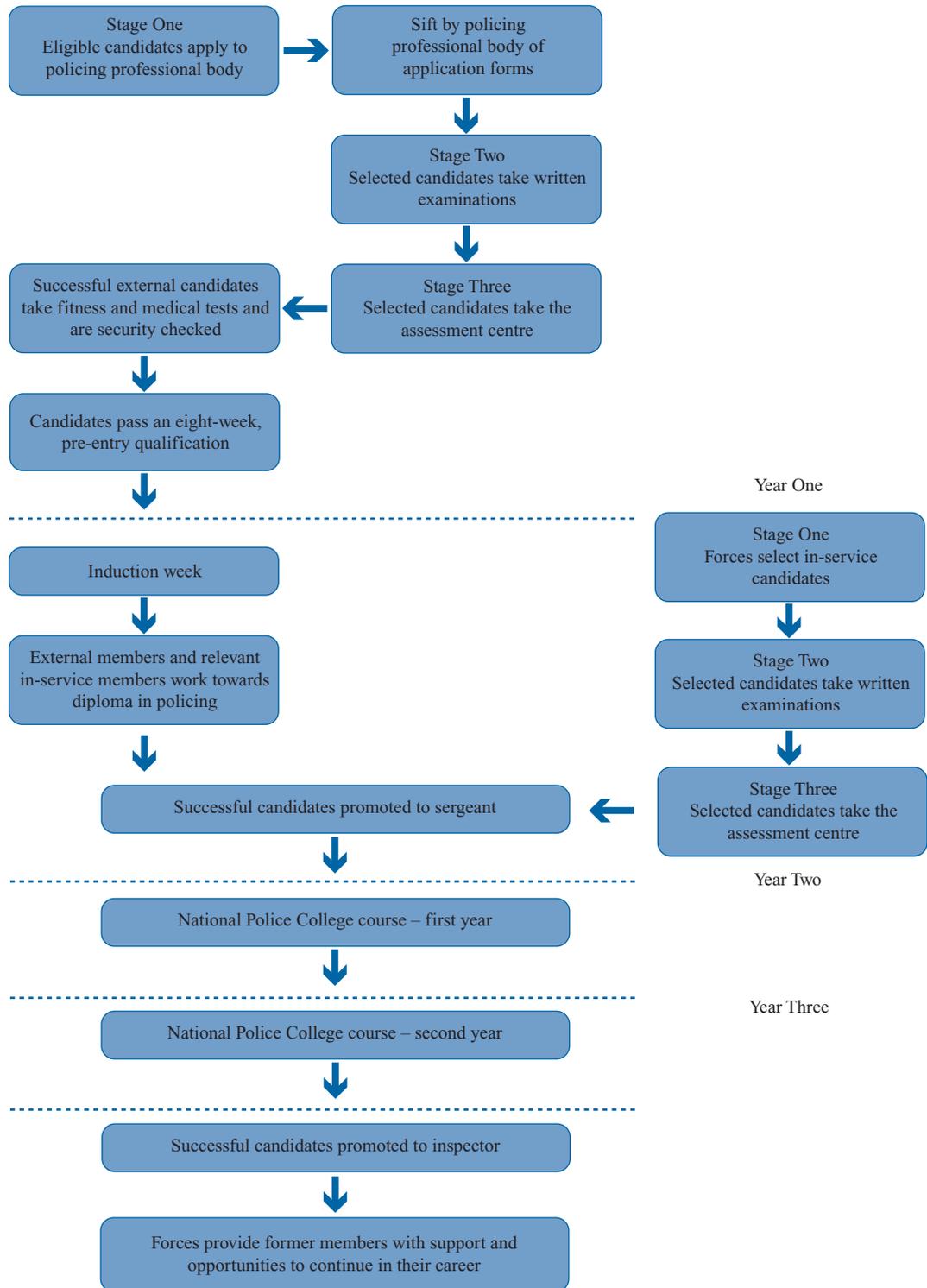
- 3.2.195 I recommend the establishment of a new national scheme for the direct entry into the police service of persons of high ability and potential who should be advanced to the rank of inspector within three years. It should also be open to serving police officers who should be able to complete the course in two years. It should be called the Direct Entry (Inspector) scheme. It should be open to approximately 80 graduates and internal applicants each year<sup>335</sup>, and that number should be reviewed every three years with a view to its increase, having regard to the rate of attrition on the course and the progress of its graduates. If implemented, the scheme should be promoted widely, especially to the universities. Only the best and the brightest, most promising candidates should be admitted to the course, which in itself should be regarded as a mark of achievement. The content of the course should require application and ability in high measures; the assessment process must be rigorous.
- 3.2.196 New recruits and internal candidates should be trained on the scheme to become competent inspectors at the end of a three-year course. Their salaries will more than double during this period. Graduate members of the scheme should spend one year as a constable, going through basic training together. A graduate member will then spend the remainder of his first year in his force experiencing in full measure front line policing. If his potential remains high, he should be promoted to sergeant and begin an intensive training course at the end of this year, on which he will be joined by his other in-service colleagues. The course should last for two years. It should focus on leadership, management and operational knowledge and skills. Some of the course should be spent in the classroom and some in force, so that the officers can put what they have learned into practice. There should be regular assessments, and those who cannot satisfy the course supervisors and examiners that they can maintain and improve their performance, and are likely to complete the course successfully, should be dismissed from the course and return to their forces as constables, or leave the police service altogether. At the end of the three years, successful candidates should be appointed as inspectors.
- 3.2.197 The outline of the scheme is shown in Figure 3.14 followed by my recommendation. A more detailed explanation of the scheme then follows.

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<sup>335</sup> As noted earlier, a study of the special course (an accelerated promotion scheme introduced in 1961), and its successor the accelerated promotion course between 1962 and 1992 found that 13% of former course members achieved ACPO rank, 16% becoming chief superintendents and 24% becoming superintendents. The special course had around 60 people each year, a similar number to the HPDS scheme now. The rates of promotion for former Direct Entry (Inspector) scheme members should exceed the rates of those on the special course given the demanding nature of the scheme. To raise the likelihood of this expectation being met, and to take account of the fact that a proportion of members will fail to complete the scheme, the number of scheme members should be higher than the current HPDS scheme. This number should balance the cost of the scheme with the benefit of improved leadership in the middle and senior ranks of the service over the coming decades. I judge that the scheme should initially have an intake of around 80, but this should be reviewed by the Police Professional Body once data are available on the success rates and promotion prospects for members. More participants should be able to join it, as it develops

Figures 3.14

Direct Entry (Inspector Scheme) outline



**Recommendation 7 – The police service should establish a programme of intensive promotion of itself, and all the advantages it has to offer, to young people in schools and universities throughout the country.**

**Recommendation 8 – From August 2013, a national Direct Entry (Inspector) scheme should be established with the objective of improving police leadership and offering rapid training and promotion to individuals of high ability and capacity. It should be run by the Police Professional Body with the co-operation of police forces. The intake should be set annually, with at least 80 participants in each intake. Around half of the scheme members should be external graduates and half in-service officers and police staff members. The scheme should be rigorous and highly selective.**

**Recommendation 9 – The Direct Entry (Inspector) scheme should last three years for external candidates and two years for internal candidates. Successful candidates should attain the rank of inspector at the end of the scheme. In the first year, external candidates should gain policing experience, and by the end of that year pass an intensive version of the diploma in policing. At the end of this year, participants who have met the requisite standard of achievement should be promoted to sergeant and begin a two-year course where they will be joined by in-service candidates who have also been promoted to sergeant. This course should have a residential element based at the national police college, and time spent in force. The course should focus on leadership, operational policing and management skills. Assessment should be rigorous and continuous. There should be two examinations a year which must be passed. Successful participants should be promoted to inspector on completion of the course.**

3.2.198 The details of the scheme are as follows.

#### *Governance*

- 3.2.199 The new scheme should be established and operated by the Police Professional Body. It should be responsible for establishing with forces the number of scheme members each year, running the application and assessment process, and monitoring the officers as they go through the scheme. The scheme should have a senior police officer principally responsible for it. This officer, preferably a Chief Constable, should also discharge the function of encouraging forces to comply with their obligations in relation to the scheme and its graduates.
- 3.2.200 On introduction of this scheme, each force should be required to agree to receive a certain number of officers. The scheme should not fall below 80 officers nationally in a year provided there are sufficient applicants of the required standard in order to maintain critical mass. Forces should be required to accept responsibility for those officers allocated to them. Once a force has agreed to take on a certain number of applicants, it should have a responsibility to those officers. The forces should fund them on the scheme, provide them with appropriate work opportunities, and provide them with a position at inspector rank on completion of the scheme. Within each force, the scheme is likely to be administered by the human resources department. A member of each force's senior leadership team should act as an advocate for scheme participants in the force. That chief officer should also act as a point of contact for any concerns raised by either the Police Professional Body or individual participants. Forces should also provide a career adviser for those on the scheme, who will provide a line-management function, monitoring performance alongside the participant's existing manager, particularly when he is working in force. These career advisers could be provided on a regional basis if forces choose to collaborate in this respect.

### Costs

- 3.2.201 Each force should meet the employment costs of its officers on the scheme, including their salaries, pension and national insurance contributions. The force should also pay fees for each of its officers to attend the college, covering the cost of the course and its associated learning. Forces should also cover the cost of the first stage of the application process for in-service candidates.
- 3.2.202 The cost of the scheme is estimated to be £59,400 for each external candidate over the three years<sup>336</sup>. The cost for in-service members would be lower, at £57,200, as no pre-entry qualification would be required and its duration would be one year shorter. This compares with the current cost of £16,953 *per* member of the HPDS over five years. For a cohort of 80 officers, half of whom are in-service candidates and half external entrants, the additional cost (compared with the current HPDS scheme) would be approximately £4 million each year.
- 3.2.203 Additional central costs should be met by the Police Professional Body. These include the costs of promoting the scheme and running the necessary assessments. The greatest of these is the assessment process which is expected to be an additional cost (compared with the current HPDS scheme) of approximately £1.5 million *per annum*<sup>337</sup>. The National Policing

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336 The pre-entry qualification will cost approximately £600 *per* candidate. The National Police College course, taken by members on promotion to sergeant, is composed of six months of residential learning spread over the two years. This would be a direct cost of around £52,000 *per* member over two years. There would also be a direct cost associated with the diploma in management and leadership which participants would also complete over the two years. There would be some tutorials during their time at the college, but the majority of the qualification would be undertaken as distance learning whilst working in force. The current HPDS post-graduate diploma run in partnership with Warwick Business School costs £6,000 *per* candidate. Much of this is the cost of teaching (which would already be covered within the six months at the college). Based on advice from the National Police Improvement Agency, I estimate this additional cost of the diploma to be a maximum of £2,000. Other additional costs of the scheme, including central corporate costs, would be approximately £1,600 each year, based on the current HPDS scheme. The HPDS scheme costs approximately £17,000 over five years. Of this, £9,000 are the costs of the policing diploma and masters qualification run in partnership with Warwick Business School. This suggests the remaining costs of running the scheme, such as the support networks and central costs, are approximately £1,600 *per year per* member. Those joining from outside the police will incur three years of running costs, and those in-service officers will incur two years of running costs. This means that the cost of the scheme over three years for each intake of 80 officers is £4,664,000. This compares with a cost for an intake of the five-year HPDS scheme (assuming 60 members – numbers have varied between 57 and 64 over the past few years) of £1,020,000. The total estimated additional cost is therefore £3,644,000

337 The estimated costs of the assessment process are based on the following assumptions. For external applicants, stage 1 would cost approximately £150 *per* applicant, of whom approximately 1,000 are expected, based on the experience of the Prison Service graduate scheme at a cost of £150,000. This is based on the approximate cost of stage 1 for the current HPDS scheme (£100), together with approximate cost for an online ability test of £50 suggested by the NPPIA. Approximately 500 applicants would progress to stage 2. This assumption balances the costs of assessment with the benefit of allowing as many people as possible through the initial, less robust assessment stage (the application form) to minimise the risk that potentially promising candidates are removed on the basis of minimal evidence. Taking the examination at a cost of around £500 *per* candidate, based on estimated costs of this stage in the current HPDS scheme, this would cost approximately £250,000. On the advice of the NPPIA, it is assumed that around one quarter, or 125 of these, would then progress to stage 3, the assessment centre, to compete for approximately 40 external places at a cost of approximately £875,000. This is more than the normal 2:1 ratio of candidates to places that would be expected at the final stage of the process, but the large number of applicants expected for only around 40 places means it would be desirable to assess more of them in depth. Potential comparators for the cost of the assessment centre are the four-day army main board, which costs £2,500 *per* candidate, although this only covers non-pay costs, and the one-day HPDS assessment centre which costs approximately £2,600 *per* candidate on a full cost recovery basis. However, neither is directly comparable and so, whilst a broadly indicative cost of £7,000 has been given for the purposes of this report, it should be recognised that this is heavily caveated. The Police Professional Body would need accurately to assess the cost of the proposed assessment centre. This leads to a total indicative cost for assessing external candidates of £1,275,000 *per annum*.

For internal candidates, the costs of stage 1 would, as now, be met by forces. Based on approximately 500 applications received each year for the HPDS scheme, approximately 200 would proceed to the second stage at a cost of £500 *per* candidate (making a total cost of approximately £100,000), of whom around 80 would progress to the assessment centre (at a cost of £560,000), to make a 2:1 ratio with the 40 internal places which would exist. This gives an indicative cost for assessing internal candidates of approximately £660,000.

The total cost of assessment for the Direct Entry (Inspector) scheme is £1,935,000. This compares with a current cost of £430,760 for the current HPDS scheme assessment process. The total estimated additional cost of the assessment process is around £1.5 million

Improvement Agency has advised that the cost of developing all the additional courses recommended in this Chapter should be approximately £120,000.

- 3.2.204 A further direct cost to forces will arise from the additional sergeants who will be created by the scheme. Scheme participants should be promoted to sergeant when they begin the two-year course at the national police college. It is unlikely that the majority would have reached the rank of sergeant as rapidly without the scheme. This will in part be offset by a corresponding reduction in the number, and therefore pay, of constables, and is estimated by modelling to be around £3 million each year, including national insurance and pension costs.
- 3.2.205 An indirect cost which forces will pay on a continuing basis arises from a reduction in recyclable savings. These are savings on the paybill which arise when an officer leaving the organisation is replaced by an entrant with a lower salary cost. In the police service, which replaces officers through internal promotion, this creates a chain of savings. For example, in the following chain, a long-serving inspector leaving the service is replaced by a serving sergeant on promotion, who is in turn replaced by a constable, who in turn is replaced by a new recruit. Savings will be generated at each rank in the chain, as an individual higher in the payscale is replaced by an individual at the bottom of the payscale. As a result of the Direct Entry (Inspector) scheme, these savings will be reduced. A sergeant on the scheme will be promoted after two years, so he will not reach the top of the new four-point sergeant's scale, which means that the saving made from promoting him will be less. The indirect cost of this to the police service each year is estimated by modelling to be approximately £1.5 million *per* year.

### *Probation*

- 3.2.206 External entrants should be probationary officers until the end of their first year on the scheme when, if they meet the standard, they should be promoted and join the course at the national police college. This course would normally begin approximately one year after a graduate entrant has joined the force. Internal candidates who have not yet passed the normal two-year probationary period set out in Determination Annex C, made under Regulation 12 of the Police Regulations 2003, should be deemed to have passed probation once they have passed onto the scheme and are then automatically promoted to sergeant.
- 3.2.207 Retaining a probationary period is important in case an individual turns out, despite the rigorous selection process, to be unsuited to being a constable. However, scheme members' probation does not need to be as long as two years. These external candidates will have successfully undergone a rigorous selection process and undertaken their first year as a constable, so there will have been ample opportunity to assess their suitability. Therefore, paragraph 1 of Determination Annex C, made under Regulation 12 of the Police Regulations 2003 should be amended. This currently provides that an officer without any qualifying probationary service from another force is required to be on probation for the first two years of his service, or for longer if so determined by the chief officer. This should be amended to allow those on an accelerated promotion scheme, recognised by the Home Secretary, to serve a one-year probation, matching the normal period a graduate entrant scheme member would expect to serve in-force. There should also be discretion for the Chief Constable to determine that an officer on the scheme should have his probation shortened.

**Recommendation 10 – Paragraph 1 of Determination Annex C, made under Regulation 12 of the Police Regulations 2003, should be amended to allow those on an accelerated promotion scheme recognised by the Home Secretary to serve a one-year probationary period, or shorter as the relevant chief officer determines in the circumstances of a particular case.**

### *Promotion*

- 3.2.208 When agreeing to take on a scheme member, each force should understand that promotion of officers to sergeant and later to inspector is automatic. Graduate entrants and internal

candidates will be promoted from constable to sergeant on the first day of joining the two-year course at the national police college. Regulation 7(2) of the Police (Promotion) Regulations 1996 should be amended to provide for early promotion to sergeant in these circumstances. This currently provides that members of an accelerated promotion scheme who are constables still need to qualify for promotion under Regulation 3. Regulation 7 should be amended to provide that officers on an accelerated promotion scheme recognised by the Home Secretary should be promoted if they have met the criteria to join a recognised accelerated promotion scheme course and have completed one year's service and passed probationary, subject to the discretion of their Chief Constable. It should also provide that officers promoted in such a manner will be on probation at that rank until they have completed two years' service at sergeant or have completed the recognised accelerated promotion scheme course, whichever is later. Any sergeant attending the course who is required to leave before successfully completing it should be demoted.

**Recommendation 11 – Regulation 7(2) of the Police (Promotion) Regulations 1996 should be amended to provide that officers on an accelerated promotion scheme, recognised by the Home Secretary, should be promoted from constable to sergeant if they have met the criteria to join a recognised accelerated promotion scheme course, have completed one year's service and have passed a one year probation period, subject to the discretion of their Chief Constable. Officers promoted in such a manner should be on probation until they have completed two years' service at that rank or a recognised accelerated promotion scheme course, whichever is later.**

- 3.2.209 Participants who pass the national police college course should be automatically promoted from sergeant to inspector on the day the final results of the course are published. Regulation 7(4) of the Police (Promotion) Regulations 1996 should be amended to provide for this automatic early promotion to inspector.

**Recommendation 12 – Regulation 7(4) of the Police (Promotion) Regulations 1996 should be amended to provide that officers on an accelerated promotion scheme recognised by the Home Secretary should be automatically promoted from sergeant to inspector upon passing a recognised accelerated promotion scheme course.**

### *Pay*

- 3.2.210 As shown in Table 3.22, external entrants will join the service on pay point 1 (£21,000 *per annum*) of the constable pay scale recommended in Chapter 7. This is normally reserved for those with previous experience as a special constable or PCSO or holders of a new certified policing qualification (see earlier in this Chapter), with point 0 (£19,000 *per annum*) for those with no policing background or qualification. In-service candidates should be promoted to sergeant on appointment to the scheme, and should be paid as sergeants from the date they begin the national police college course. Pay point 1 on the sergeant pay scale is currently £37,767.
- 3.2.211 On successfully completing the end of the first year of the course, external entrants, together with in-service candidates, should be promoted to sergeant and be paid accordingly at pay point 1 on the sergeant pay scale, currently £37,767 *per annum*. This will rise to pay point 2 (£39,033 *per annum*) at the beginning of the second year of the course. On passing the course, and being promoted to inspector, members will be paid at pay point 0 on the inspector's pay scale, currently £46,788 *per annum*, or £48,840 *per annum* in London. Within three years, successful scheme members will be earning more than twice their pay at the beginning of the scheme.

**Table 3.22: Salary expectations of a successful external member of the Direct Entry (Inspector) scheme**

Years in service	Salary
0 (constable) – joining the scheme	£21,000
0.5 (constable) – complete basic training	£22,000
1 (sergeant) – join the course	£37,767
2 (sergeant) – on successful completion of year one of the course	£39,033
3 (inspector) – on successful completion of year two of the course	£46,788 (£48,840 in London)

*Eligibility*

- 3.2.212 The scheme should be open to candidates from forces in England and Wales, and to candidates from other police forces if their forces have agreed to the programme and to meet the costs.
- 3.2.213 Three groups should be eligible to apply for the scheme. The first are graduates with a bachelor's degree at first class or upper second class level. The second group are police officers at the rank of constable, who should not require to have a degree. The third group are members of police staff, who should also be exempt from the requirement to have a degree. Prospective candidates from any group should only be allowed to apply twice to the scheme, to reduce unmeritorious applications. Candidates may be of any age, but as the objective of the scheme is rapidly to promote members with the skills to be future senior leaders, forces should expect a return on their investment which as a minimum should be several years' service after completion of the scheme before normal retirement age (see Chapter 5).
- 3.2.214 Undergraduates in their final year should be able to apply, but any offer should be conditional on achieving the necessary class of degree. Successful candidates should not need to pass the SEARCH assessment centre in addition to the Direct Entry (Inspector) scheme assessment centre because the Direct Entry (Inspector) scheme assessment centre will test their suitability to be a police officer in the same way and to the same standard as SEARCH.
- 3.2.215 Existing police officers at the rank of constable, including those on probation, should be eligible to apply for the scheme and should not need to have a degree. Officers who have been selected for promotion to sergeant and whose forces have confirmed that the promotion will be implemented before the force submits his application forms, should be ineligible as the scheme is aimed at constables only. For existing police officers, previous applications to the HPDS scheme should count towards their maximum of two applications to the new scheme. Existing members of police staff should also be eligible to apply for the scheme without meeting the academic requirement, in recognition of their experience in policing. As with graduate entrants, police staff should not need to pass SEARCH in addition to the assessment centre.
- 3.2.216 The number of places available in a given year should depend on the need for recruitment within forces. However, I would expect that the scheme would not fall below 80 members each year, split broadly between new entrants (graduates) and internal members (officers and staff).

*Application process*

- 3.2.217 Eligible external and internal candidates should pass the same assessment process for the scheme. This needs to be rigorous, given the exacting nature of the scheme. I believe that the current three stage HPDS process is right in its outline. The first stage involves an application form, the second stage written and situational tests, and the third stage involves an assessment centre.
- 3.2.218 As happens now, stage 1 should be a nationally agreed competency-based application form. This should assess the candidates' potential to meet those competencies that should be

demonstrated by senior leaders. In the current policing professional framework, these are serving the public, leading change, leading people, managing performance, professionalism, decision making and working with others<sup>338</sup>. The purpose of this form is to act as a sift, with only the most promising applications progressing to the more resource-intensive stages. In assessing the forms, weight should be placed on the manner in which candidates express themselves on paper as well as the content of their answers.

- 3.2.219 Stage 1 for external applicants should be managed nationally by the Police Professional Body. Applicants should be able to indicate a preference for a particular force (or forces), but it should be made clear that if accepted onto the scheme, a position could be offered in any force in England and Wales. Places would then be allocated according to the candidate's ranking. In the event of a force being oversubscribed, a candidate's overall mark should be used. This will ensure that the standard of those graduates accepted onto the scheme is the highest possible. If the number of external applicants is high, it may be necessary for this stage to include an additional sift, to reduce numbers progressing to the second stage to a level manageable in practical and cost terms. The need for this should be assessed by the Police Professional Body once the scheme is underway and numbers of applicants can be assessed with greater accuracy. This additional sift could be done through ability testing (the civil service fast stream uses online ability tests to ensure those going through to further assessment meet a minimum standard) or interviews, perhaps at force level. For the purposes of determining the costs of the scheme, it has been assumed that it would be necessary to introduce an additional sift at this stage, and that online testing would be used, but this should be a matter for the Police Professional Body.
- 3.2.220 Forces should continue to run this part of the process for internal candidates, endorsing the application forms of candidates sent forward to stage 2. In running their own internal selection processes for prospective applicants, forces should ensure that they are fair and non-discriminatory.
- 3.2.221 Stage 2 should be a written examination. At present, in the HPDS regime, this has two elements designed to measure candidates' abilities against factors relevant to being an HPDS member and a senior leader in the police service. The first is a situational judgment test, which requires candidates to demonstrate ability to make sound judgments in a series of hypothetical policing-based management situations<sup>339</sup>. There are 20 scenarios and the test is untimed<sup>340</sup>. There is also a written assessment lasting two and a half hours, designed to assess the competencies of leading change, leading people and managing performance<sup>341</sup>. Candidates are provided with a set of documents which they must read and use to complete a number of tasks. With the addition of a suitably demanding time-limit for the situational judgment test, and a requirement that candidates pass both elements of the test in order to progress to stage 3, this is an effective second sift. Again, weight should be placed on the ability to communicate in writing, as well as the content.
- 3.2.222 Change is needed at stage 3. The current assessment centre is short, lasting just under three hours. It contains a group exercise lasting 45 minutes, an oral briefing lasting 50 minutes, an interview lasting 45 minutes and an interactive exercise lasting 35 minutes<sup>342</sup>. Three hours is insufficient time to choose people who will be joining one of the most demanding professional training schemes in England and Wales. I believe that a model similar to the army's officer selection main board would be more appropriate. As described above, this lasts four days, and includes physical and written tests and exercises, tests on general knowledge and current affairs and group discussions on moral topics and interviews. There are also outdoor group exercises with and without leaders. This should give the assessors more opportunity to assess

338 *Application form: HPDS selection process*, National Policing Improvement Agency, London, April 2011, pages 7 to 8

339 *Stage 2 – results overview: HPDS selection process 2011*, National Policing Improvement Agency, London, September 2011, page 3

340 *Overview – HPDS selection process 2011*, National Policing Improvement Agency, London, 2011, page 7

341 *ibid.* page 7

342 *ibid.* pages 9-10

candidates' performance and behaviour. Unlike in the army, I do not believe that candidates should be permitted a second attempt if they fail.

- 3.2.223 An appropriate number of candidates with the highest scores, based on force workforce plans, should be offered places in each force. As set out above, force preferences should be given to the most successful candidates. External candidates' offers should be conditional on passing the fitness test, medical test and security checks to which all new recruits are subject (see earlier in this Chapter).

### *Timing*

- 3.2.224 The application process for external candidates should be synchronised with the university year, as new graduates would be expected to comprise a significant proportion of the intake. Applications for the following year should be invited between August and the end of October, and the written assessment should be held in November or December, with the assessment centre being held in February and March. Successful candidates should be informed in March or April and begin the scheme as constables in October, one year after the deadline for applications.
- 3.2.225 The application process for internal candidates should run over a year later. Internal candidates should be told by July whether they will be joining the scheme the following October.

### *Prior learning*

- 3.2.226 Before joining the scheme, external members should complete the Technical Knowledge Certificate in Policing<sup>343</sup>. This is a ten-unit, accredited qualification under the Qualifications Credit Framework. This teaches and assesses those elements of the diploma in policing (which is completed by all new recruits) that can be conducted in an environment outside policing where students are not required to be operating in a law enforcement capacity.
- 3.2.227 Undertaking this pre-joining qualification will allow scheme members to spend the first year of the scheme focused on the practical learning and assessment elements of the policing diploma, which they are required to pass at the end of the year. The certificate should be managed and funded by the Police Professional Body. Studying for the certificate should take approximately eight weeks on a full-time basis. The learning should be predominantly self-directed in order to be cost effective, but periodic group tutorials should be offered to scheme participants. This could be done over the internet if people live far from a teaching centre, or, in areas where there are sufficient people, in a classroom. Scheme members should be expected to have completed the technical certificate before joining the police service. This is the first assessment point. The assessment strategy should be robust to meet the expectations of the course. Such a course could either be conducted by the national police college or in partnership with an education provider. It is estimated that such a course, with low overheads and a small face-to-face component, should cost around £600 *per* member.

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343 The course leading to the Technical Knowledge Certificate in Policing, would be compliant with the national pre-joining curriculum. It would provide an introduction to policing including the underpinning ethics and values of the police service, how to foster equality, diversity and human rights, reducing health and safety risks, assessing an individual's needs and providing advice and support, developing effective partnerships, the use of police powers and neighbourhood policing. The course should then focus on the theory of a range of operational policing skills, including dealing with aggressive and abusive behaviour, dealing with and gathering information and intelligence, responding to incidents, conducting investigations, conducting searches, evaluations and participating in planned operations, preparing, conducting and evaluating interviews with victims, witnesses and suspects, and arresting and reporting suspects. Underpinning this course are approximately 100 modules of learning covering specific legislation, policy and guidelines on crime, stop and search, protecting people, roads policing and non-crime incidents such as dealing with sudden death. Police policies and procedures and models, methods and processes are also studied

**Recommendation 13 – The Police Professional Body should develop a distance-learning version of the policing technical certificate designed as a pre-entry requirement for the Direct Entry (Inspector) scheme and Direct Entry (Superintendent) scheme, or work with an appropriate education provider to do so.**

### *Induction*

- 3.2.228 Much of the scheme should be residentially based. These parts of the course should be held in a prestigious site to match the important nature of the scheme. Therefore, I recommend that it should be held at the national police college. Ideally, the course should be delivered at Bramshill, Hampshire. Members should be exposed to the history and traditions of the organisation which they may one day lead. Bramshill has been used for police training, notably staff courses for more senior officers, since the 1950s and has appropriate facilities, including the British National Police Library.
- 3.2.229 At the beginning of the programme each autumn, all external scheme members should undergo a week's residential induction. Scheme members should leave with an understanding of what the scheme entails, what is expected of them as scheme members, and what they should expect from their forces. They should meet the chief officer responsible for the scheme nationally and a range of senior officers and staff from across the country as they begin to discuss and learn what it means to be a police leader. This week should be used to bring the different members of the scheme together as a cohort and begin the development of a group ethos. It is important that bonds and relationships are developed which the different members can draw upon during the more demanding parts of the scheme.
- 3.2.230 During this week, members should be assigned a mentor, preferably an officer of ACPO rank from a different police force. This relationship should continue formally throughout the three years of the course and potentially beyond. How the relationship is run will be up to the mentor and mentee. The senior officer should provide advice and assistance to, and encourage, the person he mentors, to maximise his potential and make the most of his personal development. The mentor should guide the person he mentors through the first years of his career and help him develop solutions to some of the problems which might arise. This is an opportunity for senior officers to work with the most promising in the police service. This should be amongst the most important of their management duties.
- 3.2.231 At the end of this week, external scheme members should join their forces. They should focus on obtaining the diploma in policing over the following year. The police learning and development programme normally lasts two years, with approximately 35 weeks of supported learning leading to a mandatory diploma in policing, the minimum qualification for all police officers. It includes the initial training in areas such as Professionalising Investigation Programme (PIP) Level 1, forensics, mental health, and equality and human rights<sup>344</sup>.
- 3.2.232 After an initial induction to the force, scheme members should focus on demonstrating competence for the policing diploma. As part of the scheme, forces should ensure that they give members the opportunities required to demonstrate the knowledge, skills, attitudes and behaviours required to complete the diploma. Initially, an officer will then go out on accompanied patrol and, when judged ready, on independent patrol. Throughout this period, a trained tutor constable should assess him. This is the same procedure which is followed by ordinary recruits. Completing the policing diploma in one year, after prior learning, is demanding but achievable if individuals are motivated and ambitious, and of the appropriate calibre. It should also give scheme members credibility, as they will have passed the same qualification as must all other constables, but in half the usual time. Forces should pass members as soon as they have met the requirements of the policing diploma and demonstrated competence, rather than waiting until the end of the year. Members who do not achieve their

<sup>344</sup> *Initial police learning*, October 2011, [www.npia.police.uk](http://www.npia.police.uk)

diploma should be removed from the scheme and continue to be constables, if satisfactory in all other relevant respects.

*The national police college course*

- 3.2.233 The course should last two years and be based at the national police college. Unlike the special course in the 1960s, which spent much of the year focusing on the general education of those attending, these two years should cover three police-focused areas: operational policing, leadership and management skills. The emphasis should be on knowledge and practical instruments. The course should not train participants to be specialists, but it should give them a broad range of skills which, coupled with their intellectual capacity, should enable them rapidly to become competent in any area. Members should leave the course knowing how to lead and inspire the officers and staff under their command, how to make the most of their resources, and with a strong understanding of the principal areas of operational policing. This will assist them in becoming leaders of the future.
- 3.2.234 Those attending the course should learn through classroom-based tuition, simulations and in the workplace. They should discuss their learning with their force or regional learning group whilst away from the college. These groups, which should be organised by participants, should meet regularly to provide members with peer challenge and advice and assistance. It will be important for members in the largest metropolitan forces to meet with colleagues from other forces to avoid insularity.
- 3.2.235 Trainers, tutors and leaders on courses taught at the police college should predominantly be serving police officers, particularly in areas involving operational command. Forces should put forward their most able for such posts. It is essential that the skills and knowledge taught during the course (and in the other courses recommended in this Chapter) are put in an up-to-date policing context. A secondment to the national police college to train its future leaders should be regarded as a mark of high distinction for a police officer, one earnestly to be sought.
- 3.2.236 The curriculum for the course should be developed by the new Police Professional Body, with advice from the sector's skills council, Skills for Justice. Many of the areas covered in the postgraduate diploma in police leadership and management run by Warwick Business School for the HPDS scheme are relevant, but as explained above there should be a greater focus on operational policing and leadership.
- 3.2.237 Members should learn about the theory of leadership and have regular opportunities to put this into practice, both within their intake and in their forces. They should receive regular lectures from leaders in different sectors. Members need to learn about the practicalities of managing a section of an organisation. As in the postgraduate diploma in police leadership and management, members should learn:
- project management skills;
  - about the management and use of resources in the policing environment and a wider public sector context; and
  - about designing, developing and implementing programmes in the police service and in co-operation with other institutions and organisations.
- 3.2.238 Members of the scheme should also continue to learn management theories concerning organisations and people. However, a significant component of this part of the course should be the practical application of the management instruments available to officers and staff. In the course of the review, it has been repeatedly stated that forces have the policies and tools available to deal with problems, such as unsatisfactory performance, but managers often do not know how to use them, or are reluctant to do so. Members of the scheme should be taught how to use instruments such as the unsatisfactory performance and attendance procedures, and how to apply the disability elements of the Equality Act 2010 correctly. This will not only assist them with their own direct line management responsibilities, but will enable them to advise those below them, spreading good practice.

- 3.2.239 To support these two elements of the course, the Police Professional Body should develop a qualification, potentially in co-operation with an appropriate higher education institution, in management and leadership in the police.
- 3.2.240 In relation to operational policing, all members should arrive at the national police college with experience of community and response policing as a minimum. This should be built upon, with members acquiring the skills necessary to police a community in co-operation with other public and voluntary sector organisations.
- 3.2.241 Members should learn (and demonstrate in force) the operational skills required by all sergeants, as specified in the Police Professional Framework<sup>345</sup>. This includes conducting intelligence-driven briefings, remitting officers and staff to particular tasks and debriefing, managing law enforcement operations, supervising the response to critical incidents and supervising investigations. Members should also gain experience in at least some of the specialist skills areas for constables whilst they are in their forces<sup>346</sup>. Members of the scheme should spend this time acquiring operational skills.
- 3.2.242 As future inspectors, members should be trained in the operational skills required at that rank, including theories of leading in situations involving public order, the use of firearms, dealing with terrorism and other civil contingencies. As inspectors, they could be expected to take command of almost any situation, and given the 24-hour shift system of policing there will generally be no-one more experienced there to advise or support them. Members would not be expected to have operational experience of all these elements of policing, although forces should try to introduce members to as many areas as possible during their time in their forces.
- 3.2.243 Scheme members also need to have a strong understanding of the legal knowledge required by sergeants and inspectors. This should always be undertaken in the context of the wider criminal justice system so that scheme members have a sound understanding of the reasons behind policies and procedures and the use to which they are put. The curriculum should also cover the legal knowledge and skills required to pass the OSPRE-II Part 1 examination for inspector. Scheme participants should acquire a sound knowledge and understanding of the fundamentals and essential details of the criminal law, including the rules of evidence and procedure, the constitutional position of the police, including their accountability, and the rights of witnesses, victims and suspects, and other citizens. Police officers need a better understanding of the importance and relevance of their parts in the criminal justice system. They need to have a sound appreciation of how their actions and what they have written and recorded will be examined and may be challenged in court. They need the ability to understand, anticipate and predict the course of a prosecution so that avoidable mistakes are not made in the earliest stages of a criminal case. Theoretical knowledge should then be put into practice when working in police forces and in simulated exercises.
- 3.2.244 I recommend one quarter of the course (six months) should be spent in classroom-based and simulated learning, and the remaining 18 months should be spent working in a police force. Time at the national police college should be interspersed with time in forces where the theoretical and simulated learning can be consolidated and reflected upon. Some forces may not be able to provide opportunities in certain fields in participant's learning plan. It would be beneficial for forces, particularly smaller ones, to work together in regional groups to give members access to a wider range of opportunities.

### *Assessment*

- 3.2.245 Members should be assessed continuously during the three years of the scheme for their suitability to remain on the course, both whilst on the course and working in force. An officer's careers adviser should be responsible for monitoring his performance, with significant

<sup>345</sup> *Policing Professional Framework – National Roles – Police Officer Ranks – Sergeant*, October 2011, [www.skillsforjustice.com](http://www.skillsforjustice.com)

<sup>346</sup> These are set out in the Policing Professional Framework and are community policing sergeant, custody sergeant, detective sergeant, public protection supervisor, roads policing sergeant, serious and organised crime intelligence sergeant, specialist/major crime investigator and crime desk sergeant

contributions from line managers and course tutors. Any concerns should first be dealt with on an informal basis. If these concerns are not adequately resolved, a process akin to the unsatisfactory performance and attendance procedures should be followed, with the sanction being removal from the scheme and demotion to constable. The final arbiter should be the chief officer in the force responsible for the scheme, alongside the Chief Constable. I would expect to see members' leaving rates matching, if not exceeding, the fifth leaving the 2008 cohort of the HPDS programme.

- 3.2.246 Members should also have three formal assessment points. Participants who entered on the graduate and police staff route, as well as officers who have not yet completed the diploma in policing, should be assessed before the end of their first year on the course. There should be two sets of end-of-year examinations on the national police college course. These should involve written examinations as well as practical simulation exercises. All members should be required to pass each part of the examination to continue on the scheme. With the agreement of their forces, members should have the opportunity to re-sit elements of the examination.

*Equality implications*

- 3.2.247 Table 3.23 shows that in 2008, just under one third of the population had a Level 4 (undergraduate degree level) qualification. Projections by the Department for Business, Innovation and Skills indicate that by 2020, this is expected to rise to 40%. This suggests that the proportion of the population eligible for the graduate element of the scheme will also rise.

**Table 3.23: Attainment rates of different qualification levels in 2008 and 2020 as a percentage of the population in England and Wales**

	<b>Attainment in 2008</b>	<b>2020 projection</b>
Level 2	71%	90%
Level 3	51%	63%
Level 4	31%	40%

*Source: Supporting Analysis for "Skills for Growth: the National Skills Strategy", page 24*

- 3.2.248 Table 3.24 shows that in 2010 just over one third of the working population of the United Kingdom, 34% of males of working age and 36% females, had a qualification equivalent to NVQ Level 4 or above. The percentage of those with Level 4 qualifications or above varied considerably by age. Those aged between 25 and 39 were more likely to have a degree qualification or equivalent, than those in older age brackets. Those in the age bracket 19 to 24 were least likely to have a degree, but this can of course be explained by the fact that most people do not obtain a degree before the age of 21.

<b>Table 3.24: Highest qualifications held by adults of working age by gender, age and region in 2010</b>				
<b>Personal characteristics</b>	<b>All working age adults (000s)</b>	<b>NVQ level 4 or above (percentage)</b>	<b>NVQ level 3 or above (percentage)</b>	<b>NVQ level 2 or above (percentage)</b>
<b>By gender</b>				
males	18,652	34	57	76
females	17,003	36	53	73
<b>By age</b>				
19-24	5,020	22	56	79
25-29	4,178	42	63	81
30-39	3,825	43	61	79
40-49	4,255	35	52	73
50-64	4,643	31	49	69
<b>By region</b>				
United Kingdom	35,655	35	55	75
England	29,930	35	56	75
Wales	1,669	33	51	72
Scotland	3,034	36	56	75
Northern Ireland	1,022	29	49	70
<small>Source: Education and training statistics for the United Kingdom, Department for Education, April 2011, Table 3.8</small>				

3.2.249 Table 3.25 shows that in 2007, 30.6% of white people between 19 and the age of retirement had qualifications at Level 4 and above, slightly lower than the 32.5% of people from non-white backgrounds (though there is considerable variation between those from different ethnic origins). Although there is a slight difference here, I do not believe that it is a significant gap which should preclude the establishment and operation of a graduate entry scheme.

Table 3.25: Percentage of people aged 19 to 59 (females) and 19 to 64 (males) with each qualification level in 2007										
	Population aged 19-59/64	Level 7-8	Level 4-6	Level 4 and above	Level 3	Level 3 and above	Level 2	Level 2 and above	Below Level 2	No qualifications
	(thousands)									
<b>By ethnic origin</b>										
<b>White</b>	25,971	6.8	23.8	30.6	20.4	51.0	20.5	71.6	17.7	10.8
<b>Non-white of which:</b>	3,612	9.4	23.2	32.5	15.2	47.7	17.0	64.7	19.4	16.0
<b>Mixed</b>	238	8.2	28.0	36.3	18.8	55.0	18.7	73.7	17.2	9.0
<b>Asian or Asian British</b>	1,730	8.6	20.7	29.2	15.5	44.8	17.5	62.2	19.7	18.1
<b>Black or Black British</b>	880	8.1	25.2	33.2	16.2	49.5	17.9	67.3	19.0	13.7
<b>Chinese</b>	191	19.6	34.9	54.4	11.6	66.0	9.8	75.8	14.3	9.8
<b>Other ethnic group</b>	573	10.8	21.6	32.4	12.2	44.6	16.0	60.7	21.3	18.0
<b>By disability status<sup>4</sup></b>										
<b>Non-disabled</b>	24,000	7.9	25.3	33.2	20.5	53.7	20.2	73.9	17.4	8.6
<b>Disabled of which:</b>	5,600	4.0	16.9	20.9	16.6	37.4	19.6	57.0	19.8	23.2
<b>DDA disabled and work-limiting disabled</b>	3,366	2.6	13.2	15.8	15.0	30.8	18.7	49.6	20.4	30.0
<b>DDA disabled</b>	1,412	6.4	23.1	29.6	20.1	49.7	20.8	70.5	18.3	11.2
<b>Work-limiting disabled only</b>	822	5.2	21.3	26.5	16.9	43.4	21.1	64.5	19.6	15.9

Source: The level of highest qualification held by adults: England 2007 (revised), Department for Business, Innovation and Skills, 19 June 2008, Table 1

- 3.2.250 The Police Professional Body should monitor the operation of the assessment process, and the success of scheme participants, for any disproportionate adverse effect on groups with protected characteristics. It may prove necessary to alter elements of the marketing of the scheme if a disproportionate effect can be demonstrated.

*Treatment of existing High Potential Development Scheme members*

- 3.2.251 Existing members of the High Potential Development Scheme should finish the programme. However, given the automatic promotion which the new scheme members will attain, forces should be assiduous in their compliance with the Police (Promotion) Regulations 1996 and ensure that all HPDS officers who are ready for promotion receive it, in line with their colleagues on the new scheme. This is only fair.

*The end of the scheme*

- 3.2.252 On successful completion of the course, participants should leave the scheme as inspectors and return to their home forces. A graduation day should be held, bringing together members of the direct entry schemes for inspector and superintendent. This should be a moment of pride for those who have taken part in the scheme and for the forces which sponsor them. Senior police officers and politicians, if available, should attend.

*Assisting and training established officers with aspirations to senior ranks*

- 3.2.253 Opportunities for training and development for all officers aspiring to senior rank should be increased, not only for those on the Direct Entry (Inspector) scheme. It is important that the best officers continue to be promoted, whatever their backgrounds. As I shall explain below, there should be greater opportunities for secondments outside the service to acquire leadership and management experience in alternative environments. There should also be better training, particularly for those seeking promotion to superintendent. Officers need to have the confidence that they have the skills they need to perform at that level. Officers responsible for managing significant sections of the police service do not automatically receive the training they need. With the introduction of a scheme for direct entry at superintendent rank (which is discussed later in this Chapter), training for in-service officers in leadership and management should be improved to ensure their knowledge and skills in these areas better match those of the direct entrants.
- 3.2.254 Training for prospective superintendents should be delivered through an improved ‘Foundation for Senior Leadership’ course. This is a programme currently run by the National Policing Improvement Agency at the national police college to provide those at chief inspector rank with “the knowledge, understanding and skills required within the complex business of policing”<sup>347</sup>. It covers business skills such as performance, resource and change management, executive skills such as negotiating and influencing, and the effect of personal values and beliefs on decision-making, and policing professional skills such as incident command and decision-making, risk and human rights. The current scheme is made up of three modules of one week, taken over a nine-month period, together with other components. The majority of those taking the course also complete a series of written assignments to demonstrate their understanding of specific parts of the course. This leads to a Chartered Management Institute strategic leadership and management certificate at Level 6 (foundation level). This qualification is aimed at middle managers aspiring to senior management. It is designed to improve personal management capabilities through effective decision-making and strategic leadership<sup>348</sup>. Whilst the course covers the correct areas, its depth is insufficient because the formal learning in the course only lasts three weeks. Some members of the scheme may not have had access to in-depth leadership training before. The Police Professional Body should expand the course so that those taking it learn about leadership, management and operational skills in greater depth. The formal training requirement needs to be balanced against the abstraction costs for forces

347 *Foundation for senior leadership*, October 2011, [www.npia.police.uk](http://www.npia.police.uk)

348 *Level 6 Qualifications in Management and Leadership (QCF) – Management Training and Qualification*, Chartered Management Institute

of operational commanders. Accordingly, I recommend the scheme should last for six weeks during a nine-month period, which represents a doubling of the classroom element.

**Recommendation 14 – The Police Professional Body should lengthen the current ‘Foundation for Senior Leaders’ course so that those taking it learn about leadership, management and operational skills in greater depth. The course should last six weeks instead of three weeks.**

- 3.2.255 Completion of a revised ‘Foundation for Senior Leaders’ course should become a prerequisite for those seeking promotion to superintendent rank, as well as chief inspectors whom the force believes would benefit from it. Those officers whom forces assess as ready for promotion, and where the forces’ workforce plan identifies vacancies for new superintendents, should also be put forward for the course. This will have a number of benefits. First, the introduction of the Direct Entry (Inspector) and Direct Entry (Superintendent) schemes does not mean that promotion opportunities for other officers will end. As emphasised in this report, promotion should be on merit alone. Forces should ensure that they assess all officers for their suitability for promotion, just as they should continually assess officers on promotion schemes to establish whether they continue to meet the standard.
- 3.2.256 There should also be benefits to forces from the introduction of a compulsory course to be eligible for promotion to superintendent. At a time of fewer promotions, forces need to be even more certain that those being promoted have the right skills and knowledge. Formal training before promotion will also bring external approbation.
- 3.2.257 The assessment element of the ‘Foundation for Senior Leaders’ course should be considerably increased if it is to be used as a requirement for promotion to superintendent rank. All officers who wish to be eligible for promotion to superintendent should complete the qualification associated with the course. There should be an element of work-based assessment to show that officers are applying their learning. There is a significant difference between performing strongly in an examination and demonstrating competence in practice. Promotion is of course a decision for an officer’s police force in co-operation with the course assessors, and, for those members on the second part of the accelerated promotion scheme, the careers adviser.

**Recommendation 15 – Officers wishing to become eligible for promotion to superintendent should first be required successfully to complete an enhanced ‘Foundation for Senior Leaders Course’.**

- 3.2.258 As well as improving training there should also, as suggested by the APA and the APACE, be greater flexibility to allow officers to acquire management and leadership experience outside the police force. This could be done through career breaks, secondments or by allowing officers to leave and return at their previous ranks. This should benefit forces by broadening the experience of their officers, and should improve the ability of individual officers to compete with direct entrants for posts at ACPO rank on the basis of management and leadership experience.

#### *Career breaks*

- 3.2.259 Determination Annex OO, made under Regulation 33 of the Police Regulations 2003, contains the rules governing police officer career breaks. Officers who have passed probation can apply to their Chief Constable for a career break, with a right of appeal (currently to the police authority) if refused. The officer in question agrees with his force the dates and length of the career break and its purpose. The purpose of a career break is not specified in Determination Annex OO. Career breaks are often used to enable officers to balance their careers with domestic commitments or welfare problems.
- 3.2.260 Whilst on a career break, an officer who wishes to participate in full-time education or in any activity for which he is paid, has expenses reimbursed or involves the sale of goods and

services, must get permission from his force. During a career break, an officer is not paid, nor are his pension contributions made, but he remains a member of the police service for the purposes of the Police Regulations 2003 (other than in relation to pay, leave, allowances and expenses). On returning to his force, officers operate on the same hours and work pattern as before.

- 3.2.261 It is therefore possible under Determination Annex OO, made under Regulation 33 of the Police Regulations 2003, to undertake work in a different organisation, with the permission of the police force. However, taking a career break for career development is unlikely to be financially attractive to many officers because of the effect it would have on their pensions. In later years, such officers may need to retire on a smaller pension, or work additional years to compensate. As set out in Home Office Circular 33/2003, service during a career break does not count as reckonable service, and so does not contribute towards the accrual of an officer's pension. However, because an officer on a career break remains a member of the police force, the career break counts as qualifying service, and is not regarded as a break in the continuity of pensionable service. On his return to work, an officer may continue to pay into the scheme but time spent on a career break cannot be 'bought back' for pension purposes (that is, an individual cannot pay the contributions he would have made if he had been working normally during that period, which is costly for the scheme)<sup>349</sup>. An officer who took a career break to work in a different organisation for a period may be eligible to buy additional years if he is unable to attain full service by his voluntary retirement age (Police Pension Scheme 1987<sup>350</sup>) or by 55 (Police Pension Scheme 2006). There are limits to the amount of additional benefits which can be purchased (see Appendix 5). The cost is likely to be high as the officer pays an actuarially assessed full cost for the time.
- 3.2.262 I do not believe that changes are necessary to Determination Annex OO, made under Regulation 33 of the Police Regulations 2003, governing officer career breaks. Instead, greater flexibility should be achieved through other mechanisms, such as secondments and enabling officers to rejoin the service.

### *Secondments*

- 3.2.263 Section 97 of the Police Act 1996 provides the framework for an officer to engage in 'relevant' service away from his force. This is defined as 'central service' with national or international bodies concerned with policing, such as the National Policing Improvement Agency, the Serious Organised Crime Agency, the Home Office or HMIC. This list means that secondments to other police forces or organisations in the private or voluntary sectors are not considered relevant service. Section 23 of the Police Act 1996 deals with collaboration agreements between forces. It permits a police officer to be seconded to another force.
- 3.2.264 Under section 97 of the 1996 Act, officers on relevant service are not treated as being members of their home forces. Instead, their terms and conditions are set by the receiving organisation. The Home Office, in consultation with the Treasury, produces a 'Guide to Conditions of Service for Police Officers Seconded to Central Services'. This states that the Police Regulations 2003 and determinations made under them do not apply to officers on central service<sup>351</sup>. Instead, the Home Office and the Treasury determine conditions of service. It recommends that, in practice, conditions of service should "seek to adhere as closely as possible to the provisions of the Police Regulations 2003" but reminds those on secondment that these terms and conditions are ultimately matters for the Home Office and not their Chief

349 Buy-back is only available for unpaid sick, maternity and paternity leave and there are limits to how much an individual can buy-back (see Regulation F1 of the Police Pension Regulations 1987)

350 Under Regulation A4 of the Police Pension Scheme 1987, constables and sergeants have a voluntary retirement age of 55 and inspectors and superintendents have a voluntary retirement age of 60. In the Metropolitan Police, the Commissioner, Deputy Commissioner and Assistant Commissioners have a voluntary retirement age of 60, for Deputy Assistant Commissioners and Commanders it is 57 and for lower ranks it is 55. Any officer not otherwise covered (officers at ACPO rank outside the Metropolitan Police) do not have a voluntary retirement age. This is effectively 60 because this is the deferred pension age

351 *Central Service: a Guide to Conditions of Service for Police Officers Seconded to Central Service*, Home Office, London, 2003, page 12

Constable or the Police Negotiating Board. The exception to this is that seconded officers are dealt with under police regulations for discipline and conduct purposes<sup>352</sup>. In Part 1, I agreed with the principle underpinning the central guidance, and recommended that no officer should be better or worse off as a result of a secondment than his home-force colleagues<sup>353</sup>.

- 3.2.265 In relation to pensions, an officer on secondment under section 97 of the 1996 Act does not automatically remain a member of his home force, nor is he entitled to access to the receiving organisation's pension scheme<sup>354</sup>. This is agreed between the two organisations on a case-by-case basis. However, I understand that officers on secondment to central service would normally remain in the police pension scheme. An officer on secondment is paid by the sending force (who is then reimbursed by the department or body to which the officer is seconded). He continues to pay pension contributions, so he remains a member of the pension scheme.
- 3.2.266 I believe there are worthwhile advantages for both forces and officers to be obtained from secondments to organisations outside policing in terms of the different experience and ways of operating to which officers would be exposed. It would be of particular benefit to officers with aspirations to the highest ranks, broaden their experience and enable them to see how other organisations operate. Many such secondments are likely to be with other public or voluntary and community sector organisations. The police serve their communities by working with a range of different public sector organisations, and a better understanding of these bodies would assist future senior leaders. However, some officers might also see benefits from working in the private sector, so the organisations eligible for a secondment should be left open for the discretion of the chief officer.
- 3.2.267 It would be helpful for a process for agreeing such secondments to be set out in police regulations, as it is with career breaks, so that it is clear to both officers and their managers. The process should be broadly similar to that which exists currently for career breaks. After completing the required period of probation, an officer should be able to make an application to the chief officer for a secondment. The application should include proof of an agreement in principle with the receiving organisation. This should include the proposed financial arrangements between the organisations for the officer's pay. To make secondments appropriately attractive, the seconding force should continue to pay the remuneration to which the officer is entitled, including his salary and allowances and the costs of employment such as national insurance and pension contributions. This is what normally occurs with officers seconded to central service. This ensures that the officer continues to accrue his police pension. The seconding force should then usually arrange with the receiving organisation to be fully reimbursed for the costs of the officer. However, there may be exceptional circumstances where the force believes it appropriate to bear some or all the costs of the secondment, perhaps to a voluntary organisation; this should be left to the discretion of the chief officer.
- 3.2.268 The application should also set out the dates and length of the secondment. I would expect a secondment normally to last approximately two years. This should be sufficient time for the seconded to acquire the skills and experience which will be of advantage to his force when he returns. A secondment should not last longer than five years; this should happen only in exceptional circumstances. The objective of a secondment is that the individual will return to his force so it can benefit from his experience. Beyond a five-year period, the officer has, in effect, changed careers. After five years working in an unrelated organisation, it is reasonable to assume that an officer's policing knowledge, skills and experience will have degraded and become outdated. Re-training the officer is likely to require more than a refresher course, and therefore will be expensive. When writing the business case for the secondment, the officer's line manager should consider at what point the additional re-training costs would outweigh any additional benefits that might come from a longer secondment.

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352 *ibid.* page 13

353 Part 1 report, page 157

354 *Central service: a Guide to Conditions of Service for Police Officers Seconded to Central Service*, Home Office, London, 2003, page 23

- 3.2.269 If the objective or timescales of the career break change, the officer should inform the chief officer formally and as soon as possible. The officer should, in any case, remain in regular contact with his force to make the return to the service more manageable. The chief officer should also have the right, where he has reasonable grounds for believing that the agreed objectives and timescales of the secondment are not achievable, to review the secondment. The result of the review may be a requirement for the officer to return to duty; if so, he should be given at least a month's notice. The notice period should form part of the agreement with the receiving organisation. As with career breaks, I do not believe that the chief officer should otherwise be able to order a return from the secondment. At the date agreed for the end of the secondment, the officer should return to work at the same rank and on the same hours and work pattern as before.
- 3.2.270 As with officers on career breaks, the secondee remains a member of his police force for the purposes of police regulations and determinations. In this case, the Police Regulations 2003 on pay (Part Four), leave (Part Five) and allowances and expenses (Part Six) continue to apply. He would also remain a constable.

**Recommendation 16 – Provision should be made in police regulations to enable police officers to be seconded to organisations outside policing for a period not exceeding five years.**

#### *Rejoining the service*

- 3.2.271 Provision should be made for those who leave the police service to return at the rank they held when they left, within a reasonable period and when a suitable vacancy exists. At present, an officer who leaves the service and wishes later to return must go through the full recruitment process, return as a constable and be subject to a full two-year probation under Determination Annex C, made under Regulation 12 of the Police Regulations 2003. This is likely to be unattractive and is unnecessarily inflexible both for the force and for individuals. Training an officer is expensive, and in times of rising recruitment, forces may welcome the opportunity to bring back former officers. This already happens in professions such as nursing, where the National Health Service provides return-to-work courses in co-operation with university schools of nursing.
- 3.2.272 The rehiring of officers should be subject to a number of protective conditions. First, there should be no right to return. A suitable vacancy should exist. Secondly, there should be a number of eligibility criteria that a former officer must meet. The officer should have passed his probationary period, so that he is a fully accredited member of the force before leaving. Officers eligible for rehiring should have an unblemished disciplinary record. Forces should consider the circumstances carefully before rehiring an officer with a poor attendance record. Forces should also consider whether rehiring an officer who may have received compensation (for instance following a Police Appeals Tribunal hearing – see Chapter 5) represents value for money for the taxpayer.
- 3.2.273 Thirdly, there should be a limitation on the time that an officer can be out of the police service and rejoin without going through the full selection process. As with secondments, a reasonable maximum period would be five years. After five years, an officer's knowledge is likely to be too outdated to make it cost effective to rehire him. Chief officers should have the discretion to extend this period in exceptional circumstances.
- 3.2.274 Prospective returning officers should go through a rigorous interview process which will test their suitability. They should pass the recruitment fitness test and the appropriate medical tests, and successfully pass through the vetting procedures. Returning officers should be required to undergo a refresher course of appropriate length and intensity, having regard to the particular circumstances of the officer in question. The needs of the officer should be assessed by force training departments, and an appropriate programme of instruction should be established. If the officer is returning to a specialist area, he should undergo appropriate reaccreditation in

that area, once the standards have been developed by the Police Professional Body. This is discussed in more detail in Chapter 9.

- 3.2.275 Returning officers should still be subject to a probationary period to ensure that they remain competent and are able to perform their duties. However, given their previous experience, I do not consider a two-year period to be appropriate. I therefore recommend that returning officers should be subject to a probationary period of six months.

**Recommendation 17 – The Police Regulations 2003 should be amended to provide for the return to the police service of former non-probationary officers at the rank they last held. There should be no right of return and there must be a suitable vacancy. Return after more than five years should not be allowed other than in exceptional circumstances.**

**Recommendation 18 – The Police Regulations 2003 should be amended to provide that returning officers should be subject to a probationary period of six months.**

## Consultation – Direct Entry above the rank of inspector

### *Response by the Association of Chief Police Officers*

- 3.2.276 The Association of Chief Police Officers is very cautious in relation to direct entry at senior ranks<sup>355</sup>. It is unpersuaded that any gains in the short term from direct entry will outweigh the costs, although it recognises that there may be justification for recruiting specialist police officers on a case-by-case basis<sup>356</sup>. It believes that all officers should be given the opportunity to reach senior positions, which is best achieved through talent management and accelerated promotion. It does not support recruits entering the service at middle management in a regime resembling the Trenchard scheme.
- 3.2.277 ACPO proposes that it should be made easier for officers to gain skills and experience outside the police service. It recommends that career breaks should be facilitated more often, and ways for officers to leave and return to the service should be introduced<sup>357</sup>.
- 3.2.278 ACPO points out that with no objective evidence on the positive or negative effects of direct entry, the debate has become polarised<sup>358</sup>. Even within ACPO, there are a broad range of opinions. It is conscious of the value of extensive operational experience in senior management, which provides senior officers with operational credibility<sup>359</sup>. Operational roles require “fast-time, critical decision-making under significant personal pressure”<sup>360</sup>. Indeed, many ACPO members say they could not imagine “having the requisite confidence and competence ... without extensive operational experience”<sup>361</sup>.
- 3.2.279 ACPO argues that given the risks to life associated with the roles of senior officers, each such individual must be competent from his first day in the job. Progression through the ranks tests “operational aptitude and ability” over a prolonged period of time<sup>362</sup>. At the same time, ACPO acknowledges that requiring officers to serve at every rank limits the pool of candidates available for senior roles to those who have been in service for a significant period. There may be situations where a candidate from outside the service has particular skills or experience unavailable internally. However, it believes that direct recruitment should “never be at the

355 ACPO submission, page 34

356 *ibid.* page 32

357 *ibid.* page 34

358 *ibid.* page 28

359 *ibid.* page 29

360 *ibid.* page 29

361 *ibid.* page 29

362 *ibid.* page 29

expense of operational competence”<sup>363</sup>. It rejects the idea that direct entry is the only way to increase diversity in the senior ranks and “dilute levels of organisational ‘group think’”<sup>364</sup>. People can already join as senior police staff members, bringing with them new ideas from other occupations. Such police staff are only excluded from operationally sensitive roles.

- 3.2.280 ACPO believes that rates of direct entry in other organisations are over-stated. The great majority of senior managers in public and private organisations are promoted internally, and the few external joiners have extensive experience within the sector. It points out that there are not the same opportunities to gain relevant operational experience outside the police.
- 3.2.281 Whilst supporting the aim of improving diversity at senior ranks, ACPO does not believe that direct entry will achieve this<sup>365</sup>. It argues that in reality the single entry model generates high levels of socio-economic diversity in senior ranks. It also argues that officers develop a depth and breadth of experience which provides beneficial operational flexibility which will be increasingly useful as police budgets are reduced.
- 3.2.282 If limited external direct entry recruitment were considered, ACPO insists that the office of constable must remain central, that recruits must have the operational skills and experience to discharge the responsibilities of their roles safely and effectively, and that recruits must have generic operational skills to provide flexibility for general deployment. If such a scheme were devised, there must be a robust accreditation regime to ensure the skills and expertise needed at each rank can be accurately assessed<sup>366</sup>. The training needs of individuals with different experience could then be determined and met through appropriate training programmes. ACPO believes such programmes would be lengthy and costly.
- 3.2.283 Selection should be based purely on objective assessment of the best person for a role<sup>367</sup>. ACPO argues that selection should consider whether a candidate has the right skills and performance to be an effective officer and provide the required flexibility at his rank. If not, ACPO doubts whether the time and cost of operational training could be justified.

#### *Response by the Association of Police Authorities*

- 3.2.284 The APA recommends the repeal of Determination Annex B, made under Regulation 11 of the Police Regulations 2003, which provides that Chief Constables must have served for two years as an Assistant Chief Constable or Deputy Chief Constable in another force<sup>368</sup>. It believes that officers should be motivated to move and develop their skills in different forces rather than be compelled to move<sup>369</sup>. By actively identifying and supporting talent early, a “culture of mobility” will develop. This reinforces the idea that to develop and progress, leaders must have a breadth of experience gained by moving forces.
- 3.2.285 The APA agrees with direct entry “by exception” for those with relevant experience<sup>370</sup>. It states that basic exposure to the frontline is essential for direct entrants. The criteria and the decision to recruit a direct entrant should be left to local forces and be competency-based. The APA is particularly attracted to using direct entry to obtain the external experience of former police officers. The APA also recommends maximum flexibility for re-joiners to the service<sup>371</sup>.

#### *Response by the Association of Police Authority Chief Executives*

- 3.2.286 The Association of Police Authority Chief Executives argues that policing needs to keep pace with changes in employment practices in the wider economy, and have increased flexibility in

363 *ibid.* page 29

364 *ibid.* page 30

365 *ibid.* page 31

366 *ibid.* pages 32-33

367 *ibid.* page 33

368 APA submission, page 5

369 *ibid.* page 28

370 *ibid.* page 5

371 *ibid.* page 5

careers<sup>372</sup>. It suggests permitting officers to leave and re-join the service, and allowing ‘rank-skipping’<sup>373</sup>.

*Response by the National Policing Improvement Agency*

- 3.2.287 The National Policing Improvement Agency remarks that there is a strong British policing culture and, it could be argued, a strong element of “group think”<sup>374</sup>. Whilst many senior officers are not afraid to voice different opinions, all their views are expressed within a culture in which certain things, such as the office of constable or entry only at the rank of constable “are unquestioned and ‘sacrosanct’”<sup>375</sup>.

*Responses by police forces and authorities*

- 3.2.288 The Metropolitan Police Service stated in its submission to Part 1 that it is in favour of multi-point entry in certain circumstances<sup>376</sup>. It is competing for recruits with organisations who offer direct entry and which therefore have an advantage over the police service.
- 3.2.289 In its submission to Part 2, the MPS says that the Commissioner has made it clear that he wishes to improve the representation of females and those from black and minority ethnic backgrounds at senior ranks. He believes that the current entry routes should change to facilitate this<sup>377</sup>. The Commissioner views the employment of talented people in entry-level ranks for long periods as counter-productive. He thinks that up to ten *per cent* of officers could be recruited at more senior ranks with relevant skills, knowledge and experience in related fields and after appropriate training. The MPS recognises that much police learning is obtained on the job, and therefore targeted training and development will be needed, but points out this could benefit internal officers as well as external recruits. The Metropolitan Police acknowledges that there are questions that need to be considered in detail, particularly whether direct entry should apply at certain ranks or for particular specialisms, how multi-point entry should be introduced and at what pace, and the possible effect on morale. It notes that there are only approximately 80 chief superintendents in the Metropolitan Police compared with approximately 23,000 constables. The force recommends a pilot programme.
- 3.2.290 Hertfordshire Constabulary believes that a Chief Constable should be given the flexibility to decide whether direct entry would be advantageous<sup>378</sup>. It notes that a significant cultural shift would be needed to introduce direct entry. It also argues that there would be a risk than if large-scale direct entry were introduced, there would be a ‘credibility gap’ on the part of frontline officers. It suggests that an alternative and less controversial option would be to recruit individuals with specific skills where there is a demonstrable need, such as specialists in economic crime.
- 3.2.291 Kent Police does not support direct entry, believing that it introduces more risks and problems than it solves<sup>379</sup>. It says that it is possible to learn policing skills, but that this is no substitute for experience.
- 3.2.292 Dorset Police says that concerns about direct entry, such as experience, credibility and competence, are genuine and need to be addressed<sup>380</sup>. Direct entry already exists in the police service but for professional disciplines and through the police staff route. It states that the only current example of direct entry (the Chief Constable of the Civil Nuclear Constabulary)

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372 *Submission from Association of Police Authority Chief Executives*, September 2011, page 7

373 See Chapter 4 for a discussion of rank skipping and my recommendations in that respect

374 *Submission from National Policing Improvement Agency*, September page 45; ‘Group-think’ is a psychological phenomenon that occurs within groups of people. It is the mode of thinking that happens when the desire for harmony in a decision-making group overrides a realistic appraisal of alternatives. Group members try to minimize conflict and reach a consensus decision without critical evaluation of alternative ideas or viewpoints

375 *ibid.* page 45

376 *Submission from Metropolitan Police Service*, October 2011, page 3

377 *ibid.* page 3

378 *Submission from Hertfordshire Constabulary*, page 9

379 *Submission from Kent Police*, page 17

380 *Submission from Dorset Police*, page 4

is a special case in a role very different from mainstream operational policing. It favours an approach where all officers have two years of probationary training as constables. After this, officers could rapidly advance and skip ranks, but only after experiencing the significant responsibility at the rank of constable and engaging with communities.

*Response by the Police Federation of England and Wales*

- 3.2.293 The Police Federation is against any proposal to allow external candidates to become police officers above the rank of constable<sup>381</sup>. It believes that every officer must have served at the rank below in order to be promoted, as on-the-job experience develops life skills, personality and competence. Changing this could put officers and the public at risk. It argues that if direct entrants were allowed to oversee experienced officers, this would lead to “information asymmetry”, that is junior officers knowing more than their managers, with potentially adverse consequences<sup>382</sup>. Officers must have significant and relevant knowledge and experience in a range of operational areas successfully to manage major incidents. Better delegation will be achieved by those with practical knowledge of the tasks they are delegating<sup>383</sup>. The Police Federation also argues that for a profession to have credibility, accumulated experience must be valued.
- 3.2.294 The Police Federation also dismisses the idea of direct entry for specialist skills. It states that such a scheme is likely indirectly to discriminate against women and those from black and minority ethnic backgrounds, as they are likely to be under-represented in employment sectors that would provide candidates with the skills needed at the higher levels of the service.

*Response by the Police Superintendents’ Association*

- 3.2.295 The Police Superintendents’ Association does not support the introduction of direct or multi-point entry<sup>384</sup>. It is concerned about the lack of diversity at senior ranks, but has seen no evidence that this would be improved by direct entry<sup>385</sup>. It is also concerned that direct entry would restrict the opportunities for more recent recruits, including increasing numbers of female officers and those from black and minority ethnic backgrounds, creating a new “glass ceiling”<sup>386</sup>. It argues that comparisons with organisations such as the military are simplistic and points out that police commanders, when challenged in court, experience thorough scrutiny of their operational credibility and experience. It also points out that the support mechanisms which exist in the armed services for new officers, such as an experienced sergeant or warrant officer whose job it is to induct the new officer, do not exist in policing and it is not possible, practical or affordable to replicate them<sup>387</sup>.
- 3.2.296 The Association states that the main risks from direct entry relate to operational command, particularly at superintending ranks where roles and responsibilities widen<sup>388</sup>. Many perform gold command roles in firearms and public order incidents. Gold commanders make decisions without referring them to more senior officers, and so decisions are not necessarily challenged or tested in critical incidents. It argues that superintendents may deal with multiple incidents at once, often when on-call and so away from support networks. This risk could be mitigated by a policy of ‘total immersion’<sup>389</sup>, that is full training, which would be easier in larger metropolitan forces or on a regional basis. External candidates would need to be at least as successful and competent as internal candidates<sup>390</sup>.

381 Police Federation submission, page 65

382 *ibid.* page 65

383 *ibid.* page 66

384 Police Superintendents’ Association submission, page 6

385 *ibid.* page 7

386 *ibid.* page 7

387 *ibid.* page 8

388 *ibid.* page 7

389 *ibid.* page 7

390 *ibid.* page 8

- 3.2.297 The Association believes that officers should be required to serve at each rank<sup>391</sup>. It states there is no evidence as to the benefits of ‘rank skipping’. Each rank has different levels of responsibilities in areas such as operations, tactics, management and the law. The breadth of roles means that a period at each rank improves decision-making.

*Chief Police Officers’ Staff Association*

- 3.2.298 The Chief Police Officers’ Staff Association accepts that there is a “diversity deficit” at the higher levels of the police service (that is, female officers and those from black and minority ethnic backgrounds are under-represented), but not that there is a problem with the skills mix of senior officers or a deficit in leadership<sup>392</sup>. It believes that without a clear rationale, direct entry could become merely presentational<sup>393</sup>. CPOSA argues that no senior operational roles in the public sector are currently held by direct entrants routinely, because of the risks to the organisation that could result<sup>394</sup>. It suggests that it would not be possible to learn about the traditions and values of policing in Britain and the right leadership approaches on a course. This can only be developed over time as an officer rises through the ranks, gaining experience. It questions the cost of teaching direct entrants at chief officer level operational knowledge and the risks involved in allowing them to “practise” new skills “in a real-life situation”<sup>395</sup>. It concludes that direct entry at chief officer level would be unattractive to the service, the applicant and the public. However, it accepts that the best talent in the police service could be better developed, moving from a time-served approach to rapid progression based on competence and potential.
- 3.2.299 CPOSA points out that the potential for open advertising of both local authority chief executives and the senior civil service has had an inflationary effect on remuneration.

*Response by the National Association of Retired Police Officers*

- 3.2.300 The National Association of Retired Police Officers states that “there could be no worse a time to consider direct entry routes above constable” as any direct entry scheme would have a detrimental effect upon the most talented of those currently in service at a time when remuneration is stagnating, which is making retention difficult<sup>396</sup>.

*Response by the National Black Police Association*

- 3.2.301 The National Black Police Association believes that a system of multipoint entry is the only way to create the necessary diversity across all ranks in the police service within a reasonable time. Of particular concern is the low representation of officers from black and minority ethnic backgrounds in ACPO ranks<sup>397</sup>. It suggests that support measures would be needed to help individuals and supervisors deal with the “inevitable controversy”<sup>398</sup>.

*Additional consultation responses*

- 3.2.302 Chief Constable Sara Thornton (Thames Valley Police) argues that a national direct entry scheme would be contrary to the localism policy of the current government. She is concerned that direct entry is likely to favour middle class applicants. She advocates enhancing the HPDS scheme so that graduates can join the service on an accelerated promotion scheme.
- 3.2.303 The think tank Reform states that recent debates over the potential appointment of a former chief of police of Los Angeles and New York to the position of Commissioner of the Metropolitan Police shows the “cultural conservatism” of the police and the wider public

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391 *ibid.* page 49

392 CPOSA submission, page 22

393 *ibid.* page 22

394 *ibid.* page 23

395 *ibid.* page 24

396 *Submission from National Association of Retired Police Officers*, September 2011, page 4

397 *Submission from National Black Police Association*, September 2011, pages 3-4

398 *ibid.* page 4

sector<sup>399</sup>. It disagrees that an American police chief would be so unqualified as to be barred from consideration, irrespective of the differences in policing between the two countries. It argues that suitably qualified individuals should be allowed to apply, and it should be up to police and crime commissioners to choose the best person for the role.

- 3.2.304 Mr Peter Neyroud argues that direct entry systems would have “an almost inevitable devaluing effect on the role of the constable or patrol officer”<sup>400</sup>. He states that in countries with direct entry, such as India, the majority of officers have a lower education level and a poorer reputation for effective policing. Decision-making and powers sit with higher ranking officers, and so discretion for constable equivalents is low and processes are more bureaucratic. He doubts that the public wishes to see officers “who simply enforce the law by the letter”<sup>401</sup>. He believes that direct entry is contrary to the traditions in British policing which puts the relationship between officers and communities at the centre of policing.

### *Seminars*

- 3.2.305 On 7 July 2011, the review held a seminar on entry routes for police officers. Chief Constable Gargan (National Policing Improvement Agency) argued that direct entry would open up recruitment<sup>402</sup>. The service would be more attractive to experienced people, who are earning significantly higher than the pay of a probationary constable, and who wish to make a career change.
- 3.2.306 With regard to potential concerns about operational credibility for direct entrants, Inspector Robyn Williams (British Association for Women in Policing) argued that thousands of officers regularly transfer between forces<sup>403</sup>. She herself had transferred into the Metropolitan Police Service which had exposed her to significantly different experiences. On entering the Metropolitan Police Service as an inspector from another force, she felt she had had to prove herself again to gain operational credibility. She said that entering a new force was similar to entering as a new officer, despite her 20 years’ experience, although her operational experience did allow her to adapt quickly to the new culture.
- 3.2.307 Mr Edward Boyd (Policy Exchange) said that direct entry would also allow officers to leave, gain experience in other areas, and then return<sup>404</sup>. This would give officers flexibility in their careers. Chief Superintendent Sarah Hamlin (representing ACPO) said that career breaks are now possible but are dependent on the force’s policy, and there is considerable bureaucracy. Chief Constable Gargan said that some forces also oppose officers earning money on a career break<sup>405</sup>. In order to try a different career, an officer would be expected to leave, with the resulting loss of skills and experience.
- 3.2.308 Mr Alan Johnson (Metropolitan Police Authority) said that the Metropolitan Police Authority is considering direct entry for those with proven skills in certain areas such as finance, information technology and professional standards<sup>406</sup>. In part, this is to give people a status they might not have as police staff.

### *Direct entry meeting*

- 3.2.309 The review held an additional meeting to discuss considerations of introducing a system of direct entry. This meeting was attended by serving chief officers and interested external think tanks. It was held on 15 November 2011, and the implications for direct entry at Chief Constable level were discussed. Some believed that police and crime commissioners should be able, in principle, to appoint the best person available for the role irrespective of whether the person is a serving police officer. This individual might be a police officer but might also

399 *Submission from Reform*, September 2011, page 60

400 *Submission from Mr Peter Neyroud*, September 2011, page 2

401 *ibid.* page 2

402 Direct entry seminar (2011), pages 66-67

403 *ibid.* page 64

404 *ibid.* pages 68-69

405 *ibid.* page 69

406 *ibid.* page 72

be a candidate from a different employment background or a police officer from another jurisdiction. The risk should lie with the person making the appointment, but he should have the option.

- 3.2.310 It was thought that whilst entrants with no experience in policing might possess a range of skills required by a chief executive, other elements of the role would need to be learned. These include an understanding of what it means to be a police constable, the organisational culture, and the knowledge and confidence to challenge operational requests and decisions of commanders, for example requests for authorisations under the Regulation of Investigatory Powers Act 2000. It would take some time for this knowledge to be gained and the experience to put it into practice to be developed.
- 3.2.311 It was noted that, at present, a Chief Constable is expected to lead the force on arrival and is personally responsible and accountable for the maintenance of The Queen's peace within his force area<sup>407</sup>. To manage the risk of introducing external applicants with no policing background, one option could be to change the role of Chief Constable. This could either be achieved temporarily (perhaps with the Deputy Chief Constable taking responsibility for operational policing for a time) or permanently (splitting the Chief Constable role into a chief executive position and an operational position, the latter to be undertaken by a serving police officer). Alternatively, an intensive training programme would be needed to ensure new Chief Constables could take on the role immediately on appointment.
- 3.2.312 There was some support for Chief Constable roles to be open to those with experience of policing overseas at a senior level, particularly in jurisdictions with a common law policing model similar to that found in Britain, such as Australia and New Zealand. It was pointed out that Sir Ken Jones, formerly Chief Constable of Sussex and a president of ACPO, served as Deputy Commissioner of Victoria Police in Australia between December 2009 and May 2011. It was suggested that the new Police Professional Body could have a role in assessing whether an overseas senior officer's experience was appropriate.
- 3.2.313 There was less support for the recruitment of Chief Constables with no policing background. Instead, it was considered more attractive to bring those with managerial and leadership skills in at a lower rank and train them, with a view to their becoming Chief Constables in due course, a similar approach to that in the prison service. In order to make a police officer direct entry scheme attractive for those with managerial and leadership experience, any scheme would need to have a clear structure, with regular and clear promotion points leading rapidly to a senior rank such as superintendent, subject to performance being maintained. Scheme members could also be paid at a higher level, perhaps as superintendents, to make it attractive to those in the middles of their careers. It was pointed out that such a scheme could also be attractive to more senior police staff that have experience of policing but want to move into an officer role without beginning again as a police constable. This would open up a much wider recruitment pool for more senior management.
- 3.2.314 In order for members of such a scheme to gain the necessary variety of experience, the scheme would need to be managed nationally and members would need to be prepared to move forces, for instance to gain urban and rural experience.
- 3.2.315 So that existing officers could compete with direct entrants for future promotion, it would be important that they receive the appropriate development in areas such as leadership, and that they gain experience in other organisations. This could be done through more encouragement of secondments and better career management by forces.
- 3.2.316 Also discussed were the benefits of recruiting individuals as superintendents with specific expertise, such as in counter-terrorism, but restricting their ability to move to a broader range of roles at the rank. There was uncertainty over the benefits of having police officers with restrictions on their deployment when individuals with skills such as financial investigation

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<sup>407</sup> This is a common law duty of the Chief Constable, see *R. v Metropolitan Police Commissioner, ex parte Blackburn* [1968] 1 All ER 763 at 769, CA

could be brought in as police staff. Some at the meeting considered that staff members had status in their area of expertise to make this possible.

### *Website*

- 3.2.317 The consultation on the review's website asked for responses to the question "What are the advantages and disadvantages of allowing people to join as police officers above the rank of constable?" There was a range of opinion. Some contributions agreed with direct entry and some argued against. One respondent stated:

*"Officers need to get into the real world – the service desperately needs external people coming in at higher ranks to modernise this outdated service".*

- 3.2.318 Another respondent stated:

*"Officers at Chief Inspector and above do not in effect perform as Police Officers (dealing with victims, investigating crime and arresting offenders) and could in effect be Senior Managers in any organisation. There may be some merit to bringing in very senior people into the organisation from private industry to oversee the management from a strategic level".*

- 3.2.319 Other respondents were against direct entry. One argued:

*"There are no advantages [to direct entry] whatsoever. People joining the rank structure above the rank of Constable will not have the life and communication skills or experience to guide young officers in service, when they have no idea what those officers have to deal with".*

- 3.2.320 Another respondent stated that:

*"I believe that the greatest strength of our current rank structure is that everybody starts as a Constable, and experiences and understands the role they are asking others to perform. I am a Superintendent, and I can confidently stand in front of any of my officers and know that I understand what I am asking them to do. Equally the fact that I have done their role provides my officers with a degree of reassurance ... this type of experience cannot be taught in a sterile environment such as a classroom, it must be experienced ... Any attempt to parachute people in at senior ranks will damage the service we provide to the public, and it is a very dangerous proposal".*

### **Conclusion – Direct entry above the rank of inspector**

- 3.2.321 The subject of direct entry to the police service at superintendent level is the one which has occasioned the most anxious consideration and the greatest hesitation on my part. Of all the single issues in Part 2, this one has required the most significant amount of time and discussion on my part with a large number of people, and provoked the deepest thought and analysis. It is with the considerable advantage of all the views of so many people with different perspectives that I have come to the judgment that this reform should be recommended.
- 3.2.322 It is fully acknowledged that the great majority of police officers, including at chief officer rank, are opposed to this reform, or have expressed considerable misgivings. This is true also of my policing adviser, Sir Edward Crew, to whose views I have attached the greatest weight of all. He has heard and read all the evidence available to me. He relies on almost 40 years' personal policing experience. In summary, he says, that whilst recognising the need for significant improvements in the operational achievements of officers who are led by superintendents, this can best be achieved by much improved leadership training for superintendents (as recommended elsewhere in this report). He is concerned that the lack of any material policing expertise would enhance feelings of vulnerability amongst the superintendent's subordinates whilst not giving the Chief Constable the confidence he is entitled to invest in an officer of such a senior rank. On balance, Sir Edward concludes that the costs and risks of implementing this change are disproportionate for the possible advantages which are, in his view, very poorly defined.

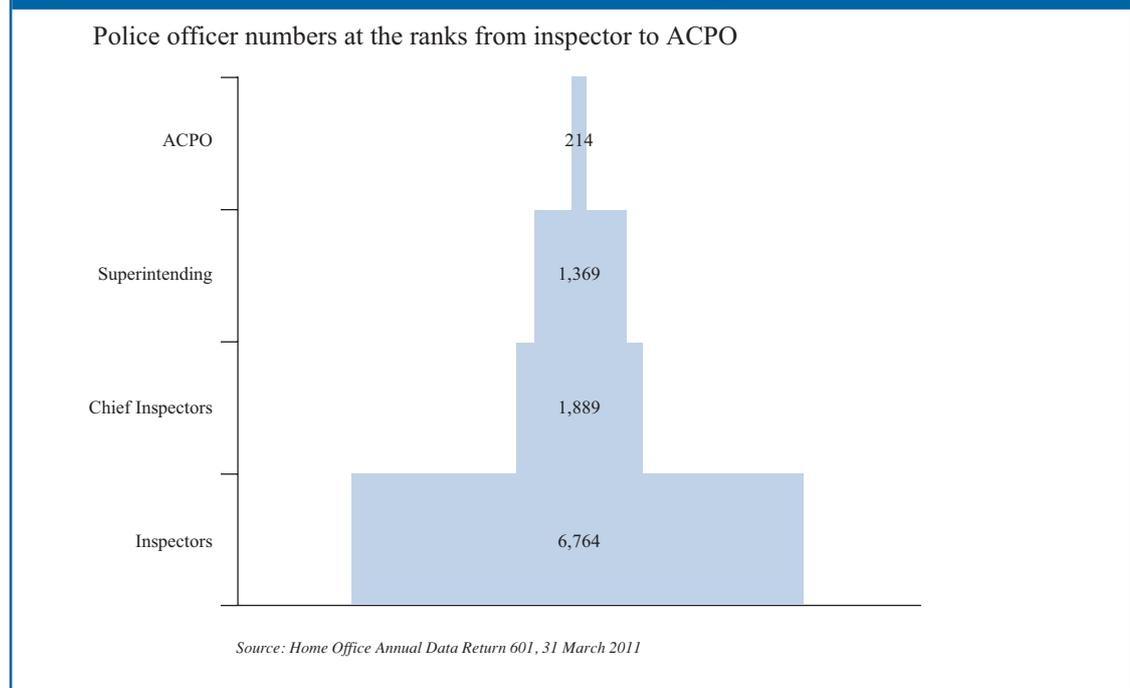
- 3.2.323 In the following paragraphs, I deal with the issues of public safety and operational credibility.
- 3.2.324 It must also be acknowledged that the most strongly held views in favour of the reform lie with people and interests who, although not police officers, have in many cases a deep and long-standing knowledge and understanding of policing, and experience of the dynamics of its operation at senior level. The reform is also supported by several senior police officers. The most senior of them is the present Commissioner of the Metropolitan Police.
- 3.2.325 In this respect, one of the many factors which I have had most carefully to take into consideration is the present and likely future content, composition and intensity of the culture of the police. It is well over half a century since the last externally recruited senior officer retired from the police service. All senior officers today joined as constables and secured promotion under the present regime, some of them rapidly. Many of them are men and women of high intelligence, undoubted integrity and considerable judgment, and they have spent the greatest parts of their careers as police officers. As I said in the foreword to Part 1, police culture has many extremely valuable strengths, but in some material respects I have also found it to be somewhat closed, defensive and inward-looking. It may be inevitable that when a person has spent 20 or 25 years in a single profession or enterprise, it is more difficult for him to see what is seen by others with materially different perspectives. One of the reasons why the Home Secretary invited me to carry out this review was the fact that I have no background in policing; my professional experience is in the law, finance and the economic regulation of industry. I therefore have a quite different perspective from those closer to policing. I have listened with the greatest care to the advice and representations which have been given or made to me, and I have tested them in discussions and by analysis. At the end of the day, my terms of reference require me to make a judgment on this issue.
- 3.2.326 It is my view, informed as I have described, that the most senior ranks of the police service will be improved further by the infusion of experience and expertise gained in other disciplines, or associated occupations, and the quite different perspectives which such people will have. On my recommendation, no candidate for appointment at this rank will be accepted or appointed unless he possesses exceptional qualities not readily found in the police, and he has demonstrated on the course of instruction and operational experience that he is fully fitted to exercise the powers and discharge the duties of the rank safely, professionally and in such a way as to inspire and enhance the confidence of the officers and staff in his command, and the public who depend upon his decisions for their protection.
- 3.2.327 The officers who will enter the police service under the Direct Entry (Inspector) scheme will not reach the superintending ranks for perhaps ten years from now, and they are unlikely to be entering ACPO ranks until 2025. I am confident that the police service will be very well served by such officers, including when some of them join the ranks of the leaders of the police service. But in my judgment the police service needs to choose its leaders and senior operational commanders from the widest and deepest possible pool of people of the greatest potential and ability. They must of course prove themselves, and no-one will pass the Strategic Command Course and secure appointment as a chief officer without satisfying the examiners, many of whom are serving senior police officers. However, superintendents who have been recruited directly from other occupations, meeting all the conditions for their acceptance, will be eligible for ACPO rank much sooner than direct entry inspectors. Moreover, as people with outstanding accomplishments in other fields which are valuable and needed by the police service, they will enrich the mix of knowledge and experience at the most senior ranks, something which rapidly promoted direct entry inspectors will not be able to do to the same degree simply because they will have spent their careers in the police service and not in other fields.

*Widening the available pool*

- 3.2.328 The most compelling argument in favour of direct entry at superintendent and higher rank is the widening of the pool of available candidates for appointment, beyond the very limited resource of serving inspectors and chief inspectors. There are currently 1,369 superintendents and chief superintendents in England and Wales, whose places (assuming superintendent

numbers do not fall any further than they recently have) will eventually be taken by some of the available 1,889 chief inspectors and 6,764 inspectors. This is a very small number of people from which the choices must be made, and the pool available for promotion to ACPO rank is correspondingly even smaller. There are currently 47 officers of Chief Constable rank or equivalent in England and Wales and 48 of Deputy Chief Constable or equivalent rank from whom officers can be drawn under Determination Annex B, made under Regulation 11 of the Police Regulations 2003. This provides that an officer must have served for at least two years in another force at the rank of Assistant Chief Constable or above to be eligible for appointment as a Chief Constable. The narrowness of this organisational funnel is illustrated in Figure 3.15.

**Figure 3.15 Police officer numbers at the ranks from inspector to ACPO**



3.2.329 As explained in this report and Part 1, the police service has too many managers, including senior managers, of indifferent or insufficient quality. This complaint is made with vigour by the Police Federation and others. Senior officers know that this must improve, and that the skills and techniques of other fields and disciplines, including in the private sector, must be acquired by and used with far greater effect in the police. The country is wealthy in its complement of people of considerable intelligence and managerial ability, some of whom may well be interested in and suitable for appointment to senior managerial positions in the police service, as commanders. For many years, the police service has insisted that no-one may ascend its highest ranks without starting as a constable, even though the skills and aptitudes required in the senior management of the modern police service may be quite different from those possessed by people who once served as constables and have since had little or no experience of other disciplines, particularly in the management of successful large public and private sector enterprises. It is my judgment, shared by some senior police officers and others, that the police service would benefit considerably if there were an opportunity for such individuals to be appointed to senior ranks, provided they satisfy the examiners in the requisite course of instruction and operational experience. If merit is, as it must be, the sole criterion for appointment and advancement in the police service, in my view it is right that the service has the opportunity of choosing its senior officers from a wider range of people, to be able to appoint the best from wherever they may come. Only people of exceptional quality and significant achievement will be considered for acceptance on to the necessary course of instruction and operational experience. It is unrealistic to expect anyone of that kind to join the police service as a constable and work his way up the ranks to the senior managerial position

for which he is best fitted and where his abilities and experience can best be deployed. The time that would take, and the significance of the reduction in pay he would experience whilst he ascended the rank structure from the bottom, would operate as a complete deterrent.

- 3.2.330 Some critics have unjustifiably criticised a regime of direct entry at senior ranks as involving managers from quite unrelated disciplines beginning work as senior operational commanders in the police immediately after leaving their private sector jobs, without any training, and thereby putting the public at material risk. Such arguments are both misconceived and unworthy of more than cursory dismissal. This report explains the nature of the recommendation that all such candidates undergo rigorous training and assessment to ensure they are entirely competent and safe to be appointed to assume the commands in question.

### *Public safety*

- 3.2.331 I take most seriously of all the objections which have been raised in relation to public safety. Superintendents are the senior operational commanders of the police service. They may be required to make decisions – perhaps with little or no notice – of profound consequences to people’s lives. The policing of a public order event, or the direction of the course of an investigation of a rape or murder, is a complex matter requiring not only a knowledge of and expertise in the available actions, but the application of policing instincts which, it is said, cannot be learned, only developed over time with experience.
- 3.2.332 It is undoubtedly true that long operational experience is a material advantage in a commander. It should also be said that many skills can be taught and learned, and highly intelligent individuals who have already proved their versatility and expertise in demanding fields of another kind should be able to acquire them. The course of instruction and operational experience which I recommend below will be arduous for all candidates, designed by police officers and other professionals specifically for candidates from outside the police service who, if they pass it, will shortly take operational command at superintendent rank. Those who are not judged by the examiners to be safe and in all other respects competent will not pass and will not be appointed.
- 3.2.333 In addition, it is presently the case that superintendents – like other officers – cannot take command of particular events or circumstances without having additional accreditation in the field in question. A detective chief superintendent can no longer take command of the policing of a public order event, or a firearms incident. The police service already has a system of ensuring that policing skills for events or circumstances which involve significant risk to the public are held by the officers involved, and not every officer, however senior, has the necessary accreditation. That will be the case with direct entry superintendents just as it is with every other officer. If the direct entry superintendent has satisfied his Chief Constable and those acting on his behalf that he has the requisite skills and therefore deserves the relevant accreditation, then it should be accepted that he has. It is the decision of the Chief Constable which officers he deploys, and he carries final responsibility for that judgment.
- 3.2.334 In critical incidents, senior officers are very often advised on tactics and technical and other matters by more junior officers or specialist staff, before they have to make a judgment. That will continue to be the case whether the senior officer is a direct entrant or an officer of longer service.
- 3.2.335 In some forces, critical incidents are rare. In such circumstances, even the senior officers with the necessary accreditation may have very little experience in the field in question, whereas a direct entry superintendent in a larger force may, in a relatively short time, have appreciably greater experience than his career-length counterparts in quieter parts of the country. In the fields in question, with that greater experience it is likely that his policing instincts for events or circumstances of the kind in question will be more highly attuned than those of officers with materially longer service. Critical incidents should always be handled by specialist officers with the requisite expertise and experience. That will not always be officers who have served their entire careers in the police service.

*Credibility with subordinates*

- 3.2.336 It is objected that a senior officer who has joined the police service from another discipline will lack operational credibility with the officers and staff under his command. If the junior ranks lack faith in the competence of a senior officer, they may be unwilling to follow his orders, or respect his judgments. It is said that this could harm morale, create resentment and inhibit rather than enhance the efficiency and effectiveness of operations.
- 3.2.337 I accept that there will, at least initially, be a measure of such scepticism and concern. However, in my judgment it will be short-lived because it will be shown to be misconceived. More junior officers should have confidence in the judgment of their most senior officers who have decided that the superintendent in question is competent. They should know the very demanding content of the course of instruction and operational experience which the superintendent has passed before he was appointed. The operational experience element of the course in particular will expose the candidate superintendent to a significant range of events and circumstances in which he is likely to be required to exercise judgment and make decisions. He will be instructed and tested by people who have made these instant decisions themselves, and they will not pass him if they have appreciable reservations about his competence in the field. It is my view that when junior officers themselves see and experience the skills of direct entry superintendents, their misgivings will be allayed. When the system is proved to work well, they should observe management of a quality superior to that which they experienced in the past. Many junior officers I have met in the course of this review have been highly critical of the quality of senior management, which they regard as remote and worse. With the introduction of management of a markedly higher order, they should recognise the strengths and advantages of the new regime.

*Improvement of diversity*

- 3.2.338 Some advocate direct entry at senior ranks – principally superintendent rank – as a means of improving the balance of the composition of the senior police service, with more women and people of black or minority ethnic backgrounds.
- 3.2.339 The Analysis section of this Chapter shows that female officers and officers from black and minority ethnic backgrounds are under-represented in the leadership of the police service, when compared with the composition of the population of England and Wales. On 31 March 2011, only 17% of those at ACPO rank, 11.2% of chief superintendents and 15% of superintendents were female. Officers from black and minority ethnic backgrounds made up 1.3% of those at ACPO rank, 2.9% of chief superintendents and 3.6% of superintendents, compared with around 7% in the general population.
- 3.2.340 The argument that direct entry should be introduced in order to increase the diversity of more senior ranks, making them more representative of the community, is unpersuasive. Whilst this could be seen as increasing the legitimacy of the police in the eyes of certain communities, the sole criterion for entering the police service at and above the rank of constable should be merit. Direct entry should only be open to exceptional individuals. Using direct entry to reverse-engineer the composition of more senior ranks by focusing on some types of people over others would not assist in widening the recruitment pool and is not in itself sufficient reason for accepting the risks associated with direct entry. As I have explained in Chapter 4, in a case where two candidates for promotion are of indistinguishable merit, and the number of officers in the rank in question who possess the requisite policing expertise and experience and who share with one of the candidates a protected characteristic is disproportionately low, it is permissible for the force to give preference to the candidate with the protected characteristic over the one who does not. This is the tiebreaker approach to appointments authorised by section 159 of the Equality Act 2010, and allows preference to be given to candidates with protected characteristics, in order, for example, to improve diversity. That is the only circumstance in which the objectives of greater diversity may enter into the system of appointments and promotion in the police service. Positive discrimination is unlawful and would be damaging to the police service. I therefore reject the diversity argument in relation to direct entry.

*Demotivating to direct entry inspectors*

- 3.2.341 It is also said that a scheme of direct entry at superintendent level will be demotivating to officers who have joined the police service under the direct entry scheme for inspectors. They will be discouraged if they see the few superintendent posts to which they aspire being taken by direct entrants, whilst they have undergone such rigorous training and acquired so much more operational policing experience. I do not accept these objections. The brightest and the best direct entrants at inspector level have nothing to fear from direct entry at higher ranks. If such an inspector or latterly chief inspector is being considered for promotion to superintendent in competition with a direct entrant, he will have the material advantage of having successfully passed the direct entry inspectors' course and acquired years of operational experience since then. It will then be for the Chief Constable to decide between the two types of candidate, and to make that choice in the light of all relevant factors, including of course the needs of the force. The existence of direct entry at the most senior levels in the civil service (including at Director-General and permanent secretary levels) has not dampened the competition of graduates of high ability and potential to enter the civil service fast-stream, and I do not believe it will do so in the police.

*Direct entry to senior police staff roles*

- 3.2.342 There is already direct entry to the police service in the cases of senior positions as members of police staff, including in the fields of information technology, finance and personnel management. It is argued that senior managers with skills of importance to the police service face no barriers now to appointment to senior positions in police forces, in their areas of particular expertise. That is undoubtedly true, but it does not permit a person of high ability from another occupation to become an operational commander, and to have within the police service a command status which police officers have and police staff often lack, irrespective of their seniority. Some police forces have management and command regimes in which police officers are under the authority of senior members of police staff, but this is far from widespread and the culture of policing has a long way to go before police staff will always carry equal status and authority with police officers.

*Institutional resistance and political pressure*

- 3.2.343 Since appointment to superintendent rank is a decision to be taken by the Chief Constable, it is possible that chief officers who are against the scheme of direct entry at superintendent level will refuse to operate it as intended, and candidates for direct entry appointment at that rank simply will not succeed in those forces. That is undoubtedly a risk, and Chief Constables must make their decisions according to their own judgment and experience, and the needs of their forces. However, in my view sceptical Chief Constables will pay special attention to the success (or otherwise) of direct entry superintendents in other forces, for example the Metropolitan Police, and make their decisions on that evidence. If the system is a success, their objections or anxieties may dissolve; if it is not, they will not proceed with it in their own forces.
- 3.2.344 It is also objected that a reluctant Chief Constable will face undue political pressure from his police and crime commissioner to appoint against his will and professional judgment a direct entry superintendent who has found favour with the PCC. It is said that the pressure could be considerable, since the PCC has the power to dismiss the Chief Constable, or to refuse to renew his contract. In my judgment, that concern is unlikely to be shown to have substance. If a PCC applies such undue pressure, the Chief Constable must maintain his professional decision not to make the appointment, and he should explain his reasons. If the matter is taken by the PCC to the point of removing the Chief Constable from office, that will be a public and controversial matter. The Police Reform and Social Responsibility Act 2011 contains a system of checks and balances which operate in such circumstances, including the requirement for the Chief Constable to be heard in his own defence, to state his reasons in public, and to have the matter fully discussed with the police and crime panel. In such a case, the Chief Constable's reasons for refusing to accede to the demands of the PCC against his professional judgment

will include the violation by the PCC of the reservation to the Chief Constable of authority in operational matters, which would be contrary to the purpose of the statute and therefore unlawful. The Chief Constable should therefore be able successfully to resist dismissal, and the PCC will subsequently face re-election with a record of having unlawfully attempted to violate the operational independence of the Chief Constable. In my judgment, that would operate so as to provide a PCC in such circumstances with very severe difficulties which he should be most reluctant to begin to acquire. In short, it would be a battle which the Chief Constable ought to win, and which may well lead to the permanent political disablement of the PCC. For these reasons, I reject the argument in relation to undue political pressure to appoint a direct entry superintendent.

### *Expense and time*

- 3.2.345 It is clear that the course of instruction and operational experience for direct entry superintendents must be demanding and will take time and cost money. The opponents of the scheme argue that these factors will lead to forces facing considerable expense for insufficient benefits. I disagree. The people who are successful in the scheme and achieve appointments as superintendents will be, as explained, individuals of outstanding ability whom the forces in question are eager to recruit. If the expectations of the forces are well-founded, the advantages which will be derived from the recruitment, training and appointment of the new superintendents will be seen to justify the expenditure of time and money. It is impossible to know how successful the scheme will be until it has been operated in practice. It is my view that it will come to be shown to be a conspicuous success.
- 3.2.346 For these reasons, I recommend the creation of a national scheme for recruitment directly at superintendent rank.

## **Direct Entry (Superintendent) scheme**

- 3.2.347 On appointment, each direct entrant should be capable of performing as a full-span superintendent, that is a superintendent who is capable of discharging all the ordinary responsibilities of a superintendent. As explained, that does not include specialist accreditations in fields which require them, such as firearms and public order.
- 3.2.348 It should be for individual police forces to decide whether or not to take part in the scheme. Assuming that all forces participate, the modelling carried out by the review indicates that in around a decade from the start of the scheme, direct entrants will make up approximately one-sixth of superintendents. This proportion balances the need for operational experience provided by officers who have risen through the Direct Entry (Inspector) scheme and through the ranks, with the benefits of introducing different skills and approaches from directly recruited superintendents.

### *The scheme*

- 3.2.349 Superintendents are the senior operational commanders of the police service. They are responsible for the efficiency and effectiveness of the policing of their communities. Each controls a significant proportion of his force's resources. Superintendents are also the recruitment pool for chief officers. If the recruitment pool for chief officers is to be expanded, as I have recommended, direct entry superintendents need opportunities to acquire the skills and experience to be able to progress to chief officer rank.
- 3.2.350 Superintendents recruited in this way should undergo a course of instruction and operational experience which lasts fifteen months. The course should test fully the capacity and aptitudes of the participants in all relevant aspects of policing, using a system of continuous assessment as well as structured examination.
- 3.2.351 As explained, no candidate for appointment at this rank should be accepted or appointed unless he possesses exceptional qualities not readily found in the police, and he has demonstrated on the course of instruction and operational experience that he is fully fitted to exercise the powers and discharge the duties of the rank safely, professionally and in such a way as to inspire and

enhance the confidence of the officers and staff in his command, and the public who depend upon his decisions for their protection.

- 3.2.352 The operation of a rigorous assessment and training programme is best done through a centrally managed programme. The number of direct entrants is always likely to be relatively small. A national programme would ensure that the costs of developing and running a programme would not be duplicated in each force and that common, service-wide standards can be applied at entry and during training.
- 3.2.353 There is nothing in police regulations that specifically excludes direct entry at superintendent rank. There is no provision in either the Police Regulations 2003 or the Police (Promotion) Regulations 1996 which prevents direct entry at the rank of superintendent. It is through long-standing custom and practice that officers, between the rank of inspector and Deputy Chief Constable, pass through each rank in the hierarchy. Regulation 10 of the Police Regulations 2003 deals with the qualifications for appointment to a police force. This provides that one of the qualifications for appointment to a police force (that of literacy and numeracy) must be tested to the satisfaction of the chief officer “if [the individual is] a candidate for appointment in the rank of constable”. This suggests there is scope to recruit at more senior ranks. Regulation 3 of the Police (Promotion) Regulations 1996 also sets out requirements that must be met to qualify for promotion to sergeant or inspector, but not for any more senior ranks. The only other rank with a qualification criterion is Chief Constable. As provided in Regulation 11 of the Police Regulations 2003, to be eligible for promotion to Chief Constable an officer must have served at Assistant or Deputy Chief Constable rank (or equivalent) for at least two years in a force other than the one in which he is being appointed, although this can be waived in exceptional circumstances. As well as other police forces in England and Wales, a different force could be in the British Transport Police or relevant service within the meaning of section 97(1) of the Police Act 1996<sup>408</sup>.

*The programme for superintendents appointed through direct entry*

- 3.2.354 The Policing Professional Framework<sup>409</sup> defines a superintendent as:

*“A senior manager responsible for the setting of strategy, standards and day to day operational policy across a single department or a range of policing responsibilities and authorising operational activity in line with legislative powers accorded to the rank”<sup>410</sup>.*

- 3.2.355 It sets out six skills areas which superintendents should have. The first three are policing-related, and the remainder are generic management competencies. Superintendents are required to:
- maintain their personal security and safety and be alert to the security of others;
  - determine the concerns and priorities of communities in relation to safety, social inclusion and the prevention and reduction of crime and anti-social behaviour;
  - set, monitor and review strategies for maintaining public order;
  - put the force’s strategic business plan into action;
  - be able to obtain additional finance for the organisation; and
  - be able to improve organisational performance.

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408 This includes research or other services connected to the police, and a variety of named organisations and other forms of service such as the Serious Organised Crime Agency, the National Policing Improvement Agency, the Scottish Police Services Authority, the Police Ombudsman for Northern Ireland, the Police Service of Northern Ireland, being an adviser to the Home Secretary or service under the International Development Act 2001

409 The Policing Professional Framework, developed by the National Policing Improvement Agency and Skills for Justice, provides national rank profiles for each officer rank and staff level, based on national occupational standards (see Chapter 9)

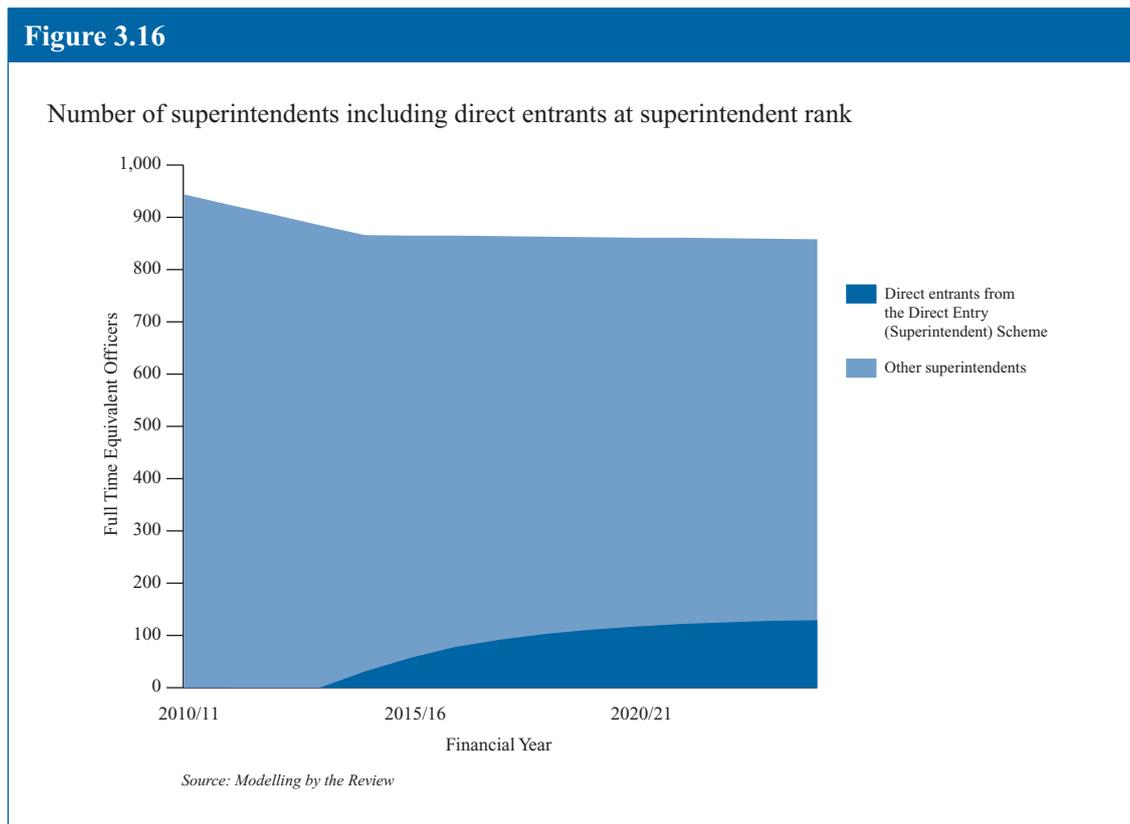
410 *The Policing Professional Framework – National Roles – Superintendent*, October 2011, [www.skillsforjustice.com](http://www.skillsforjustice.com)

- 3.2.356 Training of direct entry superintendents should focus on the policing elements of these skills. Direct entrants should already possess the last three competences, although they should be tested in a policing context.

*Number of direct entrant superintendents*

- 3.2.357 The number of direct entrants should be set so as to give them sufficient critical mass to make an appreciable difference to police service culture without alienating dedicated and experienced operational officers with much to offer. I believe that a reasonable rate would be around one-sixth of all superintendents. It should be noted that the proportion of one-sixth of superintendents is an expectation and not a target. There are currently 947 superintendents, a reduction from a high point of 1,029 in 2009/10<sup>411</sup>. If one-sixth of these posts were, over time, to be taken by direct entrants, promotion for between 30 and 40 serving officers in each of the ranks below could be unavailable. The great majority of superintendent vacancies, which modelling indicates amounts to approximately 200 each year, would remain open only to existing officers. Introducing a moderate number of direct entrants makes it feasible for forces to provide the support such officers will need during their training.
- 3.2.358 As explained above, national annual turnover at superintendent level is estimated at around 200 full-time equivalent officers, or around 20% of the total number of superintendents. This is based on the average turnover between 2007/08 and 2010/11, as well as some further assumptions in relation to the recent reduction in superintendent numbers. To reach the objective of one-sixth of direct entry superintendents would take a decade, assuming between 30 and 40 direct entry superintendents are recruited each year. This is shown in Figure 3.16.

**Figure 3.16**



- 3.2.359 Figure 3.16 illustrates the increase in the number of direct entry superintendents between 2013/14 and 2024/25. It shows that the number of direct entry superintendents increases faster at first, and then the rise reduces as the number of direct entrants nears the projected level of one-sixth.

411 *Police Service Strength – England and Wales: 31 March 2010*, J.Sigurdsson and A.Dhani, July 2010, page 3

### *Management of the scheme*

- 3.2.360 The scheme should be nationally run by the Police Professional Body. This would make the management of the scheme more efficient as forces would not be duplicating the development, assessment and running of the scheme. Managing the scheme nationally would also ensure that forces are offered the best people, as candidates would be chosen from across England and Wales. Candidates should be assessed against each other as a national pool, in preference to a regime in which forces choose from a smaller number of applicants on a regional or local basis, increasing the risk of a variation in quality between direct entrants in different areas.
- 3.2.361 The decision on whether to participate in the scheme should be left to each police force. This carries the risk that too few forces will take up the scheme to make it viable, but as I have explained I believe that reticence will lessen over time as the benefits are recognised. The scheme should operate on an annual basis. The number of places in each intake should be agreed with participating forces. As part of their workforce planning and production of the proposed force management statement (see Chapter 6), forces should assess the likely turnover of superintendents during the following year. I appreciate that this might be difficult. Officers at the rank of superintendent are, by virtue of their longer service, more likely to be near or at retirement age. Once reaching 30 years' service, they have the right to choose to leave with one month's notice<sup>412</sup>. In the future, changes in the workforce may be even more difficult to predict if the pension age is raised to 60 for some serving officers. Nevertheless, for the reasons given in Chapter 6, the police service needs significantly to improve its planning of workforce changes, and established superintendents will of course be closely involved in the planning work.
- 3.2.362 The number of direct entrants that a force recruits should be agreed with the Police Professional Body. Forces should also indicate whether there are any specialist skills which they need. However, candidates with specialist skills must pass the general assessment process. This ensures that all candidates interviewed by forces meet the minimum standards of the scheme.
- 3.2.363 The Police Professional Body should also be responsible for monitoring the effect of the scheme. This should include recording the performance of direct entry superintendents against their in-service peers. The training programme should be regularly reviewed to take account of the experience of members, former members and forces, so it can better serve their needs.

### *Timing of the course*

- 3.2.364 Applications should be invited from September 2013. The first intake should begin the programme in June 2014. The application and force allocation process should run from September to December. This will give successful applicants (who will be senior in their organisations) up to six months to serve their notice periods and complete the pre-entry qualification, and police forces time to carry out the necessary vetting. Participants should initially complete a 20-week introduction to policing followed by a two-week break before beginning the 18-week classroom-based course. After a further two weeks of annual leave, the first cohort of officers should begin their in-force training, in April 2015. After in-force training of 26 weeks, successful officers should graduate from the scheme in November 2015 as superintendents.

### *The offer*

- 3.2.365 The scheme should be aimed at people seeking a change of career who already have a proven track record of exceptional leadership and management at senior level in their fields.

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<sup>412</sup> Regulation B1 of the Police Pension Regulations 1987 (Policeman's ordinary pension) applies to all officers with at least 25 years' service. All Federated and superintending ranks are required to give one month's notice to receive a pension, which chief officers must give three months. Officers can give a shorter notice period if the police authority accepts it. Regulation B2A of the Police Pension Regulations 1987 applies to officers with fewer than 25 years' service who have reached voluntary retirement age and have at least two years' service. It has a similar requirement for periods of one and three months' notice but the police authority has the discretion to accept a shorter period of notice

They should have dealt with disciplinary matters, developed business plans, managed a significant budget and be able to make sound decisions under pressure. They should also have a strong ethos of public service, and a desire to make a positive and substantial difference to communities.

- 3.2.366 It is recommended that participants should be paid as superintendents upon joining the scheme. Whilst in training, participants should be paid at pay point 1 on the new superintendent scale (£60,094), rising to pay point 2 (£66,340) on passing the course. From the outset, they should also receive the superintendent annual leave entitlement of 31 days per year, set out in Determination Annex O, made under Regulation 33 of the Police Regulations 2003. During their membership of the course, annual leave should be taken in such a way so as not to interfere with the training programme.
- 3.2.367 Determination Annex C, made under Regulation 12 of the Police Regulations 2003, states that a member of a police force appointed in the rank of constable should serve a two-year probation unless he has at least one year's probationary experience, in which case he should serve one year. Regulation 12 of the Police Regulations 2003 provides that:
- “A member of a police force appointed in the rank of constable, other than such a member who transferred to the force from another police force having completed the required period of probation therein, shall be on probation for such period as the Secretary of State shall determine in respect of such appointments”.*
- 3.2.368 Given the type of person at which the scheme is aimed, I do not believe that the current two-year probationary period is appropriate. Determination Annex C, made under the Regulation 12 of the Police Regulations 2003, should be amended to provide that those entering above the rank of constable should serve a probationary period in accordance with the rules of the direct entry scheme of which they are members.

### *Recruitment*

- 3.2.369 The assessment process I recommend is based on the three-stage process used by competitive schemes such as HM Prison Service's senior prison management programme and the current police High Potential Development Scheme.
- 3.2.370 The first stage of the recruitment process should be completion of an application form that tests candidates against the senior police leadership competencies in the policing professional framework. These are serving the public, leading change, leading people, managing performance, professionalism, decision-making and working with others. The Police Professional Body should use this form to sift candidates so that only the best candidates go forward to the more intensive second and third stages.
- 3.2.371 At this point, candidates should be required to nominate a certain number of forces with vacancies, although they should recognise that there is no guarantee that they will be placed in any of them. A willingness to move to any force should be a requirement of the scheme.
- 3.2.372 The second stage should be a series of written exercises similar to those I have recommended for the Direct Entry (Inspector) scheme. The principal difference is the level which successful candidates should be expected to attain. Whilst the Direct Entry (Inspector) scheme would recruit primarily for potential, the qualities required by the direct entry superintendent scheme should be demonstrable ability in leadership and management. Successful candidates should have management knowledge and qualities commensurate with the rank of superintendent.
- 3.2.373 The third stage of the recruitment process should be an assessment centre, similar in content to the four-day army main board for prospective officers at the Royal Military Academy Sandhurst. I believe this gives the assessors time to assess a person's qualities and potential. The assessment centre should include individual written and oral exercises and a range of group activities. It should aim to test candidates' motivations and character, and their ability to reason and debate. At the same time, it should test candidates' knowledge of matters affecting the criminal justice system and wider society. Their leadership and management abilities should be tested through additional written and practical exercises. Their ability to absorb

information and take sound decisions under stress and when physically and mentally exhausted should also be assessed.

- 3.2.374 Those who meet an appropriate minimum standard set by the Police Professional Body should be eligible to become direct entry superintendents. I believe this standard should be set at a demanding high level given the onerous responsibilities which successful candidates will be expected to discharge. As places on the scheme are likely to be limited, only those with the highest marks should progress to the fourth stage of the process, to be interviewed by the force they have nominated. Other candidates who meet the standard should go onto a shortlist. The only exception should be candidates with specialist skills requested by forces who have passed the minimum standard. Following these interviews, forces should choose the candidates they wish to sponsor on the course. It is important that the final decision is taken by the police force which the participant is to join, as it will be the Chief Constable who must make a judgment on the suitability of the officer for appointment at high rank. If a superintendent vacancy remains unfilled, the Police Professional Body, in conjunction with the force, should interview the next most highly placed eligible candidates for the vacancy.
- 3.2.375 All candidates who have been offered a place on the scheme should then pass the police recruitment fitness and medical tests, and vetting procedures, before being formally accepted on the scheme. If a candidate fails one of these tests, his place should be offered to the next candidate on the shortlist.

#### *Pre-entry qualification*

- 3.2.376 Before joining the service, members should complete the same self-directed learning course as those on the Direct Entry (Inspector) scheme, leading to the technical certificate in policing. This should take eight weeks and will cover around three-quarters of the knowledge elements of the policing diploma taken by constables. Members should be expected to pass the course before being allowed to join the scheme.
- 3.2.377 Direct entry superintendents should not have to complete the whole policing diploma. They should complete a course which is tailored to the policing skills of superintendents. The officer should therefore understand the legal powers and duties of the holder of the office of constable, be competent in using the powers of arrest and search, and be able safely to use the techniques taught in personal safety training for managing conflict, personal safety and equipment and restraints<sup>413</sup>. As with other officers he will be required in future to pass the annual personal safety training.

#### *The programme*

- 3.2.378 The programme should last for 15 months (see Table 3.26). Participants would, in addition, be eligible for 39 days of annual leave each year over this period. This increases the course to around 17 months, the precise figure depending on when the superintendent chooses to take leave in his second year.

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413 *Guidance on personal safety training*, NPIA, 2009, page 10

**Table 3.26: Outline of the proposed scheme for direct entry superintendents**

Block	Length	Aim	Key elements	Key elements
Pre-joining qualification	Eight weeks	To learn essential knowledge required by a police officer that can be taught to a non-practitioner, and to support the basic training provided in block one.	<ul style="list-style-type: none"> <li>• Self-directed learning</li> <li>• Focuses on the legislation, policies and procedures</li> </ul>	Members should have learnt the knowledge required of a constable which can be taught to a non-practitioner.
Block 1 – becoming a police officer	20 weeks	To introduce members to policing and gain an insight into key constable roles.	<ul style="list-style-type: none"> <li>• Induction to the scheme</li> <li>• Begin engagement with ACPO mentor</li> <li>• Basic training</li> <li>• Shadowing constables in force</li> </ul>	Members should leave with an understanding of the role of a constable and other ranks and staff within the police service and have an understanding of, and practice basic practical skills required by an officer.
Block 2 – becoming a superintendent	18 weeks	To teach the knowledge and skills necessary for senior police leadership, focusing on operational leadership.	<ul style="list-style-type: none"> <li>• Policing in context.</li> <li>• Operational command</li> <li>• Legal responsibilities</li> <li>• Managing in the police</li> <li>• Partnership working</li> <li>• Assessment through examination and scenarios.</li> </ul>	Members should leave with the key skills and knowledge required to operate as a superintendent.
Block 3 – in-force training	26 weeks	To give members experience in operational command and being a police leader in a supportive environment.	<ul style="list-style-type: none"> <li>• Lead an appropriate area of a police force.</li> <li>• Undertake gold command accreditation in public order or firearms or both.</li> </ul>	Members should leave competent and confident in the application of their policing knowledge and skills and as an accredited gold commander.

**Table 3.26: Outline of the proposed scheme for direct entry superintendents**

Block	Length	Aim	Key elements	Key elements
Block 4 – Final selection board	One to two days	To ensure that all those who pass off the scheme are appropriately skilled and are performing at an appropriate standard to take on the full responsibilities of a superintendent safely and competently.	<ul style="list-style-type: none"> <li>• Board of senior police and external members.</li> <li>• Draw on continuing assessments and examination results to determine whether an individual is ready to pass off the scheme</li> </ul>	Those superintendents assessed as competent to progress to being a full, generalist superintendent should pass off the scheme.
<b>Total length</b>	<b>64 weeks</b>	<b>(One year and three months)</b>		
Annual leave entitlement	39 days			

### *Block 1*

- 3.2.379 The first block – ‘becoming a police officer’ – lasts 20 weeks and introduces scheme members to policing and gives them an insight into principal constable roles. Members should first attend a one-week induction to the scheme at the national police college. This is an opportunity for the cohort to meet and build relationships. Scheme participants should complete Block 1 with a sound understanding of the scheme on which they are embarking. Participants should also be assigned an ACPO-level mentor in a force other than their own, to whom they can go for advice and assistance. Participants should then spend a further four weeks focusing on the practical elements of basic training, building on the knowledge learned during the pre-entry course. By the end of this course, superintendents should know how to arrest, detain and report an individual, have an understanding of conducting priority and volume investigations, and know how to interview victims, witnesses and suspects. They should also know how to carry out searches of individuals, vehicles, premises and open areas<sup>414</sup>. Whilst the superintendents should have employed these skills in scenarios during the course, their knowledge will inevitably be theoretical at this point.
- 3.2.380 Following this induction, officers should go to their home forces. After a brief induction, they should spend five weeks shadowing experienced officers in each of three principal constable roles – response, neighbourhood policing and detective. The objective of this is not to make the superintendent a competent constable, but to give him a sufficient insight into and understanding of the work of the people he will be leading. It should also be an opportunity to put elements of the constable skills learned in basic training into practice, with the advice and assistance of the officer being shadowed.
- 3.2.381 Throughout this period, direct entrants should maintain close and regular contact with their line managers. This should be a chief superintendent, who should be responsible for providing advice and assistance to the direct entrant and overseeing his progress.

<sup>414</sup> These areas are based on the core tasks a constable must be able to perform according to the Policing Professional Framework; see *Policing Professional Framework – Roles – Constable*, October 2011, [www.skillsforjustice.com](http://www.skillsforjustice.com)

*Block 2*

- 3.2.382 The second block will provide the participant with the knowledge and skills necessary to be a senior police officer. Generic leadership and management skills such as financial management, communication skills and change management should not be taught. Scheme participants should possess these already. Learning should be done through a classroom and scenario-based 16-week course, which each annual cohort should take together. The cohort should be divided into groups of up to ten, each with a serving Assistant Chief Constable as a leader. This is the same model as that used at Senior PNAC. It has the benefit that the performance of course members can be observed on a continuous basis from the point of view of a serving officer. The Assistant Chief Constable should also be able constantly to put the course in operational context. There should be a full range of guest speakers, including current and retired senior officers and managers from other agencies with which police forces usually work. There should be five modules, with the curriculum and methods of assessment developed by the Police Professional Body. I have set out a basic outline of the course and its principal elements.
- 3.2.383 The first module should be a two-week course designed to put the police service in context. The curriculum should include the structure of policing in England and Wales and its relationships with other forces, for instance through collaboration and mutual aid, and with other national and overseas agencies. In England and Wales, these are likely to include the National Crime Agency and other bodies such as the intelligence services, and relations with forces in Scotland and Northern Ireland. The role of European bodies such as Europol and worldwide bodies such as Interpol should be examined. The police service should also be placed in its constitutional context. The governance and oversight structures should be explained, including the role of the Home Secretary, the position of the Chief Constable in relation to the police and crime commissioner and the Independent Police Complaints Commission. The position of policing within the local, regional and national political system should be considered, as should the structure of the criminal justice system in England and Wales. It should include how funding is settled for both the public sector and the police service. Finally, a basic history of policing should be covered, including the evolution of the office of constable, with an emphasis on how the past continues to influence the service. This should assist with understanding elements of police culture that direct entry superintendents may encounter.
- 3.2.384 The second module should focus on operational command and last eight weeks. This will be the most important of all the modules, and the one which I suggest should have the most rigorous assessment. Without a good understanding of the principal areas of operational policing, these superintendents should not become policing leaders. The superintendents should focus particularly on command in major incidents including public order situations, counter-terrorism operations, critical incidents and firearms procedures. As well as discussing procedures and policies, the module should also consider the responsibilities of different ranks and specialisms, for example challenges which might arise and the potential solutions and management of risk. Much of this section should involve participants undertaking practical tests of their abilities in a variety of possible situations, including when physically and mentally exhausted.
- 3.2.385 The third module, lasting four weeks, should cover the legal aspects of the superintendent role. Participants should learn how the criminal justice system functions and the position and roles of the police within it. Superintendents should understand the financial and reputation risks of the police not fulfilling its functions correctly. The course should hear from senior barristers and judges about their experience of the police, and visit criminal courts (the magistrates' court and the Crown Court). As well as the legal system, course members need to understand their own legal responsibilities, particularly in connection with operations. This includes their legal duties as managers of officers and staff, and as police officers. They should receive training and instruction in the giving of authorisations and their duties under the Regulation of Investigatory Powers Act 2000 and the Police and Criminal Evidence Act 1984. Course members should also complete an expanded version of the OSPRE-II Part 1 curriculum for inspectors. This deals with the law relevant in policing and puts it in context.
- 3.2.386 The fourth, week-long module should focus on the unique aspects of managing in the police. This should include how power works in the police both officially and unofficially, and

approaches to managing officers with more policing experience than their commander. They should also understand how police regulations work, the rules governing officers and police staff, and the role of the staff associations. Officers should gain a thorough understanding of the powers the regulations give them as managers, including in connection with deployment. They should also learn to use the unsatisfactory performance and attendance procedures to manage performance, attendance and capability problems.

- 3.2.387 The fifth and final module should focus on working in partnership. This should last one week. The police service works with a wide range of public, voluntary and private sector organisations. Superintendents should understand the relevant statutory responsibilities that they have in relation to these organisations. Those attending the course should also gain an insight into the roles, responsibilities and motivations of such organisations.
- 3.2.388 The final part of the course should be a two-week formal assessment process. After one week's study leave, there should be a week of examinations and scenario-based exercises. Each should be weighted equally. Only those who meet the high standard of the examinations and assessments should pass the course. Those who do not meet the standard should lose their places on the course. The minimum standard should be set by the Police Professional Body. Despite passing all the formal tests, if the course tutors and the Assistant Chief Constable group leaders have appreciable reservations about a participant's suitability, the matter will require anxious and in-depth consideration. A participant may narrowly fail a module, but if the course tutors and leaders believe he would make a sound superintendent, they should have the discretion to allow him to retake the examination.

### *Block 3*

- 3.2.389 On passing the course, the superintendents should return to their forces. They should spend 26 weeks (six months) gaining experience of operational command and being a police leader in a supportive environment. Superintendents should be given a significant command but undertake it with the advice and assistance of their chief superintendent line manager and an experienced inspector as a staff officer. The inspector should play a similar role to that played by an experienced sergeant to a new officer in the army. Forces should choose these individuals with care. Direct entrants represent a significant change in recent police practice and those given the responsibilities of providing advice and assistance to such individuals should set out to help them succeed.
- 3.2.390 During this period, the superintendents should perform all the duties expected of a general superintendent. This includes the day-to-day management of a section of the force, being on-call and dealing with authorisations as they arise. This block is designed to accelerate the development of experience that will help a superintendent in particular to identify risks. Direct entrants need to learn rapidly what questions to ask and be able to take a broad view of a situation. In the second half of this period, these officers should take and pass at least one of the two courses that accredit gold commanders. These can be taken in either public order or firearms. Both last five days, with at least two days of additional study. This will allow the officer, once he has passed off the superintendents scheme, to take his place beside his colleagues in the strategic leadership of the most serious incidents.
- 3.2.391 Assessment through this period should be carried out formally through a log and the feedback from specified people. Some kind of 360-degree feedback would be appropriate. In many circumstances, junior officers will be the only ones observing the superintendent's behaviour. These assessments should be obtained in such a way as to ensure fairness to the superintendent in question.
- 3.2.392 An independent assessor from the Police Professional Body should make regular visits to the superintendent (at least three during his six months in force). The assessor should spend time with both the chief superintendent and the superintendent. To the chief superintendent, the assessor would provide professional support on how to assess the individual. The assessor should also provide a 'sounding board' for the chief superintendent and a second point of view, particularly if there are doubts about the superintendent's ability in any respect. He should also spend time formally observing the superintendent at work as well as ensuring that the

superintendent is being given the appropriate opportunities to succeed. The Police Professional Body should develop an appropriate performance framework and a list of principal skills, experiences and behaviours in which superintendents must have demonstrated competence by the end of the six months. Forces should be expected to give the superintendent the policing opportunities necessary to complete his log.

#### *Block 4*

- 3.2.393 The last block of the course should be a final selection board. The objective of this should be to ensure that all those who pass off the course are competent and skilled in the right areas to assume and discharge safely, efficiently and well the full duties of a superintendent. A board of senior ACPO officers, together with at least one independent member, should scrutinise the record of each participant before he is passed. The board should draw on the superintendent's reports from the whole programme, his examination results, his log and a report from his Chief Constable. The individual's ACPO mentor should also be required to submit a report. If the board has any questions, the superintendent should be called for interview. The final selection board should have the power to pass the officer, extend his time on the superintendents' course for up to six months before another assessment is made, or decide that the officer will never meet the required standard and dismiss him. The final selection board may also produce a remedial development plan for the officer to complete.
- 3.2.394 Once passed off the scheme, the superintendent should become a full-span officer. At this point, his salary should rise to point 2 on the superintendents' scale (£66,340). His graduation should be marked by an appropriate ceremony at the national police college alongside his contemporaries and graduates from the Direct Entry (Inspector) scheme, attended by senior ACPO officers and, if available, senior politicians.

#### *Costs*

- 3.2.395 The running costs of the scheme should be met nationally, by the Police Professional Body. This includes the development and running costs for the necessary training and the salary costs of the superintendents. This recognises that until he passes off the course, the officer is not yet capable of carrying out the full duties of a superintendent. These costs are estimated at around £180,000 *per* scheme member (see Table 3.27 below).

**Table 3.27 Costs for the Police Professional Body (per scheme member)**

<b>Item</b>	<b>Cost</b>
Salary of superintendent over 17months	£85,133 <sup>415</sup>
Employer costs over 17 months <sup>416</sup>	£45,972
Eight week, self-directed course	£600
One-week residential induction	£2,000 <sup>417</sup>
Four-week basic training course	£8,000
Eighteen-week superintendents' course	£36,000
Gold command accreditation course	£2,000
<b>Total</b>	<b>£179,705</b>

415 A member of the scheme earns £60,094 *per annum*. A superintendent is entitled to 31 days of annual leave (see Determination O made under Regulation 33 of the Police Regulations 2003), that is six weeks and one day each year. The salary costs are therefore calculated on the basis of 17 months, to include one and a third of the officer's annual leave entitlement

416 Calculated using an assumption recommended by the Home Office that employer costs for a superintendent are 54% of salary, developed using ASHE survey and CIPFA data

417 The National Policing Improvement Agency estimates the average cost of a residential course to be £2,000 per week, including course costs, living expenses and a share of the running costs of a course

- 3.2.396 There will be development costs of the scheme, particularly for the residential induction, basic training course and superintendents' course. These have already been included in the £120,000 set out in the Direct Entry (Inspector) scheme for the development of all courses and have not been double-counted. The cost of the assessment process is estimated at around £1,275,000<sup>418</sup>.
- 3.2.397 Forces should meet the costs of the support mechanisms for the superintendents whilst in training. These are likely to be indirect, opportunity costs given that the support should be temporary. The most substantial opportunity cost will be the inspector staff officer, as providing advice and assistance to the superintendent will be his full-time role. I understand that it would be unusual for superintendents to have a staff officer. Chief superintendents with staff officers are more common, but these would normally be at constable or sergeant rank. However, direct entry superintendents will be in a special position and that case justifies the full-time engagement of an inspector to provide advice and assistance.
- 3.2.398 I estimate the opportunity cost to the force of the scheme at £39,079 *per* superintendent direct entrant<sup>419</sup>. This is the cost of the superintendent's staff officer. There will also be opportunity costs of the time of officers involved in training direct entry superintendents. These would include the time of constables being shadowed, management time of a chief superintendent line-manager and the time of ACPO mentors. These have not been calculated as there is no sound basis on which to estimate the proportion of their time that would be spent providing advice and assistance to the superintendent.
- 3.2.399 The total cost of the scheme during the first six years, based on a maximum of 40 scheme members, is around £8 million *per annum*.
- 3.2.400 As with the Direct Entry (Inspector) scheme, forces will experience lower recyclable savings<sup>420</sup>, a further indirect cost to their budgets. For example, at present, a long-serving superintendent who leaves the service generates a chain of promotions in the chief inspector, inspector, sergeant and constable ranks, and creates a vacancy for a new recruit. With the introduction of direct entry at superintendent level, this chain is broken, as the series of promotions does not take place. Instead, the long-serving superintendent is replaced by a direct entrant, so any recyclable savings are only at the superintendent rank (the new superintendent will start at the bottom of the payscale). The indirect cost of this to the police service, assuming 40 direct entrants at superintendent level each year, is estimated by modelling at £1 million *per annum*.
- 3.2.401 It is not possible to predict, in any reliable way, what the financial benefits of direct entry are likely to be. I agree with Sir Ronnie Flanagan, who in 2004 wrote that direct entry would require something of a leap of faith. In recognition of the fact that the benefits cannot currently be quantified, the effects of any direct entry scheme should be reviewed five years after it begins.

**Recommendation 19 – A national scheme for recruitment directly to the rank of superintendent should be established and brought into operation from September 2013. Participation in the scheme should be at the discretion of the chief officer. The scheme should last 15 months. Participants on the scheme should be persons of exceptional achievement and ability who have been assessed as having the potential to be senior police officers. They should be paid as superintendents on the lowest pay scale whilst on the course. The knowledge, skill and experience required for them to operate competently and confidently as full superintendents should be delivered through a mixture of in-force training and an 18-week course of instruction at the police college.**

418 Based on 40 scheme members, the costs of the assessment process are estimated at around £150 *per* application form (1,000 external applications are expected – £150,000), £500 for the examination (500 are expected – £250,000) and £7,000 for the assessment centre (125 candidates are initially expected – £875,000) leading to a total cost of £1,275,000 *per annum*

419 This assumes the inspector is not in London but is at the top of the inspector pay scale, earning £50,751 *per annum*, or £25,376 over six months. Employment costs, as before, estimated at around 54% of total salary

420 These are savings on the paybill which arise when an officer leaving the organisation will almost always be replaced by an entrant with a lower salary cost. In the police service, which replaces officers through internal promotion, this creates a chain of savings

**Recommendation 20 – The scheme should be operated by the Police Professional Body, which should also meet the costs of the scheme, other than the support provided to scheme members by forces. It should be the decision of each Chief Constable whether or not his force will participate in the scheme. There should be an objective (but not a firm target) of there being 20% of superintendents recruited as direct entrants within ten years of the first superintendents completing the scheme in November 2015.**

**Recommendation 21 – Determination Annex C of Regulation 12 of the Police Regulations 2003 should be amended to provide that those entering above the rank of constable should serve a probationary period in accordance with the applicable direct entry scheme.**

**Recommendation 22 – The direct entry scheme for superintendents should be reviewed after a period of five years.**

### **Direct entry at Chief Constable rank**

- 3.2.402 There are different considerations which apply to direct entry at the rank of Chief Constable. From November 2012, the elected police and crime commissioner for a police area will appoint the Chief Constable. The PCC is required to hold the Chief Constable to account. Some consultees have argued that to give them the greatest chance of success, PCCs should have the ability to choose the best person, irrespective of his background.
- 3.2.403 Some consultees suggested that it should be permissible to appoint any citizen as a Chief Constable. They argue that the role is rarely more that of the chief executive of a large public sector organisation, and that the policing aspects of the job form a very small part of it. I disagree. Whilst the role of Chief Constable is undeniably that of a chief executive, the Chief Constable is also personally responsible and accountable for the maintenance of The Queen's peace. He sets the strategic direction of the force. He is also the figurehead of the force. In the most serious incidents, it is he who faces the media and reassures the community. In this most high profile role, there is neither the time nor the opportunity for an individual without policing experience to acquire the necessary knowledge or skills. It has been suggested that the policing powers of such a Chief Constable could be delegated temporarily, or permanently, to the Deputy Chief Constable. In this case the Chief Constable would become a chief executive with no policing function, and the Deputy Chief Constable would be the most senior operational police officer in the force. In my view that would be both anomalous and incomprehensible to the public and to the police force of which the Chief Constable is the leader.
- 3.2.404 For the reasons given earlier in this Chapter in relation to direct entry at superintendent rank, it will be to the considerable advantage of the public if the pool of people available to be appointed to Chief Constables is broadened. However, in the case of the Chief Constable, the need for substantial relevant experience of policing at chief officer rank should be retained. The cost and time it would take to train a candidate Chief Constable with no relevant policing experience before he is ready to take up office would be prohibitive to the proposal.
- 3.2.405 The widening of the pool of available candidates for appointment as Chief Constables should be achieved by recognising experience at ACPO-equivalent rank in an overseas police force of sufficient similarity to a United Kingdom one.
- 3.2.406 It is extremely unlikely that PCCs will routinely look to overseas police forces for Chief Constable candidates. It is probable that such a step will only be contemplated in cases where the overseas police officer has a record of exceptional achievement.
- 3.2.407 From September 2013, it should be possible for overseas police officers with suitable relevant experience to be appointed a Chief Constable in England and Wales. It is likely that PCCs will concentrate on police officers from common law jurisdictions with a tradition of policing

by consent. These are most likely to be Australia, New Zealand, Canada and the United States of America. It is unlikely that an officer from a country where the police have a quasi-paramilitary role, such as France or Italy, would be found to have suitable experience of the British style of policing, and so I recommend that such forces be excluded from consideration.

- 3.2.408 Determination Annex B, made under Regulation 11 of the Police Regulations 2003 provides that to be appointed a Chief Constable an officer must have served for at least two years in a different force at either Assistant Chief Constable or Deputy Chief Constable rank, including the British Transport Police and relevant service as defined in section 97(1) of the Police Act 1996. The experience which a Chief Constable is required to have (specified in Determination Annex B, made under Regulation 11 of the Police Regulations 2003) should be extended to include service in a chief officer equivalent role overseas in a common-law jurisdiction which practises policing by consent.
- 3.2.409 Schedule 8 of Part 1 of the Police Reform and Social Responsibility Act 2011 deals with the appointment of Chief Constables. Paragraph 2(1)(a) provides that the PCC must not appoint a person to be a Chief Constable unless that person is, or has been, a constable in any part of the United Kingdom. This should be amended to accommodate the recommendation that service in a chief officer equivalent role overseas in a common-law jurisdiction which practises policing by consent, and which is considered appropriate by the police and crime commissioner appointing the chief officer, also qualifies.
- 3.2.410 Regulation 10 of the Police Regulations 2003 (qualifications for appointment to a police force) should also apply to Chief Constables who enter the police force as direct entrants. Amongst other qualifications, this provides that to be appointed, individuals who are not citizens of a country in the European Economic Area should have leave to enter or remain in the United Kingdom for an indefinite period, must produce satisfactory references and proof of good conduct and pass medical and fitness tests. The Chief Constable would be recruited under the same system of fixed term appointments as other domestic Chief Constables and any extension should be subject to the same system of re-appointment.

**Recommendation 23 – From September 2013, the eligible experience for a Chief Constable set out in Determination Annex B, made under Regulation 11 of the Police Regulations 2003, should be amended to include service in a chief officer equivalent role overseas in a common law jurisdiction which practises policing by consent.**

**Recommendation 24 – The eligible experience for a Chief Constable set out in Schedule 8, Part 1, paragraph 2(1)(a) of the Police Reform and Social Responsibility Act 2011 should be amended to include service in a chief officer equivalent role overseas in a common law jurisdiction which practises policing by consent.**

#### *Training for direct entry Chief Constables*

- 3.2.411 Before taking up his post, it would be necessary for a direct entry Chief Constable to receive training in the role of a Chief Constable in England and Wales. This course of instruction should be paid for by the relevant police force, and the prospective Chief Constable should be paid whilst undertaking it. Given that these individuals must be experienced police officers, this course of instruction need not be long. Unlike the courses for the inspectors' scheme set out earlier in this Chapter, and the training for direct entry superintendents described previously in this Chapter, this would almost certainly have to be undertaken on an *ad hoc* and one-to-one basis.
- 3.2.412 The training should be delivered by the Police Professional Body. The course should be tailored to meet the individual needs of each Chief Constable, in consultation with the police and crime commissioner wishing to make the appointment. It should include areas such as:
- the political and criminal justice context of policing in England and Wales;

- operational command in England and Wales;
  - the legal responsibilities of a Chief Constable; and
  - managing in the police and working in partnership with other agencies.
- 3.2.413 The course of instruction should be flexible, drawing on the knowledge and resources of the national police college. In particular, Chief Constables with experience leading a police force where the officers routinely carry firearms must understand the United Kingdom's very different style of policing. Officers must use their discretion and persuasion to resolve conflict, rather than routinely resort to threat. This will be the most important lesson that a prospective Chief Constable from overseas must understand.
- 3.2.414 The Chief Constable should also be offered contact with a British Chief Constable as a trusted adviser during his initial few weeks.

**Recommendation 25 – The Police Professional Body should develop a flexible, tailored course of instruction for Chief Constables appointed from overseas.**

#### *Chief Constable experience*

- 3.2.415 As explained above, the PCC should have the power to recruit the best person for the job at Chief Constable rank, so long as he has relevant policing experience. A number of respondents raised the question whether the experience required for existing police officers to become a Chief Constable remains relevant. Determination Annex B, made under Regulation 11 of the Police Regulations 2003, requires those appointed as a Chief Constable to have served for at least two years in a different force at ACPO rank. The APA argues for its abolition on the grounds that a culture of mobility should be developed for the acquisition of skills and broader experience, but not imposed.
- 3.2.416 The Secretary of State already has the ability to waive this requirement in exceptional circumstances, and has done so several times.
- 3.2.417 I am unpersuaded by the arguments of the APA in relation to the removal of the requirement that a Chief Constable should have at least two years' service at an ACPO rank and service in a different force. In my view, the present system has considerable strength in ensuring that senior police officers have a breadth and depth of experience which may not be available if an officer serves all of his senior career in a single force.
- 3.2.418 I recommend that Determination Annex B, made under Regulation 11 of the Police Regulations 2003, is amended to remove the requirement as to the length or place of service required to become a Chief Constable in the case only of officers to be appointed as Chief Constables from police forces outside the United Kingdom.

**Recommendation 26 – Determination Annex B, made under Regulation 11 of the Police Regulations 2003, should be amended to remove the requirement as to the length or place of service required to become a Chief Constable in the case only of officers to be appointed as Chief Constables from police forces outside the United Kingdom.**

## 4 Promotion of officers

The system of promotion of police officers relies almost exclusively on officers putting themselves forward for promotion. The police service has for too long failed to take proactive and effective steps to identify officers with strong promotion potential and actively to manage and develop their careers.

In addition, in too many respects managers in the police service have failed to provide adequate appraisals of officers' suitability for promotion, and have permitted officers to take the promotion examinations even though there are insufficient numbers of available posts. Such a system is both an inefficient use of public funds and damaging to morale in the police service.

Leadership training for officers being considered for promotion to supervisory ranks has also been irregular and variable. To the extent that the police service fails adequately to train its supervisors and leaders in the skills needed for management and leadership, it fails itself and the public, who need and deserve the best. Learning on the job is not enough.

The principal recommendations in this Chapter include:

- limiting the number of police officers entering the promotion process, so the number better corresponds to the operational requirements of forces and the number of available vacancies;
- the establishment of a system for forces proactively to manage the careers of officers with promotion potential;
- encouraging the use of 'rank skipping' so that aspiring senior officers do not need to serve at every rank in the course of their careers; and
- making training in leadership, management and financing skills a prerequisite to the promotion of all police officers.

4.0.1 This Chapter makes recommendations for long-term arrangements which need to be put in place to increase the effectiveness of the OSPRE-II promotion system. It discusses the authority of chief officers to place a limit on the number of police officers entering the promotion process, and makes recommendations for the proactive management of officers' careers and the improvement of the quality of the training of management ranks in leadership and other requisite skills.

4.0.2 This Chapter considers the case for the introduction of national police promotion regulations for the Federated ranks and how they may be improved. Chapter 3 considers the corresponding procedures for the promotion of officers with high potential.

### 4.1 Promotion of officers

#### Background

##### *National and Metropolitan Police colleges 1930s to 1940s*

4.1.1 As discussed in Chapter 3, in 1929 the Home Office developed proposals for the establishment of a national police college with the purpose of developing more effectively and bringing to the front officers of exceptional qualifications and personality who were already in the police service, and to attract to the service and to equip for higher posts men of superior education and wider outlook than those who, at the time, ordinarily joined as constables. Although the plan was approved in principle at the highest level of the Government, it met severe opposition from the Police Federation and local authorities and Police Authorities, the latter on the

grounds of expense at a time of acute national economic stress. Although the national scheme was stillborn, London was to have its own. In his 1932 annual report, the Commissioner of the Metropolitan Police, Lord Trenchard, proposed the formation of the Metropolitan Police College at Hendon with the purpose of developing future senior officers and leaders from the best and the brightest officers in the Metropolitan Police, as well as public school and university graduates<sup>1</sup>. The Trenchard scheme was implemented but discontinued when war broke out, and was never revived.

4.1.2 Between 1944 and 1948, a series of expert committees were established, chaired by Home Office civil servant Sir Frank Newsam. The committees were asked to consider the manner in which police forces were organised, the distribution of senior ranks in police forces, and the arrangements for training recruits and for promoting men to supervisory ranks.

4.1.3 Four separate reports were published, the first of which related to the higher training of police in England and Wales<sup>2</sup>. The committee recommended the creation of a national college that could provide residential study programmes. The committee said:

*“Normally, the students attending this course would be sergeants who have passed the examination for promotion to inspector and are nominated for the College by the police authority or the chief officer of police concerned”<sup>3</sup>.*

4.1.4 The National Police College was opened at Ryton-on-Dunsmore. The college was officially relocated to Bramshill in 1960, although police officers began to attend the new site from the early 1950s. The National Police College was renamed the Police Staff College in 1979.

#### *Oaksey Committee 1949*

4.1.5 In its second report, the Oaksey Committee made recommendations regarding the appointment, training and promotion of police officers. These included providing a Chief Constable with the power to appoint, discipline and promote officers within his force, and lowering the minimum service requirement from five to four years for constables seeking promotion to sergeant<sup>4</sup>.

#### *The Royal Commission 1960*

4.1.6 In its interim report, the Royal Commission recommended that financial compensation be provided to an officer who had successfully passed the promotion examinations but was denied promotion because of a lack of a suitable vacancy. The Committee said:

*“We received a substantial body of evidence in favour of an arrangement whereby the constable who passes the qualifying examination for promotion, but fails because of the lack of vacancies in the rank of sergeant or for some other reason, to be promoted, should receive some financial compensation. We were invited to consider either a bonus which would be extinguished when the constable received promotion or, alternatively, additional increments. The Police Federations, on the other hand, thought that it would be a mistake to single out for recognition educational attainment since this is only one, and not necessarily the most important, of the qualities expected of a good constable. We, however, think there are good grounds for introducing the payment of a reward for the man who displays the ability and zeal to pass the promotion examination, and we have considered whether the Federations’ misgivings might be met by making the award conditional not merely on passing the examination but on an assessment of all-round fitness for promotion. We think, however, that such a scheme would be open to objection: men not on the ‘promotion list’ might well be discouraged at an early stage of their service. We accordingly recommend the introduction of a single payment of £30 to the constable who passes the qualifying examination for the rank of sergeant and to*

1 *The Rise of Scotland Yard*. D. Browne, London, 1968, Chapter 26

2 *Report of the Police Post War Committee* (chaired by F. A. Newsam), 1947. Recommendations included the creation of the National Police Staff College in Bramshill

3 *ibid.* page 4

4 Oaksey report, pages 94-99

*the sergeant who passes the qualifying examination for the rank of inspector. We note, however, that the application of a scheme on these lines throughout Great Britain must depend on the adoption of uniform regulations and uniform standards of examination”<sup>5</sup>.*

#### *Police Promotion Examination Board*

- 4.1.7 The Police Promotion Examination Board (PPEB) was established in 1958<sup>6</sup>. The PPEB was required to:
- provide an impartial, public and common element in officer appraisal and promotion procedures;
  - make it possible for any officer to demonstrate his suitability in certain respects for promotion (within the limitations of a written examination); and
  - provide chief officers with an objective assurance that officers appearing before force promotion boards possess the necessary qualities (as identified by the written examination) for promotion.

#### *OSPRES*

- 4.1.8 The Objective Structured Performance Related Examination (OSPRES) was introduced in 1991 to provide a structure for the process for promotions from constable to sergeant, and from sergeant to inspector. The examination consisted of multiple-choice questions on matters of law and additional role-play exercises<sup>7</sup>. The latter were designed to establish whether the candidate for promotion was able to think and act in a manner which satisfied the examiners as to his ability to operate effectively at the rank of sergeant or inspector<sup>8</sup>.
- 4.1.9 Paragraph 1(2) of Schedule 1 of the Police (Promotion) Regulations 1996 provides that promotion to sergeant requires a two-step assessment consisting of:
- a written paper (OSPRES Part 1); and either
  - a practical test (OSPRES Part 2A); or
  - an assessment of the officer’s work over a minimum of 12 months (OSPRES Part 2B)<sup>9</sup>.

#### *Hedger Review of Police Promotion 2003*

- 4.1.10 In 2003, the Home Office-chaired Police Training and Development Board established a working group under the chairmanship of Mr John Hedger – called the Police Promotions Working Group – to review the manner in which the police service identified, selected and promoted police officers to the ranks of sergeant and inspector. Mr Hedger’s working group identified a number of police forces and police officers who had expressed concerns that the existing promotion system (OSPRES) was not providing the right number of officers of sufficient calibre for promotion in forces in England and Wales. His working group also said that local police forces should carry a greater sense of responsibility for the efficient and effective operation of the promotion process.
- 4.1.11 The PPEB carried out a practical trial, involving seven forces, for the purpose of finding better alternatives to OSPRES Part I. The trial incorporated significant elements of work-based assessment measured against new ‘national occupational standards’, in substitution for some or all of the tests in OSPRES Part 1. The review’s first report recommended minor amendments to the Police (Promotion) Regulations 1996, which led to the making of the Police (Promotion) (Amendment) Regulations 2005.

<sup>5</sup> Royal Commission report, paragraph 191

<sup>6</sup> Police (Promotion) Examination Regulations 1956 (now repealed)

<sup>7</sup> OSPRES Part 1

<sup>8</sup> OSPRES Part 2

<sup>9</sup> An assessment of an officer’s work over an appreciable period of time is described as ‘work based-assessment’ by the OSPRES promotion process

- 4.1.12 In a second report, issued in 2006, Hedger recommended the standardisation of data on promotions including a method for checking the reliability and fairness of the promotion regime. The PPEB introduced the ‘police promotions quality assurance framework’<sup>10</sup>, which comprised four steps in promotion assessment:
- Step 1 – suitability; candidates must have successfully completed their probation and be competent in their current rank, as assessed through the PDR regime. (The pass rate tended to be very high, as officers who did not fit these criteria did not usually apply.)
  - Step 2 – examination on law (OSPRE Part 1).
  - Step 3 – assessment against rank-specific competencies, and the matching of candidates to vacancies. Forces maintained control of how this assessment was done, but the system was aligned to national occupational standards. Officers were usually only eligible for promotion for 12 months after the assessment.
  - Step 4 – temporary promotion and work-based assessment. Candidates were provided with an opportunity to demonstrate competence in the higher rank over at least 12 months. By this point in the process, steps 2 and 3 provided preliminary screening of candidates. As a result, the pass rates at step 4 were usually high.

*2009 to the present*

- 4.1.13 In 2009, in response to concerns expressed by the Police Federation and individual officers about standardisation and inconsistencies of OSPRE, modifications were made to the promotion system to develop a system of promotion called the ‘national policing promotion framework’ (NPPF) which provided:
- minimum standardisation – a licensing system at force level to ensure that national standards are maintained consistently across forces, compliance with which was reviewed by the PPEB;
  - equality – improved data collection systems to demonstrate fairness and to assist decision-making on promotion policy;
  - improved effectiveness of the PDR appraisal system; and
  - a reduced level of bureaucracy.
- 4.1.14 As part of the changes introduced by the NPPF, OSPRE was replaced by a new promotions system called OSPRE-II. The new system was introduced in all forces in England and Wales, whereas the full NPPF process had only been tested in practice in seven forces. OSPRE-II Part 1 was designed to test candidates’ knowledge and understanding of law and procedure; the examination included 150 multiple-choice questions over a three-hour period. In contrast, OSPRE-II Part 2 introduced a new element, namely an assessment of the officer’s response to fictional role-based situations. In 2012, the OSPRE-II method of promotion from constable to sergeant and from sergeant to inspector is still being used in some forces.
- 4.1.15 Trials of the full NPPF method of promotion were carried out in seven police forces. The objective was to establish its suitability for implementation in all forces in England and Wales<sup>11</sup>. The full NPPF process uses OSPRE-II Part 1, but not OSPRE-II Part 2. Instead, it uses a system of work-based assessment. Its components are:
- Step 1 – suitability; candidates must have completed probation and be competent in their current ranks, as assessed in their PDRs.
  - Step 2 - legal knowledge; candidates must demonstrate the appropriate legal knowledge relevant to the higher rank, using OSPRE-II Part 1.

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<sup>10</sup> A phased process of implementation in police forces took place between 2007 and 2008

<sup>11</sup> *National Police Promotion Framework (60 Second Briefing)*, National Policing Improvement Agency, Wyboston, November 2008, page 1

- Step 3 – work-based assessment against role-specific competencies, and matching officers to vacancies; candidates must demonstrate potential against the full range of required competencies; additional competencies may be required for specific roles.
  - Step 4 – temporary promotion and work-based assessment; candidates must demonstrate competence in the higher rank over at least 12 months before being substantively promoted to that rank.
- 4.1.16 In 2010, the trial of NPPF ended. The NPIA conducted a survey of candidates in the seven forces which had participated in the NPPF<sup>12</sup>. A further trial in three forces ended on 31 March 2011. The PPEB subsequently made a recommendation to the Home Office, and awaits its decision.
- 4.1.17 An officer is free to apply for promotion without the agreement of senior officers, and without there being a suitable promotion vacancy. The NPPF is designed to give forces better control over the number of their officers who are eligible for promotion. If no promotion vacancy exists, an officer who has been successful in the promotion examinations and assessments must wait. If that period of waiting exceeds the locally determined maximum time for the purpose, the officer is required to go through the OSPRE or NPPF promotions processes again.

*Promotion to chief inspector and superintending ranks*

- 4.1.18 Promotion from inspector to chief inspector and subsequently to the superintending ranks is handled as follows:
- Any inspector may apply for promotion to chief inspector, and subsequently the superintending ranks, if he is a substantive rank officer, that is, he does not hold his present rank on a temporary or acting basis.
  - The decision on promotion is made by a force promotions board consisting of police officers and members of police staff of ranks and grades determined locally. A representative from the local branch of the Police Federation may also be invited to monitor the interview and selection process.
  - The criteria for short-listing are established locally and may include:
    - the officer's record of conduct;
    - his absence record;
    - evidence of an appropriate attitude on the part of the officer;
    - the requirements of the force, in particular the number of vacancies;
    - the officer's previous experience and performance; and
    - the results of the tests he has taken.
  - Candidates selected for promotion may be immediately eligible for a period of probation in the higher rank, or may be determined to have qualified for promotion but be required to wait until a suitable vacancy arises.
- 4.1.19 Police forces have a high degree of discretion in their procedures for promotion to the ranks of chief inspector, superintendent and chief superintendent. Candidates for promotion may be required to compete with candidates from other forces. Whilst individual force policies may require specific management training before promotion to these ranks, individual forces' requirements vary. There are no national training requirements for leadership, management or financial knowledge at these ranks.

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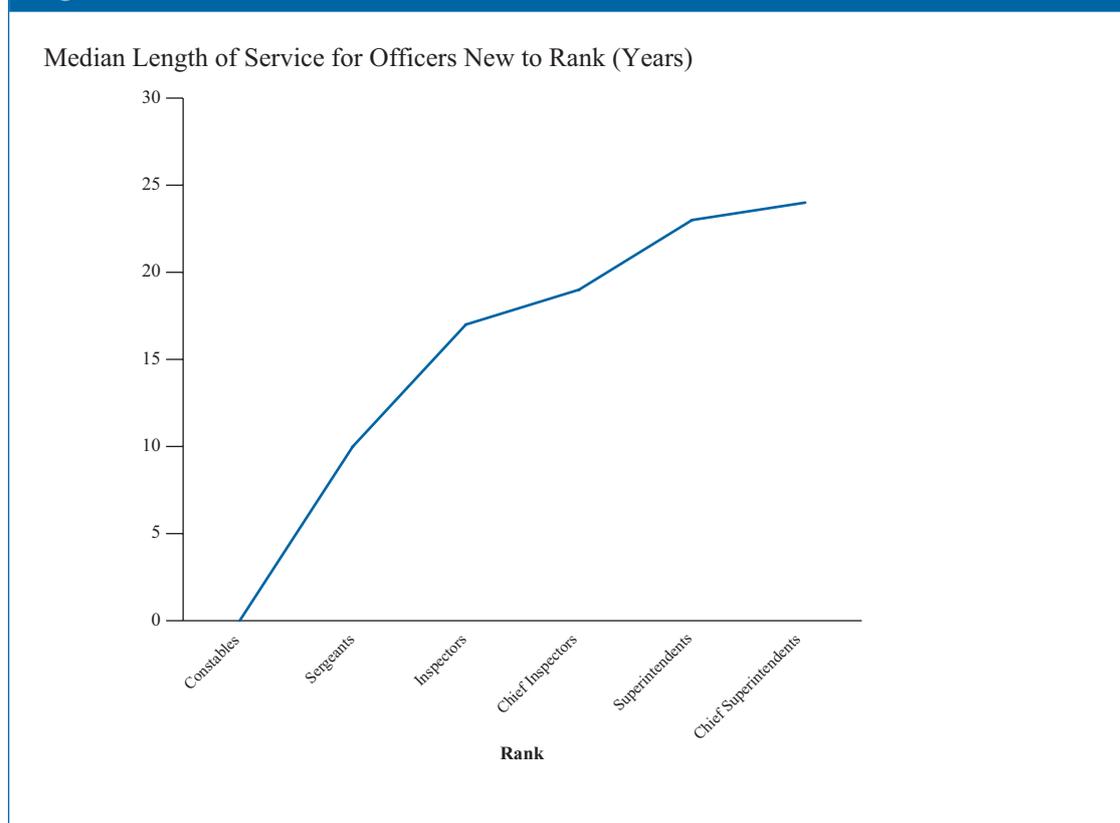
<sup>12</sup> *The National Police Promotion Framework – Candidate Survey*, National Policing Improvement Agency, July 2009

## Analysis

### *Comparing promotion numbers and waiting time – by rank*

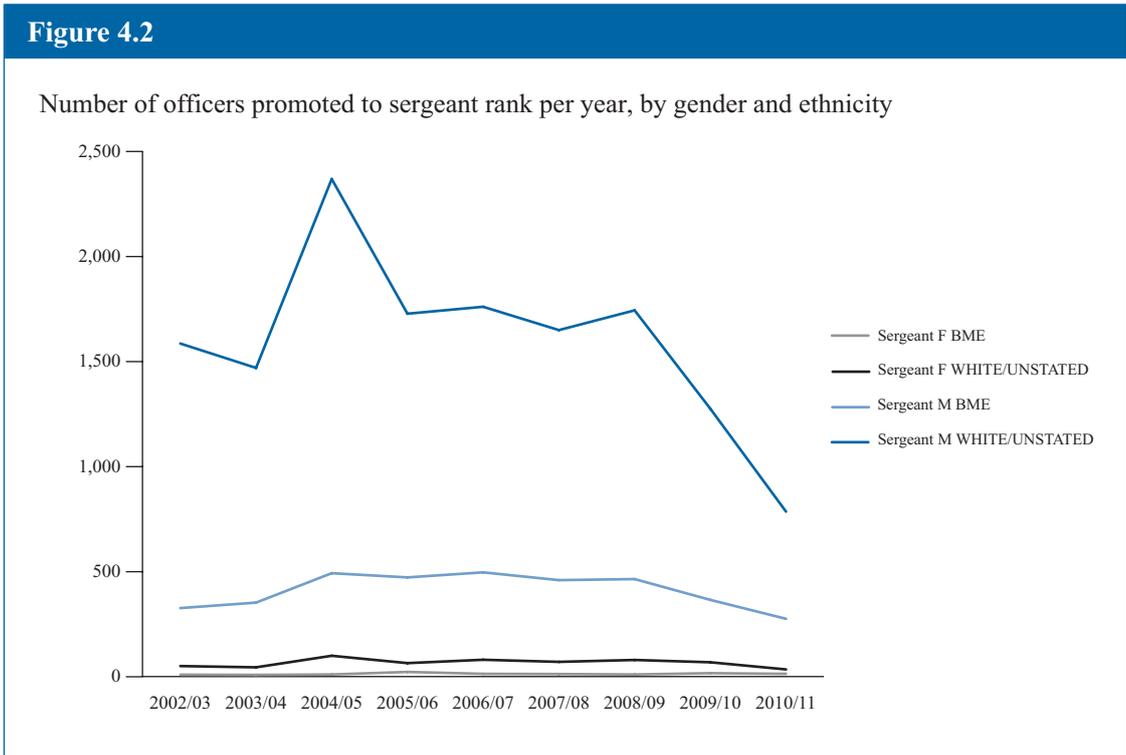
- 4.1.20 As can be seen in Figure 4.1, the number of promotions falls as rank increases. However, the time that officers remain in substantive ranks before further promotion reduces significantly as they rise in rank, once promotions to sergeant and then inspector have been achieved.
- 4.1.21 The average waiting time for officers achieving promotion to sergeant is ten years. Officers subsequently wait (on average) seven years to be promoted to inspector, two years for promotion to chief inspector, and four years for promotion to superintendent. The average waiting time for promotion to chief superintendent is one year. The number of available vacancies decreases significantly at each progressively higher rank.

**Figure 4.1**

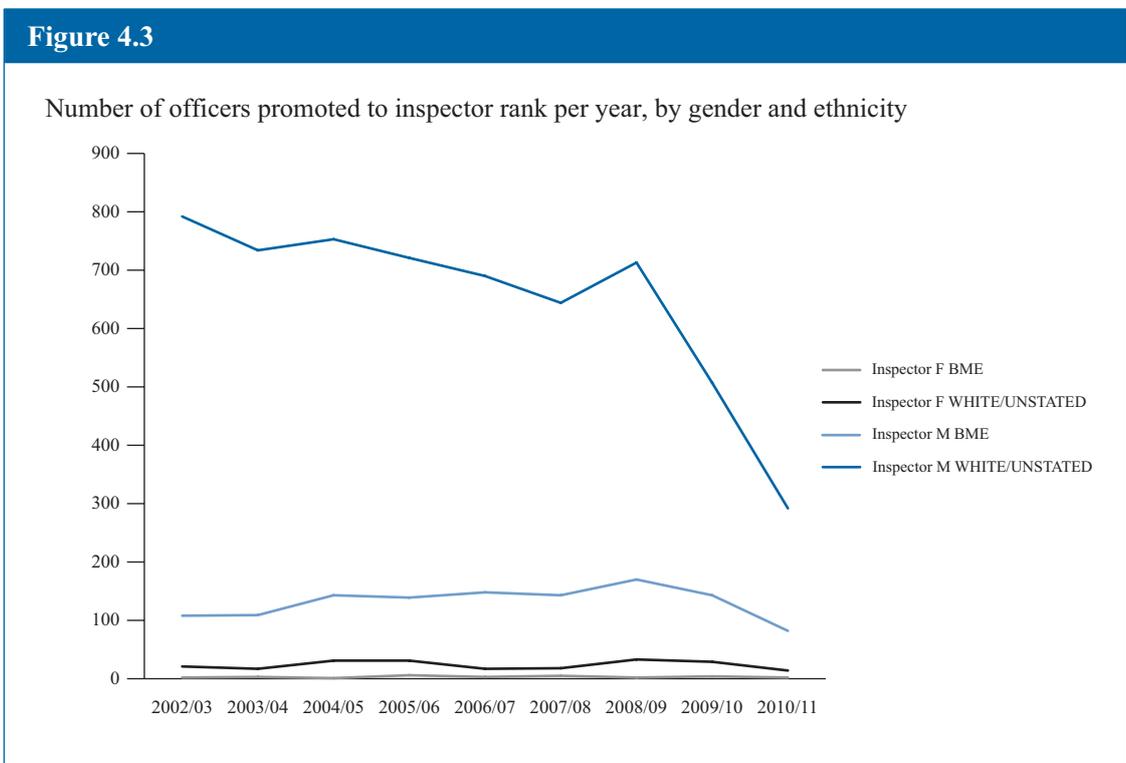


### *Equality considerations*

- 4.1.22 In order to assess whether the current officer promotion process is sufficient, it is also important to consider whether the system disproportionately favours, or discriminates against, particular groups.
- 4.1.23 Forces provided the review with annual promotion data by rank for the nine years from 2002/03 to 2010/11. Figure 4.2 shows that, in each year, officers who described themselves as black or minority ethnic (BME) had lower rates of success in promotion to sergeant than officers who described themselves as white. The year in which BME candidates attained the highest proportion of promotions was 2004/05; in that year, three *per cent* of males promoted to sergeant and two *per cent* of females promoted to sergeant were BME officers. 2004/05 was also the year when there was the highest number of promotions. Overall, male officers accounted for 81% of promotions to sergeant, when compared with female officers.

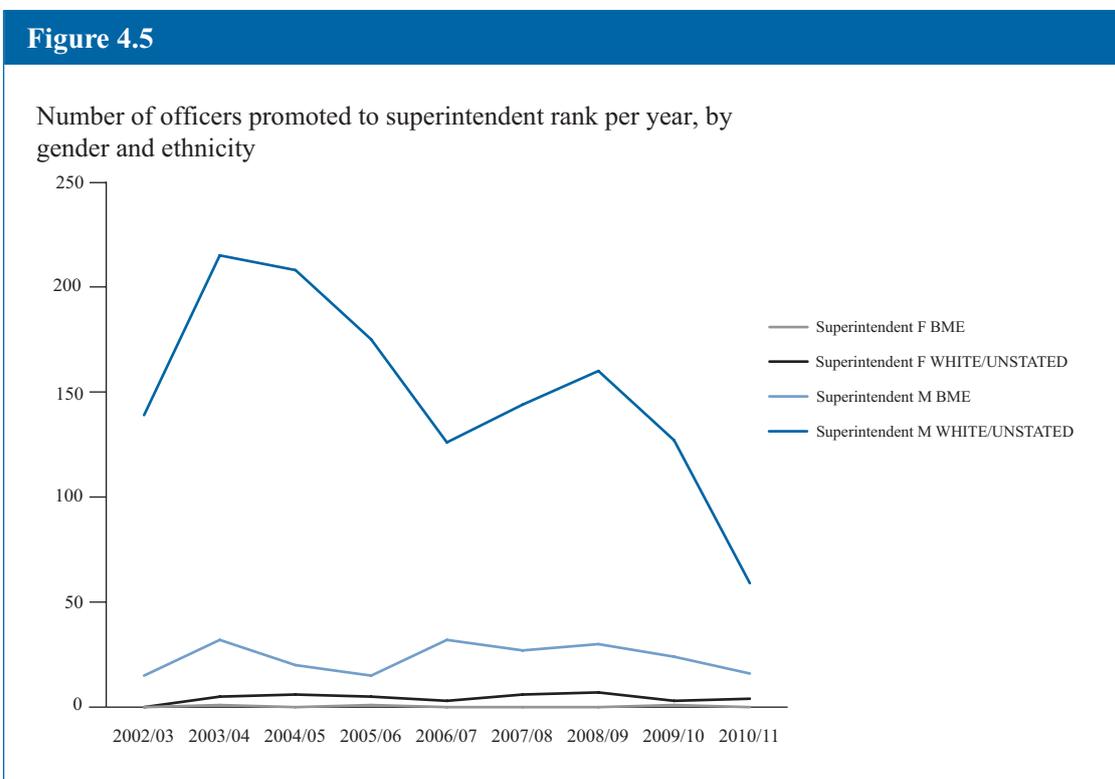
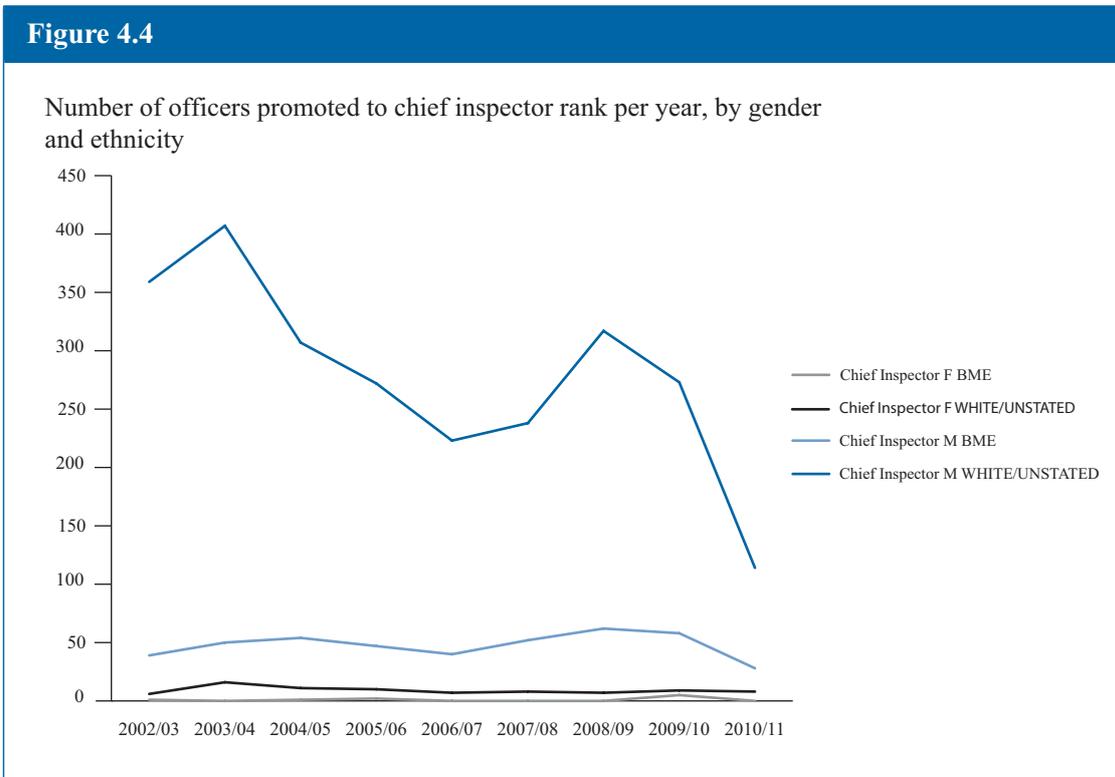


4.1.24 Figure 4.3 indicates that promotions were, on average, highest for all groups of officers being promoted to inspector in 2008/09. Of the BME officers promoted to inspector, 94% were male and 6% female. In that year, in total, male officers accounted for 81% of promotions to inspector, when compared with female officers.

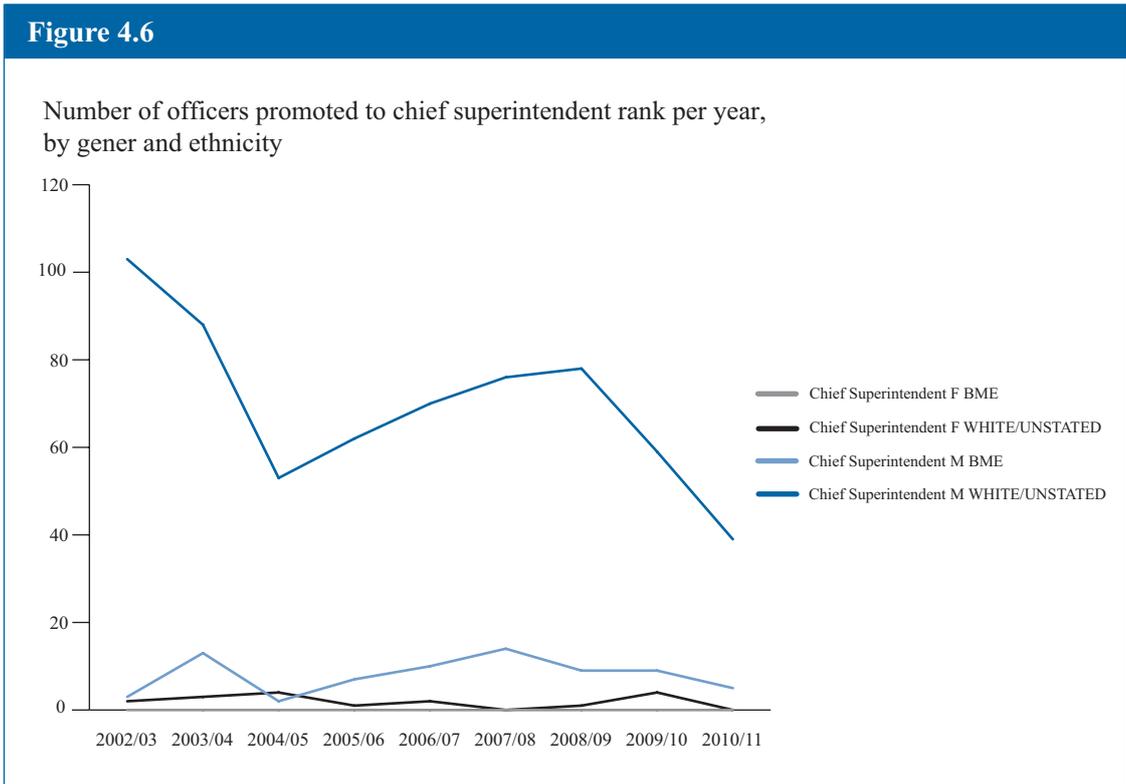


4.1.25 Whilst the national OSPRE-II promotions examination must be taken by candidates seeking promotion to sergeant and inspector only, the results remain consistent when there is a change in process to achieve promotion to the rank of chief inspector. The proportion of successful white male candidates, and male candidates who did not declare their ethnic origin, far exceeded the other groups.

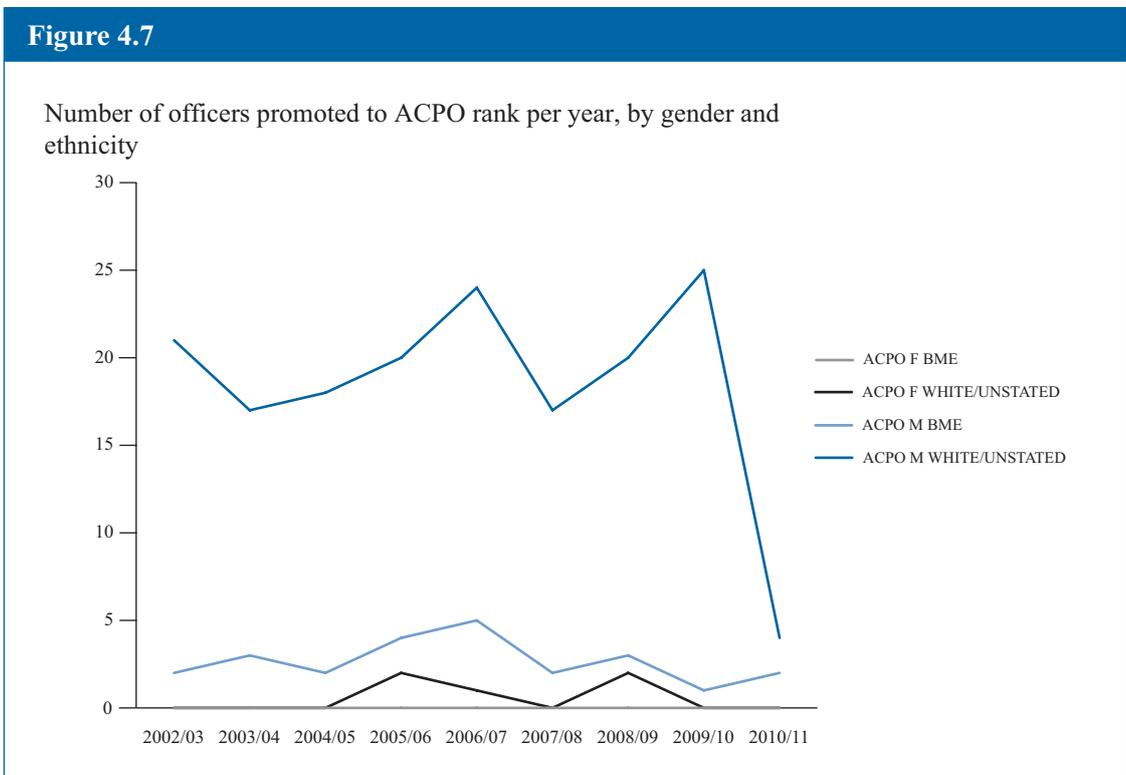
4.1.26 The percentage of successful promotions of white females reduces as the rank increases. For example, in 2008/09 the proportion of officers promoted to inspector who were white females was 19%, whereas the proportion of officers promoted to chief inspector who were white females was lower, at 16% (see Figure 4.4). Furthermore, in 2008/09 the proportion of officers promoted to superintendent who were white females was lower again, at 15% (see Figure 4.5).



4.1.27 As can be seen in Figure 4.6, only 10% of promoted chief superintendents in 2008/09 were women.



4.1.28 At the point of promotion to ACPO rank, Figure 4.7 shows that 12% of white females secured promotions. Overall, and at every rank, BME officers of both genders have lower promotion numbers than white officers or officers who did not declare their ethnic origins.



## Consultations

- 4.1.29 Most of the consultees focused their representations in relation to promotion on the issues of accelerated promotion and direct entry. However, some groups did argue that there need to be changes made to the promotion arrangements for the great majority of existing officers who are not identified as high potential.

### *Response by the Association of Chief Police Officers*

- 4.1.30 In its submission to Part 1, ACPO said that:

*“There is a basic problem that more and more officers are passing the promotion exams to sergeant and inspector when there will not be sufficient positions in the future”<sup>13</sup>.*

### *Response by the Association of Police Authorities*

- 4.1.31 The Association of Police Authorities (APA) also drew attention to the present lack of opportunities for an officer to improve his pay other than through promotion. It states that:

*“Various allowances, overtime and performance pay benefits aside, presently, the only way for police officers to increase their basic pay is to take promotion. Conversely, police staff must change roles altogether”<sup>14</sup>.*

### *Responses by police forces and authorities*

- 4.1.32 The Metropolitan Police Service said:

*“There should be an increase of around 5-10% on promotion, but promotion should not be seen as the only means of increasing pay (as stated at paragraph 1.5 in the Part 1 report). On promotion there should be a probation period, with the option of ‘reverting’ the officer to the previous rank if he or she does not make the grade”<sup>15</sup>.*

### *Response by the Metropolitan Police Authority*

- 4.1.33 The Metropolitan Police Authority said:

*“...has never been cited as a major influence by candidates applying for promotion in the police service ... whilst there may be some role specific development needed at the point of promotion (for instance custody procedures) the majority of any leadership development should take place over a longer period beginning before the selection process and continuing past the point of selection until the candidate has shown in the work place they are competent for promotion”<sup>16</sup>.*

### *Additional consultation responses*

- 4.1.34 The ACPO Learning and Development Group argues that police officers should invest their own time and money in their pursuit of opportunities for career development which lead to promotion<sup>17</sup>.
- 4.1.35 The Local Government Group said that the available opportunities for promotion should carry adequate financial compensation in order to attract the right candidates:

*“The overriding consideration here is the need to provide a financial incentive... The key ingredients to successful workforce development which includes promotion [are] quality of line management in developing people for promotion, financial incentive, varied and interesting work and transparency and fairness in recruitment procedures.*

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13 ACPO Part 1 submission, page 23

14 APA Part 1 submission, page 11

15 *Submission from the Metropolitan Police Service*, October 2011, page 2

16 *ibid.* pages 4 and 18

17 *Submission from ACPO Learning and Development Group*, September 2011, page 1

*It is the balance of all of these that will ensure a consistent and high quality supply of officers for roles in higher ranks.*

*“While it is true that many people in the public services and elsewhere are keen for promotion for non-financial reasons, such motivations are not often sufficient in themselves; it is quite possible that a structure with very small differentials between ranks would not generate sufficient high-quality volunteers for promotion”<sup>18</sup>.*

- 4.1.36 West Yorkshire Police says that annual appraisal discussions have identified that “some Constables are put off applying for promotion by the small pay differential”<sup>19</sup>.

#### *Seminar*

- 4.1.37 At the review’s seminar on performance and post-related pay in July 2011, Mr Blair Gibbs (Head of Crime and Justice at Policy Exchange) said that police officers should be provided with opportunities, outside promotion to non-operational roles, to increase their levels of pay. Mr Gibbs said:

*“If you are joining the service [aged] 28 but you need, for various personal reasons, to progress through and earn more money within five years and not ten, the only way for you to do that is to seek promotion. Ultimately, that will end up taking you away from the street. It is not to be [assumed] that people who join even at that late stage want to move straight into a non-uniformed role or away from a beat policing role”<sup>20</sup>.*

#### **Conclusion**

- 4.1.38 Whilst it was not originally my intention to examine the issue of routine promotion in the police service, it is apparent from the representations made during the review’s consultation period that there are material concerns about the present system.
- 4.1.39 These concerns are concentrated on the efficiency of the present arrangements and the frustrated expectations of officers who apply for promotion, the absence of proactive career management of junior officers by senior officers, the lack of alternative means by which police officers and staff can earn higher pay without promotion, and issues of diversity and the disproportionately lower numbers of black and minority ethnic officers being promoted.
- 4.1.40 The present promotion system allows an officer to apply for promotion irrespective of the opinion of his superior officers as to his prospects of success. Even if he is successful, he has no guarantee of promotion in the near future; that depends on the existence of a suitable vacancy. Officers who have passed the promotion examinations may become frustrated and demoralised at their lack of progression, and if they fail to be promoted within the relevant timescales, their passes may expire and they will then be required to take the examinations again. This will often be harmful to morale and a waste of public money and management time.
- 4.1.41 An officer who is contemplating promotion will profit from an honest, objective assessment by his senior managers of his suitability for higher rank. Managers must always deal with their staff in this way, and those who do not fail their staff, their force, the public and themselves. Judgments of this kind must be sound, and fairly arrived at; this issue is discussed at length in Chapter 8.
- 4.1.42 It is in the interests of no-one for a police officer with little or no realistic prospect of success in the promotion examinations to embark upon them. They are costly and time-consuming, and failure usually hurts, even when it may be inevitable. An excellent constable may make a poor sergeant, and the same is true for each successively higher rank. It will always be better for an officer to remain at the rank for which he is best fitted and at which he is most effective, and for his career to develop and flourish at that rank. My recommendations in relation to the

<sup>18</sup> Submission from Local Government Group, September 2011, page 2

<sup>19</sup> Submission from West Yorkshire Police, September 2011, page 5

<sup>20</sup> Post-related pay seminar (2011), page 27

recognition of and financial reward for the acquisition and use of skills are directed towards development of officers within specific ranks.

- 4.1.43 The police service should do much more than this. It is remarkable, and extraordinarily wasteful of resources and the potential of officers, for the police service to lack a systematic and efficient means for the taking of proactive and effective steps to identify officers with strong promotion potential and the active management and development of their careers. Police forces should not assume that those who consider themselves fitted for promotion are right; the best candidates should be sought out and their potential developed and realised.
- 4.1.44 I recommend that all police forces be required to establish efficient methods for the constructive development of the careers of officers, irrespective of their rank. Those measures should require officers of ACPO rank to operate a continuous system to identify officers with the greatest potential for promotion – not only rapid promotion – and then closely to assess their skills, efficiency, interests, aptitudes and developmental needs in order to give them suitable training and postings. Each force should establish a succession planning system which identifies projected vacancies and the people most likely to be best fitted to fill them, bearing in mind the long-term as well as the short-term needs of the individual, the force and the police service as a whole. The primary responsibility for this lies with line managers and senior officers.
- 4.1.45 Having actively sought and identified the most promising candidates for promotion, forces should train the officers in question and then present them for examination and assessment. Training should be available to these candidates during their working hours, although it is also reasonable to expect an appropriate part of an officer's preparation for examinations to be carried out in his own time.
- 4.1.46 It is always necessary for the system of promotion to operate in compliance with the Equality Act 2010. This has special relevance in the police where it is strongly in the public interest for the composition of the police force to reflect the communities which its officers police.
- 4.1.47 The law in relation to discrimination must be strictly observed, but the only criterion for entry into the police service and advancement within it should be merit.
- 4.1.48 In a case where two candidates for promotion are of indistinguishable merit, and the number of officers in the rank in question who possess the requisite policing expertise and experience and who share with one of the candidates a protected characteristic is disproportionately low, it is permissible for the force to give preference to the candidate with the protected characteristic over the one who does not. This is the tiebreaker approach to appointments authorised by section 159 of the Equality Act 2010, and allows preference to be given to candidates with protected characteristics, in order, for example, to improve diversity. In such a case, the force should select the candidate who will best meet the needs of the force having regard to the policing and other qualities required of an officer of the rank and for the position in question and the current composition of the relevant part of the force<sup>21</sup>.
- 4.1.49 The new NPPF promotion assessment properly takes greater account of the potential of a candidate to be an effective manager. Personnel and financial management are very important parts of the work of sergeants and officers of higher rank. Regrettably, such skills are not sufficiently valued, trained and fostered. More needs to be done to provide advice and assistance to new managers, particularly at the time of promotion from constable to sergeant, the first management rank. This transition from team worker to team leader is a significant and difficult step.
- 4.1.50 It must be emphasised that promotion in the police service is open to all officers according to the merit principle. As discussed in Chapter 3, there is no question of the highest ranks being open only to those who have participated in the direct entry schemes I have recommended.

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21 See further the oral evidence of Lord Phillips of Worth Matravers, President of the Supreme Court, to the House of Lords Constitution Committee on 20 October 2011; the evidence was concerned with the reconciliation of the primacy of the merit principle in judicial appointments with the promotion of diversity, and the operation of section 159 of the Equality Act 2010 in such cases

That was not the case in 1933, under the Trenchard scheme, and it will not be the case if the recommendations I make in this report are implemented. However, rapid promotion of the most suitable candidates should be facilitated. There is nothing in police regulations which prevent a Chief Constable promoting an inspector directly to superintendent. There are no data on ‘rank-skipping’, but my discussions with Chief Constables and others in the police service have established to my satisfaction that rank skipping is very rare, and that some senior officers may not even realise that it is possible. It is, and it should be used more often to advance officers whom Chief Constables consider to be fitted for it. It is always in the public interest for the most able people to occupy the positions for which they are best suited, and to attain those positions as soon as they are ready.

- 4.1.51 Officers in senior ranks require sound competence in the management of large budgets and the workforces under their supervision and command. In large forces, a superintendent may have 800 people in his command and be responsible for a budget of over £80 million. Despite this, evidence was given to the review which disclosed that some senior officers are promoted to ranks involving considerable responsibility for people and money without adequate training in the requisite skills, and they are expected to acquire the necessary skills whilst attempting to discharge these heavy responsibilities. Insofar as this happens, it is unsustainable.
- 4.1.52 The NPIA has devised and published training programmes of the kind required, and it is striking that some promotions have been made which may have disregarded, or at any rate not used, these instruments. In such cases, the police service not only fails its newly-promoted officers, it fails the efficiency of the force, the people in the division or command in question, and the taxpayer.
- 4.1.53 I recommend that all officers assessed as worthy of promotion are provided with appropriate training and are then rigorously tested in the necessary leadership, people management and financial skills. The extent to which these skills are required varies according to the rank in question. The new Police Professional Body should be given the responsibility of ensuring the availability and delivery of the training in question, and should set the necessary accreditation standards.
- 4.1.54 I agree with the APA and Policy Exchange that police officers and staff should not depend upon promotion as the only means by which to increase their pay. Most police officers will remain as constables for their careers, and most police staff roles have limited opportunities for promotion within their specialist functions. In most cases, police staff must transfer to different roles to attain pay rises at levels which correspond to promotion in the case of officers. Such steps carry the material disadvantage that the force may lose the availability of the specialist skills of the police staff member who has moved to earn more.
- 4.1.55 The lack of an alternative to promotion is tackled in the recommendations I make elsewhere in this review. These include the establishment of the Expertise and Professional Accreditation Allowance, specialist skills thresholds and team bonuses, as well as the ability of officers and staff to earn more in frontline roles which involve unsocial working hours and overtime.
- 4.1.56 In the interests of consistency and simplicity, there is a strong case for a single body to advise on the assessment of entry and promotion standards. At present, the Police Advisory Board of England and Wales makes recommendations on the former, whilst the PPEB deals with the latter. I recommend that the policy development and implementation of both entry and promotion standards should be administered by the new Police Professional Body. This will allow a single entity to ensure that the standards required of officers joining the police service are compatible with the standards required for promotion to supervisory and management ranks. I recommend in Chapter 10 that the Police Promotions Examination Board be subsumed into the Police Advisory Board of England and Wales.

**Recommendation 27 – The sole criterion for the recruitment, advancement and promotion of police officers should be merit.**

**Recommendation 28 – All police forces should establish efficient methods for the active and constructive development of the careers of officers, irrespective of rank. The best candidates should be sought out and their potential developed and realised.**

**Recommendation 29 – Each force should establish a succession planning system which identifies projected vacancies and the people most likely to be best fitted to fill them, bearing in mind the long-term as well as the short-term needs of the individual, the force and the police service as a whole.**

**Recommendation 30 – Chief Constables should make greater use of ‘rank skipping’, so that an officer is not required to serve at every rank in his career if he is considered ready for promotion to a rank higher than the next.**

**Recommendation 31 – For each rank above constable, a core set of leadership, management and financing skills should be established by the new Police Professional Body. An officer should be trained and assessed in these before he is promoted.**

**Recommendation 32 – The responsibilities of the Police Promotions Examination Board for setting promotions standards should be subsumed into the Police Advisory Board of England and Wales so that recommendations on the standards required for entry and promotion are considered by the same body. When this has been done, the PPEB should be abolished.**

## 5 Health and fitness

The work of a police officer is often physically demanding. As the policing response to the riots in August 2011 demonstrated, police officers may find themselves deployed at short notice to deal with incidents or circumstances in which a certain level of physical strength and stamina is necessary for their own safety and effectiveness, and the safety of their colleagues and the public. Communities have a right to expect that police officers and frontline police staff are fit for duty. Despite this, fitness testing in the police service is inconsistent. The physical fitness of police officers, and some staff, are tested as part of the recruitment and probation process but, unless they undertake certain specialist roles, never again thereafter.

The police service also requires better ways of dealing with the markedly increasing numbers of officers placed on restricted duty. In some forces, the proportion of officers on restricted duties is more than ten *per cent* of the officer workforce. Such a high ratio of officers unfit for full duties diminishes the operational resilience of the force, and places a higher burden on the officers who are fully deployable. It is also unfair on police staff when restricted duty officers work alongside them but are paid significantly more than they are, for the same work. That is also unfair on the taxpayer.

The management of those on restricted duty requires improvement. Forces should of course be supportive of all officers who are sick or injured. Ill-health retirement measures should be used more for those who are permanently unable to work as police officers. For those who are ineligible for ill-health retirement, an equitable system which provides for their leaving the force in appropriate circumstances and on the right terms is also required. This is of course a sensitive issue which requires careful and sympathetic treatment, but it is one that must be tackled.

The principal recommendations in this Chapter include:

- ensuring officers are sufficiently fit to undertake their duties safely, by requiring all police officers and relevant frontline police staff to undergo an annual fitness test based on the standard currently expected of recruits in England and Wales;
- introducing from September 2018 a fitness test of the same standard as applies to recruits to the Police Service of Northern Ireland;
- removing from officers who repeatedly fail their fitness test 8% of a constable's pay, equivalent to £2,922 *per annum* at the maximum;
- making regulations for the management of those on restricted duty; the conclusion of the regime could be ill-health retirement or dismissal from the force, and in appropriate cases an offer of a job as a member of police staff; and
- introducing a normal pension age of 60 for police officers in future.

### 5.1 Fitness testing

#### Background

- 5.1.1 Those wishing to join the police service must pass a nationally set fitness test. Regulation 10(d) of the Police Regulations 2003 provides that, to be qualified for appointment to a police force, a candidate:

*“must be certified by a registered medical practitioner approved by the police authority to be in good health, of sound constitution and fitted both physically and mentally to perform the duties on which he will be employed after appointment”.*

- 5.1.2 There are also fitness tests for officers during their basic training. Under Regulation 13 of the Police Regulations 2003, a chief officer can dispense with the services of a probationary officer

at any time should he not be considered fitted, physically or mentally, to perform the duties of a constable. Forces are therefore required to test student officers after appointment but before they complete their probation. However, except in the cases of officers in some specialist roles (such as firearms), there is no requirement for officers, once in service, to meet any form of fitness standard. The fitness tests for officers in specialist roles are set by forces individually, not nationally.

- 5.1.3 There is no national policy for the fitness testing of police staff. Some police staff – principally police community support officers – are required to pass a fitness test on entry.

### *History*

- 5.1.4 For many years policing was, for the vast majority of officers, a physically demanding occupation, and officers needed to be strong and fit. In the nineteenth century, officers often walked 20 miles each day for weeks at a time<sup>1</sup>. Police officers generally worked seven days a week, with an average day of ten to twelve hours, split into two shifts, one of which was at night. These shifts would normally be spent on foot patrol on the beat. Few allowances were made for the need for physical recovery from such a regime. There were no rest days for officers until 1912 when, following the recommendations of a Parliamentary Committee in 1908<sup>2</sup>, constables, sergeants and inspectors became eligible for one day off in every 14<sup>3</sup>. There was also no formal sick pay<sup>4</sup>, with payments being at the discretion of senior officers. In 1920, the Desborough Committee classified policing as an “outdoor occupation”<sup>5</sup>.
- 5.1.5 However, over the last century, new technologies initially augmented and then increasingly replaced foot and later bicycle patrols. The amount of constant physical effort required of an officer over his career reduced. Peel’s model of beat policing continued to be followed until the 1960s. Each officer was allocated a small area of beat for which he was responsible. These areas were patrolled on foot, normally for periods of six or seven hours, and constables would occasionally need to run, chasing suspected offenders or responding to calls for assistance from colleagues on adjoining beats. Police officers also required a degree of strength as they were only armed with a wooden truncheon issued for defensive purposes, and, as is the case today, they could be involved in a physical struggle with an individual until the arrival of assistance. This image of an officer slowly walking his beat continues to be the traditional, archetypal view that some of the public hold of the police. However, even by the 1960s this image had been superseded by new modes of transport.
- 5.1.6 Police officers on bicycles appear regularly in inter-war literature, and as late as the 1960s, bicycles were an important form of transport for police officers, with some forces setting the maximum distances officers were allowed to live from their police stations with reference to bicycling times.
- 5.1.7 Since the Second World War, forms of transport that require less physical exertion have largely replaced foot and bicycle. From the 1960s in particular, officers increasingly used cars and motorcycles in an effort to focus limited resources more effectively<sup>6</sup>. This was necessary as forces reviewed their patrolling policies in the face of declining police numbers (relative to the growth in population), changing demographics and increasing crime rates. In some cases, the number of detectives was increased to investigate the rising levels of crime and different methods of providing improved beat coverage were explored. ‘Unit beat policing’ was introduced during the 1960s with the support of the Home Office, initially in Lancashire. Beats were redrawn to be fewer in number and larger in size. Usually a car was allocated between three beats and in the absence of one or more of the constables from their beats, the car would always be present. The scheme was judged a success and forces nationwide were encouraged

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1 Critchley, page 151

2 *ibid.* page 152

3 *The History of the Kent Police Force from its Start Through to Modern Times: History*, Kent Police Museum, [www.kent-police-museum.co.uk](http://www.kent-police-museum.co.uk)

4 Critchley, page 152

5 Desborough report, paragraph 109

6 Critchley, page 255

with resources to purchase motor vehicles to follow the model. Very quickly, it became more important to ensure that the unit beat car was crewed than the foot beats were patrolled. One consequence of this change was that officers no longer had the physical exercise which had been a natural benefit of routine foot patrolling.

- 5.1.8 During the same period, the structure of police forces has changed, with a greater percentage of officers working as specialists within police stations, rather than being out on patrol. This means that ever fewer police officers benefitted from exercise as a by-product of their daily work, although the effect of this is difficult to quantify. The introduction of neighbourhood policing in and since 2004 has seen a renewed emphasis on foot patrols as a way of increasing visibility of the police within communities, improving public reassurance and acting as a deterrent. Even so, for many officers, the modern police service is far from the origins of the first police force, the Metropolitan Police, with its emphasis on foot patrol.

### *Health*

- 5.1.9 There has never been a national requirement for forces to test the fitness of their officers once in force. However, many forces put in place arrangements for leisure activities which contributed to the health of police officers. Sporting opportunities were available with inter-station, divisional and force competitions. Duty time was allowed for representative sport and larger forces maintained sports club facilities. As the pressures on police have grown since the 1960s, most forces have abandoned the notion of any sport being played in duty time. Nevertheless, the current Police Sport UK has organisations representing over 50 different sporting disciplines, each of which has a national championship. Mr Brian E. Rollings, Honorary Member of the Council of the Police Sports Association, previously the Police Athletics Association, states that the majority of police sport is, and always has been, played in competitors' own time<sup>7</sup>. Many officers remain committed to the maintenance of personal fitness.
- 5.1.10 From the early formation of policing, health and physical stature were recognised as criteria when selecting recruits. In the rules drawn up by Lord Normanby, the Home Secretary who introduced police regulations under the County Police Act 1839, prospective constables were required to be in good health and be at least five feet seven inches tall<sup>8</sup>. In 1920, the Desborough Committee wrote that "a candidate for the Police must not only reach certain standards of height and physical development, but must have a constitution which is sound in every way"<sup>9</sup>.
- 5.1.11 In 1949, the Oaksey Committee noted that recruits had a stringent medical test, which was a result of the requirement that recruits should be "physically and mentally fitted to perform the duties of the office of constable"<sup>10</sup>. Echoing the Desborough Committee, the Royal Commission in 1960 stated that, amongst other qualifications, recruits were required to be physically fit and possess a satisfactory health record<sup>11</sup>. They concluded that being a man of integrity, being mentally and physically fit and having an adequate education were all essential requirements, and that one should not be set above the rest. However, the Edmund-Davies review in 1978 noted that the physical standards for recruits had been relaxed somewhat<sup>12</sup>.
- 5.1.12 Until the 1990s, Chief Constables were responsible for setting their own entry standards, including physical standards. In the early 1980s, minimum height requirements were still applied, at least by the Metropolitan Police, of five feet eight inches for men and five feet four inches for women<sup>13</sup>. Home Office Circular 39/90 regarding police recruitment invited Chief Constables to consider the action needed to review the fitness standards their forces applied to

7 The Police Sport UK, previously the Police Athletics Association, was founded on 13 July 1928 by Home Office circular. See *A History of the Police Athletic Association: "From Simple Beginnings": Foreword*, B. E. Rollings, 12 May 2003, [www.policesportuk.com](http://www.policesportuk.com)

8 Critchley, page 145

9 Desborough report, paragraph 29

10 Oaksey report, page 7

11 Royal Commission report, page 26

12 Edmund-Davies report (2), page 15

13 *Ms D Bamber v Greater Manchester Police*, Employment Tribunal reserved judgment, case 2401829/09 and 2404977/10, Manchester, page 6

candidates to ensure that “recruits can meet the physical demands of police work in the absence of a height limit”<sup>14</sup>. However, the same circular noted that agreement on any national test of physical ability had not yet been reached. The same Home Office Circular announced that the Police Advisory Board had decided to abolish the minimum height requirement for recruits.

- 5.1.13 In 1997, Home Office Circular 51/97 was issued. This stated that the Police Advisory Board steering group on police initial recruitment selection procedures had recommended that common recruitment procedures should be developed, including for fitness testing. At that time, the Police Advisory Board was considering introducing a fitness test based on the one used by the then Royal Ulster Constabulary (see Analysis section of this Chapter). This was favoured after considering the various tests then in use, including those used by the Metropolitan Police Service (discussed later in this Chapter) and the army<sup>15</sup>. However, by the time the Police Advisory Board commissioned the development of national standards in 2003, it had decided upon a job-related ‘shuttle run’ fitness test.
- 5.1.14 The use of progressive shuttle runs to predict an individual’s maximum oxygen intake was first suggested in 1982 by L. A. Leger and J. Lambert<sup>16</sup>. The ability to transport oxygen to working muscles is internationally accepted as an accurate predictor of aerobic power and capacity<sup>17</sup>. The measurement of aerobic power or ‘maximum oxygen uptake’, referred to as ‘VO2 max’, is considered to be one of the most reliable indicators of a person’s fitness and capacity for exercise. It is expressed in millilitres of oxygen per kilogramme of body weight. An individual’s VO2 max can be measured by putting the subject through a series of tests in a laboratory, which would require approximately one hour per subject and cost £300 to £400 at current prices.
- 5.1.15 Alternatively, a person’s VO2 max can be estimated by the level he achieves in a test, for which the correlation between VO2 max and the test’s levels have been researched and validated. The progressive shuttle run test is probably the most used and validated predictor of a person’s VO2 max. A person’s maximum oxygen uptake is partially pre-determined by genetics, but the general population, as opposed to elite athletes, never reach their VO2 max ceiling as they never exercise enough to challenge their system fully. In any given physical activity, the use of oxygen is similar irrespective of gender, ethnic group or age (apart from young children and adolescents). Whilst VO2 max does decrease with age, there is evidence that this is largely due to muscle loss; regular exercise can reduce this process and so the age-related drop in VO2 max might not occur<sup>18</sup>. In the original progressive shuttle run test as proposed by Leger and Lambert, candidates run to and fro on a 20-metre track<sup>19</sup> fast enough to cover the distance before an audible signal – a bleep. The frequency of the bleeps increases as the test proceeds, so the candidate must run faster to keep up. The point at which he cannot do so is his score. This point predicts his VO2 max, based on a validated correlation between performance on the shuttle run and VO2 max levels determined in the laboratory. Shuttle runs have the advantage that they can be administered in controlled, standardised conditions, for instance indoors. Scores are directly related to performance, and the test can be taken by large numbers of individuals in a session<sup>20</sup>. In 1995, the police service introduced shuttle runs to measure the fitness of recruits, following research by Loughborough University for the Metropolitan Police.
- 5.1.16 By the late 1990s, entrance requirements in respect of physical fitness were presenting difficulties as police forces tried to grow. Recruitment expanded significantly following the introduction of the Crime Fighting Fund announced in 2000<sup>21</sup>, but many otherwise well-

14 *Home Office Circular 39/1990*, page 2

15 *Home Office Circular 51/97*, page 5

16 *Research into Fitness for the Police Service*, Lilleshall Sports Injury and Human Performance Centre, Shropshire, March 2004, page 15

17 *ibid.* pages 12-13

18 Johnson *et al* 2000, cited in *ibid.* page 13

19 The shuttle run element of the police job-related fitness test was, and still is, based on a 15-metre shuttle run rather than a standard 20-metre shuttle run. This 15-metre shuttle run was developed by Loughborough University for the Metropolitan Police in 1995 to take account of the smaller size of some testing venues

20 *ibid.* page 15

21 The Crime Fighting Fund was introduced by the Home Office to incentivise police forces to maintain police officer numbers at a specified level for each force

qualified potential recruits were unable to pass the differing police force fitness tests; this was particularly the case with females. In 2001, the Home Office sent a circular to police forces stating that national recruitment standards were to be developed so as to provide greater consistency amongst police forces<sup>22</sup>. The circular stated that a national fitness test would be one of the first areas to be tackled, to ensure that forces were using job-related tests that met equality requirements<sup>23</sup>.

*Fitness testing: recruitment*

- 5.1.17 In 2003, the Police Advisory Board for England and Wales commissioned Lilleshall Sports Injury and Human Performance Centre to develop a fitness test for recruits. This work was overseen by a small group chaired by Assistant Chief Constable Huw Jones of Staffordshire Police.
- 5.1.18 The Lilleshall team first calculated the VO<sub>2</sub> value that police officers reach when undertaking personal safety training<sup>24</sup>. Personal safety training is delivered by police forces to national standards and guidance. It is part of the force personal safety policy, which is an important risk control measure to ensure a safe working environment for staff under the Police (Health and Safety) Act 1997. The purpose of personal safety training is to teach the appropriate use of equipment and techniques needed for personal protection, such as restraining violent people effectively and safely<sup>25</sup>. After initial training, the National Policing Improvement Agency (NPIA) states that:
- “as a minimum forces must ensure that staff receive assessed refresher and development training on an annual basis, unless an auditable risk assessment clearly identifies why this frequency is not necessary for a particular role”<sup>26</sup>.*
- 5.1.19 The content and length of personal safety training is based on the role performed by an individual and the level of risk attached to that role<sup>27</sup>. There are five modules: managing conflict, personal safety, equipment and restraints, role specific skills and a refresher and development module. As well as practical techniques, police officers and appropriate staff are taught about the importance of using force proportionately and within the law, in line with the United Nations Code of Conduct for Law Enforcement Officials<sup>28</sup>. Both ACPO and the NPIA have issued guidance to police forces<sup>29</sup>, which set out the importance of personal safety training for both individuals and police forces, and specify standards for the training.
- 5.1.20 When researching an evidence-based fitness test, the Lilleshall team used data collected from sample officers across the United Kingdom<sup>30</sup>, using field test data where possible<sup>31</sup>. Normative data were then collected using members of the public<sup>32</sup>. The research found that the VO<sub>2</sub> value that candidates were predicted to achieve on the 15-metre shuttle run at level 5:4 was an appropriate predictor of the level that an individual could be expected to achieve in personal safety training<sup>33</sup>. The cardiovascular demands were equivalent to, or higher than,

22 *Home Office Circular 1/2001*, page 2

23 *ibid.* page 3

24 *Guidance on Personal Safety Training*, National Policing Improvement Agency, London, 2009. Given its basis for the recommended job-related fitness test, the Lilleshall report on page 7 recommended that the demands of Personal Safety Training should be consistent across the police service

25 *ibid.* page 3

26 *ibid.* page 11

27 *ibid.* page 10

28 *ibid.* page 3

29 *ibid.* and *Guidance on Personal Safety Training*, ACPO, London, 2009 and *Personal Safety Manual*, ACPO, London, 2009 which contains written descriptions and pictures of approved techniques and good practice in dealing with a range of behaviours, including violence, potential medical implications of the use of the various techniques, the legal aspects of the use of force, and communication skills

30 *Research into Fitness for the Police Service*, Lilleshall Sports Injury and Human Performance Centre, Shropshire, March 2004, pages 18-20

31 *ibid.* page 9

32 *ibid.* page 21

33 *ibid.* page 35

the aerobic and anaerobic<sup>34</sup> demands of personal safety training<sup>35</sup>. This was true having regard to differences in candidates' gender, age and ethnicity. The research concluded that increasing the minimum standard for the shuttle run above 5:4 would mean that the physical demands of the shuttle run would significantly exceed the demands of personal safety training, and would therefore not be an accurate reflection of its demands. Lowering the minimum requirement would mean the shuttle run would not accurately reflect the peak level of physical stress that officers would ordinarily experience during personal safety training.

- 5.1.21 The Lilleshall report also considered the other elements measured in some existing police fitness tests. It recommended that the 'grip strength' test<sup>36</sup>, which was used to predict upper body strength for recruits, should be removed from the recruitment test. This was on the basis of scientific data that suggested the test was no longer relevant to policing and because a better test was available in the form of the Concept2 DYNO machine test<sup>37</sup>, which could test strength whilst the body was both extended and flexed<sup>38</sup>. This push/pull exercise was already in the fitness test and was retained. In the longer-term, the Lilleshall report recommended that a method that takes account of a person's weight or muscle mass when setting the standard should be introduced. This was because basing the standard for the dynamic strength test which was achievable by females meant that male recruits would be required to achieve a strength standard significantly below the average in the male population<sup>39</sup>. Professor Brewer (Professor of Sport at the University of Bedfordshire) advised the review that a better alternative to the push/pull test has yet to be devised.
- 5.1.22 Following Lilleshall's report in 2004, the Police Advisory Board for England and Wales agreed changes to the test on 15 April 2004, which were subsequently agreed by the then Minister for Policing.

#### *Status quo*

- 5.1.23 Under the agreed fitness test, recruits must achieve level 5:4 in the shuttle run, demonstrating their level of endurance. To demonstrate their dynamic strength, they should also be able to push 34 kilograms and pull 35 kilograms. These new fitness standards and guidance on their use were set out in Home Office Circular 43/04, issued on 2 August 2004<sup>40</sup>.
- 5.1.24 Candidates take the job-related fitness test once they have passed the SEARCH assessment centre. As with other parts of the recruitment process, individual police forces are responsible for managing the provision of the fitness test. It is usually carried out on force premises, but forces may also hire venues or collaborate with neighbouring police forces. The information provided to candidates before they take the test explains that the test is necessary because police officers have to be able to handle a variety of situations involving physically challenging tasks. Such tasks require strength and stamina, and officers need to be able to defend themselves and others. They also need to be fit to handle police equipment safely and to work shifts<sup>41</sup>. The two parts of the fitness tests are designed to be achievable, with standards set at the minimum level required for the candidate to work effectively as a police officer<sup>42</sup>.
- 5.1.25 The NPJA provides online support for those taking the fitness test<sup>43</sup>. This includes a shuttle run practice test which can be downloaded. It also offers training advice and a suggested training programme. As explained, the test has two elements, both of which candidates must

34 Aerobic exercise uses oxygen, such as running; whereas anaerobic exercise does not use oxygen, such as weight lifting

35 *Research into Fitness for the Police Service*, Lilleshall Sports Injury and Human Performance Centre, Shropshire, March 2004, page 42

36 Grip-strength in the hand is measured using a 'dynamometer'

37 The Concept2 DYNO machine takes the principles of an indoor rowing machine and applies them to strength, enabling three core exercises: the leg press, the bench press and bench pull

38 *Research into Fitness for the Police Service*, Lilleshall Sports Injury and Human Performance Centre, Shropshire, March 2004, page 55

39 *ibid.* page 50

40 *Home Office Circular 043/2004*

41 *Job-related Fitness Test for Police Recruitment*, National Policing Improvement Agency, London, November 2010, page 2

42 *ibid.* page 3

43 *Fitness standards – Multi stage Fitness Test Practice for Police Officer Recruits*, October 2011, [www.npia.police.uk](http://www.npia.police.uk)

pass. Candidates who fail can re-take the test, and may receive support from the police force to which they are applying. However, if a candidate fails three times, his application is rejected and he is ineligible to reapply for the following six months.

### *Police staff*

- 5.1.26 There is no national policy on fitness testing for police staff, other than the most general guidance for recruiting PCSOs. This guidance reminds forces that they have a duty of care to prepare their staff to be able to tackle any confrontation which might arise whilst they are on duty. It says that any test of fitness should be fair, justifiable, job-related and equality assessed<sup>44</sup>. It advises forces that if PCSOs are required to undergo personal safety training, achieving 5:4 on the shuttle run test is justifiable.
- 5.1.27 Around half of police forces require PCSOs to undertake a fitness test as part of the recruitment process. This test is normally the same as the one which police officer recruits must take. Other staff are not normally tested, although those who must undertake personal safety training, such as detention officers, may also be required to take a test.

### *Fitness testing: probationers*

- 5.1.28 Once appointed, probationary officers are assessed on their fitness using the same job-related fitness test<sup>45</sup>. Individual police forces decide how this is done, but all probationers need to be able to show that they meet the requirements of Regulation 13 of the Police Regulations 2003, which requires them to be physically fit for the role. Failure to pass these tests can lead to a probationary officer being discharged<sup>46</sup>. No national data are available on the number of probationers who leave the service on the grounds of lack of fitness.

### *Fitness testing: specialist police officers*

- 5.1.29 Some specialist roles, such as firearms, require a higher standard of fitness above that which has to be met by all officers on appointment<sup>47</sup>. However, there are currently no national mandatory tests or standards. Forces therefore approach specialist fitness testing differently.
- 5.1.30 During meetings at the Police Advisory Board in the mid 2000s, Mr Robin Field Smith (then Her Majesty's Inspector of Constabulary with responsibility for equality and diversity), expressed concern in relation to inconsistencies in the wide variation in standards and approach of the different specialist fitness tests. He proposed that consideration should be given to the establishment of national physical fitness standards for specialist roles. The Police Advisory Board for England and Wales was concerned that not all tests were defensible<sup>48</sup>, that is that they were not all evidence-based and could not be justified under equality legislation as a proportionate means of achieving a legitimate aim.
- 5.1.31 In 2007, a working group on job-related fitness tests for certain specialist roles<sup>49</sup> was established under the chairmanship of Deputy Chief Constable Derek Bonnard of Cleveland Police. The group commissioned Lilleshall Consulting Services to develop justifiable tests for this purpose.

44 *National Recruitment Standards – Eligibility Criteria for Police Community Support Officer Recruitment and Consistent Recruitment Practices*, National Policing Improvement Agency, London, 2011, page 26

45 *Home Office Circular 043/2004*

46 *Essex Police Job-Related Fitness Test*, Physical Education Department, Essex Police College, 2011, page 1

47 *Submission from Police Advisory Board for England and Wales: Fitness Testing*, August 2011, page 2

48 *ibid.* page 2

49 These roles were: chemical, biological and nuclear unit, method of entry, dog handler, mounted branch, police cyclist, police support unit, air support, police diver, marine police unit, marine police unit (tactical skills), authorised firearms officer, armed response vehicle, dynamic intervention authorised firearms officer. See *Job-related Fitness Tests for Police Officer Specialist Posts: Report to the Police Advisory Board of England and Wales*, Fitness Working Group, 22 January 2010, page 3. For an explanation of these roles, see *ibid.* Appendix 3, pages 94-96

- 5.1.32 In this work, Lilleshall Consulting Services used a similar approach to the one it had taken in 2004 for the recruitment tests. It measured the physical demands of specialist roles using the relevant training exercises set out in national guidelines<sup>50</sup>. These scenarios were chosen because they closely replicated the actual demands of the job. A literature review was also undertaken and formed part of the report.
- 5.1.33 In 2010, the results of Lilleshall’s tests were used to recommend appropriate minimum standards for each specialist role on a shuttle run test. This ensured “as far as is possible” that an officer passing the shuttle run had “the physiological capacity to cope with the operational fitness demands of the relevant specialist activity”<sup>51</sup>. As set out in Table 5.1, each particular specialist role had a different fitness requirement corresponding to its individual demands. The recommended specialist fitness requirement varied from 5:4 for officers in chemical, biological and nuclear units to 10:5 for specialist firearms officers. In some instances, the report recommended an increase in the fitness requirement, such as the air support unit from 5:4 to 6:4, whereas in other instances there was a recommended reduction, for instance from 8:0 to 7:6 for authorised firearms officers.

**Table 5.1: Summary of the current and recommended minimum fitness standards for specialist roles**

Specialist role	Current Metropolitan Police Standard (Level: Shuttle)	Recommended Standard (Level: Shuttle)	Predicted VO2 max
Air Support Unit	5:4	6:4	37.4
Chemical, Biological and Nuclear Unit	5:4	5:4	35.0
Method of Entry	5:8/6:0	5:4	35.0
Police Cyclist	5:4	5:8	36.1
Dog Handler	5:4	5:7	35.8
Mounted Branch	5:4	5:7	35.8
Police Support Unit	5:4	6:3	37.2
Specialist Firearms Officer	10:2	10:5	50.8
Armed Response Vehicle	9:4	9:4	46.0
Authorised Firearms Officer	7:9/8:0	7:6	41.0
Marine Police Unit	–	5:4	35.0
Marine Police Unit (Tactical Skills)	–	7:2	40.0
Marine Police Divers Unit	–	6:8	39.0

Source: *Job-related Fitness Tests for Police Officer Specialist Posts: Report to the Police Board for England and Wales*, Fitness Working Group, 22 January 2010, pages 11 and 70

- 5.1.34 For the push-pull test measuring upper-body strength, it was recommended by the fitness working group under DCC Bonnard that the existing minimum standards for the job-related

<sup>50</sup> *ibid.* page 3

<sup>51</sup> *ibid.* page 4

fitness test of 34 kilograms and 35 kilograms should be used for all specialist posts. Lilleshall argued that whilst upper-body strength is a fundamental requirement for police officers, the nature of the strength required and the way it will be applied is influenced by a considerable range of variables. This makes quantifying it appropriately very difficult<sup>52</sup>.

- 5.1.35 The standards recommended by Lilleshall and endorsed by the Bonnard fitness working group were accepted by the Police Advisory Board for England and Wales in April 2010. This was for three reasons<sup>53</sup>. First, the Police Advisory Board believed that unified standards would improve interoperability. Police officers in specialist roles are more likely to work with other forces under mutual aid arrangements, on secondment or through collaboration. Therefore, forces need confidence that specialist officers are not only technically competent but are also capable of performing often physically demanding roles. Secondly, being evidence-based, the recommended endurance and strength standards are proportionate and are therefore defensible against claims of unlawful discrimination on the basis of gender. Although more females than males are likely to fail the fitness tests, the aim of the test is legitimate, namely that all officers performing specialist roles should be fit to do so effectively. Thirdly, police officers authorised to use firearms need to do so safely. The Police Advisory Board for England and Wales also took the view that national fitness testing would improve gender equality<sup>54</sup> by ensuring that all police forces have fitness tests for specialists which are proportionate, thus meeting equality requirements.
- 5.1.36 In June 2011, an employment tribunal finding demonstrated that the Police Advisory Board for England and Wales' focus on the defensibility of specialist tests is valid. In the employment tribunal case of *Bamber -v- the Chief Constable of Greater Manchester Police*<sup>55</sup>, Inspector Diane Bamber successfully brought a sex and age discrimination case against Greater Manchester Police. In 2008, she had failed the force's 'shield-run', which requires officers to run 500 metres in two minutes 45 seconds or less whilst wearing full public order uniform and equipment and carrying a shield<sup>56</sup>. This meant that she could not complete the Level 2 public order training course, which at that time Greater Manchester Police required all response officers to complete. On grounds of both indirect sex and age discrimination, Inspector Bamber challenged the imposition of fitness standards for public order training, based upon the 'shield run' first introduced by the Metropolitan Police following the Notting Hill Carnival incidents. On the facts, the employment tribunal held that there was no scientific basis for establishing a level of fitness in this manner. The tribunal further held that there was no clear evidence that this level of fitness was an absolute requirement before public order training could be started. Accordingly, it held that the standard was not a proportionate means of achieving a legitimate aim, and so was unlawful. Greater Manchester Police has now ceased using the shield run as a test.
- 5.1.37 In June 2010, the Police Advisory Board made recommendations to the Minister for Policing and Criminal Justice in respect of national standards for fitness testing for specialist roles. The Minister and ACPO are currently considering the standards.

*Fitness testing: in-service*

- 5.1.38 As stated above, there is currently no requirement that officers in-service should pass a fitness test. The Lilleshall report of 2004 noted that the lack of job-related fitness testing before personal (sometimes known as officer) safety training is "a weakness in the current system, since it is almost certainly allowing police officers to take part in O[fficer] S[afety] T[raining]"

<sup>52</sup> *ibid.* page 60

<sup>53</sup> *Submission from Police Advisory Board for England and Wales on Fitness Testing*, August 2011, pages 2-3

<sup>54</sup> Gender equality requires that females and males should enjoy the same rights, resources, opportunities and protections. It does not require that males and females should be the same, or be treated exactly alike. The Equality Act 2010 is concerned with the protection of persons against unlawful discrimination on the grounds, among other protected characteristics, of gender

<sup>55</sup> [2011] EqLR 662

<sup>56</sup> *Ms D Bamber v Greater Manchester Police*, Employment Tribunal reserved judgment, case 2401829/09 and 2404977/10, Manchester

with a standard of fitness that is below the level needed to complete the course safely”<sup>57</sup>. The report recommended that a basic assessment should be undertaken by all police officers before participating in personal safety training, using the shuttle run test already recommended as part of the job-related fitness test. It recommended that officers who cannot meet the minimum standard should receive further assessments from the relevant force’s occupational health team.

- 5.1.39 The possible introduction of fitness tests for in-service officers was discussed by the Police Advisory Board in January and April 2010. The Fitness Working Group, a sub-group of the Police Advisory Board, recommended that consideration should be given to in-service fitness testing for all police officers. However, in April 2010 the Police Advisory Board decided against further action in relation to an in-service fitness test on the grounds that it would cause deployment difficulties for forces and medical retirement would rise.

#### *Status quo*

- 5.1.40 Although there is no national approach to fitness testing after a police officer or police staff member has been recruited, some forces do require serving officers and some police staff to take a fitness test.

#### *Hampshire Constabulary*

- 5.1.41 Hampshire Constabulary has introduced an annual fitness assessment for all personnel who are required to complete personal safety training. This includes not only police officers and special constables, but also some police staff (PCSOs and detention officers). Hampshire Constabulary follows the NPIA guidance on personal safety training discussed earlier, and requires all officers and special constables to undertake personal safety training annually unless there is an auditable risk assessment explaining why they should not. An in-force, role-based, risk assessment of police staff led to PCSOs and detention officers also being required to undertake safety training and therefore pass the fitness test.
- 5.1.42 The test’s introduction followed a 14-month trial to establish whether the fitness tests should be introduced in the police force. All officers undertaking their annual personal safety training were required to do a shuttle run test, reaching level 5:4. This is the same job-related fitness standard as that required of recruits. As with the recruitment test, the standard is gender- and age-neutral, that is, it meets equality requirements. The purpose of the test is to ensure that officers and relevant members of police staff are fit for duty.
- 5.1.43 Before taking the test, candidates complete a questionnaire about their physical condition, and those with risk factors such as heart conditions or obesity are assessed by the occupational health department. If necessary, the occupational health department assesses how long a candidate requires to recover sufficiently from his health problem before he can take test. If this period is longer than eight weeks, his department head is informed so that a risk assessment can be done on his current role. Support is available for all those taking the test. The force runs organised practice sessions, and the shuttle run test is available on the internet to allow officers and staff to practise at home. Advice and training plans are available on the force intranet, and the force fitness adviser (a physiotherapist) is also available to provide tailored fitness plans.
- 5.1.44 Those who fail the test receive a standard development plan based on their levels of fitness. The plan tells them what they need to do before they retake the test. They must retake the test eight weeks later. Support is also available from the training unit. Those failing a second time receive an assessment from the force fitness adviser and are offered further advice. The individual’s line manager is also informed and there is a meeting to determine what further assistance the candidate needs before he takes the test a third time, normally a further eight weeks later. At the same time, a risk assessment is undertaken to consider whether the individual should continue in his role and whether any special measures need to be taken in the meantime. After a third failure, a formal meeting takes place under the relevant under-performance procedure. Unless there are strong mitigating factors, a formal improvement notice will be issued, with an

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<sup>57</sup> *Research into Fitness for the Police Service*, Lilleshall Sports Injury and Human Performance Centre, Shropshire, March 2004, page 7

agreed review period and a further test. A fourth failure leads to a second formal meeting under the under-performance procedures, and a final improvement notice would normally be issued. If a fifth test is failed, a final hearing is held, and a range of sanctions, including dismissal, will be contemplated.

### *Suffolk Constabulary*

- 5.1.45 Following an increase in minor injuries following personal safety training, Suffolk Police introduced a fitness test for all personnel attending personal safety training in 2008. Police officers are encouraged to reach level 5:4 on the shuttle run test.
- 5.1.46 Officers who fail the test can still take part in the personal safety training, as the test is used to encourage health and fitness and to provide officers with an annual assessment of their fitness levels. However, the test does give the police force an indication of who is physically unhealthy or is suffering from an undeclared injury. Officers who fail to reach level 3:0 on the shuttle run, a basic warm-up level, are unlikely to be allowed to take the test for safety reasons. The police force has found that the same officers generally fail year after year. However, as with the rest of the police force in Suffolk, their pass rate has been improving.
- 5.1.47 Relevant police staff are encouraged to reach level 3:0 on the shuttle run test.

### *Equality considerations*

- 5.1.48 To avoid discriminating, policies which apply in the same way for everyone but which particularly disadvantage people with a protected characteristic must be justified as a proportionate way of achieving a legitimate aim. As explained, fitness tests may be successfully challenged on the ground that they are unlawfully discriminatory. The nature of fitness testing means that the protected characteristics most likely to be engaged in any such challenge are age, sex and disability. Fitness standards which are based on objective evidence of the level of fitness required for the role of the person taking the test, and are properly connected to that level, are most likely to be justified.
- 5.1.49 The importance of being able to justify both the need for a test and the nature and standards of a test are illustrated in two employment tribunal cases involving fitness testing in the police service. In 1997, the Employment Tribunal case of *Mr D V Allcock v the Chief Constable of Hampshire Constabulary*<sup>58</sup> found a ‘gender fair’ fitness test to be indirectly discriminatory<sup>59</sup>. The tribunal found that in failing to conduct a gender-neutral test<sup>60</sup> to establish whether a particular candidate was capable of undertaking the duties of a dog handler, the police force had unlawfully discriminated against Mr Allcock, who had had to complete a multi-terrain course in a faster time than female candidates. Therefore, tests which set the bar higher for male than for female applicants who are expected to undertake the same tasks are likely to be found discriminatory.
- 5.1.50 Gender-neutral tests also have the potential for discrimination, as any test with the same pass mark could lead to more female applicants failing the test than male. However, as the case of *Jo-Anne Dougan v the Chief Constable of the Royal Ulster Constabulary* shows<sup>61</sup>, as long as there is evidence that the tests are a proportionate means of achieving a legitimate aim, gender-neutral tests based on the role to be undertaken are likely to withstand challenge. Ms Dougan twice applied to become a full-time member of the Royal Ulster Constabulary (now the Police Service of Northern Ireland) but failed the physical competence assessment. She alleged that this was unlawful indirect discrimination. During the two years in which she applied to the Royal Ulster Constabulary, 100% of male candidates passed the test, but only 54% and 68% of female candidates passed in the respective years. The case centred on whether the fitness test in question was justifiable, balancing the discriminatory effect of the test with the reasonable need of the organisation applying it. The employment tribunal considered the

58 *Mr D V Allcock v the Chief Constable of Hampshire Constabulary*, case number 3101524/97

59 A ‘gender fair’ test is a test in which the standard required to pass is lower for females than for males

60 A ‘gender neutral’ test is a test which has the same standard required to pass irrespective of gender

61 *Jo-Anne Dougan v the Chief Constable of the Royal Ulster Constabulary*, case numbers 03244/97SD and 01734/98SD

work that underpinned the test as well as the test itself. It concluded that the introduction of a job-related fitness test was justified, and it approved the way in which the police force had developed the fitness test. It accepted the push/pull and the circuit run elements of the test as appropriately reflective of two of the essential features of the work of a patrol officer. However, the applicant was successful in her challenge when she established that the time in which female officers were required to complete the circuit was nine seconds faster than the average time taken by in-service female officers who had taken part in the fitness test trials.

- 5.1.51 When dealing with workers with disabilities, in most cases an employer must make reasonable adjustments to enable the worker in question to continue in his role or within the organisation at the same level. However, the law recognises that there are jobs which require a degree of physical fitness, and which people with disabilities cannot do. A Home Office report published in 2007 on recruiting people with disabilities into the police stated that:

*“Fitness is a requirement of the role of constable. The fitness assessment will identify whether a candidate has the necessary level of fitness needed to undertake police officer safety training. These standards cannot be altered; all officers need to meet the minimum requirements, as these determine whether or not individuals will be able to do their jobs safely, protecting themselves, their colleagues and the public from danger and harm”<sup>62</sup>.*

## Analysis

### *Duty of care*

- 5.1.52 The fitness of police officers is important for a number of reasons. Each police force has a duty of care to its staff under the Health and Safety at Work etc. Act 1974 and to its officers under the Police (Health and Safety) Act 1997, which extended the 1974 Act to those holding the office of constable. A police force is required to ensure safe working practices for its staff, particularly those facing potentially violent situations. One of the control measures designed to reduce the risks for those facing potential conflict is the training of all police officers, and staff to whom it may be appropriate, in the use of equipment and techniques to protect themselves and others through personal safety training. Officers and staff also have a statutory duty to co-operate with their force, complete training and adhere to personal protection policies and procedures. Failure to do this may have consequences in the criminal or civil courts, and may also lead to disciplinary action.

### *The demands of the job*

- 5.1.53 Fitter people can work longer, harder and with less fatigue than people who are less fit. This is because they will be operating at a lower percentage of their maximum physical capacity. They are also better able to cope with stress.
- 5.1.54 Almost all operational policing involves some physical effort or stress, whether this is walking the beat, pursuing and apprehending a suspect or encountering and handling some other form of confrontation. Being able to cope with this increased risk of confrontation is recognised in the annual officer safety training. For Hampshire Constabulary, there is a clear link between fitness and wellbeing, and serving the public. Assistant Chief Constable Dann has said of the fitness test the force introduced in 2010 that its purpose is not to make officers and staff exceptionally fit, but for the force to ensure that officers and staff are fit to do their jobs<sup>63</sup>. The Lilleshall project team in 2004 also supported the need for police officers to be fit. In its literature review of fitness assessment and physical fitness in the police service, the Lilleshall report concluded that:

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<sup>62</sup> *Disability Recruitment*, National Policing Improvement Agency, London, 2007, page 9

<sup>63</sup> *Report for the Chief Constable: Annual Fitness Assessments*, Hampshire Constabulary, unpublished, July 2011, page 3

*“[T]here is clearly a need for police officers to possess a minimum standard of physical fitness, but evidence suggests that the levels required are not too high to prevent most members of the general population attaining them”<sup>64</sup>.*

### *Fitness and age*

- 5.1.55 There is also evidence that exercise helps people remain healthier as they age. This will be increasingly important as recruits become older (the average age of candidates successful at SEARCH is now 26.89<sup>65</sup>) and therefore the age at which officers retire becomes later<sup>66</sup>.

### *The fitness and health of existing officers and staff*

- 5.1.56 There is little data on the fitness of those in the police service. During Hampshire Constabulary’s fitness test trial (referred to earlier in this Chapter), which ran between July 2010 and June 2011, 97% of those who took the test passed<sup>67</sup>. It should be noted that only 80% of those who should have taken the test did so. The reasons for the non-attendance of the other 20% have not been established. The pilot established that there were differences in pass rates between people of different genders and ages. Of male officers, 0.6% failed the test compared with 5.3% of females<sup>68</sup>. The average age of females who failed the test was 42, whilst their average age overall was 35. In comparison, the average age of males who failed the test was 47, whilst their average age was 38 years. Given the physiological differences between males and females, this difference would be expected.
- 5.1.57 In April 2010, the Metropolitan Police launched the ‘For a Healthier Met’ campaign as part of its work to improve the health and wellbeing of its officers and staff. All officers and staff were offered a comprehensive health check, including a cholesterol test, blood pressure measurement, body mass index (BMI) calculation, diabetes screen and a cardiac risk analysis. Those aged over 45 could also undergo screening for bowel cancer. The tests were not mandatory. Those with a BMI of more than 28, and a waist measurement of more than 37 inches for males and 32 inches for females were invited to join the ‘Fit Club’ programme, a 12-week diet and fitness club with intensive dietary and fitness advice from trained practitioners.
- 5.1.58 Body mass index is calculated by dividing the subject’s weight in kilograms by his height in metres<sup>69</sup>. It enables an assessment to be made as to whether the subject is overweight. Obesity is a major and growing health problem in the developed world. People who are obese are more likely to suffer from a range of health problems, such as high blood pressure, high cholesterol levels, musculoskeletal disorders, arthritis, gout, gallbladder disease, sleep deprivation and osteoporosis. These can lead to social stigmatisation and discrimination, work disability, absenteeism and loss of job mobility. Those who are overweight also have a higher risk of cancer<sup>70</sup>.
- 5.1.59 By the end of the Metropolitan Police programme on 19 May 2011, 11,548 officers and staff had had a health check<sup>71</sup>. Sixty-one *per cent* of those who took the test were police officers,

64 *Research into Fitness for the Police Service*, Lilleshall Sports Injury and Human Performance Centre, Shropshire, March 2004, pages 11-12

65 *Police SEARCH Recruit Assessment Centre Interim Annual Results Report 2009-2010*, National Policing Improvement Agency, London, 2011, page 13

66 *Physical Activity, Fitness and Body Composition of Finnish Police Officers: A 15-year Follow-up Study*, L. Sorensen, J. Smolander, V. Louhevaara, O. Korhonen, and P. Oja, *Occupational Medicine – Oxford*, 50 (2000), pages 3-10, cited in *Research into Fitness for the Police Service*, Lilleshall Sports Injury and Human Performance Centre, Shropshire, March 2004, page 10

67 *Report for the Chief Constable: Annual Fitness Assessments*, Hampshire Constabulary, unpublished, July 2011, page 4

68 *ibid.* page 26

69 *BMI: the Health Implications for Police Officers from the Metropolitan Police Service. Findings from the Lifestyle Health Check Campaign 2005/2006*, P. Buckle, Department of Health and Human Sciences, London Metropolitan University, September 2007, page 5

70 *ibid.* page 7

71 *Health Check Report for Metropolitan Police Force: Overview Report April 2010 to April 2011*, Health Diagnostics Ltd, unpublished, page 2

32% were police staff and 7% were PCSOs<sup>72</sup>. Forty *per cent* were female and 60% were male. Just over one third (38%) were between 40 and 49 and just under a third (30%) were between 30 and 39. Sixteen *per cent* were between 50 and 59 and 14% were between 20 and 29. Only 2% were between 60 and 69. Four individuals were between 70 and 74.

- 5.1.60 Of those individuals taking part, 72% had never smoked and a further 16% were former smokers<sup>73</sup>. Those tested in the Metropolitan Police Service were 11% less likely to be smokers (12%) than the general population in England (23%)<sup>74</sup>.

**Table 5.2: Body Mass Index – Metropolitan Police health check results and the results of the general population (as a percentage)**

Weight	Total (Metropolitan Police)	Males (Metropolitan Police)	Females (Metropolitan Police)	Males (General population)	Females (General population)
<b>Normal</b>	35%	25%	50%	32%	41%
<b>Overweight</b>	44%	52%	32%	44%	33%
<b>Obese</b>	19%	22%	16%	22%	24%
<b>Morbidly obese</b>	1%	1%	2%	not known	not known

Sources: Health Check Report for Metropolitan Police Force: Overview Report April 2010 to April 2011, Health Diagnostics Ltd, unpublished, page 8 (note figures have been rounded), and Statistics on Obesity, Physical Activity and Diet: England, 2011, the Information Centre for Health and Social Care, 24 February 2011, pages 7 and 16

- 5.1.61 Table 5.2 shows that just over one third of those taking part (35%) had a normal BMI of less than 25<sup>75</sup>. There were striking differences between males and females, with 50% of females compared with 25% of males having a normal body mass index<sup>76</sup>. When compared with a sample of the general population in England, males taking part in the Metropolitan Police health check in 2009 were 7% less likely than the general population<sup>77</sup> to have a normal body mass index. In contrast, those females tested were 9% more likely to have a normal body mass index than females in the general population (41%). Just under half, or 44%, of all those tested were overweight, defined as a body mass index of between 25 and 30. Males tested were 8% more likely to be overweight than the English population (44%<sup>78</sup>) and females (32%) were 1% less likely than the general population (33%) to be overweight. Nineteen *per cent* of those tested were obese<sup>79</sup>, defined as a BMI of between 30 and 40. Males tested had the same rate of obesity as males in the general population in 2009 (22%<sup>80</sup>) and females (16%) were 8% less likely to be obese compared with the general population in 2009 (24%<sup>81</sup>). One *per cent* of those tested in the Metropolitan Police were morbidly obese, having a BMI of more than 40.
- 5.1.62 Mr Paul Buckle, Head of Physical Education Services at the Metropolitan Police, has expressed the opinion that the consequences of obesity, particularly for people over 40, could

72 *ibid.* page 4

73 *ibid.* page 7

74 *Statistics on smoking: England 2008*, the Information Centre for Health and Social Care, Leeds, 16 October 2008, Summary section

75 *Health Check Report for Metropolitan Police force: Overview Report April 2010 to April 2011*, Health Diagnostics Ltd, unpublished, page 8

76 *ibid.* page 8

77 *Statistics on Obesity, Physical Activity and Diet: England, 2011*, the Information Centre for Health and Social Care, Leeds, 24 February 2011, page 16

78 *ibid.* page 7

79 *BMI: the Health Implications for Police Officers from the Metropolitan Police Service. Findings from the Lifestyle Health Check Campaign 2005/2006*, P. Buckle, Department of Health and Human Sciences, London Metropolitan University, September 2007, page 7

80 *Statistics on Obesity, Physical Activity and Diet: England, 2011*, the Information Centre for Health and Social Care, 24 February 2011, Leeds, page 7

81 *ibid.* page 7

seriously compromise the effectiveness of policing in London by increasing sickness absence levels and hindering physical performance<sup>82</sup>.

### *The current fitness test*

- 5.1.63 There has been much criticism of the 5:4 minimum standard for the shuttle run, with suggestions that it is very low. For instance, at the review's seminar on direct and multi-point entry, Mr Edward Boyd (Policy Exchange), although discussing a level of 5:2, suggested that this would be graded as average to poor for a woman of between 39 and 50 years of age<sup>83</sup>. Ms Helen Derbyshire, a police personal safety trainer with Derbyshire Police, wrote in *Police Review* that she was frequently asked "why is the fitness test for recruits set so low" and "does anyone actually fail"?<sup>84</sup>
- 5.1.64 Mr John Brewer, Professor of Sport at the University of Bedford, has advised the review that the most robust normative data showing the VO<sub>2</sub> max level that the general population could expect to reach has been developed by the Cooper Institute of Aerobic Research in Dallas, Texas. Whilst these data were gathered in the United States of America rather than England and Wales, both are western societies with similar lifestyle factors, and so are comparable for these purposes. Tables 5.3 and 5.4 show the VO<sub>2</sub> max level which the general population would be expected to attain by gender and by age. Table 5.3 shows the results for individuals at the 50<sup>th</sup> percentile, that is people who might be described as average. Table 5.4 shows results for those in the 70<sup>th</sup> percentile, who can be described as above average.

**Table 5.3: Fitness of the general population: average (50th percentile)**

	Age	VO <sub>2</sub> max level
<b>Males</b>	20-29	42.5
	30-39	41.0
	40-49	38.1
	50-59	35.2
	60+	31.8
<b>Females</b>	20-29	35.2
	30-39	33.8
	40-49	30.9
	50-59	28.2
	60+	25.8

Source: *The Physical Fitness Specialist Certification Manual, The Cooper Institute for Aerobic Research, Dallas, Texas*<sup>85</sup>.  
With thanks to Professor J. Brewer, Professor of Sport at the University of Bedfordshire.

82 *BMI: the Health Implications for Police Officers from the Metropolitan Police Servic; Findings from the Lifestyle Health Check Campaign 2005/2006*, P. Buckle, Department of Health and Human Sciences, London Metropolitan University, September 2007, page 8

83 Direct entry seminar (2011), page 18

84 *Unfit for Purpose*, H. Derbyshire, Jane's Police Review, 12 August 2011, pages 16-17

**Table 5.4: Fitness of the general population: above average (70<sup>th</sup> percentile)**

	Age	VO2 max level
<b>Males</b>	20-29	46.8
	30-39	44.6
	40-49	41.8
	50-59	38.5
	60+	35.3
<b>Females</b>	20-29	38.1
	30-39	36.7
	40-49	33.8
	50-59	30.9
	60+	29.4

Source: The Physical Fitness Specialist Certification Manual, The Cooper Institute for Aerobic Research, Dallas, Texas<sup>85</sup>.  
With thanks to Professor J. Brewer, Professor of Sport at the University of Bedfordshire

- 5.1.65 Table 5.3 shows that the average male may be expected to have a VO2 max which exceeds by a large margin the 28.0 mean VO2 value which the 2004 Lillehall research found was achieved during the 15-metre shuttle run test<sup>87</sup>. This would be true well into his 60s. A female of average fitness may also be expected to have a VO2 max which exceeds the VO2 value of 28.0 until she reaches her 60s. Males and females with above average fitness can both be expected to exceed the VO2 value of 28.0 into their 60s. This establishes that level 5:4 on the shuttle run test is easily attainable for males of even average fitness well into their 60s. That level in the test is also attainable for females of average fitness until their 60s.
- 5.1.66 Until 2009/10, information on the pass rates for the recruitment job-related fitness test formed part of the Annual Data Requirement<sup>88</sup>. Generally males had a 99% pass rate, and females around an 80% pass rate. In 2007-2008, the most recent year for which data are available, males had a 99% pass rate in the recruitment test and females a pass rate of 84%<sup>89</sup>.
- 5.1.67 There is evidence that individuals who currently fall below the fitness standard should, with training, be able to meet it in most cases. In its literature review, the 2004 Lillehall study found evidence that with time and remedial work, the necessary levels of fitness should be achievable for most people. A 2002 study by Roberts *et al.* provides evidence on the positive effect training can have on physical fitness<sup>90</sup>. It examined the effect of a 16-week physical training programme on firefighter recruits, all of whom had previously failed, by an average of

85 *The Physical Fitness Specialist Certification Manual*, The Cooper Institute for Aerobics Research, Dallas Texas, revised 1997. Printed in *Advance Fitness Assessment & Exercise Prescription*, Vivian H. Heyward, 3rd Edition, 1998, page 48. With thanks to Professor J. Brewer

86 *ibid.*

87 *Research into Fitness for the Police Service*, Lillehall Sports Injury and Human Performance Centre, Shropshire, March 2004, page 35

88 The Home Office Annual Data Requirement (ADR) is a list of all requests made to all police forces in England and Wales using the Home Secretary's statutory powers to require the provision of information. Police forces submit a variety of data relating to police personnel such as rank, ethnicity, disability, age, sickness, secondments and promotions. Some of these statistics are published in a Home Office Statistical Bulletin entitled 'Police Service Strength'. Data gathered as part of the Annual Data Requirement is used extensively throughout this review

89 *Home Office Annual Data Return 631 – Fitness Test*. Thirty-nine out of 43 forces returned data. The data are previously unpublished and so have not been verified with police forces

90 *Fitness levels of Firefighter Recruits Before and after a Supervised Exercise Training Program*, M.A. Roberts, J. O'Dea, A. Boyce, and E. T. Mannix, *Journal of Strength and Conditioning Research*, 16 (2002), pages 271-277 cited in *Research into Fitness for the Police Service*, Lillehall Sports Injury and Human Performance Centre, Shropshire, March 2004, page 11

20%, to reach the minimum standard of aerobic fitness needed to become a firefighter. After this period of training, there was a 28% improvement in aerobic capacity, as well as decreased body fat and increases in lean tissue. Trainees ended the programme with an aerobic capacity considered to be appropriate for a firefighter.

- 5.1.68 In 2002, Shepherd and Bonneau considered the need to ensure gender equality when recruiting police officers in light of the fact that there are obvious differences in the absolute levels of physical strength of male and female officers which lead to a higher proportion of female officers failing tests<sup>91</sup>. Shepherd and Bonneau pointed out that women are at least as likely as men to improve their fitness through training, and so female recruits are best served by giving them opportunities to do so.

#### *Approaches to testing fitness*

- 5.1.69 The review considered the approaches to fitness testing taken by police forces in England and Wales, the Police Service of Northern Ireland, the Civil Nuclear Constabulary, the Ministry of Defence Police, the British Transport Police, HM Prison Service, the Royal Air Force, the New Zealand Police and police forces in the United States of America. Considerable variation was found amongst them. The tests applied by the Police Service of Northern Ireland were found most closely to test the physical capability of recruits to discharge the responsibilities of police officers in the field.
- 5.1.70 In Northern Ireland, all officers must pass a physical test twice: before completing training and again before completing probation. The assessment is task-related, and was developed in 1994. It is based on a rigorous analysis of the tasks an officer can expect to carry out. The standard complies with equality requirements.
- 5.1.71 The Northern Ireland test was objectively reviewed by Sheffield Hallam University in 2004. The job-related fitness test approach, as used in England and Wales, was rejected on the basis that it did not reflect the job-related demands of policing in Northern Ireland.
- 5.1.72 The test has two parts<sup>92</sup>. To pass, students must demonstrate minimum competence in both parts of the assessment. The first part requires candidates to complete three laps of a circuit of activities. The continuous three-lap circuit requires a general level of aerobic fitness<sup>93</sup>. The activities include:
- crawling – an indicator of co-ordination and upper body strength<sup>94</sup>;
  - jumping – which is needed to clear obstacles and hazards and assesses explosive leg power and the ability to absorb impacts on landing<sup>95</sup>;
  - stair-climbing – an essential part of police duties which simulates climbing safely into a high-threshold police vehicle at speed and entering buildings through windows<sup>96</sup>;
  - running along a balance beam – which simulates climbing on walls and tests the ability to be calm under pressure<sup>97</sup>;
  - climbing over a wall – which simulates climbing over gates and through windows, and also assesses arm and leg strength and ability to absorb shocks<sup>98</sup>;

91 *Assuring Gender Equity in Recruitment Standards for Police Officers*, R. J. Shepherd and J. Bonneau, *Canadian Journal of Applied Physiology*, 27 (2002), pages 263-295 cited in *ibid.* page 10

92 *Join PSNI: Physical*, October 2011, [www.psni.police.uk](http://www.psni.police.uk)

93 *A Review of the Assessment for Physical Competence in the Recruitment of Trainee Police officers for the Police Service of Northern Ireland*, A. Daley, J. Saxton and H. Tunstall, Sheffield Hallam University, Sheffield, January 2004, page 38

94 *ibid.* page 35

95 *ibid.* page 35

96 *ibid.* pages 35-36

97 *ibid.* page 36

98 *ibid.* page 36

- weaving in and out of cones – which simulates moving sideways and diagonally, simulating moving between gaps in vehicles and avoiding hazardous objects such as missiles<sup>99</sup>;
  - cone-lifting – which assesses an officer’s ability to lift and carry another person over a set distance<sup>100</sup>; and
  - body drag – which simulates dragging bodies away from circumstances of danger or those resisting arrest.
- 5.1.73 The circuit course must be completed three times within three minutes and 43 seconds. This standard was set in 2004 by Sheffield Hallam University, based on the time that 95% of the reference sample population of serving officers and representatives of the general population could achieve<sup>101</sup>.
- 5.1.74 The circuit was validated by means of observation and shadowing of police officers, having particular regard to the physical tasks and requirements of those on beat and patrol duties<sup>102</sup>. Serving officers were also given the opportunity to say what they thought, and to comment on how frequently they performed the tasks tested in the circuit. In the 2004 validation process, officers considered that, in general, the circuit reflected the core activities of beat and patrol work<sup>103</sup>.
- 5.1.75 The second element of the fitness test requires candidates to push and pull for 20 seconds on a purpose-built machine designed to test the candidate’s ability to apply force in a manner which corresponds to tasks commonly required in operational police work. Most of the officers questioned in the validation process said they regularly performed push and pull tasks, for instance when restraining or arresting people or when deployed to deal with public order disturbances<sup>104</sup>.
- 5.1.76 Since the creation of the Police Service of Northern Ireland in 2001, approximately 4,500 constables have been recruited, of whom 27 (or 0.6%) have either resigned or been dismissed at the end of the student officer course because they failed the physical fitness test. The mean and median age of recruits since 2001 is 28 years and 10 months and 27 years and six months respectively. Of the 27 recruits who failed, 26 (or 96%) were female and one was male. The average age of candidates who failed was 26 years and 10 months. The median age was 33 and the range of those who failed was from 20 to 46.
- 5.1.77 Student officers are also required to pass the test at the end of their probation (approximately two years after graduation from the police college). Two female officers (aged 27 and 35) have been dismissed at the end of their probation because they failed the test.
- 5.1.78 The Police Service of Northern Ireland does not presently conduct fitness tests for in-service officers, except for those in certain specialist roles such as close protection, tactical support and specialist firearms teams. It is understood that the Chief Constable of Northern Ireland is currently considering whether fitness tests should be introduced for in-service officers.

## Consultation

### *Response by the Association of Chief Police Officers*

- 5.1.79 The Association of Chief Police Officers believes that fitness testing should be required only of specialist officers<sup>105</sup>. ACPO recognises that the public expects officers to be fit enough to perform their duties, and that the workforce needs to be healthy enough to meet the demands of operational policing. However, it is concerned that significant resources could be put into

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99 *ibid.* page 37

100 *ibid.* page 37

101 *ibid.* page 7

102 *ibid.* page 3

103 *ibid.* page 4

104 *ibid.* page 4

105 ACPO submission, page 21

the process of fitness testing without any corresponding improvement in performance or attendance. It believes the same results could be achieved through better sickness management and healthy lifestyle programmes. ACPO states that the August 2011 riots highlighted the need for officers to remain fit enough for deployment to any role, even if this is not the same fitness level as is required in the military<sup>106</sup>. However, ACPO does not believe that the benefits of mandatory in-service testing would justify the costs.

*Response by the Association of Police Authorities*

- 5.1.80 The APA supports mandatory fitness testing for all police officers and relevant staff, linked to the regime for the management of officers' and staff performance<sup>107</sup>. It considers the present situation of no mandatory in-service testing unsatisfactory<sup>108</sup>. It says that the public expect officers and PCSOs to be fit enough for their jobs, and referred to the August 2011 riots as a case where this was shown to be necessary, even for officers who were recalled to frontline duties. Whilst acknowledging that fitness testing is potentially expensive and difficult, particularly the handling of those who repeatedly fail the test, the APA argues that this can be properly dealt with through the existing unsatisfactory performance procedures. It suggests that police staff should undertake fitness tests only when their jobs require fitness. The APA also believes that, where an officer is incapable of meeting a national fitness standard necessary for frontline duty, he should not receive the proportion of his salary which corresponds to his ability to do a frontline police job.

*Response by the Association of Police Authority Chief Executives*

- 5.1.81 The Association of Police Authority Chief Executives states that fitness testing of officers against the job requirement is desirable both from the perspective of a responsible employer and in terms of improving public confidence<sup>109</sup>. It says that the duties that officers must discharge do not reduce over time, and so neither should the physical standards required of them. Staff and officers in generic roles, where an initial level of fitness is required, should demonstrate this level continuously, just as specialists such as firearms officers must. APACE says that there ought to be an appropriate regime of remedial development and sanctions for those who consistently fail the test.

*Responses by police forces and authorities*

- 5.1.82 Avon and Somerset Constabulary believes that a regular fitness test would be beneficial for all officers and for those staff in jobs who must undertake annual personal safety training<sup>110</sup>. It believes that fitness tests should be proportionate. It is concerned that the current standard is too low. It suggests that tests which assess "the physical components of policing, like chasing suspects" should be considered<sup>111</sup>.
- 5.1.83 Cambridgeshire Constabulary argues that fitness testing should be undertaken regularly, probably annually, although the frequency and regularity may be tailored to particular circumstances<sup>112</sup>. Failure should lead to the person in question facing the force's unsatisfactory performance procedures. It says that fitness tests help the organisation to fulfil its legal obligations to its officers.
- 5.1.84 Lancashire Police Authority does not believe that a universal fitness test would be beneficial, as it would add to bureaucracy, costs and abstractions, that is taking officers away from duty to do the tests<sup>113</sup>. Instead, it says that only officers in the most physically demanding roles should be tested.

106 ACPO submission, page 22

107 APA submission, page 5

108 APA submission, page 29

109 *Submission from Association of Police Authority Chief Executives*, September 2011, page 5

110 *Submission from Avon and Somerset Constabulary*, September 2011, page 14

111 *ibid.* page 14

112 *Submission from Cambridgeshire Constabulary*, September 2011, page 5

113 *Submission from Lancashire Police Authority*, September 2011, page 8

*Response by the Police Federation of England and Wales*

- 5.1.85 The Police Federation has anxieties in relation to the proposition that, in a fitness testing regime which is linked to pay, an officer who fails a fitness test may face a financial disadvantage<sup>114</sup>. It emphasises that any fitness tests for police officers must comply with equality requirements. It states that the fitness test developed by the Police Advisory Board's fitness working group is designed to be appropriate and non-discriminatory, and meets the real needs of the force and the requirements of the job. The Police Federation states that fitness tests could be introduced as a requirement to perform a role, in which case its purpose is to demonstrate whether the individual is capable of undertaking that role<sup>115</sup>. Alternatively fitness tests could be introduced to measure the health or medical fitness of individuals, in which case the purpose of the test is measuring and monitoring physical wellbeing. The Police Federation argues that these two approaches to fitness testing are mutually exclusive. The Police Federation supports fitness-testing for recruits and officers in specialist roles, but is against in-service fitness tests for all officers.
- 5.1.86 In a meeting with the Police Federation on 2 August 2011, the Chairman of the Federation said that fitness testing officers is based on the assumption that a fitter officer is a better officer. The General Secretary pointed out that the military receive time for physical training during working hours, whilst the police do not. He also stated that introducing fitness testing creates the problem of how to manage officers with disabilities or those who are otherwise unable to pass the test.
- 5.1.87 In a statement to the meeting of the Police Advisory Board for England and Wales in October 2010 in support of national fitness standards for specialists, the General Secretary of the Police Federation said of the rationale behind national tests:

*“Few forces have got either the diversity of candidates or the testing expertise to set standards that can be shown to be consistent with the requirements of the equality legislation ... Fitness tests need to test for the identified requirements of the role<sup>116</sup>.”*

*Response by the Police Superintendents' Association of England and Wales*

- 5.1.88 The Police Superintendents' Association states that there is a “superficial attractiveness” to requiring officers to undergo routine fitness testing but no evidence of the benefits of fitness testing<sup>117</sup>. A survey undertaken by the Association in 2011 found that officers were experiencing stress and demands which could impair their effectiveness, and that some were using annual leave and weekly leave days to hide sickness absence. Rather than testing fitness, the Association proposes that the service provides an “effective occupational health service” for all staff and officers<sup>118</sup>. It says that health screening would produce a healthier and more effective workforce.

*Response by UNISON*

- 5.1.89 UNISON supports the introduction of fitness testing for some staff roles<sup>119</sup>. It points out that different jobs have different fitness requirements. Custody officers, for instance, may be involved in physical confrontation, and so they ought to be trained in self-defence and restraint which may need physical strength rather than high cardiovascular fitness. In contrast, it says that PCSOs should avoid confrontation but need to be sufficiently fit to patrol, although not to chase suspects (a job for police officers). Scenes of crime officers may need flexibility to work

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114 Police Federation submission, page 39

115 *ibid.* page 39

116 *Minutes of the 81<sup>st</sup> meeting of the Police Advisory Board for England and Wales*, Police Advisory Board for England and Wales Independent Secretariat, 28 October 2010, page 10.

117 Police Superintendents' Association submission, page 35

118 *ibid.* page 35

119 UNISON submission, page 26

in confined spaces<sup>120</sup>, whereas office-based staff should not be required to undertake fitness tests.

*Additional consultation responses*

- 5.1.90 The Police Advisory Board<sup>121</sup> supports fitness testing for officers in specialist roles<sup>122</sup>. In a case where a force provides mutual aid to another, which will in most cases involve specialist rather than non-specialist officers, fitness testing for specialists would provide the receiving force with confidence that all deployed officers have the same physical fitness. The tests proposed by the Police Advisory Board are strongly evidence-based as to the fitness level needed to do specialist jobs effectively and so are proportionate. The PAB adds that there is a legitimate public expectation that specialists will be fit enough to discharge their duties safely, particularly in the case of firearms officers.
- 5.1.91 The PAB argues against an in-service fitness test for all officers. If it were set at a level at which almost all officers could pass, it would add cost without value, but if it were set at a level which appreciable numbers of officers and staff would fail then there would be adverse consequences for force resilience<sup>123</sup>. Any test would need to be demonstrably job-related to the specific role undertaken by the officer concerned, and it would be costly to remove officers who could not meet the standard. Those failing, particularly later in service, might claim there was a medical reason for their failure, such as mild osteoarthritis, and so medical retirement costs might rise. Finally, the PAB argues that reasonable adjustments would need to be considered before an officer could be redeployed or dismissed for failing a test.
- 5.1.92 Professor John Brewer (Professor of Sport at the University of Bedfordshire) argues that fitness testing should be introduced for all serving officers<sup>124</sup>. The police service has already accepted that officers must have a minimum level of fitness on entry, and this standard ought to be maintained to ensure officers remain capable of doing the job.
- 5.1.93 Professor Brewer believes that the current job-related fitness test is the simplest, most accurate and practical test of physical fitness available<sup>125</sup>. The 5:4 shuttle run standard, which was set on the basis of the report he wrote on behalf of Lilleshall for the Police Advisory Board in 2004, is designed to reflect the core standards of the job, not at the extremes of physical exertion at which an officer may be expected to perform. If this were the aim, he argues, then a test of that standard would significantly restrict recruitment, particularly from amongst older people and women. Professor Brewer states that bespoke tests, which mimic certain demands of the officer role, such as that used in Northern Ireland, generally fail to differentiate between the skills and competencies required of the role and the level of fitness required<sup>126</sup>. Professor Brewer believes that as long as minimum standards reflect the core requirements of a job, then they will meet equality requirements<sup>127</sup>. He argues that the minimum standard should be the same for all officers, irrespective of gender or age. This avoids discriminating against younger, male officers (by requiring them to be fitter than women and older people) and as it is a job-related standard it should remain consistent throughout an officer's career. He also argues for consistency of standards throughout England and Wales<sup>128</sup>.
- 5.1.94 In terms of practicalities, Professor Brewer suggests that fitness testing should be incorporated into personal safety training. Additional resources will be needed to conduct the tests and to provide assistance to officers who fail. This could be undertaken by a core team of fitness

120 *ibid.* page 27

121 In this respect, the PAB submission was made without the support of the Home Office since the Home Secretary must make the final decision on the recommendations made in this report

122 *Submission from Police Advisory Board for England and Wales: Fitness Testing*, August 2011, pages 2-3

123 *ibid.* page 3-4

124 *Submission from Professor John Brewer*, June 2011, page 1

125 *ibid.* page 2

126 *ibid.* page 2

127 *ibid.* page 3

128 *ibid.* page 2

instructors providing testing and support across the country<sup>129</sup>. Professor Brewer believes that those who fail the fitness test should wait a minimum of six weeks and a maximum of ten weeks before being retested, during which period they should use the help they are given to improve their fitness levels<sup>130</sup>. Those failing a second time should have one further attempt, with support as before, and until they pass the test (or leave the service) they should be placed on restricted duty. After a third failure, he argues that forces should consider either placing the officer in question on restricted duty permanently or requiring him to leave the service.

- 5.1.95 Constable Helen Derbyshire of the personal safety training department at South Yorkshire Police argues serving police officers should have to pass fitness tests. Such a regime would improve officer and public safety and reduce injuries and ill-health<sup>131</sup>. She states that testing in-service officers would be feasible if the current 5:4 shuttle run test were used<sup>132</sup>. The shuttle run test can be conducted for several candidates in a small area and without weather conditions having an adverse effect on the results<sup>133</sup>. A normal police gymnasium is big enough for six officers to do the test simultaneously<sup>134</sup>. Constable Derbyshire argues that the other element of the recruitment test, namely the strength test, should not be included because strength is not necessarily a determinant of fitness<sup>135</sup>.
- 5.1.96 Optimal Performance, a consultancy firm which provides advice on the improvement of health and fitness of persons in physically demanding occupations, made representations to the review. It states that as aerobic fitness, strength and endurance all reduce with age, and that as this decline can be reversed or reduced with exercise, it is essential to test officers regularly throughout their careers to demonstrate that they still have the minimum capability to do their jobs<sup>136</sup>. It also argues that forces have a duty of care to their officers to ensure they can discharge their duties safely and effectively<sup>137</sup>. It suggests that the current aerobic fitness standard (as measured by the shuttle run at level 5:4) appears “very low for an individual employed in a physically demanding occupation”<sup>138</sup>. It recognises that other considerations, such as avoiding indirect discrimination and meeting staffing targets, may have led to the establishment of this standard, but argues that these should not determine the fitness standard. It says that the standard should be based on the requirements of the police officer role.
- 5.1.97 The Association of Chief Police Officers in Scotland argues that in-service fitness testing is both desirable and practical<sup>139</sup>. It would bring longer-term benefits such as a fitter workforce and lower absence rates from sickness. It should be applicable to all ranks and be used to measure the competency to perform the duties of a constable.
- 5.1.98 Assistant Chief Constable Allyn Thomas of Kent Police argues that it is “absurd” that there is no fitness test after entry<sup>140</sup>. Either the test is necessary for the safety of the public and the officer, or it is not. He states that in his force, officers arrive to take part in personal safety training but are sometimes so unfit they cannot complete the warm up exercises. He suggests fitting tests around personal safety training. He argues that those who fail should go through a remedial programme of work, and reasonable adjustments should be made if an officer fails because of a disability. However, if that disability is a result of the way an officer chooses to live his life then the officer in question should be dismissed.

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129 *ibid.* page 3

130 *ibid.* page 3

131 *Submission from Constable Helen Derbyshire*, September 2011, pages 1-2

132 *ibid.* page 2

133 *ibid.* page 6

134 *ibid.* page 2

135 *ibid.* page 1

136 *Submission from Optimal Performance*, September 2011, page 4

137 *ibid.* page 1

138 *ibid.* page 3

139 *Submission from Association of Chief Police Officers in Scotland*, September 2011, page 10

140 *Submission from Assistant Chief Constable Allyn Thomas*, September 2011, pages 11-12

### *Seminars*

- 5.1.99 At the review's seminar on exits and pensions in July 2011, Mr Bob Crawley (Head of Health and Wellbeing, Metropolitan Police) said that testing several thousand specialist officers each year was a major logistical exercise for the Metropolitan Police<sup>141</sup>. He thought this could be reduced by amalgamating a fitness test with officer safety training, reducing abstraction.
- 5.1.100 Ms Tracy Moynihan (National Coordinator, British Association of Women in Policing) accepted the rationale of fitness for police officers, but argued it was already a struggle for forces to keep officers' personal safety training up-to-date<sup>142</sup>. She argues that individuals have a personal responsibility to maintain their own fitness. Inspector Nicholas John (Wiltshire Police) said that whilst no longer a response officer, he would still be expected to return to the streets in an emergency, and that officers have an obligation to keep themselves fit for duty<sup>143</sup>. He said that some forces already require officers taking personal safety training to take a basic fitness test, and there should be no objections to such a regime being extended to all officers.

### *Website*

- 5.1.101 The website consultation for Part 2 asked: "Should any or all of the following have an effect on the pay of police officers and staff: performance, weight of the job, skills, fitness, attendance (non-sickness) or any other issue? If so, how?". In relation to fitness, one respondent stated:
- "There is already an expectation that a police officer will maintain a standard of fitness. However, those who allow themselves to become unfit to perform their duties are never challenged"*.
- 5.1.102 Another contributor said that "fitness should be a requirement of all serving officers, and should therefore be challenged when lacking". Another stated that:
- "fitness is undervalued and [I] would have no issue with a minimum fitness test annually alongside safety training, but I do not think pay could be linked to it"*.
- 5.1.103 Another respondent argued that the nature of policing made keeping fit difficult, since officers are deployed for the whole of their shifts, and have no time to train, in contrast to the military and the fire service. He said that it would be unfair for officers to be required to maintain their physical fitness in their own time.

### **Conclusion**

- 5.1.104 The public has a right to expect that police officers and frontline police staff are fit for duty. Many would be surprised to learn that there is not already a mandatory in-service fitness test for police officers, and that police officers in non-specialist roles are never tested after their probation. The police service has a duty of care to its officers and staff, to ensure that they are sufficiently trained and fit to do what is expected of them.

### *Fitness testing: in-service*

- 5.1.105 Fitness testing in the police service is currently inconsistent. Police officers, and some police staff, are tested during the recruitment process. If they fail the test, they cannot join. Probationary officers can be discharged if they are found to be physically unfit for the job. As Professor Brewer points out, these procedures acknowledge that a certain standard of fitness is required to be a capable police officer. Despite this, an officer will never be tested again in his career unless he takes up a specialist role which his force has decided requires a higher level of fitness.
- 5.1.106 Testing all police officers (and relevant staff) will contribute to forces' strategies to meet their duties under the Police (Health and Safety) Act 1997 (and the Health and Safety at Work etc. Act 1974 in the case of staff). Police forces, as responsible employers, should ensure that all

141 Career model seminar (2011), page 99

142 *ibid.* pages 103-104

143 *ibid.* pages 106-107

officers and relevant staff are physically capable of discharging their duties. Fitness testing for police officers is particularly important because officers are liable to be deployed to any role at any time. Chief Constables need to know that all their officers have a minimum level of fitness so that redeployment can be undertaken with confidence, particularly in an emergency.

- 5.1.107 The General Secretary of the Police Federation made this point strongly when arguing for national fitness testing for officers in specialist roles:

*“No-one wants police officers turning up at a job where they cannot perform the required role, or where they could endanger themselves or their colleagues. No-one wants to discriminate against officers who have the ability to do the role”<sup>144</sup>.*

- 5.1.108 This logic has considerable force, and I accept it. It applies with equal strength to officers in non-specialist roles, such as response officers, as it applies to specialists. The distinction which the Police Federation makes between specialist officers and non-specialist officers is misconceived. All officers need to be physically fit enough to do their jobs. If specialist officers have jobs which require a level of fitness which is higher than for non-specialists, then that higher standard should apply to them. But it does not follow that non-specialist police officers need attain no specified level of fitness. Running after a suspect, or apprehending a violent or disturbed person, requires physical fitness and strength. A non-specialist officer who cannot do these things is incapable of some of the most elementary parts of police work, and when deployed may be a danger to himself, his colleagues and the public. I therefore reject the arguments of the Police Federation that in-service fitness testing of police officers is neither appropriate nor necessary<sup>145</sup>.
- 5.1.109 Requiring officers to attain and maintain a specified minimum level of fitness would improve the service officers provide to the public. Fitter people are better able to cope with strenuous tasks and with stress. There is no shortage of either in modern policing.
- 5.1.110 There would be practical challenges for police forces in moving from the regular testing of a few specialists to the regular testing of all police officers. In my view, the significant advantages of a fitter, healthier, more alert and energetic police workforce, with lower rates of absenteeism through sickness, are worth the necessary measures.
- 5.1.111 The physical fitness requirements which police officers must meet should test the things that police officers can be required to do in their work. Police regulations enable chief officers to deploy police officers to work which they are not accustomed to do, as was seen in the August 2011 riots. The Police Federation affirmed this in its representations to the review<sup>146</sup>. That being so, the proposition that a fitness test would have to be tailored to the specific role being undertaken by each officer at a given point does not take account of the flexibility required of officers. That susceptibility to deployment requires that a basic, generic fitness standard should be met by all officers.
- 5.1.112 Tests are sometimes failed, and it is necessary also to establish what should happen in such cases. Forces already have procedures for dealing with unsatisfactory performance and attendance. That is the appropriate procedure for officers who repeatedly fail fitness tests. If an officer fails because of a disability, he should be placed on restricted duty. My recommendations for the management of restricted duty are set out later in this Chapter.
- 5.1.113 For the reasons I have given, I recommend that all officers, including special constables, should take and pass an annual fitness test, as part of their personal safety training. This should be a nationally-mandated test, requiring all officers in England and Wales to have the same minimum standard of fitness. The fitness test should apply to all police officers irrespective of rank, including officers on secondment or otherwise engaged in functions connected to representation of the interests of officers. Whilst senior police officers are of course less likely to be working on the streets, they hold the office of constable and have the responsibilities

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144 *Minutes of the 81<sup>st</sup> Meeting of the Police Advisory Board for England and Wales*, Police Advisory Board for England and Wales Independent Secretariat, 28 October 2010, page 10

145 Police Federation submission, page 39

146 Police Federation Part 1 submission (1), page 5

of all constables to intervene in appropriate circumstances. During August 2011, there were cases of senior officers leading their officers in confronting and tackling violent and dangerous rioters. It is also appropriate that senior officers should set an example of physical capacity, resilience and fortitude in their leadership of their officers and staff, as they do in other respects. The fitness test should also apply to police staff (usually PCSOs and detention officers) whose jobs already require them to undertake personal safety training.

- 5.1.114 Whilst many officers train regularly to maintain their physical fitness, and many are fit by virtue of the daily work they do, some officers are not fit and need to become so. Becoming fit enough to pass a demanding test takes time and effort, and unfit officers should be given an appropriate opportunity to exercise and make ready to take the test. It is therefore necessary for the introduction of mandatory fitness testing of police officers and specified police staff to be phased.
- 5.1.115 In the short term, I recommend the test is introduced in two stages, with an interim test in September 2013, and a more stringent test introduced in September 2018. First, officers should be tested against the current cardiovascular standard for recruits. This should be introduced in September 2013, but I recommend there should be no disciplinary consequences for failure until after September 2014. This first year is therefore an opportunity for all those who will be required to take the test to improve their fitness if necessary. In the longer-term, from September 2018 there should be a new and more stringent test, based on replicating many of the tasks that police officers must face, as is done in the Police Service of Northern Ireland. The detailed phasing of these tests is set out in more detail below.

#### *Interim test*

- 5.1.116 Initially, a fitness test equivalent to the current test for officer recruits should be introduced. All officers, and relevant members of police staff, should take it and pass it. Those taking the test should be required to reach level 5:4 on a 15-metre shuttle run test. The push/pull test included in the test for recruits should be used for in-service fitness testing when the appropriate equipment is available.
- 5.1.117 The test should be conducted at the same time as officers and relevant staff undergo their annual personal safety training. This will minimise the abstraction of officers and staff from duty. Those who fail the test should not be allowed to continue with personal safety training because they have demonstrated that they are insufficiently fit to complete the training safely. Forces should place officers on a level of restricted duty commensurate with their being unable to undertake personal safety training as part of reducing the risks an unfit officer poses to himself or others.
- 5.1.118 The shuttle run 5:4 standard of the test is based on the level of physical effort expended during personal safety training and is therefore a proportionate means of achieving a legitimate aim. This is the same for all those taking the test, irrespective of gender, age or other factors. I therefore recommend that the minimum standard should be the same for all those taking the test.
- 5.1.119 Officers should not, other than as stated below, be given time during working hours to maintain their fitness. A commitment to be fit for duty is part of the compact between officers and their forces, and it is a duty which many officers already discharge. However, forces should consider, wherever practicable, providing officers with access to fitness facilities within a reasonable travelling distance of their place of work. This could be achieved in a variety of ways, for instance through gymnasiums in police stations and other buildings (which some forces already provide), or by forces entering into agreements with local fitness facility providers to offer reduced charge or free access to officers and relevant staff.

#### *Infrastructure*

- 5.1.120 Testing venues should of course be properly fitted for the purpose, and the people administering the tests should be professionally accredited.
- 5.1.121 Forces should make arrangements for the giving of advice and assistance to those who take the test. General advice on health and fitness, including generic fitness programmes and dietary advice, could be made available on force intranet sites. The National Policing Improvement Agency already makes the timings of the shuttle run test available online. Forces should also

offer trial fitness tests for those who wish to familiarise themselves with the test or assess their own fitness.

- 5.1.122 Those who have failed the test may require advice and assistance. Individuals should be treated with sensitivity<sup>147</sup>. Forces should have trained staff available to provide health, exercise, lifestyle and nutritional advice. People who have failed the test by a considerable margin should be offered support from appropriately qualified specialists. Forces should consider collaboration on the provision of such services.

#### *Managing the fitness test*

- 5.1.123 The fitness test should be one element in the overall assessment of the performance of police officers (and some staff). Unless there are mitigating factors, notably disability, failure to pass the fitness test at the third attempt should constitute unsatisfactory performance which would prevent the officer from progressing further up the pay scale (see Chapter 8). Managers should therefore discuss the fitness test with officers and staff as part of the performance management process. Failure to take the test without good reason should be dealt with appropriately under disciplinary procedures.
- 5.1.124 On being notified of their personal safety training dates, officers and staff should complete a physical activity questionnaire designed to identify those who may be at increased risk of physical harm from taking the test, for instance because of a medical condition. Occupational health departments should medically assess those who appear to present an increased risk. Occupational health professionals should then either allow the officer in question to take the test or, if necessary, state whether he needs time to recover before his test (and if so how long), whether he requires advice and assistance from a fitness specialist before taking the test, or assess whether he should be allowed to take the test at all.
- 5.1.125 Of those officers who fail the test, those who are no more than 20% below the required standard should be given a simple remedial programme by the force fitness instructor and should retake the test in six to ten weeks. Those who are more than 20% below the standard should receive more intensive advice and assistance from a fitness specialist on diet and exercise and should retake the test at a date determined by the adviser. As is done in the case of the Civil Nuclear Constabulary, this should normally be within 12 weeks. With appropriate training, individuals should be able to meet the required standard within this time. Those who have been prescribed sessions with a force appointed fitness specialist should be the only individuals eligible for training during work hours. These individuals will be the ones in greatest need of assistance, in addition to the training they should be expected to undertake in their own time, in order to meet the standard.
- 5.1.126 Those who fail the test a second time should receive further advice and assistance, and take the test again in six to ten weeks. At the point of a second failure, the individual's line manager should hold an informal meeting with the individual about the lack of capability he has shown by failing the fitness test. The outcome of the meeting should be recorded. If the manager has concluded that a lack of capability has been demonstrated, he should give the individual an improvement notice. In the case of a fitness test, this could take the form of the fitness programme the officer would have been given by a fitness specialist, and a requirement to pass the third test.
- 5.1.127 Following a third failure of the test, formal proceedings under the unsatisfactory performance and attendance procedures should be started on the grounds that the officer is unable to perform the duties of the job he is currently undertaking to a satisfactory standard or level. For police staff, the police force's unsatisfactory performance or disciplinary procedures should be followed.

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<sup>147</sup> *Report into Fitness Standards for the Civil Nuclear Constabulary*, Lilleshall Consultancy Services, Shropshire, April 2011, page 8

**Recommendation 33 – A fitness test should be introduced in September 2013 for all police officers and staff required to undertake personal safety training. Participants should be required to attain level 5:4 on a 15-metre shuttle run. From September 2014, those who fail the test three times should be subject to the appropriate disciplinary procedures.**

### *Costs*

- 5.1.128 Around 180,000 personnel in the police service should take the test each year. This number is made up of 139,110 police officers, 18,421 special constables and 15,820 PCSOs<sup>148</sup>. A proportion of staff, estimated to be no more than ten *per cent* of the 74,010 police staff in post on 31 March 2011<sup>149</sup>, are likely to be in roles which necessitate their being tested.
- 5.1.129 Since the fitness test is already used for recruitment, most forces are likely already to have suitable indoor facilities and the equipment needed for the shuttle run. Forces should also have sufficient trainers in their physical and personal safety training departments to administer what is likely to be a relatively short addition to the personal safety training session.
- 5.1.130 In relation to the provision of advice and assistance, many forces already provide this to recruits, both as to basic training and in relation to nutrition when preparing for the job-related fitness test. Advice and assistance can also be provided to officers and staff through the force's intranet. Forces should consider collaboration in these respects.
- 5.1.131 As for the additional costs, forces may well need to recruit or engage the services of specialists in exercise and health. Such individuals would provide appropriate advice and assistance to officers who are likely to require more individual attention in order to pass the test. It should be for forces to determine whether additional capacity is needed in their occupational health or physical training departments. Such additional capacity and the provision of advice and assistance to officers in this respect is likely to cost up to £5.5 million depending on the capacity and expertise already existing in forces<sup>150</sup>.
- 5.1.132 An additional administrative resource may be required by the department running the fitness tests to organise training sessions and any follow-up action. Assuming a salary cost of £16,000 *per annum* and approximately 60 administrators (where forces with around 3,000 officers or more might require two and the Metropolitan Police approximately ten), this would cost approximately £1.2 million in salary and employment costs.
- 5.1.133 The total cost of introducing in-service fitness using the job-related fitness test is estimated at around a maximum of £6.6 million *per annum*. As stated above, this cost should be outweighed by the improved fitness of police service personnel, and the fact that police forces will be meeting their legal duty to ensure that officers and staff are sufficiently fit to discharge their duties safely.

148 *Police Service Strength – England and Wales, 31 March 2011*, A. Dhani and P. Kalza, Home Office, July 2011, page 9

149 *ibid.* page 9

150 In relation to the introduction of in-service fitness testing in the Civil Nuclear Constabulary, Professor Brewer recommended that the force should consider having specialists in an area such as exercise, sport or health science to at least undergraduate level, with good communication skills and experience of implementing intervention strategies for individuals from a range of backgrounds. He suggested the starting salary for such an individual would be around £25,000 per annum, plus employment costs. Professor Brewer recommended two such individuals should be recruited by the Civil Nuclear Constabulary, a ratio of approximately 1:500 officers, but that force's 17 sites are spread over a wide area requiring much travelling time. The review has therefore estimated the number of advisers who might be required, should this be the method which forces choose to deliver the support, at approximately 180, or one adviser for every 1,000 people taking the test. It is estimated that between four and six *per cent* of personnel would fail the test initially, and many of these would not fail so significantly, or repeatedly, as to require regular individual advice. Employment costs have been calculated using the 21% rate recommended by the Department of Business, Innovation and Skills

### *Implications*

- 5.1.134 The test that I am proposing in the short-term only focuses on cardiovascular fitness. The shuttle-run test does have a margin of error when predicting an individual's VO2 max, or ability to use oxygen during exercise, but its widespread acceptance, not least in the environment of policing, demonstrates that this is considered reasonable. The use of this particular test will allow forces to develop their capacity to conduct regular in-service fitness tests. It is very simple and quick to administer, enabling groups of around ten officers to be tested simultaneously, and requires minimal equipment, only a room approximately 20 metres in length, a way of indicating the 15-metre course and the appropriate machine to give the audible signals.
- 5.1.135 There are likely to be indirect benefits from requiring a certain level of aerobic fitness from police officers. Aerobic fitness is an objective indicator for an individual's physical activity and is the most important aspect of fitness, particularly when reducing the risk of disease and improving health<sup>151</sup>. The Royal Air Force's experience suggests that more physically active personnel are less likely to suffer from illness and premature death<sup>152</sup>. An individual's aerobic fitness also predicts his risk of injury<sup>153</sup>. A fitness test can only result in a general improvement in police workforce wellbeing, and therefore its effectiveness.
- 5.1.136 However, the introduction of a fitness test does bring the risk of an increased numbers of officers on restricted duty. In the short- to medium-terms, this could lead to a rise in the proportion of officers with more onerous restrictions if they are unable to undertake personal safety training. However, phasing in the test gives all officers the opportunity to prepare and become fit. Those who are unable, even with training, to meet the current fitness standard already present a risk to themselves, their colleagues and the public, and have reduced deployability. This is simply being ignored at present. Those officers who cannot meet the test could be required to leave the service within approximately nine months under the unsatisfactory performance procedures<sup>154</sup>.
- 5.1.137 Forces should take care to deal appropriately those who are assessed to be unable to pass the test because of a medical condition rather than an unhealthy lifestyle, as this is likely to constitute a disability under the Equality Act 2010. Subject to medical advice, such a condition is likely to lead to the officer being placed on restricted duty, in a role appropriate for his disability, and for which reasonable adjustments have been made. I make recommendations in relation to the detailed process for dealing with those on restricted duties later in this Chapter. In brief, officers who are unable to complete the fitness test and who are not capable of performing a role requiring police powers should have the part of the X-factor which corresponds to their deployability removed (see Chapter 7 for a discussion of the X-factor). After a year, and if there have not been the necessary improvements to allow the officer to return to full duties, he should be assessed for ill-health retirement. Those officers assessed as permanently disabled for the ordinary duties of a member of the police force should be retired on ill-health grounds<sup>155</sup>. Those who are not permanently disabled should be offered a police

151 *Physical Fitness and All-cause Mortality; A Prospective Study of Healthy Men and Women*, S. N. Blair, H. W. Kohl III, R. S. Paffenbarger, D. G. Clark, K. H. Cooper and L. W. Gibbons, *The Journal of the American Medical Association*, Volume 262, 1989, pages 2,395-2,401 cited in *Adjustment of RAF Fitness Standards to Reflect Morbidity and Mortality Risk*, OC RAF SofPT, 21 June 2006, PTC/1702.SofPT, page 2

152 *Physical activity and all-cause mortality: what is the dose-response relation?*, I. M. Lee and P. J. Skerritt, *Medicine and Science in Sports and Exercise*, Volume 33 (Supplement 6), 2001, pages 459-471 cited in *ibid.* page 2

153 *A report on the outcomes of a physical fitness analysis of RAF Initial Officer Training*, Nicholls MPhil Thesis, Unpublished (1998) cited in *ibid.* page 2

154 The fitness procedures will take a maximum of 20 weeks (a maximum of 12 weeks between the first and second failure, and eight weeks between the second and third). After this, and subject to any mitigating circumstances, forces could immediately commence formal proceedings under the three-stage unsatisfactory performance and attendance procedures. Under these, officers are given a fair, realistic improvement action plan at up to two formal meetings (if no improvement is seen). If improvement continues not to be demonstrated, the panel at the third hearing has the option, among others, to dismiss an officer

155 *The Police Pension Scheme 1987, the New Police Pension Scheme 2006: Guidance for Selected Medical Practitioners*, Home Office, London, December 2008, page 8

staff role on police staff terms as a reasonable adjustment. If this is not accepted, or such a role does not exist, in the absence of exceptional and extenuating circumstances, the force should dismiss the officer on capability grounds.

- 5.1.138 The introduction of a fitness test is likely to increase the number of ill-health retirements substantially over the medium term, particularly during the second half of this decade. This will cost money. However, I believe the benefits of a fitter, more deployable workforce make this worthwhile. As officers who are currently unable to perform the duties of a constable leave the force, fitter, more effective officers can replace them, which will provide better value for money for the public.
- 5.1.139 It is difficult precisely to predict how many officers are likely to fail the initial fitness test three times. However, the validation exercise undertaken by the Civil Nuclear Constabulary for their own, more stringent, in-service physical fitness test (also using the 15-metre shuttle run) found that no more than five *per cent* of officers failed the test initially and very few failed a second time. Hampshire Constabulary found that, of those officers taking their in-service test, only three *per cent* failed.
- 5.1.140 The initial fitness test which I recommend is justifiable because it is job-related. It does not discriminate on the basis of gender or age, as taking the test places the same physical demands on all individuals. Evidence shows that the test does not have a disproportionately detrimental effect on people who are older or female. A male in the 50<sup>th</sup> percentile would be expected to have a VO<sub>2</sub> max which exceeds, by a large margin, that required to do the test well in to his 60s. A female in the 50<sup>th</sup> percentile would be expected to pass the test until she reaches her 60s. After that, a female of above average fitness (in the 70<sup>th</sup> percentile) would still be expected to pass the test.
- 5.1.141 There are, however, certain groups in respect of whom mitigating action should be taken. Women returning from maternity leave will need time to regain their fitness before taking the test, as will officers returning from illness, injury or certain medical treatments. These conditions and circumstances should be assessed at the time the officer returns to work. Officers and staff with a hearing impairment, or another medical condition which would prevent them from running the shuttle run test, should have an appropriate alternative provided. Those who are unable to take the test for reasons of illness, injury or disability should also be referred to occupational health departments for advice and assistance or further action, including being placed on restricted duty.

#### *Physical competence assessment*

- 5.1.142 A more stringent physical fitness test should be introduced in the medium-term. This is because I accept the representations made in consultation that the current fitness test requires a level of fitness that is insufficient to cope with some of the demands placed on a police officer. A physical competence assessment, equivalent to that used by the Police Service of Northern Ireland, which is designed by reference to the work which police officers do on the front-line, day to day, rather than on a training simulation, is more appropriate because it is closest to the reality of the job of a police officer. The test has already been used in England and Wales. Between July 2009 and July 2010, West Midlands Police used the physical competence assessment to assess its candidates instead of the job-related fitness test. The Northern Ireland physical fitness test should be introduced in England and Wales five years after the initial fitness test has been introduced, namely in September 2018. This phasing means that the police service should be fitter, and forces should have the capacity to run a more complex test in the future.

**Recommendation 34 – From September 2018, an annual physical fitness test should be introduced for all police officers in England and Wales, equivalent to the test used for recruits in the Police Service of Northern Ireland.**

- 5.1.143 In relation to equality considerations, as the PSNI test has so far only been used for new recruits there is no information on the test as it applies to older officers. The median age of those taking the test in Northern Ireland has been 27 years and six months since 2001, whilst the median age of those failing the test (27 recruits out of around 4,500 who have taken the test) was 33 years. In relation to the test and its application to women, 26 of the 27 recruits who failed the test have been female. The PSNI has commissioned research into the VO2 max required to pass the physical competence test, the results of which are expected to be available in 2013. These data should be used further to assess the standard for equality purposes, particularly in terms of gender and age.
- 5.1.144 Between 13 July 2009 and 7 July 2010, West Midlands Police tested 358 candidates (see Table 5.5). It should be noted that this is a small data set and therefore may not be reliable.

<b>Table 5.5: Success rates at the West Midlands Police initial recruitment physical competence assessment between 13 July 2009 and 7 July 2010</b>			
	<b>Males</b>	<b>Females</b>	<b>Total</b>
Total	185	173	358
Pass	165	112	277
As a percentage	89.2%	64.7%	77.4%
Fail	20	61	81
As a percentage	10.8%	35.3%	22.6%
Adverse impact ratio females to males	72.5%		
<i>Source: West Midlands Police</i>			

- 5.1.145 Table 5.5 shows that the West Midlands Police initial recruitment physical competence assessment has had an adverse impact ratio of 72.5% against females when it comes to those failing the test<sup>156</sup>. This compares unfavourably with the adverse impact ratio of 85% against females for the current fitness test<sup>157</sup>.
- 5.1.146 An adverse impact ratio of 72.5% for the physical competence test represents a significant difference in the pass rates of the different genders. Further data collection with a larger sample would be useful in order to confirm whether this adverse ratio continues to hold true. As explained, I do not believe that the basis of the current fitness test (the level of fitness required to undertake personal safety training safely) is appropriate. Police officers need to be appropriately fit for the role and standards should not be lowered in order to keep people in the force who are not fit enough to do the job.

### *Police staff*

- 5.1.147 The physical competence assessment which I have recommended is for police officers. It is not necessarily appropriate for police staff. Police forces should either continue to use the interim test for appropriate police staff, or develop (perhaps in collaboration with each other) tests for PCSOs, detention officers and other police staff jobs which require fitness, using the approach and methodology used in the physical competence assessment for police officers.

<sup>156</sup> An adverse impact ratio is used to indicate the effect of a policy on different groups. The lower the percentage, the greater the inequality the policy creates. A percentage below 80 would normally indicate that negative impact is statistically significant or part of a trend. A policy with such an impact ratio would therefore need to demonstrate that it was a proportionate means of achieving a legitimate aim, and that the benefits of its introduction are worth the discrimination

<sup>157</sup> This ratio is calculated using data collected by the Home Office on pass rates by gender of the fitness test for recruits. This formed part of the data collected from forces for the Annual Data Return (ADR631) between 2006/07 and 2007/08. These data are unpublished and have not been verified with forces

*Costs*

- 5.1.148 The costs of raising the physical fitness test to the Northern Ireland standard are unlikely to change significantly. The initial cost of equipment required will be negligible, and whilst the test may be tougher, police officers and relevant police staff are likely to be fitter after five years of testing. The level of additional support they will need is unlikely to be any higher than it will be during the period of the interim test.

*Fitness testing: recruitment*

- 5.1.149 The current principle of a nationally-mandated fitness standard for police officer recruits is the right one. The standard should be the same for all forces. This is fair to candidates, as it prevents one force being easier to get into than another. It is fair to the taxpayer as all new recruits will meet the same minimum standard and forces do not waste taxpayers' money developing 43 different tests. It also reduces the risk to the taxpayer that some of those tests could be subject to successful legal challenge.
- 5.1.150 The recruitment test should change in September 2018 to a physical competence test based on the tests used by the Police Service of Northern Ireland.

**Recommendation 35– From September 2018, the national police recruitment test should be replaced by the more demanding physical assessment test used in the Police Service of Northern Ireland.**

*Fitness testing: probationers*

- 5.1.151 It is right that probationary officers should prove their physical fitness before being confirmed as a police officer. As with recruits and in-service candidates, the test which probationary officers are required to pass should be changed from September 2018 to that used by the Police Service of Northern Ireland.

**Recommendation 36 – From September 2018, probationers should have to prove their fitness against the more demanding physical assessment test of the Police Service of Northern Ireland.**

*Fitness testing: specialist police officers*

- 5.1.152 Physical fitness tests for specialist officers should be set nationally. This is because the level of fitness which a firearms officer needs to be safe and effective in his job is the same throughout the country. The same applies to other specialists. National tests provide forces with confidence that there is a common level of deployability in cases of the provision of mutual aid, and such deployments are most likely to involve specialists.
- 5.1.153 In preparation for the recommended move in September 2018 from fitness tests being based on training scenarios, to tests designed most closely to test the physical capability of officers to discharge the responsibilities of police officers in the field, new physical assessment tests of that latter kind should be developed for specialist roles. These should be introduced at the same time, in September 2018.

**Recommendation 37 – From September 2018, national fitness tests for specialist police officer roles should be introduced, designed most closely to test the physical capability of officers to discharge the responsibilities of the specialist police officers in the field.**

## 5.2 Restricted and recuperative duty

### Background

- 5.2.1 Police forces manage police officers with health problems in three principal ways. An officer will be placed on recuperative duty until his medical condition improves, when he can go back to work. He will be placed on restricted duty if his medical condition is unlikely to improve within a reasonably foreseeable time. He may be retired on the grounds of ill-health. Each of these is described below.

### *History*

- 5.2.2 There is no basis in police regulations for restricted and recuperative duty. They have evolved as management tools in the hands of the chief officer, as an alternative to ill-health retirements. Until the 1980s and early 1990s, it was the accepted view in the police service that officers unfit for all police duties were not fit to be police officers at all. Such officers were given medical retirement. However, medical retirement was costly, as the officer in question became entitled to an enhanced pension from a younger age. By the mid 1990s, medical retirements were a matter of considerable concern in the police service, forming almost 45% of all police retirements in England and Wales<sup>158</sup>. Some forces in England and Wales retired only 17% of officers on ill-health grounds whilst police forces with the highest medical retirement rates retired 70% of officers on those grounds<sup>159</sup>. It became clear that such high levels of ill-health retirement were inefficient for the police service, in the light of the costs of medical retirement and the training of new police officers to take their places. At the same time, forces were losing the skills and experience of people with disabilities which could be put to valuable use elsewhere in the police force.
- 5.2.3 Restricted duty evolved as a way for police authorities safely to retain police officers who would otherwise have been medically retired, by placing them in roles where they would not endanger themselves or their colleagues. This often had the advantage of releasing fully fit police officers for other duties. The increasing accommodation of police officers with physical restrictions coincided with the expansion of police budgets and in the size of the police workforce. Budgets have been increasing over the last three decades, particularly between 2001-2002 and 2009-2010, when police expenditure increased in real terms by 25%<sup>160</sup>. During the same period, police officer strength rose from 123,476 to 141,631<sup>161</sup>.
- 5.2.4 Policing increasingly offered a wide variety of specialist roles and roles working with organisations in local government and the community. Many of these jobs are done in offices and in plain clothes, so they are less visible to the public<sup>162</sup>. At the same time, support functions such as those in connection with human resources and technology increased, frequently undertaken by civilian staff whose numbers grew by 73% over the last decade<sup>163</sup>. These roles also offered work opportunities for police officers with even severe physical restrictions.
- 5.2.5 Home Office Circular 021/03 states that one of the principal objectives in the management of ill-health is to ensure, where possible, that police officers are “rehabilitated for duty rather than retired on ill-health grounds”<sup>164</sup>. This is supported by the Police Negotiating Board Circular 03/19, which states that the police service should not “lose the skills and experience of officers who are still able to make a valuable contribution”, retiring only those necessary<sup>165</sup>.

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158 *Police Pensions Review: a Consultation Document*, Home Office, March 1998, Executive Summary, section 2

159 *ibid.* section 2

160 *Cost of the Cops: Manpower and Deployment in Policing*, E. Boyd, R. Geoghegan and B. Gibbs, Policy Exchange, 2011, page 6

161 *ibid.* page 6

162 *ibid.* page 11

163 Police forces experienced a rise in civilian staff from 57,104 to 98,801 between 2001-2002 and 2009-2010. See *ibid.* page 6

164 *Police Negotiating Board Agreement 9 May 2002*, cited in *Home Office Circular 021/2003*

165 *Improving the Management of Ill-Health*, Police Negotiating Board Circular 03/19

- 5.2.6 At a time of reductions in police budgets of 14% between 2010 and 2015, the increasing number of officers with physical restrictions presents challenges to those managing the police workforce. HMIC states that officers with physical restrictions play a valuable role in middle and back office functions<sup>166</sup>. However, accommodating officers with physical restrictions is a constraint on forces' flexibility to organise their workforces. HMIC also comments that the proportion of police officers necessarily employed in middle and back office posts limits the ability of police forces to move officers to the frontline to improve efficiency<sup>167</sup>. The larger the group of police officers on restricted or recuperative duty, the greater the pressure on police forces to reorganise or restructure their middle and back office services. For example, Sir Ronnie Flanagan (formerly Her Majesty's Chief Inspector of Constabulary) stated that:

*“Under the current system a uniformed officer who is unable to continue to carry out front line duties could be moved to a support function on ill health grounds. If they are retained in the service their terms and conditions and powers are fixed as if they were still an officer ready to be deployed anywhere, which are considerably better terms than police staff in comparable roles”<sup>168</sup>.*

### *Status quo*

- 5.2.7 Descriptions of recuperative and restricted duty were given in Part 1 of my review. For convenience, they are summarised below.
- 5.2.8 Recuperative duty is a short-term programme, designed to enable police officers to return to work earlier than they would otherwise have done, whilst recovering from illness or injury<sup>169</sup>. This benefits the officer, because he returns to work earlier than would otherwise be possible, minimising the loss of skills and the distancing from the workplace which can occur to those away on extended sickness absence<sup>170</sup>. Following a risk assessment, carried out in consultation with a police force's occupational health department, the officer's return to work is phased, sometimes with reduced hours or temporarily adjusted tasks<sup>171</sup>. However, the force's expectation is that the police officer will return to full duties on recovery<sup>172</sup>. Recuperative duty is designed to help officers re-integrate into the force. It is time-limited, normally not lasting longer than 12 months. During this period, the officer should be actively managed by the police force to return him to normal hours and tasks as quickly as possible<sup>173</sup>. If it becomes clear that a police officer is unlikely ever to return to full operational duty, he would be moved onto restricted duty.
- 5.2.9 Officers on restricted duty are constrained in the operational duties they can undertake, normally permanently, although restricted duty can cover a temporary condition such as pregnancy. It is a health and safety measure based on an identified risk, and is designed to keep officers away from aspects of the job which might be dangerous for them or for others. The nature of the restriction depends on the individual. The restriction could last for a specified period or for much of an officer's career. Processes for handling officers on restricted duty vary between forces, but the restrictions will usually be assessed and agreed between the officer and his line manager, with the advice and assistance of the force's occupational health department. The physical restrictions may be fairly minor, not affecting significantly either the officer's career or the force's operational resilience, such as being unable to carry a firearm or be a Class 1 (or advanced) police driver. Physical restrictions can also significantly restrict the way in which a police officer can be deployed, such as being unable to work at night or be involved in confrontations.

166 *Adapting to Austerity*, Her Majesty's Inspectorate of Constabulary, London, July 2011, page 23

167 *ibid.* page 29

168 *Policing: Final Report*, Sir R. Flanagan, Her Majesty's Inspectorate of Constabulary, London, 2008, cited in *Cost of the Cops: Manpower and Deployment in Policing*, E. Boyd, R. Geoghegan and B. Gibbs, Policy Exchange, 2011, page 75

169 *Guidance on Attendance Management*, Home Office, London, December 2008 page 9

170 *ibid.* page 6

171 *ibid.* page 7

172 *ibid.* page 9

173 *ibid.* page 9

- 5.2.10 Different police forces approach restricted duty in different ways. Some, such as the Metropolitan Police Service, focus on what the officer concerned is able to do, considering all available roles and assessing whether adjustments can be made to enable the police officer to do a particular job. This is intended to increase operational resilience by focusing on capabilities rather than physical restrictions. It is good practice for an officer with physical restrictions to be reviewed regularly – usually by the force’s occupational health department – to determine whether his condition has changed, for the better or worse. Some cases may be referred to external specialists for an opinion.
- 5.2.11 Recommendation 61 in Part 1 proposed that police forces and their occupational health departments should continue to monitor both the use of restricted and recuperative duty, and should improve the management of individuals and work to bring them back to full duties, where possible<sup>174</sup>.
- 5.2.12 There is little national guidance on the use of restricted and recuperative duty. Home Office guidelines in November 2002 contain suggested procedures on the use of recuperative and restricted duty<sup>175</sup>. The guidance on attendance management published by the Home Office in 2008 states that part of an effective attendance management procedure includes guidance on the use of recuperative or restricted duty, encouraging the early and safe return to work<sup>176</sup>. The NPIA has also published guidance in this respect.
- 5.2.13 In the case of police staff, forces do not usually use the term ‘restricted duty’, since police staff are not as fully deployable as police officers. For police staff, forces must of course comply with the requirements of the Equality Act 2010 to make reasonable adjustments for people with disabilities. Forces have the same duty of care to their staff as they do to their officers.

#### *Legal issues*

- 5.2.14 As explained, police forces have duties to ensure safe working practices for their workers, including of course those facing violence and danger. The duty to police staff is in the Health and Safety at Work etc Act 1974; the duty to officers is in the Police (Health and Safety) Act 1997.
- 5.2.15 Workers on recuperative and restricted duty also have the protections of the Equality Act 2010. Disability is one of the protected characteristics under that legislation. Not every officer with a disability will be on restricted duty, for instance people with dyslexia or diabetes<sup>177</sup>.
- 5.2.16 The Equality Act 2010 requires employers to make reasonable adjustments for disabled employees to avoid putting them at a disadvantage in comparison with their non-disabled colleagues. This could mean, for instance, taking steps to enable an individual to work on the ground floor of a building without an elevator. The law does not require employers to continue to employ people for whom reasonable adjustments cannot be made. However, larger employers such as police forces would need to demonstrate that they made all reasonable adjustments, including moving the officer to a different post, before they could dismiss an officer with a disability. Obligations under other legislation, such as the Health and Safety at Work etc Act 1974, may render it impossible to make any reasonable adjustment. For example, it would be lawful – indeed required by law – for the authorisation of a firearms officer to be withdrawn on the grounds of his failing eyesight.

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174 Part 1 report, page 200

175 *SHP 3: Guidance on the Use of Recuperative and Restricted Duties*, Home Office, London, 2002

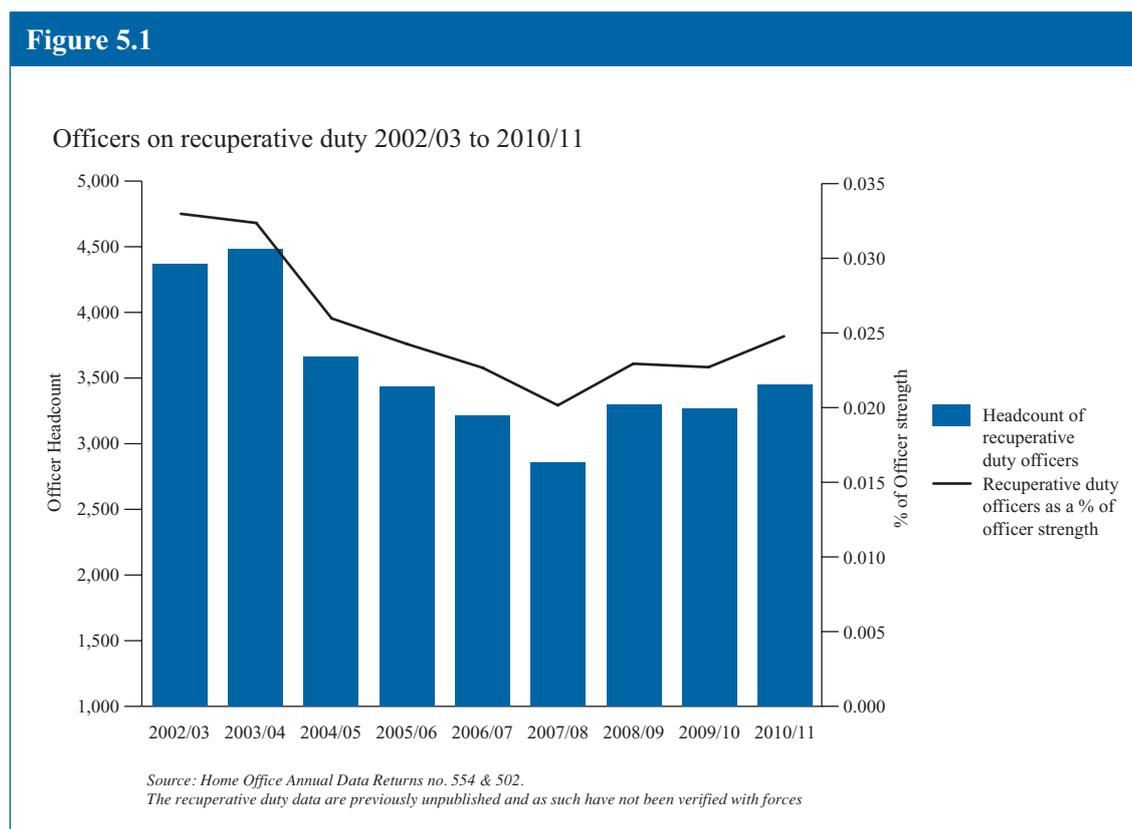
176 *Guidance on Attendance Management*, Home Office, London, December 2008, page 5

177 Police officers have been covered by the Disability Discrimination Act 1995 (now the Equality Act 2010) since October 2004. They are also covered by European legislation. A disability is a condition or impairment which is long-lasting or likely to last at least twelve months and has a substantial and long-term adverse effect on the person’s ability to perform normal day-to-day activities. It can also cover fluctuating or recurring conditions. These could range from a severe condition which dramatically affects daily life, to conditions where people may not consider themselves disabled, such as dyslexia

- 5.2.17 What will amount to a reasonable adjustment in any particular case will depend on the particular facts, but previous decisions of the courts<sup>178</sup> suggest that the following can, in appropriate circumstances, be reasonable adjustments:
- transferring a disabled officer to a vacant post in the force;
  - creating a new post specifically for the disabled officer (but not if the post is unnecessary for the force);
  - requiring another officer to swap jobs with the disabled officer;
  - offering the disabled officer employment as a member of police staff, on police staff terms and conditions; or
  - transferring a disabled officer to what had been a police staff post, but on police officer terms and conditions.
- 5.2.18 In relation to police probationers, the duty to make reasonable adjustments does not extend to relaxing the requirement to complete the core competencies in the initial probationary development programme. However, the approach often taken in relation to probationary officers has been to try to deploy the officer to another post, even where his disability is such that he would not be able to complete probation successfully.

### Analysis

- 5.2.19 Figure 5.1 shows the number of officers on recuperative duty between 2002/03 and 2010/11, and that number as a percentage of officer strength.



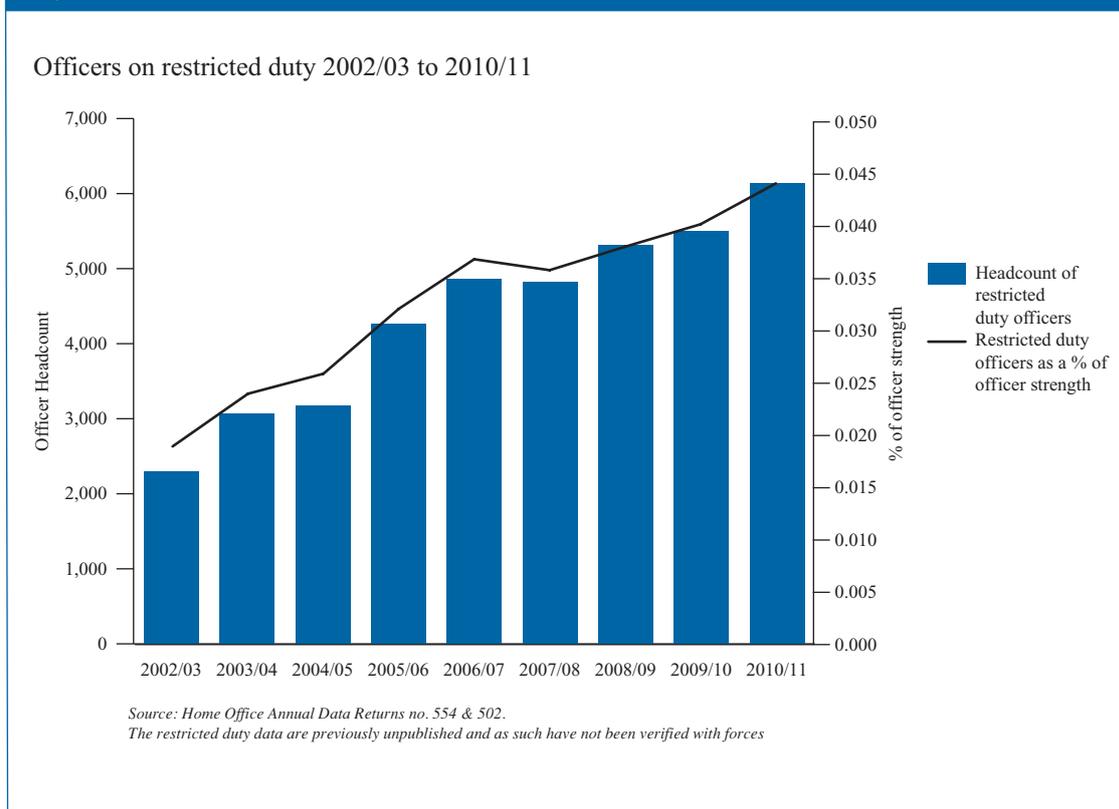
- 5.2.20 Figure 5.1 shows that over the last five years, around 2% of all police officers have had short term constraints on their deployability. This has reduced by around 1% since 2002/03 and 2003/04, when it was over 3%. The number of officers on recuperative duty has fallen from

<sup>178</sup> Of particular relevance to the police are the cases of *Mr P N James v The Chief Constable of Norfolk* (ET case no. 1502251/06, 21 July 2008) and *The Chief Constable of South Yorkshire Police v Jelic* (2010) UKEAT 0491/09/CEA

just under 4,500 officers in 2002/03 and 2003/04 to a low of 2,859 in 2007/08. Since then, the number has stood at around 3,300, rising slightly to 3,447 in 2010/11.

- 5.2.21 The proportion of officers on recuperative duty varies considerably between police forces. In 2010/11, Wiltshire had 8.5% and Lancashire had 8.4% of their officers on recuperative duty. This compares with forces such as Essex and Gwent which have 0.4% and 0.3% of their officer strengths on recuperative duty. It should be noted that these data are previously unpublished and therefore have not been verified with forces.
- 5.2.22 Figure 5.2 shows the number of officers on restricted duty between 2002/03 and 2010/11, and that number as a percentage of officer strength.

**Figure 5.2**



- 5.2.23 The number of police officers on restricted duty has risen steadily since 2002/3 when 2,299 officers, or 1.9% of the officer workforce, were on restricted duty. In 2010/11 6,137 officers, or 4.4% of the officer workforce, were on restricted duty. The trend continues to rise.
- 5.2.24 As with recuperative duty, the proportion of officers on restricted duty varies considerably between police forces. In 2010/11, West Yorkshire had 9.4% and Northumbria had 8.0% of their officers on restricted duty. In contrast, Cambridgeshire had 0.4%, Gwent had 0.3% and North Yorkshire had 0.1% of their officer strength on restricted duty. It should be noted that these data are previously unpublished and therefore have not been verified with forces.
- 5.2.25 The think-tank Policy Exchange argues that too many officers are in roles where their warranted powers are not being used<sup>179</sup>. Civilianisation of functions is increasing, although with great variation between police forces. In control rooms, for instance, it notes that North Wales had a 56% civilianisation rate, whilst the Metropolitan Police had a 72% civilianisation rate. This still represents 648 police officers working in Metropolitan Police control rooms, a rise from 195 officers in 2003, which Policy Exchange suggests is a result of more police

<sup>179</sup> *Cost of the Cops: Manpower and Deployment in Policing*, E. Boyd, R. Geoghegan and B. Gibbs, Policy Exchange, London, 2011, page 14

officers being “parked” there<sup>180</sup>. In total, Policy Exchange calculates that there are at least 7,280 police officers who are not in policing roles, that is roles which require the possession of police powers, but undertaking roles that could and should be done by civilians at much lower cost<sup>181</sup>. Policy Exchange points out that, at present, when police officers are transferred into roles which could otherwise be done more cheaply by members of police staff, they continue to receive the higher wages and pension accruals of a police officer.

#### *Restricted duty case studies*

- 5.2.26 A more in-depth understanding of restricted duty can be had by an examination of the position in individual police forces. Two case studies are provided, from Thames Valley Police and Hampshire Constabulary.
- 5.2.27 Data from Thames Valley Police show that as of 7 September 2011, 182 police officers were designated as on restricted duty. Of these, 20, or 11.0%, had no direct contact with the public. The types of physical restrictions and their duration in these cases are stated in Table 5.6.<sup>182</sup>

**Table 5.6: Thames Valley Police – Category and length of restriction for officers prevented from having contact with the public**

Officer	Dorset 12 Category of Restriction <sup>182</sup>	Length of restriction in years
1	Cardiac/other circulatory disorder	4
2	Psychological disorder	6
3	Psychological disorder	4
4	Psychological disorder	1
5	Muscular/skeletal	9
6	Muscular/skeletal	7
7	Muscular/skeletal	4
8	Muscular/skeletal	3
9	Muscular/skeletal	2
10	Muscular/skeletal	2
11	Muscular/skeletal	2
12	Muscular/skeletal	1
13	Muscular/skeletal	1
14	Muscular/skeletal	1
15	Digestive	9
16	Miscellaneous	3
17	Miscellaneous	1
18	Ear/eye disorder	5
19	Respiratory	4
20	Nervous system disorder	2

Source: Thames Valley Police Service (as of 7 September 2011)

180 *ibid.* page 14

181 *ibid.* page 15

182 The Dorset 12 Categories is a term of art, and is the name of a method of categorisation of sickness for recording purposes

- 5.2.28 Table 5.6 shows that in Thames Valley Police, the mean length of time an officer was on restricted duty, and unable to have contact with the public, was three and a half years. This mean is high because of three individuals in particular who have spent between seven and nine years on restricted duty. The median length is lower, at three years. Fifty *per cent* of these officers have muscular/skeletal conditions and 15% have psychological disorders. The remaining third suffer from a range of different conditions.
- 5.2.29 In April 2008, in Hampshire Constabulary 136 officers were on restricted duty<sup>183</sup>. This compared with 158 in November 2007. During this period, 30 officers had moved from restricted duty to operational status, four officers had retired, three had been seconded out of the force, one officer had taken a career break and sixteen had moved from operational to restricted duty<sup>184</sup>. Almost two thirds, or 82 officers, of those on restricted duty were on long-term physical restrictions (defined by the police force as more than two years). Just over a quarter, or 37 officers, were on medium-term restrictions (defined as between six months and two years), whilst 17 officers (13%) were on short term physical restrictions (defined as lasting fewer than six months). All the police officers on restricted duty were in the Federated ranks<sup>185</sup>. The great majority, 86% or 117 officers, were police constables. Ten per cent were sergeants and 4% were inspectors or chief inspectors. This is unsurprising since police constables make up around three-quarters of the police officer workforce nationally, and generally do the most public-facing jobs.
- 5.2.30 In terms of length of service, almost half, or 48%, of officers on restricted duty had more than 20 years' service and over two-thirds of these (68%) had long-term physical restrictions<sup>186</sup>. A further third (37%) had served for between 11 and 20 years, with almost half (46%) having a long-term restriction. Only 12.5% of officers with fewer than ten years' service were on restricted duty, but almost two-thirds of these had long-term physical restrictions. As with Thames Valley Police, most officers had musculoskeletal conditions, with the second largest group of officers having a psychological condition. Together, these two groups made up 90% of officers. This compares with two-thirds in Thames Valley Police (see above).
- 5.2.31 It is also important to consider that, in the future, restricted duty may increase, if police officers follow the general population trend towards increased obesity. As stated in Chapter 1, an academic study has indicated that, on current trends, 48% of men and 43% of women of the United Kingdom population in 2030 could be obese<sup>187</sup>. Furthermore, police officers and staff are recruited from, and are, the public. Therefore, the future population from which recruits to the police service are chosen is more likely to be unhealthy and obese. This has implications for the future of the restricted duty policy.

### *Fire service*

- 5.2.32 The fire service operates a system of 'light duties'. This is used when medical advice is received that an individual is not physically or mentally fit to undertake his full contractual duties.
- 5.2.33 London Fire Brigade operates a policy which recognises the benefits light duty can bring in rehabilitation to full duties following illness or injury<sup>188</sup>. Light duties can also constitute a reasonable adjustment under the Equality Act 2010. That being the case, the London Fire Brigade reserves the right to determine whether it can sustain an employee being on light duties on a case-by-case basis; if not, ordinary sickness procedures will be followed.

183 *Restricted Duties – Police Officers: Report of the Chief Constable to Hampshire Police Authority Personnel Committee*, S. Beards, Hampshire Constabulary Occupational Health Department, 18 June 2008, page 1

184 *ibid.* page 1

185 *ibid.* page 2

186 *ibid.* page 2

187 *Health and Economic Burden of the Projected Obesity Trends in the USA and the UK*, Y Claire Wang MD, Prof K. McPherson PhD, T. Marsh PG Dip, S. L. Gortmaker PhD and M. Brown PhD, *The Lancet*, Volume 378, Issue 9793, 27 August 2011, pages 815-825

188 *Attendance Management*, London Fire Brigade, London, 1 June 2010, page 46

- 5.2.34 Following medical advice as to when an individual is likely to be ready for full duties and a rehabilitation programme for the light duty period, the individual's manager decides whether the organisation can sustain the individual going onto light duties<sup>189</sup>. This will normally be the case when it is expected the period will be shorter than three months, not including earlier periods of sickness. For firefighters, light duties are considered sustainable if the individual is capable, as a minimum, of undertaking outside community safety activities. A manager can end an individual's light duties at any time after consultation with the medical adviser, if the individual is not following his rehabilitation programme or it is clear he will not return to full duties within the specified three month period. In some cases, for example where an individual has been injured at work, this period can be extended. Employees receive full pay for the first six months of light duties in any rolling 12-month period.
- 5.2.35 If light duties last longer than six months, an individual can agree with the London Fire Brigade that his pay will be reduced by ten *per cent*. If there is no such agreement, he must go on sick leave. If medical advice is that a firefighter needs longer than three months to recover, he will normally be placed on sick leave on sick pay. Firefighters receive full pay for six months and half pay for six months, or full pay for 12 months if injured on duty and then six months on half pay.
- 5.2.36 The London Fire Brigade tries to dispose of cases of ill-health after the end of the firefighter's period of sick pay. Its view is that it is not in either the firefighter's or brigade's interests for an individual to remain on sick leave for any longer. This means that ill-health cases are brought to a conclusion faster than they once were. At this point, the brigade must decide whether to put the firefighter in question before a medical board to assess whether he qualifies for medical retirement, or to return him to service on permanent light duties. As in the police service, the number of firefighters being retired on medical grounds has reduced significantly over the past few years. In the last year, 2010/11, only 12 firefighters were medically retired compared with approximately 200 in 2006/07. At any given time, around 100 out of 6,000 firefighters will be on light duty, and a further 100 will be on long-term sick leave. This is a non-deployable group of just over three *per cent* of the London Fire Brigade.

### *Armed Services*

- 5.2.37 In the armed services, all personnel receive health care from a services medical officer, who acts as their general practitioner. These doctors are trained in occupational health and understand the requirements of service life. This means that if an officer or serviceman is injured, the medical officer has the requisite knowledge to deal appropriately with the effects of the condition on the person's work. General practitioners may sign off an individual on sickness grounds, normally for up to 18 days with a maximum possible of 56 days. After this, an individual appears before a medical board of up to three physicians. The medical board always contains a doctor trained in occupational health and, if relevant, a specialist in the medical condition in question. The board assesses what the individual is capable of doing at that time, and the likelihood and the expected timeframe and extent of his recovery. The medical board will also recommend what needs to be done to facilitate recovery. Ultimately, it is for the individual's chain of command to make a final decision on his future, as the decision is made according to the needs of the organisation, informed by medical opinion.
- 5.2.38 So that the organisation can make consistent decisions on the employability and deployability of personnel, medical standards are produced by the Surgeon General's department. These standards are set by occupational health specialists from the three services, and appropriate consultants in disciplines such as cardiology. They are continuously updated and revised in accordance with medical developments. The standards, alongside regular fitness tests and medical tests at certain ages, are used to assess what an individual can do and where he can be deployed if he has been injured or has poor health. For instance, some conditions might require an individual to be deployed only to a large headquarters in order to receive the appropriate level of care. Others may mean an individual cannot operate in high-temperature environments.

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189 *ibid.* page 46

The standards vary between different professions, or branches, within the armed services. Those for special forces, the infantry and the Royal Marines are the most stringent. If an individual is assessed to be permanently unable to meet the relevant standard of his branch, his chain of command will decide whether he should be moved to a different branch of the service, the medical standards of which he can meet, or whether he should be medically discharged. All military personnel, including those in clerical roles, must meet the relevant fitness and medical standards for their branch in order to ensure sufficient operational capability.

- 5.2.39 The priority in the armed services is to return an individual to full health and fitness in his chosen field as quickly as possible, rather than redeploying him in an alternative area. If an injury or illness is not severe, an individual will remain in his unit, and receives support by personal training and from military medical professionals and those in the chain of command, to return to full fitness and at least meet the minimum standards for his role. Individuals' progress is regularly assessed. Unlike the police service, the armed services have access to their own medical staff, including general practitioners, physical training instructors, remedial therapists and physiotherapists. This makes receiving treatment and organising rehabilitation easier than for many police officers. The armed services balance the cost of these services with the benefits of returning people to work faster and reducing the risk of longer term injuries.
- 5.2.40 Military operations in Iraq and Afghanistan since 2003 have led to increasing numbers of personnel surviving with life-changing injuries, particularly in the army. This has increased the number of personnel who are permanently unable to be deployed on operations or who can only play a limited role in the armed services. There are also personnel who cannot be deployed because of injuries sustained off-duty, whilst training or through illness. In the year 2010/11, the trained strength of the armed forces was 178,350, of whom 8,610, or 4.8%, were classed as medically undeployable on 1 April 2010. Of these 6,400, or 3.6%, were temporarily undeployable, and 1,940 or 1% were permanently undeployable. The rest were unclassified. In 2010/2011, there were 1,269 medical discharges from the armed services.
- 5.2.41 Since the 1940s, army policy has been to discharge those who fall below the minimum medical standard. However, since December 2009 the armed services may now retain seriously injured personnel if they wish to stay, as long as there is a worthwhile role for them or it is judged in the interests of both the individual and the service. In 2010, the army employment board was created to hear cases from seriously injured personnel who wish to stay in the army but for whom no worthwhile role can be found, or who have declined a role. The board can retain or medically discharge personnel; it can also defer cases. This policy is balanced against the need of the army to have sufficient deployable personnel to meet operational demands. Medical discharge of personnel who do not meet the required standard will therefore continue, with decisions being made on a case-by-case basis.
- 5.2.42 In order to improve the care and support for sometimes complex medical cases, the Army Recovery Capability was developed in 2010 as a partnership between the Ministry of Defence and two voluntary organisations (Help for Heroes and The Royal British Legion). The Army Recovery Capability is designed to give wounded, injured and sick personnel access to the services and resources needed to return to duty or move smoothly to civilian life. It aims to achieve a successful outcome for both the individual and the army. The Army Recovery Capability centralises responsibility for injured and ill personnel. The process begins with an assessment which establishes an individual recovery plan. Eleven personnel recovery units have been created to carry out individual recovery plans. There are also four personnel recovery centres designed to give soldiers a military environment in which to recover. The Royal Air Force and the Royal Navy have similar programmes.
- 5.2.43 There is normally a period of between one year and 18 months between an officer or serviceman being injured or falling ill and his leaving the service, if assessed as suitable for medical discharge. This can be extended to provide additional support if it is considered appropriate. Those leaving the services, whether through medical discharge or for other reasons, have access to support for resettlement into civilian life. An individual will receive a resettlement fund, based on his length of service and circumstances, to pay for training. He will be supervised by a resettlement officer. Those leaving on the grounds of ill-health may

be eligible for compensation, depending on the nature of the illness or injury. If the injury or illness is, on the balance of probability, related to duty, the individual will receive a tax-free disability pension set according to the level of his disablement. Those whose injury or illness is unrelated to duty will receive a pension related to their length of service only. Those injured on duty after 2005 may be eligible for financial support from the Armed Forces Compensation Scheme, which can make a single payment or provide continuing income. A protocol has been agreed between the Department of Health and Directors of Adult Social Services in local authorities to provide ill and injured service personnel with a seamless transition from military to civilian life. A bespoke transition plan is agreed, with the medical and social needs of the individual being decided at least three months before the date of discharge by a multi-disciplinary team. The Veteran's Welfare Service acts as a point of contact for assistance, and whilst routine engagement ends after two years, medical discharge cases are never closed.

### *HM Prison Service*

- 5.2.44 In the Prison Service, occupational health and health and safety matters are dealt with locally. The Prison Service does not collect national statistics on the number of personnel unavailable for work or for certain kinds of duties.

## **Consultation**

### *Response by the Association of Chief Police Officers*

- 5.2.45 The Association of Chief Police Officers discussed restricted duty in its submission to Part 1. It said that there should be movement between the police officer and staff workforce in cases of long-term restricted duty<sup>190</sup>. Forces are increasingly finding it difficult to balance the requirements of restricted duty officers with the overall reduction in numbers of officers and staff<sup>191</sup>. Equality legislation has led to more officers with disabilities being retained, which imposes restrictions on operational deployment and reduces force resilience<sup>192</sup>. Restricted officers are retained on police officer pay but may work alongside police staff who have lower salaries based on the rate for the job. This leads to difficulties on equality considerations and in relation to the force's ability to obtain value for money. Forces should not pay more than the going rate for the job.

### *Response by the Association of Police Authorities*

- 5.2.46 The APA proposes a finite period of restricted duty. It points out that an unduly large number of officers on restricted duty can have a detrimental effect on frontline service delivery<sup>193</sup>. The APA notes that being on restricted duty does not automatically mean an officer must take up a back-office role. It suggests that there could be differentiation between officers who can perform operational roles and those who cannot. Placing officers in staff posts could lead to equal pay claims. The APA suggests empowering police forces to transfer these officers onto police staff remuneration and conditions, as an alternative to ill-health retirement. The APA suggests that chief officers are given the power to confer powers, functions and duties on any officer or member of police staff. This would enable them to remove the office of constable from an officer who does not need police powers, and readjust his pay grade to the level for the staff job that he is doing<sup>194</sup>.
- 5.2.47 The APA proposes that the restricted duty regime should redress the balance between the needs of the employer and the needs of officers and staff. It argues that the long-term continuation of an officer on restricted duty can cease to be reasonable to the employer, colleagues and the taxpayer. Continued employment should then depend on an officer's willingness to do a job which is within his capabilities, something that may involve a reduction in pay. The APA

190 ACPO Part 1 submission, page 9

191 *ibid.* page 32

192 *ibid.* page 33

193 APA submission, page 32

194 *ibid.* page 32

suggests those injured on and off duty should be treated differently, with those injured on duty receiving a longer grace period. The APA proposes a maximum of 12 months on restricted duty in the case of an officer who is injured, or made ill, whilst on duty. The APA proposes a maximum of three months on restricted duty for an officer who is injured, or made ill, whilst off duty, with the Chief Constable having discretion as to what constitutes being on duty. The APA proposes that the same policy and definition of ‘unfit for duty’ should apply to all forces to ensure fairness and transparency<sup>195</sup>.

#### *Responses by police forces and authorities*

- 5.2.48 Somerset and Avon Police Authority argues that the restricted duty regime is in need of reform<sup>196</sup>. It suggests that if an officer is on restricted duty and is doing a job that does not require his warranted powers and could be civilianised, then he should be transferred to staff terms and conditions.
- 5.2.49 Lancashire Constabulary argues that adjustments are being put in place for restricted duty officers that are unreasonable from an organisational perspective<sup>197</sup>. It says that this has come about as a result of the requirements of the Equality Act 2010 and the less frequent use of ill-health retirement arrangements. Whilst recognising the strength of the argument for making a distinction between officers injured on and off duty, it asks whether it can be reasonable and cost-effective to retain such officers and pay them as officers for the remainder of their service<sup>198</sup>. It suggests the establishment of single employment framework, which would enable forces easily to move such officers to a new staff role on more appropriate terms and conditions.
- 5.2.50 North Yorkshire Constabulary also believes that if an officer receives higher pay because he holds the office of constable, his salary should be reduced if he is unable to exercise full police powers<sup>199</sup>.

#### *Response by the Police Federation of England and Wales*

- 5.2.51 The Police Federation states that policing is physically and psychologically challenging, and can result in injury and death<sup>200</sup>. If officers fear that if they are injured they might be penalised in their conditions of employment, their financial position or their ability to continue working in the police service, a more risk-averse culture could result, which would be against the public interest.

#### *Response by the Police Superintendents’ Association of England and Wales*

- 5.2.52 The Police Superintendents’ Association states that retaining officers on restricted duty, rather than retiring them on ill-health grounds, can save money and complies with equality requirements. However, it argues that doing so has a detrimental effect on the efficiency and flexibility of a police force<sup>201</sup>. This problem will only increase as officer numbers reduce. The Association argues that there should be no reluctance to retire officers on ill-health grounds where appropriate. Problems with restricted duty are a result of misinterpretation of management guidance, rather than the system itself. It supports officers on restricted duty filling posts which need police powers, knowledge or experience to be effective. The Association does not support what it described as “job creation” to accommodate officers on restricted duty, or officers doing jobs which can be done by police staff. Where no suitable post exists, even with reasonable adjustments, then an officer should be retired on ill-health

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195 *ibid.* page 34

196 *Submission from Somerset and Avon Police Authority*, September 2011, page 3

197 *Submission from Lancashire Constabulary*, September 2011, page 11

198 *ibid.* page 11

199 *Submission from North Yorkshire Constabulary*, September 2011, page 14

200 Police Federation submission, pages 77-78

201 Police Superintendents’ Association submission, page 8

grounds. He should not automatically receive a police staff post, and should be appointed to one only after success in a competitive recruitment process<sup>202</sup>.

- 5.2.53 The Association says that current arrangements for restricted duty officers should not be open-ended, that is without a time limit, as operational resilience needs to be maintained. The Association believes that it is not possible to specify the level at which force resilience is threatened, as that will depend on a force's individual circumstances<sup>203</sup>. It acknowledges that not all injuries on duty are the same, and says that additional flexibility should be given to those injured when on the frontline. However, the Association agrees with the Police Federation when it counsels caution to avoid what it describes as a "culture of risk aversion"<sup>204</sup>, that is creating conditions under which police officers are reluctant to take personal risks in the course of their work for fear of personal financial disadvantage if they are injured.

#### *Response by the National Association of Retired Police Officers*

- 5.2.54 The National Association of Retired Police Officers states that proposals to move officers on restricted duty to staff terms and conditions is not new, but blurs the distinction between officers and staff<sup>205</sup>. It argues such a move would be "grossly unfair" and allow forces to avoid their responsibilities under the pension regulations and injury award scheme for those injured on duty.

#### *Seminars*

- 5.2.55 At the seminar on exit routes and pensions held during Part 1 of the review, Ms Terri Teasdale (Director of Resources, Thames Valley Police) stated that it is the responsibility of management to ensure that the restricted duty regime is operated properly. She said that some officers, particularly later in their careers, attempt to acquire restricted duty status to avoid shift work or other more onerous roles. She argued that this is because some officers believe that some police officer roles require too much physical and mental exertion<sup>206</sup>. Deputy Chief Constable John Feavoyour (Cambridgeshire Police) advocated the making of a distinction between officers assaulted in the execution of their duties and those injured in a manner which could happen in any other occupation, such as slipping or tripping<sup>207</sup>. He said that the obligation of a police force to provide support in the former circumstances is higher than in the latter.
- 5.2.56 Mr Steve Corkerton (HMIC) said that officers with physical restrictions can usually be kept in the police service in work typically done by staff<sup>208</sup>. In his view, the important question is whether the officer should continue to be paid as an officer or transferred to police staff terms and conditions<sup>209</sup>. If there were no such transfer, he argued, a force would be paying much more than the rate for the job, and this may continue for perhaps as long as 20 years or more, until the officer retires. He suggested a transitional arrangement of a phased reduction in the officer's pay, over two years. Alternatively, he said that officers could be "red circled" and their salaries frozen, although such a regime may cost a considerable amount until annual pay adjustments for police staff in the same roles catch up. Chief Superintendent Graham Cassidy (Police Superintendents' Association) was concerned by this proposition, believing that the current negotiated and agreed arrangements work well<sup>210</sup>.
- 5.2.57 Chief Superintendent Jo Shiner (Norfolk Police) expressed a concern that some officers may be able to persuade general practitioners, and sometimes the relevant selected medical practitioners, to write reports which have a high likelihood of leading their forces to offer them jobs of a particular kind. She added that medical confidentiality means that this is hard to

202 *ibid.* page 9

203 *ibid.* page 60

204 *ibid.* page 59

205 *Submission from National Association of Retired Police Officers*, September 2011, page 5

206 Exit routes seminar (2010), page 6

207 *ibid.* page 9

208 *ibid.* page 12

209 *ibid.* page 13

210 *ibid.* page 14

establish<sup>211</sup>. The General Secretary of the Police Federation said that officers who are unable to perform the full duties of a police constable should receive a pension. This is their entitlement. He argued that Home Office targets had led to forces creating a group of people who should be entitled to an ill-health retirement pension but whom forces cannot afford to retire<sup>212</sup>.

- 5.2.58 At the seminar on exit strategies and restricted duty held for Part 2 of the review, Sergeant Andy Garrett (Metropolitan Police Service Disability Staff Association) stated that the omnicompetent officer no longer exists, but that police culture still expects officers to meet this standard<sup>213</sup>. He said that officers who lose some capability are sometimes regarded as “useless”<sup>214</sup>. He likened the situation to that faced by women in the 1950s, when they were not considered able to discharge the full responsibilities of the office of constable. He said that the police service lacks the flexibility to put people in the correct jobs, suitable for their individual abilities. Instead, he said such officers are “castigated ... for their incapacity and cast ... on the heap”. He added that an officer with a disability undertaking an essential role, such as intelligence handling, was of no lesser value than a patrolling officer<sup>215</sup>.
- 5.2.59 Mr Bob Crawley (Head of Health and Wellbeing at the Metropolitan Police) said that, in the Metropolitan Police, officers with physical restrictions tend to move to the outer London boroughs, and this concentration of officers on restricted duty in such places can have a detrimental effect on performance<sup>216</sup>. He said that it is possible to be a restricted officer and remain operational. He gave the example of a restricted duty officer who is unable to patrol but can do surveillance. Ms Ashley Judd (Head of Human Resources, Lancashire Police) said that forces have recently become more flexible and considerate in making better use of officers on restricted duty. In Lancashire, some officers who qualify for ill-health retirement do police officer jobs with adjustments to accommodate their physical restrictions. Others are retired on ill-health grounds. She added that her force has begun to increase its rate of ill-health retirement because it has not been possible to continue the service of so many people with physical restrictions<sup>217</sup>.
- 5.2.60 Mr Alan Johnson (Metropolitan Police Authority) suggested giving Chief Constables the ability to move their personnel between warranted, part-warranted and non-warranted roles depending on their training and abilities<sup>218</sup>. Sergeant Garrett said that if officers with physical restrictions were penalised, there would be a danger that people would conceal non-visible physical infirmities, putting themselves and the force at risk<sup>219</sup>. He argued that forces should concentrate on retraining officers with physical restrictions so that they can still do work of value<sup>220</sup>.

### *Website*

- 5.2.61 The review’s Part 1 online consultation received a range of views which appeared to be strongly held. This was in response to the question: “How would you treat officers on restricted duties?”<sup>221</sup>. Analysis of 852 responses to this question identified seven themes<sup>222</sup>. Approximately half of the respondents argued for better management of officers on restricted duty. Some respondents argued for better support for those on restricted duty, and a small number stated that restricted duty was not being used appropriately. A few respondents suggested that payments to officers on restricted duty, or being ill-health retired, should be reduced. Some suggested that no changes should be made. One respondent stated that:

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211 *ibid.* page 16

212 *ibid.* pages 27-28

213 Career model seminar (2011), page 8

214 *ibid.* page 8

215 *ibid.* page 9

216 *ibid.* page 62

217 *ibid.* page 64

218 *ibid.* page 81

219 *ibid.* page 85

220 *ibid.* page 86

221 Part 1 report, page 204

222 *Analysis of responses to police review of remuneration and conditions for officers and staff*, Greenstreet Berman, London, December 2010, page 13

*“There are plenty of policing roles that can be carried out by staff on restricted duties which allows them to continue their career within the police and contribute to providing a quality service to the public”<sup>223</sup>.*

Another stated that:

*“In the military anyone who could not perform the full duties required of them [a]re ‘downgraded’ after a reasonable recovery time and the[ir] pay [is] reduced until such time as they [are] able to return to full operational duties. This could be done with restricted duties in the police”<sup>224</sup>.*

5.2.62 In the consultation for Part 2, one respondent stated:

*“Our job is dangerous, we are exposed to disease and violence. Penalising us for being sick is madness. Anyone who [cannot] return to work for a work related issue needs to be looked after. If it is not work related they need to be treated in the same way as any other ill worker”.*

## Conclusion

- 5.2.63 The number of police officers classified as on restricted duty has risen steadily for nearly a decade. There was general agreement from those consulted that forces need to provide fair treatment of officers who become sick or are injured. However, many of those who responded to the review’s consultation, particularly police forces and employers’ organisations, regard the current position as untenable because it fails fairly to balance the requirements of the organisation with those of individuals.
- 5.2.64 I accept the case made by ACPO, that if the number of restricted duty officers continues to rise, the resilience of forces, and the service to the public, may be compromised. The army recognises that the desire of injured personnel to remain in service has to be balanced against the need to have sufficient numbers of deployable personnel to meet operational demands. The police service appears to have become reluctant to use the tools at its disposal (ill-health retirement and unsatisfactory performance and attendance procedures) to remove officers who are unable to discharge the duties of a police officer and so maintain their operational resilience. This can be seen by the significant rise in the number of officers with physical restrictions from 1.9% to 4.4% over the past nine years.
- 5.2.65 For those officers who are permanently unable to discharge the duties of a police officer because of ill-health, the appropriate action on the part of the police force should be ill-health retirement, as argued by the Police Federation. The decline in its use is, at least in part, likely to be the result of some official encouragement of police forces to reduce the incidence of ill-health retirement of police officers, which was very high until the late 1990s. However, the official target in the National Policing Plan 2003-2006 was a reduction in ill-health retirement rates to “the level of the best quartile of forces in 2000-2001”<sup>225</sup>. This set the target at 6.5 ill-health retirements *per* 1,000 officers. This level was based on the advice of the Government Actuaries Department. It is notable that forces are now retiring officers on ill-health grounds at a rate significantly below this level, at around 2.2 ill-health retirements *per* 1,000 officers<sup>226</sup>.
- 5.2.66 Whilst no-one advocates a return to past misuse of ill-health retirement, the significant rise in restricted duty over the same period as the use of ill-health retirement has reduced suggests that an appropriate balance between the use of ill-health retirement and retaining officers on restricted duty is not being struck by all forces. Forces have the ability to retire officers on ill-health grounds, and should make use of it in cases where an officer is not and is likely never to be capable of discharging the duties of a police officer. On the ill-health retirement of an

223 *ibid.* page 14

224 *ibid.* page 15

225 *The National Policing Plan 2003-2006*, Home Office, November 2002, page 27

226 As of 31 March 2011 there were 139,110 police officers see *Police Service Strength: England and Wales – 31 March 2011*, A. Dhani and P. Kaiza, Home Office, July 2011, page 9. During 2010/11 there were 306 retirements on the grounds of ill-health see Home Office Annual Data Returns 533 and 502

officer, his police force must pay to the police pension fund a capital charge equal to twice his salary, but there are benefits which may offset this cost. For example, after the ill-health retirement of an officer the force no longer has to pay his salary or the relevant employer's pension and national insurance contributions. The force can then proceed to recruit an officer without physical restrictions, thus improving the operational capability and resilience of the force. The longer a decision is delayed, the greater the cost to the taxpayer could be if the officer is incapable of fulfilling the duties of a constable and yet continues to receive his full salary.

- 5.2.67 For those officers who are not eligible for ill-health retirement but who are nevertheless not capable of discharging the full range of ordinary police duties, the unsatisfactory performance and attendance procedures should be followed. This is because this is the only fair route to remove such officers from the service.
- 5.2.68 Police officers are an expensive resource. As explained in Chapter 7, there are a variety of reasons why officer pay is at its present level. They include the onerous responsibilities inherent in the office of constable, the risks and demands of the job, and the susceptibility of officers to be deployed at any time to almost any duty anywhere in the force area at the discretion of the Chief Constable. Officers who deal with the public face greater physical danger than those who do not.
- 5.2.69 At present, an officer on restricted duty could be placed in a staff role for the remainder of his (potentially long) career, whilst receiving full police officer pay. This is wrong. People should be paid for the work they do. The frustration expressed by forces and police authorities, and some respondents to the review's consultation, in relation to the unfairness and unsustainability of paying police salaries to people doing work which could (and should) be done by police staff, potentially for years, is valid. Fairness to the taxpayer and police staff requires that police officers should be paid for duties which require police powers and expertise, and police staff salaries should be paid for the work of police staff. This could be done, as suggested by the Metropolitan Police Authority and North Yorkshire Police, by creating a single employment framework for officers and staff. However, as explained in Chapter 2, I do not believe this is the correct approach because it would necessitate either moving police officers onto contracts of employment or police staff conditions into the field of police regulations. The first option would reverse the long-standing position by which members of the territorial police forces are not employees. It would also diminish the Home Secretary's power to make changes to pay and working conditions for police officers by amending police regulations. The second approach would result in police staff losing their existing bargaining power and would impose intrusive and onerous conditions of service that have not yet been established to be necessary.
- 5.2.70 If an officer is not currently in a role that requires police powers and expertise, but he is physically fit (as established in an annual fitness test, as I have recommended) and available to be deployed into such a role at any time, it remains defensible to continue to pay him as a police officer.
- 5.2.71 I place considerable weight on the operational advice of ACPO that deployment of officers into public-facing work is not only theoretical but occurs regularly. ACPO's first submission to the review stresses susceptibility to immediate deployment as one of the principal elements of the office of constable, which should be retained<sup>227</sup>. The Police Federation makes the same point, and argues that the uniqueness and flexibility of the office of constable "especially in response to public safety concerns and unforeseen emergencies" should be reflected in officer pay<sup>228</sup>.
- 5.2.72 A recent, if extreme, example of sudden deployment occurred during the riots in England in August 2011. These were particularly severe in London. On 9 August 2011, Deputy Assistant Commissioner Stephen Kavanagh said that "all able-bodied officers in the Met will be out tonight", and that the force would be putting an unprecedented number of officers on duty in London<sup>229</sup>. It is notable that DAC Kavanagh used the term 'able-bodied'; many officers

227 ACPO Part 1 submission, page 8

228 Police Federation submission, page 3

229 *UK Shaken by Worst Riots in Decades*, Press Association, 9 August 2011

on restricted duty were not deployed to frontline roles. At that time, the Metropolitan Police needed every available officer on the streets, and Acting Commissioner Godwin called for all special constables to report for duty and asked for their employers' support in this respect.

- 5.2.73 There are other noteworthy and conspicuous examples. On 19 February 2008, a schoolgirl, Miss Shannon Matthews, was reported as missing. By 5 March 2008, more than 300 officers, approximately ten *per cent* of West Yorkshire Police's total operational strength, was involved in the search for her<sup>230</sup>. On 17 March 2008, Chief Constable Sir Norman Bettison said that approximately 200 officers had dealt with over 2,000 calls, interviewed 6,000 people and searched 3,000 houses within a one-mile radius of the girl's home<sup>231</sup>. This demonstrates the significant resources which can suddenly be required to deal with an emergency. West Midlands Police told the review that some high-risk incidents regularly require significant numbers of officers being made available at short notice, particularly in cases of missing persons. Many of these redeployed officers come from criminal investigation departments, other investigation units, operational planning units and helpdesks.
- 5.2.74 Sergeant Garrett of the Metropolitan Police Service Disability Staff Association argued that there are officers who may not be able to pass a fitness test, or whose restrictions prevent their deployment to work which brings them into direct physical contact with the public, but who are doing work which requires police powers and expertise. I accept that these officers should not be penalised. If an officer with physical restrictions is capable of doing work which requires police powers and expertise, he should be given such a role and paid accordingly. If reasonable adjustments need to be made to enable him to do this, then section 20 of the Equality Act 2010 requires the force to make them. It is unsustainable, however, for officers to spend long periods doing police staff work because they cannot do work which requires police powers and expertise, and therefore they are not deployable to some of the most important work which a police officer may be required to do. UNISON and others have correctly pointed out that such practices cause resentment amongst police staff, who are usually paid appreciably less than police officers. The current system is unfair to police staff and unfair to the taxpayer. It is unsustainable and it should stop.
- 5.2.75 The Superintendents' Association and the Police Federation suggest that introducing what will be regarded as financial penalties for officers on restricted duty could lead to officers becoming more risk-averse in the way they carry out their roles, to avoid injury. I disagree. Officers injured in the course of duty will be properly provided for under my recommendations. At any rate, officers have a dedication and professionalism in their service to the public which is striking and strong, and I believe that those forces and that ethos of public service will always prevail when officers are protecting the public and doing their duty. If they are injured, appropriate financial compensation is available. If their injuries are so severe as to qualify them for ill-health retirement, that is the appropriate course.
- 5.2.76 The following sections set out a new proposal for dealing with those on restricted duty.

#### *A New Model for Restricted Duty*

- 5.2.77 Police regulations do not make provision for restricted duty. Since an increasing proportion of officers have physical restrictions and are being placed in jobs which accommodate those restrictions, I recommend that this should be changed. As a first step, the Police Regulations 2003 should be amended to give the Secretary of State power to specify the procedure for determining the circumstances in which an officer may be placed on restricted duty, the arrangements which a Chief Constable may make for officers on restricted duty, and the adjustments to the pay of such officers. My recommendations are set out in greater detail in the paragraphs which follow.

230 *Search for Shannon: 3,000 Homes to be Searched*, Yorkshire Evening Post, 5 March 2008

231 *Shannon Matthews Police Chief Defends Inquiry*, M. Smit, Daily Telegraph, 17 March 2008

### *Stage One*

- 5.2.78 A Chief Constable should have the right to place an officer on restricted duty if, having taken into consideration appropriate advice, he is satisfied that by reason of a relevant factor (whether alone or in combination with some other factor): (a) the officer is unable to discharge the full range of duties and responsibilities of a police officer, (b) it would be inappropriate or inadvisable for the officer to be required to do so, or (c) the officer or any other person would be exposed to undue risk if the officer attempted to do so. The advice in question should be provided in writing by the force's occupational health department, an accredited occupational health professional engaged by the force, or a registered medical practitioner approved by the police authority, or, if the constraint is not of a medical nature, another appropriate part of the police force, such as its human resources department or its professional standards division. The relevant factors are physical or mental infirmity which is likely to be permanent<sup>232</sup>, or circumstances or a state of affairs in which evidence which may be given by the officer in court could be materially called into question on the grounds of the officer's character or record.
- 5.2.79 In placing an officer on restricted duty, the Chief Constable should specify in writing the nature of the work which the officer in question may do.
- 5.2.80 An officer who is placed on restricted duty for a medical reason should continue to receive his full pay for one year from the date on which his restricted duty began. An officer on restricted duty for a reason other than a medical one should be paid at the lower rate specified below, even if they are fully deployable.
- 5.2.81 A year after being placed on restricted duty for a medical reason, the officer should be assessed by a suitable medical practitioner, such as the force's medical adviser. On the basis of his report, the force's occupational health department, in conjunction with other departments as appropriate, should assess the officer against the following criteria:
- (a) whether the officer is fully deployable, that is whether he is sufficiently fit to take and pass personal safety training and the associated fitness test;
  - (b) whether the officer is capable of and is doing a job which requires him to have police powers<sup>233</sup>;
  - (c) whether the officer is capable of and is doing a job which could not be carried out by a member of police staff.
- 5.2.82 An officer must fulfil one of the criteria to be assessed as deployable or capable of and doing a job which requires police powers or expertise.
- 5.2.83 If at any time an officer disagrees with and wishes to challenge the opinion of the relevant medical practitioner, he should have a right of appeal. The most appropriate appellate mechanism is the one in Regulation 70 of the Police Pensions Regulations 2006.
- 5.2.84 Subject to the right of an officer on restricted duty for medical reasons to be paid at his full salary for his first year on restricted duty, for the period on which they are on restricted duty officers should not be paid the deployability element of the X-factor, explained in detail in Chapter 7. This is the lower of eight *per cent* of his salary and £2,922 *per annum*. The reduction in pay should have effect on the first day of the month which is a year after the officer was placed on restricted duty.

### *Stage Two*

- 5.2.85 After two years on restricted duty, forces should initiate proceedings for the officer to leave the police service.

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232 In conditions where an officer may be expected to recover and return to full duty within a specified or reasonable time, normally one year, recuperative duty will be the appropriate condition for the officer in question.

233 Police powers include the power of detention without arrest, detention after arrest but before charge and detention without charge, the power to search without a warrant, the power to search after arrest, the power of entry, the power to seize property, to take photographs, DNA and fingerprints without consent, and the power to make out of court disposals of minor offences

- 5.2.86 Where an officer has been assessed by a selected medical practitioner as permanently disabled for police work (under Regulation H1 of the Police Pensions Regulations 1987 or Regulation 71 of the Police Pensions Regulations 2006), he should be medically retired<sup>234</sup>. Forces should monitor this carefully for its effect on ill-health retirement rates. Those officers in the Police Pension Scheme 1987 will receive a pension based on their pay in the highest of their last three years of service, as set out in Regulation G1 of the Police Pensions Regulations 1987. Ill-health pensions for officers in the Police Pension Scheme 2006 are assessed differently. The pension is calculated by reference to the greater of the officer's pensionable pay in the last year before his retirement and, if better, his pay in either of the preceding two years or an average of any three consecutive years in the preceding seven years. These stipulations are contained in Regulation 24 of the Police Pensions Regulations 2006.
- 5.2.87 Officers who do not meet the criteria for ill-health retirement, but continue to be unable to pass the fitness test and are incapable of operating as a police officer, should be given the opportunity to resign as a police officer and immediately take up a police staff job. This should be on police staff terms and conditions and paid at the market rate for the role. Such a police staff role should not be found at the expense of existing staff members; if it is, the displaced police staff member should be entitled to make a claim for unfair dismissal or unfair selection for redundancy. An officer who chooses not to accept a staff role, but who continues to be neither deployable nor capable of discharging the office of constable, should then be the subject of proceedings under the unsatisfactory performance and attendance procedures (UPP) on the grounds of his lack of capability or, if appropriate, attendance. Either of these could result in the officer's dismissal. The first stage of the UPP process should begin as soon as his rejection of a staff role has been received. If, at the end of the UPP process, the officer is dismissed from the force on the grounds of capability, he should be made a further offer of a police staff role, if one is available and he is suitable for it.
- 5.2.88 Police officers should be able to return. If an officer has left the police service because he is incapable of discharging the office of constable, and has not been retired with an ill-health pension, it should be possible for the police force to re-engage him as a police officer if his physical condition has improved sufficiently to enable him to discharge the full range of responsibilities and duties of a police officer. This should apply irrespective of whether the officer in question has taken a police staff job. In Chapter 3, I recommend that the Police Regulations 2003 should be amended to make it possible for former police officers to return to the police service at the rank they last held. Upon rejoining, such officers should be on probation for six months. Rejoining should be at the discretion of the Chief Constable and only, of course, if a suitable vacancy exists. However, the officer in question should not be required to apply in competition with other applicants who have not previously been police officers. Due consideration should be given to his previous police service.
- 5.2.89 I recommended that a number of caveats should be attached to this policy. First, there should be no right of return. A suitable vacancy must exist. It is reasonable that a police force should not be required to create a vacancy to take back an officer who has left the service, whatever the reason. However, in the case of officers who have left the force on the grounds of capability, having been through the two-year process outlined above, there should be greater safeguards for them in cases where they recover. This is justified as part of the service's duty to meet its obligations under section 149 of the Equality Act 2010 (the public sector equality duty).
- 5.2.90 A former officer, who has left the force in these circumstances and without an ill-health pension and is applying to rejoin his force, should be entitled to have his condition reassessed by an approved medical practitioner. If the medical practitioner agrees that the officer's condition has improved and that he is again able to discharge the duties and responsibilities of a police officer, the force should be required actively to consider whether there is a suitable vacancy at the former officer's rank exists or is likely to exist in the coming year (a reasonable

<sup>234</sup> If the selected medical practitioner finds that the officer has an "inability, occasioned by infirmity of mind or body, to perform the ordinary duties of a member of the (police) force" then the officer is permanently disabled for police work and should be ill-health retired

period in workforce planning terms). If one does not exist, the force should explain in writing the steps it has taken to find an appropriate post and why they failed. Forces should have the discretion to refuse to review the case of a former officer if it believes that he is making repeated or vexatious requests for reassessment.

- 5.2.91 If the relevant medical practitioner disagrees with the former officer's assessment of his medical condition, the officer should have the same right of appeal as is described earlier in this Chapter.
- 5.2.92 Returning police officers should also be required to pass the fitness tests for recruits. They should also meet the eligibility criteria set out in recommendation 3 and have an unblemished disciplinary record, in that they have not previously been disciplined following investigation.
- 5.2.93 I also recommend that a force should pay particular attention to cases of officers who previously had a poor attendance record. This matter should be assessed with care and sensitivity, since the reason for the officer's poor attendance could have been the medical problem or condition which led to his leaving the force.
- 5.2.94 In ordinary circumstances, there should be an upper limit on the time that an officer can be out of the police service and rejoin without going through the full selection process. In my judgment, a reasonable period is five years. If more than five years have elapsed, the officer's knowledge is likely to be too outdated. Chief officers should have the discretion to extend this period in exceptional circumstances.
- 5.2.95 Officers who take the option of a staff post or who leave at the end of the unsatisfactory performance process should have their pensions protected. An officer can choose to move his pension pot to a new pension scheme, such as the local government pension scheme for police staff outside London. Alternatively, officers can keep their police pensions. However, in order to receive the full amount of a pension with no actuarial reduction, officers in the Police Pension Scheme 1987 must wait until the age of 60 years. Officers in the New Police Pension Scheme 2006 must wait until the deferred pension age of 65 years.
- 5.2.96 It should be noted that members of the police pension schemes who have left the police force on the grounds of ill-health are entitled to have a deferred pension paid immediately with no actuarial reduction, if they are subsequently assessed as permanently disabled for police work.
- 5.2.97 I recommend that this new approach to restricted duty should be introduced in September 2014. This will give officers and forces sufficient time to ensure that all officers on restricted duty with the capacity to do work requiring the possession and use of police powers are deployed appropriately, and receive any necessary training.
- 5.2.98 There may be a small administrative cost to forces from the additional assessment of officers on restricted duty. However, many forces are already likely to be doing such reviews, as allowing officers to remain on restricted duty without periodically reassessing their skills and capabilities is frustrating for officers and is likely to represent poor value for forces and the taxpayer.
- 5.2.99 There is potential for more significant additional costs arising from an increase in ill-health retirement. As explained earlier, police forces are required to contribute to the force's pensions account a single amount equivalent to double the salary of each officer who is retired on ill-health grounds. This was introduced in 2006 in return for a reduction in the employer contribution to police pensions of 1.3% (from the actuarially assessed rate of 25.5% to 24.2%). Some forces have said that this charge prevents them from retiring officers on medical grounds. However, this charge was introduced in return for a reduction in overall employer pension contributions paid for all police officers. Forces should not be retaining officers who are neither deployable nor capable because they are permanently disabled from discharging the duties of a police officer. They should already be making an assessment on an individual basis as to the costs and benefits to the force of retiring an officer.
- 5.2.100 Throughout the recommended restricted duty process, forces must comply with their duties under section 20 of the Equality Act 2010 to make reasonable adjustments for employees with disabilities (which for the purposes of the Act includes police officers), to avoid putting

them at a disadvantage compared with non-disabled people<sup>235</sup>. What constitutes a reasonable adjustment will depend on the individual circumstances in each case.

**Recommendation 38 – The Police Regulations 2003 should be amended to specify the procedure for determining the circumstances in which an officer may be placed on restricted duty, the arrangements which a Chief Constable may make for officers on restricted duty, and the adjustments to the pay of such officers.**

**Recommendation 39 – From September 2014, officers on restricted duty should have their deployability and capability to exercise police powers assessed one year after being placed on restricted duty. Officers who are not deployable and are not capable of work which requires the office of constable should sustain a reduction in pay equal to the value of the deployability element of the X-factor, namely the lower of eight *per cent* and £2,922 *per annum*. After a further year, appropriate proceedings should be initiated to dismiss or retire these officers from the police service on the grounds of incapability or poor attendance. Officers who are permanently disabled from working as police officers should be ill-health retired. Those who are not permanently disabled should be given the opportunity to resign as police officers and immediately take up a police staff job on police staff terms and conditions, if one is available.**

**Recommendation 40 – A former officer who resigns to take a police staff job or who is dismissed on the grounds of incapability or poor attendance following the restricted duty process, should be entitled to be considered for re-appointment if, following an assessment by an approved medical practitioner, the condition which previously compromised his capability is judged to have permanently changed so as to restore his ability to work as a police officer. Without the former officer having to go through the full selection process, the force should be required actively to consider whether a suitable vacancy at the former officer’s rank exists or is likely to exist in the coming year. The force should have this duty for a period of five years after the officer has left.**

**Recommendation 41 – A returning officer should have an unblemished disciplinary record and be able to pass the fitness test. Forces should also assess carefully a record of poor attendance. Such former officers should be on probation for six months.**

### *Unsatisfactory performance and attendance procedures*

- 5.2.101 I stated in Part 1 that the unsatisfactory performance and attendance (UPP) procedures now in force are essentially sound, providing a manifestly fair process, subject to certain recommendations which I made in connection with the initial process<sup>236</sup>. Since then, I have received representations in relation to the ability of Police Appeals Tribunals to order the reinstatement of a police officer whom it has found to have been unfairly dismissed. Deputy Chief Constable Michael Barton of Durham Constabulary suggested that, as an alternative to ordering reinstatement, the tribunal should be empowered to order the payment of compensation to the dismissed officer.
- 5.2.102 The Police Appeals Tribunal is the mechanism by which officers appeal against dismissal or a finding of a Stage 3 panel in the UPP process<sup>237</sup>. Under section 85 of the Police Act 1996, police officers who are dismissed, required to resign or reduced in rank under the Police (Performance) Regulations 2008 may appeal to the Police Appeals Tribunal against

<sup>235</sup> Under section 6(1) of the Equality Act 2010, a disability is a physical or mental impairment which has a substantial and long-term adverse effect on the individual’s ability to carry out normal day-to-day activities

<sup>236</sup> Part 1 report, page 187

<sup>237</sup> Stage 3 is the final stage in the unsatisfactory performance and attendance (UPP) procedures for police officers, set out in the Police (Performance) Regulations 2008

the decision. The Police Appeals Tribunal has the power to make an order dealing with the appellant in any way in which he could have been dealt by the panel which made the decision appealed against<sup>238</sup>. The panel can also increase or reduce the severity of the original decision. As explained in Part 1, if the Stage 3 panel decides that an officer's performance or attendance is unsatisfactory, it can:

- redeploy the officer;
- demote him, if the issue is one of performance (although not attendance);
- dismiss him on at least 28 days' notice; or
- give him a single extension of his final improvement notice (which contains an action plan for his improvement, with periodic reviews of his progress)<sup>239</sup>.

- 5.2.103 I recommend that an amendment is made to the unsatisfactory performance and attendance appeals process. The disposals presently available to a Police Appeals Tribunal are anomalous when compared with the corresponding arrangements for police staff, whose redress lies with an employment tribunal. If an officer has been unfairly dismissed, the only sanction open to the Police Appeals Tribunal is to reinstate the officer, although this could be with a lesser sanction such as demotion. It does not have the power to order the payment of financial compensation.
- 5.2.104 An employment tribunal has greater powers, and can order the payment of financial compensation or reinstatement. Where an employment tribunal finds that a complaint of unfair dismissal is well founded, the employment tribunal may make an order for reinstatement or re-engagement or may order the payment of financial compensation. The employment tribunal will ask the successful complainant whether he wishes the tribunal to make an order for reinstatement or re-engagement under section 113 of the Employment Rights Act 1996. An order for reinstatement is made under section 114 of the Employment Rights Act 1996 and is an order requiring the employer to treat the complainant as if he had not been dismissed. This would effectively involve the employer re-employing the complainant on the same terms of employment. By comparison, an order for re-engagement is made under section 115 of the Employment Rights Act 1996 and is an order requiring that the complainant be engaged by the employer (or alternatively a successor of the employer or an associated employer) on new terms comparable to those from which he was dismissed.
- 5.2.105 However, the employment tribunal has a discretion as to the most appropriate order to be made. In exercising that discretion, an employment tribunal will consider the complainant's expressed wish, whether it is practical for the employer to comply with such an order, whether the complainant caused or contributed to his dismissal and whether it would be just to make such an order. If the employment tribunal decides that neither reinstatement nor re-engagement is appropriate, it can instead order the payment of financial compensation which will generally comprise both a basic award (which is determined according to a statutory formula and subject to a prescribed maximum) and a compensatory award (which is subject to a prescribed maximum). In practice, orders for reinstatement and re-engagement are rare, and in most cases, a successful claimant will receive an order for compensation.
- 5.2.106 As set out in the principles upon which this review has proceeded, distinctions between officers and staff should be objectively justifiable, having regard to the conditions which exist today, not the basis of history and tradition. Where unjustifiable differences exist, they should be eliminated. In some areas, the routes of appeal for officers in labour matters have already been brought together. Police officers have access to employment tribunals in discrimination cases. In cases involving unfair dismissal (dealt with under police regulations rather than employment law), it is the Police Appeals Tribunal, not an employment tribunal, which hears the case. Claims of unfair dismissal which reach the Police Appeals Tribunal may be because there is additional evidence which could not reasonably have been considered at the original hearing and would have materially affected the finding; because there was a breach of proper

238 *Home Office guidance on police unsatisfactory performance and misconduct procedures*, Home Office Circular 026/2008, November 2008, Annex C page 10

239 Part 1 report, page 184

procedures at the earlier hearing; or because of another unfairness which could have materially affected the decision<sup>240</sup>. This should continue.

- 5.2.107 The absence of a power in the hands of the Police Appeals Tribunal to make an order for financial compensation rather than reinstatement or re-engagement of a police officer, when these powers are available to employment tribunals in the case of police staff, is anomalous and unsustainable. In order to promote the achievement of the objective of removing unjustifiable distinctions in conditions of service between police officers and police staff, and bringing the two systems into an appropriate degree of harmony, I recommend that the Police Act 1996 should be amended so as to give the Police Appeals Tribunal the same power as an employment tribunal in respect of the remedies it may order when it has found in favour of a claimant police officer. This additional power may well have the advantage of giving a police officer a more acceptable remedy in circumstances where relations have broken down between him and his police force.

**Recommendation 42 – The Police Act 1996 should be amended to give the Police Appeals Tribunal the same power as an employment tribunal in respect of the remedies it may order when it has found in favour of a claimant police officer.**

### 5.3 Police Officer Pensions

- 5.3.1 There are currently two police pension schemes in operation. The majority of police officers are members of the Police Pension Scheme 1987, which has been closed to new entrants since April 2006. Police officers who have joined since April 2006 are members of the New Police Pension Scheme. Both schemes are final salary schemes and are funded by members of the scheme through contributions and by police authorities.

#### Background

##### *History*

- 5.3.2 Before the Police Pensions Act 1890, police pensions were granted on a discretionary basis. The Metropolitan Police Act 1829, which established the Metropolitan Police, enabled the force to grant pensions to police officers, but officers had no right to a pension, no scale was given, nor was provision made for a superannuation fund to support a pension scheme<sup>241</sup>. The pensions reflected the ‘arduous and hazardous conditions’ of police work<sup>242</sup>. Accordingly, a police officer was eligible to receive the maximum pension after 25 years compared with 45 years under the contemporary civil service pension scheme of 1834.
- 5.3.3 Reform came ten years later. Section 22 of the Metropolitan Police Act 1839 provided for the creation of a superannuation fund for the scheme, which could be funded from sources such as contributions from pay, fines paid by officers for misconduct, and fines imposed by magistrates for drunkenness and assaults on the police. The deductions from pay could be up to 2.5%<sup>243</sup>. Section 23 of the Metropolitan Police Act 1839 provided that a constable had to be at least 60 years old to receive a pension, unless suffering from ill-health<sup>244</sup>. Those who had served ‘with diligence and fidelity’ for between 15 and 20 years would receive an annual maximum pension of half pay, and for those who had served for 20 or more years an annual maximum of two thirds pay was available.
- 5.3.4 The funding for the Metropolitan Police pension proved inadequate from the outset, with the pensions being too generous, and by 1856 the pension fund was exhausted<sup>245</sup>. Parliament

<sup>240</sup> *The Police Appeals Tribunal Rules 2008*, rule 4(4)

<sup>241</sup> Critchley, page 168

<sup>242</sup> *Police Pension Scheme*, D. Thurley, House of Commons Library, London, 2011, page 5

<sup>243</sup> *ibid.* page 5

<sup>244</sup> Section 23 of the Metropolitan Police Act 1839

<sup>245</sup> Critchley, page 168

authorised the deficit to be made up from the Metropolitan Police Fund in 1857, after which the government asked Dr William Farr, one of the developers of the Civil Service Pension Scheme, to recommend changes to make the scheme more sustainable. In 1862, the benefits were therefore changed, so that police officers qualified for a pension of three-tenths of their salary after 15 years' service, two-fifths after 20 years' service and two-thirds of their salary after 28 years' service<sup>246</sup>.

- 5.3.5 The County Police Act 1840 required the Justices of the Peace, who were responsible for appointing constables in county forces, to maintain a superannuation fund from deductions in pay and fines<sup>247</sup>. The pension was modelled on that of the Metropolitan Police. Justices of the Peace had the discretion to grant a pension but did so erratically, normally on the recommendation of the Chief Constable<sup>248</sup>. For instance, some forces made no pension provision for those who retired normally, and only awarded pensions on an exceptional basis to officers found to be medically unfit after a significant period of service<sup>249</sup>.
- 5.3.6 The Municipal Corporations Act 1835 authorised borough treasurers to pay police pensions, but, as in the early days of the Metropolitan Police pension, no provision was made for a superannuation fund<sup>250</sup>. The creation of such a fund was enabled by the Borough Police Act 1848 but borough councils were not obliged to create funds, and most decided not to do so. It was not until the County and Borough Police Act 1859 that superannuation funds became compulsory, with solvency guaranteed by each borough's fund and its taxpayers. Watch committees, the forerunners of police authorities, had the discretion to award pensions and they tended to do so less liberally, despite compulsory contributions from pay, than the justices of the peace overseeing the county police forces. Their funds tended to remain solvent<sup>251</sup>. Many borough forces did not follow the law, and either did not maintain superannuation funds or used the funds to pay for other things (including a substantial part of the salary of the Chief Constable of Cardiff in 1869)<sup>252</sup>.
- 5.3.7 It was not until the Police Act 1890 that every police officer gained the right to a pension after serving for 25 years<sup>253</sup>. Police authorities had a discretion to set the amount of the pension within prescribed maxima and minima, and to impose a minimum qualifying age, but the expectation was that the Metropolitan Police pension would be followed<sup>254</sup>.
- 5.3.8 After 25 years' service, an officer was entitled to a pension worth, on the maximum scale, 31/50<sup>ths</sup> or three-fifths of his salary, and at the minimum one-half of pay at retirement<sup>255</sup>. After 26 years' service, on the maximum scale an officer could retire with a pension of two-thirds of pay. Those on the minimum scale would have to wait until completion of 35 years' service to receive two-thirds of pay. Police authorities could fix an age limit before which an officer could not retire without a medical certificate. This could not be less than 50 or more than 55 for constables and sergeants, or more than 60 in the cases of higher ranks. Most police authorities adopted the maximum pension amount and only a few imposed a qualifying age, of 52 or 55 and 60 for higher ranks<sup>256</sup>. Police officers were required to contribute a maximum of 2.5% of their pay<sup>257</sup>. Most forces deducted the full 2.5%, except in the Metropolitan Police, where lower ranks paid 2%, and higher ranks 2.5%. Whilst the existing superannuation funds were retained,

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246 *ibid.* page 169

247 *ibid.* page 169

248 *ibid.* page 169

249 *ibid.* page 169

250 *ibid.* page 169

251 *ibid.* page 170

252 *ibid.* page 170

253 *ibid.* page 170

254 *ibid.* page 171

255 Desborough report, paragraph 77

256 Critchley, page 171

257 Desborough report, paragraph 172

the funds were supplemented with annual payments from the Government<sup>258</sup>. The Police Act 1890 regulated, with some amendments, police pensions for the next 30 years.

### *Desborough committee*

- 5.3.9 Police pensions were within the terms of reference of the Desborough Committee. The committee noted the police pension as one of the most important advantages enjoyed by police officers over ordinary workers, particularly as officers contributed less than one-tenth of the total cost of their pensions; these were more favourable terms than for any other public servant<sup>259</sup>. In common with its principle of standardisation of police pay and conditions, Desborough recommended that there should be one police pension scale throughout Great Britain for those retiring without a medical certificate, replacing the ability of police authorities to set pensions within the scales in the Police Act 1890<sup>260</sup>.
- 5.3.10 Under the standardised scale recommended by Desborough, all ranks would be entitled to retire without a medical certificate after 25 years' service, with the pension being one-half of the individual's annual pensionable pay<sup>261</sup>. Those with 30 years' service could receive the maximum pension of two-thirds pensionable pay. The pension would be set at intermediate rates for the years of service in between. This was less generous than the maximum pensions under the Police Act 1890, which most forces adhered to, where an officer could receive a two-thirds pension after 26 years' service<sup>262</sup>. This pattern, with double accrual in the final years of service, was followed by future police pensions until the introduction of the New Police Pension Scheme in 2006. The committee recommended that the proposed new pension scheme should apply to all new entrants. It said that officers in forces where the current scheme was less favourable should be given the option of moving onto the new scheme<sup>263</sup>. An exception was made for improved provision for widows' pensions, which it recommended should apply to all officers immediately<sup>264</sup>.
- 5.3.11 Given the increase in pay and pensions Desborough had proposed, it recommended that the direct grant from the Treasury to police forces should be increased to include one half of forces' costs, including pensions<sup>265</sup>. However, it did not recommend increasing individual officer contributions from 2.5%, although it did say that 2.5% should become the standard not the maximum contribution<sup>266</sup>.
- 5.3.12 Desborough also recommended compulsory retirement ages of 55 for constables and sergeants, 60 for superintendents and inspectors and 65 for chief constables and assistant chief constables<sup>267</sup>. Chief Constables were to have a discretion to allow an officer to remain in the force for a maximum of an additional five years if he considered this to be in the public interest. The committee also recommended that police authorities should be able to compel a constable to retire if illness meant he was unable to "render further efficient service in the police"<sup>268</sup>. This recommendation followed evidence that pensions should balance the need to retain officers with essential skills and experience (and not overburden police pension funds) with the objective of not blocking promotion for more junior officers<sup>269</sup>.
- 5.3.13 Desborough therefore recommended some of the principal features of police pensions which lasted for much of the 20<sup>th</sup> century. These included the use of sixtieths to determine the final pension (with one sixtieth of an officer's salary being accrued for each year worked). It also

258 *Public Sector pensions*, G. Rhodes, 1965, pages 58-59 cited in *Police Pension Scheme*, D. Thurley, House of Commons Library, London, 2011, page 5

259 Desborough report, paragraph 33

260 *ibid.* paragraph 78

261 *ibid.* paragraph 78

262 Oaksey report, page 38

263 Desborough report, paragraph 78

264 *ibid.* paragraph 171

265 *ibid.* paragraph 88

266 *ibid.* paragraph 172

267 *ibid.* paragraph 151

268 *ibid.* paragraph 151

269 *ibid.* paragraph 150

introduced more widely the concept of double accrual of pension rights during the last ten years of an officer's service, which had first been introduced in medical pensions under the Police Act 1890 (see later in this Chapter).

- 5.3.14 A unified pension scheme for police officers, as recommended by Desborough in all its main features<sup>270</sup>, was first introduced following the Police Pensions Act 1921. This consolidated previous statutes and embodied the Desborough recommendations<sup>271</sup>. The Police Pensions Act 1921 also changed pension funding. Local police superannuation funds ceased to exist<sup>272</sup>. The costs of pensions were now met by a combination of pension contributions from police officers and the general police force budget, funded by local rates and Treasury grant.
- 5.3.15 The overall effects of the Desborough changes were to lower pension costs in the longer term as the recommended standard rates were lower than the maximum rates under the Police Act 1890 which many forces had adopted<sup>273</sup>. In the short- to medium-terms, the costs would rise, as Desborough had also recommended increases in pay for serving officers, but the most generous pension schemes under the Police Act 1890 would remain for serving officers<sup>274</sup>. No actuarial estimate of the costs of the scheme was made before it was introduced. The National Committee on National Expenditure (the Geddes Committee) raised concerns about this lack of understanding of the costs of the new pension scheme in its report in 1922<sup>275</sup>. At the same time, the Geddes Committee recommended an additional pension contribution of 2.5% to that fixed by Desborough, to be imposed on a temporary basis as part of wider public sector economies<sup>276</sup>. This five *per cent* contribution rate was not revoked and was still in place at the time of the Oaksey report in 1948. After a long-running actuarial investigation during the 1920s following another recommendation by the Geddes Committee in 1922, the 1930s saw concerns continue about the affordability of police pensions and various recommendations for change, although none was adopted before the outbreak of the Second World War<sup>277</sup>.

#### *Oaksey committee 1948*

- 5.3.16 The Oaksey report did not recommend any major changes to the pension scheme. Although police authorities argued for a rise in pension contributions, whilst the staff side argued for a reduction in the pension contribution from 5% to the 2.5% set by Desborough and an increase in benefits, the Oaksey committee recommended no alterations to benefits or contribution rates<sup>278</sup>. Oaksey noted that a police officer retired at a strikingly early age<sup>279</sup>. The average age of joining was then 22 – 23 years of age, meaning that those officers would be eligible for a pension at the age of 47 – 48. Ninety *per cent* of all retirements on ordinary pensions took place between the ages of 47 and 53. The committee rejected staff side proposals that the length of service to be eligible for a maximum pension should be reduced to 26 years' service on the basis that the value of the police pension was now higher than when it was originally granted because of higher life expectancy. At this time, a police officer could not take part of his pension as a lump sum. Oaksey recommended no change to this because it would be a significant alteration to the pension scheme, and it considered that such a material amendment should only be made as part of a wider review of police pensions<sup>280</sup>.

270 Dixon report, page 94

271 *Police Pensions Act 1921, Oral Question from Lieutenant-Colonel Pownall*, Hansard, 28 February 1922, Volume 151, Column 240-1

272 *Public Sector Pensions*, G. Rhodes, 1965, pages 58-59 cited in *Police Pension Scheme*, D. Thurley, House of Commons Library, London, 2011, page 5

273 Dixon report, page 94

274 *ibid.* page 94

275 *ibid.* page 94

276 Oaksey report, page 37

277 Dixon report, pages 94-98

278 Oaksey report, page 38

279 *ibid.* page 38

280 *ibid.* page 39

*Royal Commission 1960*

- 5.3.17 The Royal Commission made no recommendations for fundamental changes to the police pension scheme. The Commission began its consideration of pensions by noting the relatively early age at which constables retired<sup>281</sup>. At that time, the compulsory retirement age was still 55 for constables. The staff side acknowledged the generosity of the scheme but argued it was fair given the arduous nature of police duties<sup>282</sup>.
- 5.3.18 With similarities to today's debates about pensions, local authorities made representations to the Royal Commission that there should be an increase in the minimum length of service a constable needed before he could retire on a pension, to bring it more into line with other occupations<sup>283</sup>. The County Councils Association proposed a minimum retirement age of 55, with money saved on pensions being returned in pay, arguing that this would reflect general changing attitudes towards the age of retirement. The Royal Commission endorsed the normal officer career as lasting for 30 years<sup>284</sup>, and stated that at 50 and later most constables were of an age at which they were no longer fit for all police duties and were likely to be losing enthusiasm<sup>285</sup>. It considered officers to be fit to serve until the age of 50. It saw no justification, given improvements in health and increases in life expectancy, for officers to be eligible for a pension of half pay after 25 years' service when they were likely still be in their forties<sup>286</sup>. In the context of police recruitment, the Superintendents' Association recommended that a maximum recruitment age of 25 should be set, because of what it regarded as limitations on the deployability of older officers "particularly now that most sedentary jobs are done by civilians"<sup>287</sup>.
- 5.3.19 The Royal Commission recommended that new recruits should not be able to receive a pension before the age of 50<sup>288</sup>.

*1970s and 1980s*

- 5.3.20 In 1971, index-linked pensions for police officers, and other public sector pensioners were introduced by the Pensions (Increase) Act 1971<sup>289</sup>. This legislation followed persistent complaints by existing pensioners that their pensions were eroded by inflation soon after retirement. Following agreement on a number of pension-related questions in the Police Council in 1972, police pensions were assessed on an officer's final salary rather than an average of his last three years' salary<sup>290</sup>. Police officers retiring before 30 years' service were allowed to commute their pensions<sup>291</sup>. The 1971 changes imposed considerable extra costs on the police pension scheme, and the officer contribution rose from five to seven *per cent*. The Edmund-Davies review in 1978 did not make recommendations on police pensions other than in the context of the negotiating mechanism, where it rejected the idea that the National Association of Retired Police Officers should be part of the new negotiating body in order to represent the interests of police pensioners directly<sup>292</sup>.
- 5.3.21 During police pay negotiations in 1982, the cost of the existing police pension scheme was a live issue. Both the Government and staff side actuaries agreed that the cost of police pensions had increased by one-fifth since the introduction of Edmund-Davies' recommendations on police pay<sup>293</sup>. The Government Actuary concluded that police pension contributions should increase from 7% to 11%. In the context of a 10.3% pay increase for police officers at a time

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281 Royal Commission report, page 32

282 *ibid.* page 33

283 *ibid.* page 33

284 *ibid.* page 34

285 *ibid.* page 34

286 *ibid.* page 34

287 *ibid.* page 30

288 *ibid.* page 35

289 *The Force of Persuasion*, T. Judge, Surrey, 1994, page 246

290 *ibid.* page 247

291 *ibid.* page 247

292 Edmund-Davies report (2), page 23

293 *The Force of Persuasion*, T. Judge, Surrey, 1994, page 390

of pay restraint in other parts of the public sector, this was immediately introduced by the Government. This was possible because, unlike pay and conditions, the constitution of the Police Negotiating Board provides that the Government must only consult on pension matters; it does not have to refer pension matters to the PNB for negotiation.

- 5.3.22 The final incarnation of the police pension originally introduced in 1921 is the Police Pension Scheme 1987. With minor amendment, this is the scheme to which all police officers who joined before 6 April 2006, and who have not opted out of the scheme, belong. It is set out in detail below.

#### *Sheehy report and the 1990s*

- 5.3.23 By the early 1990s, the police pension scheme was regarded by some as in need of change. In his review, Sir Patrick Sheehy noted that concerns had been expressed about the costs of the scheme<sup>294</sup>. The Sheehy report recommended wide-ranging changes to the police pension scheme. These included the removal of the double accrual of pension benefits in the final ten years of an officer's career<sup>295</sup>, and a compulsory retirement age of 60, with provision for officers to retire at 55 with reduced benefits<sup>296</sup>. None of these changes were implemented. This was in part because the changes were recommended in the context of his proposal of fixed term appointments for all police officers. That proposal was accepted only in the cases of the most senior officers<sup>297</sup>.
- 5.3.24 In October 1993, the Home Secretary announced a full review of police pensions. One of its primary objectives was the introduction of greater flexibility<sup>298</sup>. The review began in 1994, but its recommendations were not published before the 1997 general election. In March 1998, the Government published a consultation document<sup>299</sup> which said that the existing police pension scheme could be considered generous and expensive relative to both other public sector pensions and pensions in the private sector<sup>300</sup>. This consultation led to the development of the proposals in 2003 for a new police pension scheme, which became the Police Pension Scheme 2006.

#### *Status quo – The New Police Pension Scheme 2006*

- 5.3.25 In the light of its consultation, in December 2003, the Home Office published proposals for a new police pension scheme. The principal objective of the new scheme was stated to be “to help to recruit and retain officers of the right calibre ... [to] facilitate greater flexibility over exit points and [to] introduce more cost-effective arrangements, which are more affordable for employers, taxpayers and police officers”<sup>301</sup>. The scheme was further stated to “reflect the higher life expectancy and growing demands for people to be able to work longer to save for retirement, and fit into the general modernisation of pensions throughout the public sector”<sup>302</sup>
- 5.3.26 The Home Office also proposed reforms to the funding of police pensions. From 1921, police authorities had been responsible for funding pensions on a ‘pay-as-you-go’ basis, that is, pensions would be paid as current expenditure without being separately funded. The Home Office proposed that police authorities should pay employers’ and officers’ contributions into a separate pensions account, with the advantage that operational police budgets would be protected from fluctuations in retirements and rising costs of pensions<sup>303</sup>. This is because

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294 Sheehy report, page 137

295 *ibid.* page 138

296 *ibid.* page 127

297 *Police Pension Scheme*, D. Thurley, House of Commons Library, London, 2011, page 6

298 *ibid.* page 6

299 *Police Pensions Review: a Consultation Document*, Home Office, London, March 1998, Executive Summary, section 2

300 *ibid.* section 3

301 *Government Proposals for a New Police Pension Scheme for Future Entrants*, Home Office, London, December 2003, page 7

302 *ibid.* page 8

303 *ibid.* page 5

police authorities now pay the pension contributions of serving officers rather than meeting the continuing costs of pensions from existing budgets<sup>304</sup>.

- 5.3.27 These changes were accepted. Regulations to introduce the new scheme (the Police Pensions Regulations 2006) were laid before Parliament on 21 December 2006 and came into force on 1 February 2007. However, the scheme itself was introduced on an administrative basis from 6 April 2006, as the pension for new entrants. This was to comply with new Her Majesty's Revenue and Customs regulations which require open registered pension schemes, which qualify for tax-efficient pension contributions, to have minimum pension ages of 55 years.
- 5.3.28 The new scheme, which is described in greater detail in the paragraphs which follow, is a final salary pension scheme, like its predecessor. However, whereas under the 1987 scheme the maximum pension age is reached after 30 years' service, under the 2006 scheme, it takes 35 years' service. This change was expected to be compatible with future physical fitness levels of officers, and was in accordance with government policy of increasing minimum pension ages<sup>305</sup>. The scheme accrued evenly over time, rather than having accelerated accrual in the final years of service. This change was made to remove disadvantages for late entrants and officers taking career breaks. It was designed to make it financially easier for officers to leave the service if they do not wish to continue in policing, rather than face severe financial disadvantage upon leaving in their last ten years, when, under the 1987 scheme, their pension would have been accruing at double the rate of the first 20 years<sup>306</sup>. The minimum pension age under the 2006 scheme is 55<sup>307</sup>. The 1987 scheme has no minimum pension age<sup>308</sup>. The 2006 scheme provides benefits for unmarried partners<sup>309</sup>. The 2006 scheme also contains a different method of calculating medical retirement pensions; it bases them on the officer's severity of disablement rather than only on his length of service.
- 5.3.29 The 2006 scheme is a fifth less expensive than the 1987 scheme over the long term, saving an estimated 8.3% in payroll costs<sup>310</sup>. The costs to police authorities are expected to reduce significantly once the 2006 scheme has been in place for 25 years. The lower costs of the 2006 scheme have led to a reduction in employer contributions from 24.6% to 24.2% of pensionable pay from 1 April 2008. In 2011, the Pensions Policy Institute estimated that, for individual officers, the 2006 pension reduced the average effective employee benefit rate from 35% to 29% of salary<sup>311</sup>. The employee contribution rate was accordingly reduced from 11% of pensionable pay for officers in the 1987 scheme to 9.5% for those in the 2006 scheme.
- 5.3.30 The main features of the 1987 and 2006 schemes are summarised in Table 5.6. The enabling legislation for both schemes is section 1 of the Police Pensions Act 1976. Both schemes are governed by regulations: the Police Pensions Regulations 1987 and the Police Pensions Regulations 2006 respectively. Both schemes are funded on a 'pay-as-you-go' basis through a pensions account held by each local authority into which officer and police authority contributions are paid.

304 *Police Pension Scheme*, D. Thurley, House of Commons Library, London, 2011, page 12

305 *Government Proposals for a New Police Pension Scheme for Future Entrants*, Home Office, London, December 2003, page 10

306 *ibid.* page 10

307 An officer requires 30 years' service to receive a full pension under the 1987 scheme. The earliest age at which an officer can join the police service is 18

308 If an officer has 30 years' service before the age of 50, the point at which he reaches 30 years' service is his earliest pension age. For many officers, this will be 48 and a half years old, as 18 and a half was for many years the earliest age at which it was possible to join the police service. An officer who has pensionable service from another period of employment which is either more valuable than police service, such as service as a coal miner, or from a role where the officer could begin his career before the age of 18 and a half, such as the armed forces, local government or the civil service, may have a pension age as early as 45 or 46 if this element of pension has been transferred into the police pension scheme

309 *Government Proposals for a New Police Pension Scheme for Future Entrants*, Home Office, London, December 2003, page 4

310 *Explanatory Memorandum to the Police Pensions (Amendment) Regulations 2008*, Statutory Instrument 2008/1887, paragraph 7.8, cited in *Police Pension Scheme*, D. Thurley, House of Commons Library, London, 2011, page 13

311 *An Assessment of the Government's Reforms to Public Sector Pensions*, Pensions Policy Institute, October 2008, page 15 cited in *ibid.* page 13

5.3.31 The principal features of the 1987 and 2006 schemes are summarised in Table 5.7.

<b>Table 5.7: Summary of benefits of current police pension schemes</b>		
	<b>Police Pension Scheme 1987</b>	<b>Police Pension Scheme 2006</b>
<b>Membership</b>	Police officers joining the service on or before 5 April 2006	Police officers joining the service on or after 6 April 2006
<b>Police officer contribution</b>	11% of pensionable pay	9.5% of pensionable pay
<b>Police authority contribution</b>	24.2% of pensionable pay	24.2% of pensionable pay
<b>Maximum pension</b>	Two-thirds of final salary after 30 years' service	One-half of final salary plus a fixed lump sum (see below) after 35 years' service
<b>Lump sum</b>	Option to exchange part of the pension for a lump sum	Automatic lump sum of four times pension, with an option to commute part of all of this for extra pension
<b>Accrual of pension</b>	Dual accrual; one 60th of final salary for each of the first 20 years of service; two 60ths of final salary for the last ten years of service	Uniform accrual; one 70th of final salary for each year of service for the pension  Four 70ths of final salary for each year of service to provide the lump sum
<b>Normal minimum pension age</b>	None	55
<b>Earliest at which a full pension can be taken</b>	After 30 years' eligible service	55
<b>Survivor benefits</b>	Spouse or civil partner and legitimate or adopted children only	Spouses, civil partners and appropriately nominated unmarried partners and any child dependent on the officer at death
<b>Medical retirement benefits – at the discretion of the police authority if an officer is permanently disabled for police duty</b>	Enhanced pensions are paid immediately to officers with more than five years' service	Pension and lump sum is payable immediately to all officers; enhanced pensions are only available to officers incapable of any regular employment

5.3.32 Since the introduction of the 2006 scheme, the context of public sector pensions has changed. Many of the issues, such as increased life expectancy and the consequent increasing cost of providing defined benefit schemes, are the same as those which drove the last round of pension reform which led to the 2006 scheme. However, the present harsh national economic conditions, including the unprecedented public sector deficit has brought the divergence in private and public pension provision into sharp relief. Default retirement ages have been abolished since 6 April 2011, and individuals will now generally be able to choose when they retire. Whilst employers may still decide when an individual should retire, they will now be required to be able to justify that decision objectively.

- 5.3.33 In the June 2010 Budget, the Government announced that the consumer price index will be used to index social security benefits and public pensions from April 2011, rather than the usually more generous retail price index.
- 5.3.34 In October 2010<sup>312</sup> and March 2011, Lord Hutton of Furness published his interim and final reports on public sector pensions<sup>313</sup>. In his interim report, he concludes that the *status quo* in public sector pensions is not financially sustainable, and that a fairer balance needs to be struck between current taxpayers and the public sector<sup>314</sup>. The report contains the principles which he recommends should govern future pension reform: affordability and sustainability; adequacy and fairness; supporting productivity; and transparency and simplicity<sup>315</sup>. In his final report, he recommends a set of reforms for giving these principles practical effect, making public sector pensions simpler and more transparent, fairer to those on low and moderate incomes, and better able to deal with economic and demographic change<sup>316</sup>. He recommends that the Government should replace current final salary pension schemes with career-average schemes, preserving existing accrued rights but moving all existing members into new schemes for the future<sup>317</sup>. Lord Hutton recommends that the normal pension age of public sector schemes should be linked to the state pension age<sup>318</sup> to take account of rising life expectancy. The only exception to this is in the case of the uniformed services (including the police), where he recommends a pension age of 60 to reflect “the unique nature of their work”<sup>319</sup>. Lord Hutton also recommends changing the balance of risk, with staff having either to increase their pension contributions or take lower pensions, if the costs of pensions rise above a specified ceiling.
- 5.3.35 In the Budget on 23 March 2011, the Chancellor of the Exchequer accepted Lord Hutton’s recommendations in full as a basis for consultation, whilst recognising that the uniformed services will require “particularly careful consideration”<sup>320</sup>. These consultations are continuing, but the Government has announced its intention to reform public sector pensions (including police pensions) along the lines recommended by Lord Hutton, subject to its consideration of representations made in consultation.
- 5.3.36 In her speech to the Police Federation conference on 18 May 2011, the Home Secretary announced that my review should make recommendations concerning police pensions, so as to ensure that pensions are considered in conjunction with other possible changes to pay and conditions<sup>321</sup>. If this review’s recommendations are accepted in principle, the Home Secretary has announced her intention to develop them, subject to appropriate consultation. I have been asked to make recommendations on two aspects of police pensions which will be relevant to the creation of a new police pension scheme following Lord Hutton’s precepts. Those recommendations are to be made having particular regard to the onerous nature of police work. First, I have been asked to consider whether a normal pension age of 60, as recommended by Lord Hutton, is appropriate for police officers. Secondly, I have been asked to recommend principles on which the detail of the medical retirement element of any new police pension scheme should be based.

312 *Independent Public Pensions Commission: Interim Report*, Lord Hutton of Furness, London, 7 October 2010

313 *Independent Public Pensions Commission: Final Report*, Lord Hutton of Furness, London, 10 March 2011

314 *Independent Public Pensions Commission: Interim Report*, Lord Hutton of Furness, London, 7 October 2010, page 3

315 *ibid.* pages 13-14

316 *ibid.* page 5

317 *Independent Public Pensions Commission: Final Report*, Lord Hutton of Furness, London, 10 March 2011, page 4

318 The state pension age is currently set at 65 for men. Under the Pensions Act 1995, the state pension age for women has risen, with effect in April 2010, from 60 to 65 for all women born on or after 6 April 1950. Under the Pensions Act 2007, the state pension age for both men and women will rise from 65 to 68 in three stages starting in 2024. This may be revised however. The Government has already announced plans to accelerate the rise in the state pension age for both men and women to 66 by 6 April 2020

319 *Independent Public Pensions Commission: Final Report*, Lord Hutton of Furness, London, 10 March 2011, page 4

320 *Budget 2011 press notice*, HM Treasury, London, page 2

321 *Speech to the Police Federation*, Home Secretary, Bournemouth, 18 May 2011

*Normal retirement age for police officers*

- 5.3.37 The definition of normal retirement age given by Lord Hutton in his review is “the age at which retirement benefits (before rounding) are equal to the ‘primary insurance amount’”<sup>322</sup>. The ‘primary insurance amount’ is the pension and other benefits that a person receives, before it is rounded down to the nearest whole pound, if he decides to take his retirement benefits at the normal retirement age. In other words, it is the age which a pension scheme specifies members must reach before retiring in order to receive the full benefits to which they are entitled. By retiring at the normal retirement age, an individual’s pension and lump sum is neither reduced to take account of early retirement, nor increased to take account of delayed retirement.
- 5.3.38 As already explained, the treatment of age in police pension schemes has varied significantly since 1829. Section 23 of the Metropolitan Police Act 1839 provided that a constable had to be at least 60 to receive a pension, unless he was ‘incapable, from infirmity of mind or body, to discharge the duties of his office’<sup>323</sup>. For much of the 19<sup>th</sup> century, borough and county forces had pensions modelled on those of the Metropolitan Police.
- 5.3.39 Under the Police Act 1890, which made it a right for all police officers to receive a pension, police authorities had the power to fix an age limit before which an officer could not retire without a medical certificate<sup>324</sup>. This could not be less than 50. Police authorities also had the power to set the ages at which officers were obliged to retire. These could not be more than 55 for constables and sergeants, nor more than 60 for higher ranks. However, most police authorities chose not to impose a qualifying age, and the expectation was that officers could retire after 25 years’ service with a pension of three-fifths of salary irrespective of age<sup>325</sup>. A return to Parliament a year after the 1890 Act came into operation shows that whilst most police authorities followed the maximum retirement ages, few imposed a minimum (52 or 55).
- 5.3.40 Under the scheme recommended by Desborough and created under the Police Pensions Act 1921, officers were entitled to retire without a medical certificate after 25 years’ service, with the pension being one-half of the officer’s annual pensionable pay<sup>326</sup>. Those with 30 years’ service could receive the maximum pension of two-thirds pensionable pay. Desborough also recommended compulsory retirement ages for constables and sergeants (55), for inspectors and superintendents (60) and for chief constables and assistant chief constables (65), with an additional five years at the discretion of the Chief Constable<sup>327</sup>.
- 5.3.41 In 1949, the Oaksey report noted that “ordinary pensions”, that is pensions not related to ill-health or injury, were paid to officers retiring after at least 25 years’ service<sup>328</sup>, with a full pension being paid on attaining 30 years’ service. The committee noted the strikingly early retirement date of many officers, with 90% taking place between 47 and 53<sup>329</sup>.
- 5.3.42 In 1960, the Royal Commission recommended that new recruits should not be able to receive a pension until the age of 50<sup>330</sup>. It decided that officers were fit to serve until the age of 50, and saw no justification, given improvements in health and life expectancy, for officers to be able to receive a pension of half their pay after 25 years’ service when they were likely to still be in their forties<sup>331</sup>.
- 5.3.43 The Royal Commission’s recommendation for a minimum pension age was not implemented. The 1987 scheme does not have a normal pension age. A normal pension age was introduced in the 2006 scheme – 55.

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322 *Independent Public Pensions Commission: Interim Report*, Lord Hutton of Furness, London 7 October, page 164

323 Section 23 of the Metropolitan Police Act 1839

324 Critchley, page 171

325 *ibid.* page 171

326 Desborough report, paragraph 77

327 *ibid.* paragraph 151

328 Oaksey report, page 38

329 *ibid.* page 38

330 Royal Commission report, page 35

331 *ibid.* page 34

- 5.3.44 As explained, in March 2011 Lord Hutton recommended that the normal pension age for the uniformed services, including the police, should be 60 rather than linked to the state pension age, as recommended for other public sector schemes. He noted that pension ages in the uniformed services generally continue to reflect the assumption that pensions should be paid from the age of 55 or lower, an assumption which no longer matches the circumstances of today, in particular the significant increases in life expectancy since the pension ages were set in the 19<sup>th</sup> and early 20<sup>th</sup> centuries<sup>332</sup>. He accepts, however, that it continues to be necessary to reflect the nature of the work when establishing in the normal pension age.
- 5.3.45 In October 2004, the Government consulted on proposals for a new firefighters' scheme, including the introduction of a normal pension age of either 60 or 65. This was on the basis that a greater emphasis on fire safety would create a wider range of job opportunities where experience of having been a firefighter would be beneficial<sup>333</sup>. The present firefighters' pension scheme was introduced in April 2006, and balances life expectancy with the nature of the role. The scheme no longer has a compulsory retirement age to end a firefighter's career<sup>334</sup>. Instead, the fire service assesses the capability of an individual to undertake a role<sup>335</sup> and the new normal pension age became 60 years. Lord Hutton recommends that the firefighter's normal pension age should be the benchmark for all the uniformed services, although it should be kept under review<sup>336</sup>.

### Analysis

- 5.3.46 Table 5.8 sets out the mean and median retirement ages of police officers as of 31 March 2008, the most recent data available.

**Table 5.8: Mean and median retirement ages for police officers 31 March 2005 – 31 March 2008**

	Mean	Median
Age of retirement	Just over 51 years	Just under 50 and a half
Age of Ill-health retirement	Just over 45 years	Just over 46 years
Age of all retirements	Just over 50 and a half	Just over 50

Source: Government Actuary's Department, based on 2008 triennial police pension scheme valuation data<sup>337</sup>

- 5.3.47 Table 5.8 shows that the mean retirement age is just over 51, just over six months more than the median which is just under 50 and a half. This median age of just under 50 and a half shows that half of officers retire below this age. This is almost a decade younger than the normal pension age of 60 recommended by Lord Hutton. The mean retirement age is around six years later than that for retirement age on the grounds of ill-health, which is just over 45. The median retirement age is four and a half years older than that for ill-health retirement. When taken together, the mean age of all retirements is just over 50 and a half, and the median age is just over 50.

<sup>332</sup> *Independent Public Pensions Commission: Final Report*, Lord Hutton of Furness,, London 10 March 2011, page 14

<sup>333</sup> *Government Proposals for a new Firefighters Pension Scheme*, Office of the Deputy Prime Minister, London, September 2005, page 7

<sup>334</sup> Fifty-five for those at the rank of station officer or below or 60 for those at the rank of assistant divisional officer or above see *Rule A13: Normal Pension Age*, Office of the Deputy Prime Minister, London, 2005

<sup>335</sup> *Government Proposals for a New Firefighters Pension Scheme*, Office of the Deputy Prime Minister, London, September 2005, page 7

<sup>336</sup> *Independent Public Pensions Commission: Final Report*, Lord Hutton of Furness, London, 10 March 2011, page 14

<sup>337</sup> In 2008, Home Office Circular 021/2008 announced that triennial valuations of the police pension schemes would be carried out, with the first being done as of 31 March 2008 as part of new financing arrangements. The figures in Table 5.8 have been rounded to reflect their level of accuracy

- 5.3.48 Table 5.9 shows the average retirement age in the largest police force in England and Wales, the Metropolitan Police, accounting for more than one-fifth of all police officers.

<b>Table 5.9: Average age of retirement of police officers in the Metropolitan Police</b>		
<b>Financial year</b>	<b>Female</b>	<b>Male</b>
2005/06	51.66	51.22
2006/07	51.14	51.12
2007/08	50.55	50.89
2008/09	50.73	51.13
2009/10	50.62	51.45
2010/11	50.94	51.52
Average	50.91	51.19

*Source: Metropolitan Police – Freedom of Information request, November 2010<sup>338</sup>*

- 5.3.49 Table 5.9 shows that the average age of retirement in that force is around the age of 51. This corresponds with the mean retirement age for the pension scheme as a whole (shown in Table 5.8). There has been little variation over the past six years in the average ages of retirement of males and females, and there is little difference between the average age for males and females.
- 5.3.50 In his analysis for the review, Professor Disney notes that police officers being able to receive full pension benefits at an earlier age than other public sector workers is sometimes rationalised by suggesting that former officers have a lower life expectancy. Data published by the Government Actuary's Department using the two police pension schemes show that mortality rates of retired police officers in normal health are broadly comparable with those of people in the main civil service pension scheme. Comparisons with the main teachers' pension scheme show that male police officers have one year lower life expectancy, and females two years. Compared with the main National Health Service pension scheme, life expectancy of those who retire in good health is one year lower for former police officers, both male and female. Professor Disney concludes that police officers do not have a lower life expectancy in retirement than people in many other occupations, and that a difference in normal pension ages between police officers and other public sector groups would need to be justified for reasons other than life expectancy.
- 5.3.51 In 2007/08, the average age of successful candidates at the SEARCH assessment centre was 26.4<sup>339</sup>. In 2008/09, the average age of successful candidates was 26.7<sup>340</sup> and in 2009/10, the average age was 26.89<sup>341</sup>. Whilst candidates who pass the SEARCH assessment centre are not guaranteed a job as a police officer, these average ages indicate that many of those now joining the police service would not expect to receive their full pensions before the age of 62, since the 2006 scheme requires an officer to have 35 years' service to be eligible for a full pension.

338 *Freedom of Information Act request to the Metropolitan Police on police officer retirement*, November 2010

339 *Police SEARCH Recruit Assessment Centre: Annual Results Report 2007-2008*, National Policing Improvement Agency, London, 2009, page 35

340 *Police SEARCH Recruit Assessment Centre: Annual Results Report 2008-2009*, National Policing Improvement Agency, London, 2010, page 29

341 *Police SEARCH Recruit Assessment Centre: Interim Annual Results Report 2009-2010*, National Policing Improvement Agency, London, 2011, page 13

## Consultation

### *Response by the Association of Chief Police Officers*

- 5.3.52 In its response to Part 1, ACPO states that police pension arrangements should remain in line with the rest of the public sector, but should reflect any changes in police pay and conditions, which could mean that pay varies according to factors such as an officer's skills, deployment and level of achievement<sup>342</sup>.

### *Responses by police forces and authorities*

- 5.3.53 Derbyshire Constabulary believes that the current pension age for officers was set because the average life expectancy of police officers was ten years below the national average<sup>343</sup>. If this remains the case, the force believes the pension age should reflect this.
- 5.3.54 The British Transport Police favours the continuation of a normal retirement age of 60. It believes that the broad analogy of the police with the armed forces and fire service is valid<sup>344</sup>.

### *Response by the Police Federation of England and Wales*

- 5.3.55 The Police Federation did not respond on the issue of the normal police pension age, stating that it would do so through the Police Negotiating Board<sup>345</sup>.

### *Response by the Police Superintendents' Association of England and Wales*

- 5.3.56 The Police Superintendents' Association states that the current system under which officers are eligible for their full pensions after 30 or 35 years of police service has served the service well, although it acknowledges the general improvements in the health of the population and life expectancy<sup>346</sup>. The Association believes that a new normal retirement age of 60, as recommended by Lord Hutton, is feasible for some but not all police officers<sup>347</sup>. With some caveats, the Association believes it may be appropriate to increase the normal retirement age for officers to reflect changing demographics. However, it argues that for physically demanding roles, such as constables and sergeants in response teams, firearms units and public order jobs, a normal pension age of 60 would be too high<sup>348</sup>. For officers in these roles, it suggests 55. It argues that any change should be phased in to minimise the effect on affected officers. It suggests guidance is provided as to which roles are suitable for officers as they get older<sup>349</sup>.

### *Response by the National Association of Retired Police Officers*

- 5.3.57 The National Association of Retired Police Officers states that the Hutton inquiry has already made a concession for uniformed services, namely a retirement age of 60<sup>350</sup>. It expresses the hope that the review will regard this as reasonable.

### *Additional consultation responses*

- 5.3.58 Detective Inspector Kevin Jeffery states that conditions agreed when officers joined the service should be honoured<sup>351</sup>. He believes that the normal pension age should remain at 55 for new entrants. Mr Andrew Gorzynski, a retired inspector, states that raising the retirement age will lead to an increase in the number of constables unable fully to perform the role of constable because of their ages. This will occur at the same time as the police officer workforce is set to reduce in size, so forces will find it harder to retain these officers without affecting

342 ACPO Part 1 submission, page 34

343 *Submission from Derbyshire Constabulary*, September 2011, page 34

344 *Submission from British Transport Police*, September 2011, pages 6 to 7

345 Police Federation submission, page 77

346 Police Superintendents' Association submission, page 56

347 *ibid.* page 57

348 *ibid.* page 57

349 *ibid.* page 60

350 *Submission from National Association of Retired Police Officers*, September 2011, page 5

351 *Submission from Detective Inspector Kevin Jeffery*, September 2011, page 2

their operational resilience<sup>352</sup>. He suggests that raising the retirement age requires a suitable alternative career path for these officers, such as becoming a member of police staff.

### *Seminars*

- 5.3.59 At the review's seminar in July 2011, Ms Sarah Hughes (National Policing Improvement Agency) stated that the NPIA has not found any evidence that people become less interested in their careers as they spend longer in the police<sup>353</sup>. Sergeant Andy Garrett (Metropolitan Police Disability Staff Association) said that, as people get older, they become more resistant to change and tend to specialise more<sup>354</sup>. Most training and development is given in the early years of service. He argued that there should be more investment in the training and development of older officers so as to maintain their motivation.
- 5.3.60 Assistant Chief Constable Colin Mathews (People Development, Merseyside Police) stated that those on the '30 Plus' and '30 Plus Plus' schemes (which were designed to retain in service officers with more than 30 years' service with the agreement of a senior officer) are performing to a very high standard. He said such officers make a strong contribution to their forces and have exemplary sickness records, although he admitted that these officers had undergone a selection process to join the schemes<sup>355</sup>. Ms Ashley Judd (Head of Human Resources, Lancashire Police) stated that many of the comments on the review's website about a rise in the pension age focused on the capability of officers to do the job at that age, rather than performance or motivation<sup>356</sup>.

### *Website*

- 5.3.61 The website consultation for Part 2 invited representations on this subject, in the following terms: "Lord Hutton recommended that the normal pension age of most public sector workers should rise progressively to 68, but it should be set at 60 for police officers and other uniformed services. What are the implications of this on the police service and on individuals?"
- 5.3.62 One respondent to the website consultation wrote:
- "I now have over 30 years pensionable service, I'm aged 52. As I see it I now struggle to do some of the physical things I used to do when I was in my 30's, to ask me to work operationally until aged 60 fills me with dread. But I can see why you would want this – as officers age they naturally would change direction within their service and leave the more physical roles to younger officers, therefore reducing their earning power".*
- 5.3.63 Another respondent wrote:
- "Should the age be raised to 60 years this would mean a lot of officers not being physically capable of operating on front line duties. This is not a reflection of their overall fitness but more a reflection of the fact 59 year olds cannot outrun 18 year old criminals. Officers would be increasingly used in administrative roles within offices replacing civilian support staff in their roles but being paid twice as much".*
- 5.3.64 Another website respondent said:
- "Quite simply how are you meant to keep the population safe when you have large percentages of the service in their 50s. There are people in the service who can barely keep up with the physical demands and they are still in their probation".*

352 *Submission from Mr Andrew Gorzynski*, September 2011, page 7

353 *Career Model seminar (2011)*, page 17

354 *ibid.* page 18

355 *ibid.* pages 18-19

356 *ibid.* page 23

## Conclusions

- 5.3.65 Lord Hutton recommended that the normal pension age for police officers should be increased to 60. Even now, a new recruit of average age would expect to work beyond 60 in order to receive a full, unadjusted pension. Data from the Government Actuaries Department show that police officers already reach the same age as people in less physically demanding public sector occupations, such as teachers and civil servants; such people are expected to work significantly longer and later to receive their full pensions. The evidence therefore indicates that a police pension age of 60 is not unreasonable, when the circumstances of officers are assessed against other public sector workers.
- 5.3.66 If Lord Hutton's recommendation is followed, police officers, together with other members of the uniformed services, could still expect to retire earlier than other public sector workers. Police officers would retire at 60, but as early as 2020 other public sector workers would not be expected to retire until the age of 66. This difference in the normal pension age between uniformed and other public sector workers would continue to rise, because Lord Hutton, in his review of public sector pensions, recommended that the normal retirement age for other public sector workers should rise in line with the state pension age. As a result of this recommendation, over the next two decades, the gap between the normal pension age of police officers (if it is set at 60) and the normal pension age of other public sector workers is likely to increase to around a decade, as other public sector workers retire around the age of 70. This is similar to the difference in pension age which exists today, between police officers who retire at an average age of 50 or 51, and public sector workers whose existing pension schemes currently have a normal pension age of 60. The majority of submissions to the review said that such a difference, and the age of 60, is appropriate and reasonable.
- 5.3.67 The police service has officers of a wide range of ages, with different experiences of life and approaches. As shown by the popularity of the now closed schemes such as "30 Plus" and "30 Plus Plus", which enabled officers to stay on in-service after attaining pensionable service, forces acknowledge and wish to take advantage of the value of retaining officers with the longest experience. Such schemes have already led to officers, including in the junior ranks, working into their 50s. Some police jobs may become harder for officers to do as they become older. I do not believe this is a problem because policing is a broad occupation and there are roles beyond response which might be better suited to older officers. That said, in order to maintain the operational resilience of forces, as pointed out by Mr Gorzynski, older police officers should be required to pass the fitness test I have recommended. Older officers of average fitness should be able to pass the interim fitness test and maintain their deployability. As explained in relation to my recommendation for the introduction of a physical competence assessment from 2018, more research is needed to determine its likely effect on older officers. My recommendations on the management of restricted duty (also discussed earlier in this Chapter) should ensure that all officers who are no longer able to carry out the duties of a police officer for reasons of ill-health will be treated fairly.
- 5.3.68 Lord Hutton's corresponding recommendation to transfer public sector pension schemes from being based on final salary to a career average would also benefit officers who wish to work in less demanding roles in their final years. Chapter 7 explains my recommended approach to expertise and skills thresholds within basic pay. If an officer wishes to spend his final years in service in a less demanding role which requires fewer skills, he could do so without causing a significantly detrimental effect on his pension because his lower pay in his final few years' service would be averaged over his career. By contrast, the existing final salary pension schemes would act as a disincentive for any officer considering taking a less demanding role in his final few years, as it is his pay in these years which determine the amount of his annual pension.
- 5.3.69 I have concluded that Lord Hutton's recommendation of a normal police officer pension age of 60 is correct, with one important caveat. The reforms to public sector pensions which Lord Hutton has recommended have not yet been decided upon, and the Treasury is in negotiation with the public sector unions. Any alteration in the normal pension age for other uniformed

services which is made after these negotiations should have effect in relation to police officers as well.

**Recommendation 43 – The normal pension age for police officers should be set at 60 in line with the implemented recommendations made by Lord Hutton of Furness.**

## 5.4 Ill-health retirement

### Background

- 5.4.1 The ability of a police force to retire an officer on the grounds of ill-health has been a feature of police pension schemes since their introduction. In part, this is because of the recognition that being a police officer has always carried the risk of assault and injury. These risks change over time. In 1978, Edmund-Davies noted that the burdens and risks of the job had significantly increased since the Royal Commission’s report in 1960, with much greater use of firearms<sup>357</sup>.
- 5.4.2 The pension which could be granted to police officers under the Metropolitan Police Act 1829 included benefits for officers “worn out by length of service”<sup>358</sup>. Section 23 of the Metropolitan Police Act 1839 provided that a constable had to be at least 60 to receive a pension, unless the police officer was “incapable, from infirmity of mind or body, to discharge the duties of his office”<sup>359</sup>. Those disabled in the execution of their duty of office could be granted an allowance of up to full pay.
- 5.4.3 Being a police officer was hard physical labour. In 1856, the surgeon of the City of London Police stated that the nature of the job was wearing out police officers, who were suffering premature ageing, defective physical strength and other infirmities<sup>360</sup>. In the 1880s, Commissioner Sir Charles Warren noted that his officers walked up to 20 miles a day in all weathers and in ill-fitting boots, the clumsiness of which gave them a reputation for huge, flat feet<sup>361</sup>. Constables frequently had ‘worn out’ marked against their records, explaining the reason for their retirement and pension.
- 5.4.4 The Police Act 1890 gave police officers the right to a pension for the first time, including on medical grounds after 15 years’ service<sup>362</sup>. A constable in England who was “incapacitated for the performance of his duty by infirmity of mind or body” was entitled to retire with a pension after 15 years’ service. The amount of the pension was fixed by the police authority within a scale. The minimum scale set a medical pension after 15 years’ service of 15/60<sup>ths</sup> of pensionable pay, with double accrual after 20 years’ service. The maximum scale set a pension at 15 years’ service of 15/50<sup>ths</sup> of pensionable pay, and the rate of accrual increased with longer service. After 25 years’ service, the scales were the same as regular retirement. Those with fewer than 15 years’ service could receive a gratuity instead<sup>363</sup>.
- 5.4.5 Special pensions were also available for those injured in the course of duty. An officer who:
- “at any time is incapacitated for the performance of his duty by infirmity of mind or body occasioned by an injury received in the execution of his duty without his own default shall be entitled on a medical certificate to retire and receive a pension for life”*<sup>364</sup>.
- 5.4.6 The amount an officer received was at the discretion of the police authority, within maximum and minimum limits. The limits were set according to the nature and scale of the officer’s

357 Edmund-Davies report (2), page 8

358 *Police Pension Scheme*, D. Thurley, House of Commons Library, 2011, page 4

359 Section 23 of the Metropolitan Police Act 1839

360 *The London Police in the Nineteenth Century*, J. Wilkes, Cambridge, 1977, page 18

361 *History of the Metropolitan Police: Beat Patrol*, October 2011, www.met.police.uk

362 Critchley, page 170

363 Desborough report, paragraph 153

364 Part 2 of Schedule 1 of the Police Act 1890

injuries<sup>365</sup>. Four scales were set out, each with their own maximum and minimum limits, all rising with length of service.

- 5.4.7 As part of its standardisation of police pensions, the Desborough Committee in 1919 made recommendations on pensions related to ill-health. Those retiring with a medical certificate would be entitled to a pension after ten years' service<sup>366</sup>. This would be calculated at 1/60<sup>th</sup> of pay for every year of completed service. Those with between 20 and 25 years' service would receive 2/60<sup>ths</sup> until 30/60<sup>ths</sup> or one-half of the pay on retirement was reached. After 25 years' service, the same scales of pension would apply whether an officer was retiring with or without a medical certificate. Desborough recommended that those with fewer than ten years' service should receive a gratuity of one months' pay for each completed year of service.
- 5.4.8 Desborough also considered the special pensions available for those injured in the course of duty. It found them unnecessarily complicated and unsatisfactory<sup>367</sup>. It was critical of an officer's length of service being of such importance in determining the size of an award, and of the focus on how an injury was caused (accidentally or non-accidentally) over the nature of the injury (whether it caused partial or total disability), so that an officer with a non-accidental partial disability received more than an officer totally disabled following an accident. Desborough recommended a different scheme. First, officers should be treated differently depending on whether they were partially or totally disabled. Those totally disabled would receive a pension based on their length of service and whether the injury was accidental, non-accidental or of indeterminate cause. Those with a partial disability would receive a pension based on the estimated degree of disability, the amount that would have been received if the injury was permanent, length of service and whether the injury was accidental or non-accidental. The committee recommended that "non-accidental" should mean injuries intentionally inflicted on an officer in the course of his duties and "accidental" would be an event or circumstance unconnected with his duties, such as being hit by a falling roof-slate<sup>368</sup>. This followed existing Home Office guidance.
- 5.4.9 Desborough also recommended that injuries received "in the execution of his duty" should be extended to include travelling to or from duty, or when off-duty if the injury stemmed from his duty as a constable<sup>369</sup>. These changes were introduced in the Police Pensions Act 1921.
- 5.4.10 The principles of retirement on medical grounds as set out in Desborough – where length of service was the determinant of the size of an officer's pensions – can still be seen in the 1987 scheme.
- 5.4.11 Special pensions, designed to give those officers injured in the line of duty an additional sum of money, have evolved into supplemental pensions and then injury awards, which are described later in this Chapter.
- 5.4.12 In the late 1990s, one of the concerns raised with the 1987 scheme was the relatively high number of medical retirements in police forces<sup>370</sup>. By the mid 1990s, they accounted for almost 45% of all police retirements in England and Wales. Within that figure there was a significant range, with some forces retiring only 17% of officers on medical grounds, compared with other forces retiring up to 70% of their officers on ill-health grounds<sup>371</sup>.

### *Status quo*

- 5.4.13 Police authorities have the power to retire police officers on health grounds. This is the case for all officers, irrespective the pension scheme of which they are members. Ill-health retirement is intended as a last resort, when it is clear that an officer is no longer able to continue within the

365 Desborough report, paragraph 156

366 *ibid.* paragraph 156

367 *ibid.* paragraph 157

368 *ibid.* paragraph 158

369 *ibid.* paragraph 164

370 *Government Proposals for a New Police Pension Scheme for Future Entrants*, Home Office, London, December 2003, page 7

371 *Police Pensions Review: A Consultation Document*, Home Office, London, March 1998, Executive Summary, section 2

police force. Even then, the police authority can choose to retain an officer with a certificate of permanent disability, and this would normally be done when practicable. In such a case, the officer would almost certainly be placed on restricted duty. The individual officer's view is considered when the police authority makes a decision on whether to retire him, but it remains the authority's decision.

- 5.4.14 An officer can only be medically retired if he has been assessed as permanently disabled for the ordinary duties of a member of the police force<sup>372</sup>. In the regulations, disablement is defined as an:

*“inability, occasioned by infirmity of mind or body, to perform the ordinary duties of a member of the [police] force”<sup>373</sup>.*

- 5.4.15 The “ordinary duties of a member of [a police] force” covers all the ordinary duties of the office of constable. In 2000, the Court of Appeal held that:

*“the hypothetical member of the force whose ordinary duties the Regulation must have in mind is the holder of the office of constable who may properly be required to discharge any of the essential functions of that office, including therefore operational duty”<sup>374</sup>.*

- 5.4.16 The guidance for selected medical practitioners explains that the underlying concern is that without a relatively robust test of fitness, police authorities cannot maintain the operational resilience and effectiveness of the police forces for which they are responsible if they have to retain too many police officers who are unfit for operational duties<sup>375</sup>. Police officers should:

*“at least run, walk reasonable distances, stand for reasonable periods, and exercise reasonable physical force in exercising powers of arrest, restraint and retention in custody”<sup>376</sup>.*

- 5.4.17 The guidance for selected medical practitioners sets out the following areas as the ordinary duties of a police officer. If an officer can only perform the following duties to a very limited degree or with great difficulty, then he is rendered disabled:

*“patrol and supervising public order; arrest and restraint; managing processes and resources and using IT; dealing with procedures, such as prosecution procedures, managing case papers and giving evidence in court; dealing with crime, such as scene of crime work, interviewing, searching and investigating offences; incident management, such as traffic and traffic accident management”<sup>377</sup>.*

- 5.4.18 The assessment of permanent disability is done by a selected medical practitioner, a doctor chosen by the police authority. In exceptional cases, the assessment may be carried out by a panel of practitioners. The selected medical practitioner is required to produce a report describing the cause of a permanent disablement on the basis of internationally authoritative medical guides, such as the International Classification of Diseases 10 and DSM Diagnostic and Statistical Manual IV<sup>378</sup>.

- 5.4.19 An officer can choose to refuse to attend a medical examination or to allow his medical records to be submitted for consideration when a police force has decided that he should be medically examined with a view to possible ill-health retirement. In these circumstances, the selected medical practitioner makes the best judgment possible based on the evidence available when producing his report.

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372 *The Police Pension Scheme 1987, the New Police Pension Scheme 2006: Guidance for Selected Medical Practitioners*, Home Office, London, December 2008, page 8

373 Regulation A12, paragraph 2 of the Police Pensions Regulations 1987 and Regulation 4, paragraph 3 of the Police Pensions Regulations 2006

374 *R v. Sussex Police Authority ex parte Stewart* [2000] EWCA Civ 101

375 *The Police Pension Scheme 1987, the New Police Pension Scheme 2006: Guidance for Selected Medical Practitioners*, Home Office, London, December 2008, page 8

376 *ibid.* page 8

377 *ibid.* page 9

378 *ibid.* page 8

- 5.4.20 To receive an ill-health pension on ill-health retirement, an officer must belong to the pension scheme and have two years' pensionable service, irrespective of whether he is in the 1987 scheme or the 2006 scheme. There is also scope in the 2006 scheme for police officer recruits with progressive medical conditions to be excluded from ill-health pension benefits because the risk of them being medically retired is assessed as disproportionately high and significantly higher than for other recruits<sup>379</sup>.
- 5.4.21 If the police authority decides to retire an officer, his ill-health pension is payable immediately and can be enhanced to compensate for loss of service. Apart from normal pension increases, the ill-health pension is not increased at retirement; what the officer receives on leaving is what he will receive for the rest of his life.
- 5.4.22 An officer assessed for ill-health retirement and who is found to have a permanent disablement for pension purposes but whom the force then decides not to retire cannot have his condition reassessed without his agreement. This means that whilst his condition may have significantly improved or been cured, he could remain on restricted duty. However, the police authority can review the case of a permanently disabled officer at any time and take the decision to retire him on medical grounds.
- 5.4.23 Like other elements of the scheme, the medical retirement provisions of the 1987 scheme are contained in the Police Pensions Regulations 1987. Under the 1987 scheme, police officers with more than two years' service (unless retiring due to an injury received on duty) but fewer than five years' service receive an unenhanced pension based on their service to date. Those with at least five years' service have their pensions enhanced. Officers with between five and ten years' service receive a pension calculated on an amount which is double their accrued service. Those with ten or more years' service receive either a pension which is one-third of final salary (20/60<sup>ths</sup>) or their full pensionable accrued service plus 7/60<sup>ths</sup>, whichever is the greater. Ill-health pensions under the 1987 scheme are based solely on the officer's length of service. When calculating the pension, neither the severity of disablement nor the officer's ability to undertake future work is taken into account. The manner in which the disablement was sustained, for instance whether it was in the line of duty, is not considered, although officers injured on duty may be entitled to an injury award (see below). Once ill-health retirement has been taken, the pension can only be withdrawn if the member has not reached what would have been his voluntary retirement age (55 in the cases of most officers) or the point where he would have had 25 years' service.
- 5.4.24 There are significant differences between the 1987 and 2006 schemes in relation to medical retirement. Under both schemes, ill-health pensions are based on an officer's length of service. Under the 2006 scheme, an officer disabled for police duty but still capable of regular employment receives an unenhanced pension based on his accrued service to date. An officer permanently disabled for regular employment receives an enhanced pension. Apart from a requirement that an officer must have served for at least two years, there are no length-of-service requirements.
- 5.4.25 Unlike in the 1987 scheme, the 2006 scheme makes provision for the review after retirement of medical pensions. If, in the opinion of a selected medical practitioner, the condition of a former officer drawing an ill-health pension improves or his disablement has ended, the pension may be reduced or withdrawn. Equally, for an officer with an unenhanced pension, if his condition worsens it is possible to increase his pension to an enhanced pension. However, there are limits to increasing a standard pension to an enhanced pension. This cannot be done after five years unless the disablement is attributed to a progressive medical condition specified in the regulations. A force can also review the pension disablement status of an officer whilst he is serving. If the cause of an officer's disablement stems from an injury on duty, he may be eligible for an additional injury award.

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379 Home Office Circular 63/2004

5.4.26 Illustrative case studies for the two pension schemes are set out in Table 5.10 below.

<b>Table 5.10: Medical retirement pensions: illustrative case studies</b>						
		<b>Police Pension Scheme 1987</b>			<b>New Police Pension Scheme 2006</b>	
<b>Description</b>	<b>Disability</b>	<b>Pension only</b>	<b>Benefits on commutation<sup>380</sup></b>		<b>Pension</b>	<b>Lump Sum<sup>381</sup></b>
			<b>Lump sum</b>	<b>Pension after commutation</b>		
A constable (who joined the service aged 20) with seven years' service, receiving pensionable pay of <b>£32,703 p.a.</b>	Unable to work again	<b>£7,631 p.a.</b>  This is an enhanced pension of 14 sixtieths of final salary	<b>£39,629</b>	<b>£5,944 p.a.</b>	<b>£9,110 p.a.</b>  This is an enhanced pension of 21 seventieths of final salary	<b>£36,440</b>  This is enhanced
A constable (who joined the service aged 20) with 12 years' service, receiving pensionable pay of <b>£36,519 p.a.</b>	Disabled for police work	<b>£12,173 p.a.</b>  This is an enhanced pension of 20 sixtieths of final salary	<b>£63,219</b>	<b>£9,483 p.a.</b>	<b>£6,857 p.a.</b>  This is an unenhanced pension of 12 seventieths of final salary	<b>£13,081</b>  This is unenhanced
A constable (who joined the service aged 20) with 26 and a half years' service, who is under 50, receiving pensionable pay of <b>£36,519 p.a.</b>	Permanently disabled for police work	<b>£24,346 p.a.</b>  This is a full pension of 40 sixtieths of final salary, the maximum possible pension available	<b>£126,438</b>	<b>£18,966 p.a.</b>	<b>£15,143 p.a.</b>  This is an unenhanced pension of 26.5 seventieths of final salary	<b>£60,571</b>  This is unenhanced

- 5.4.27 Table 5.10 shows that the constable with seven years' service who is unable to work in future is better off under the 2006 scheme than under the 1987 scheme. He would receive a pension of £9,110 *per annum* and a lump sum of £36,440 under the 2006 scheme, whereas under the 1987 scheme he would receive a pension of £7,631 *per annum*, 16% less. If he chose to take a lump sum, his pension would be lower because there is no automatic lump sum. He receives the lowest pension under the 1987 scheme because he has the shortest service.
- 5.4.28 The constable with 12 years' service would receive a pension which is almost twice as high under the 1987 scheme as it would be under the 2006 scheme. His pension would be £12,173 *per annum* instead of £6,857 *per annum*. Even if he chose to commute his pension to receive the highest possible lump sum, his pension would still be substantially larger under the 1987 scheme than under the 2006 scheme. In this case, his lump sum would be £63,219, compared with £13,081 on the 2006 scheme.
- 5.4.29 The officer with 26 and a half years' service would receive the highest pension under both schemes. This is because length of service is the main determinant factor of pension size. The police officer would be £9,203 *per annum* (or more than 60%) better off as a member of the 1987 scheme than as a member of the 2006 scheme. Should such an officer on the 1987 scheme commute his pension to receive the maximum lump sum, he would still receive a

380 These are the benefits the officer receives if he commutes some of his pension to receive the maximum permissible lump sum under HMRC rules

381 Members of the Police Pension Scheme 2006 automatically receive a lump sum

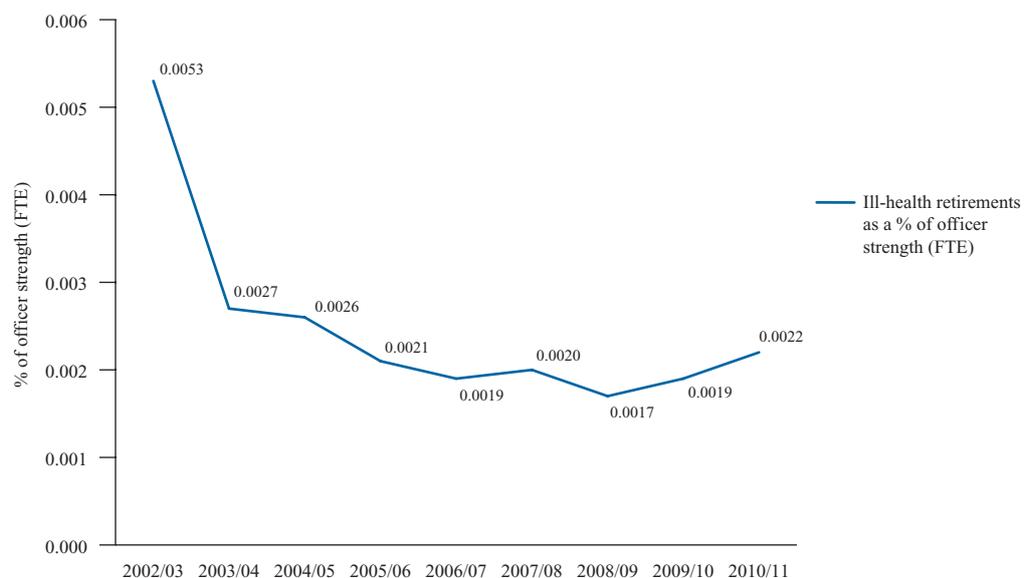
higher pension than on the 2006 scheme (£18,966 *per annum* compared with £15,143 *per annum*). As well as continuing to receive a higher pension, such an officer would receive a lump sum almost twice as high under the 1987 scheme than under the 2006 scheme (£126,438 compared with £60,571).

### *Injury awards*

- 5.4.30 An officer, whether or not he is part of the pension scheme, may also receive a tax-free injury award if a selected medical practitioner assesses him to be permanently disabled for police duty as a result of an injury received in the course of duty. The award increases depending on length of service and the severity of disablement, with minimum income guarantees expressed as a percentage of the officer's previous average pensionable pay. Injury awards are paid out of forces' budgets and are separate from pensions.
- 5.4.31 An officer who is injured in the course of duty, which includes his journey to and from work, may be entitled to receive an injury award in addition to his pension, which compensates him for loss of earnings during his working life. The amount of the award is calculated by reference to a combination of the officer's length of service and degree of disablement. The objective of the injury award regime is to ensure that officers who are injured in their working lives as police officers are not financially worse off as a result of their injuries.
- 5.4.32 Police authorities have a duty periodically to review the degree of disablement of the recipient of an injury award, to ensure he remains eligible for it. The review typically takes place every five years throughout the officer's working life; at police compulsory retirement age (that is 60 or 65); and at state pension age. Benefits obtained from the Government in respect of the injury received on duty are deducted.
- 5.4.33 Injury awards were recently the subject of agreement at the Police Negotiating Board. This followed a Home Office review and public consultation. In the light of these factors, injury awards are outside the review's terms of reference.

**Figure 5.3**

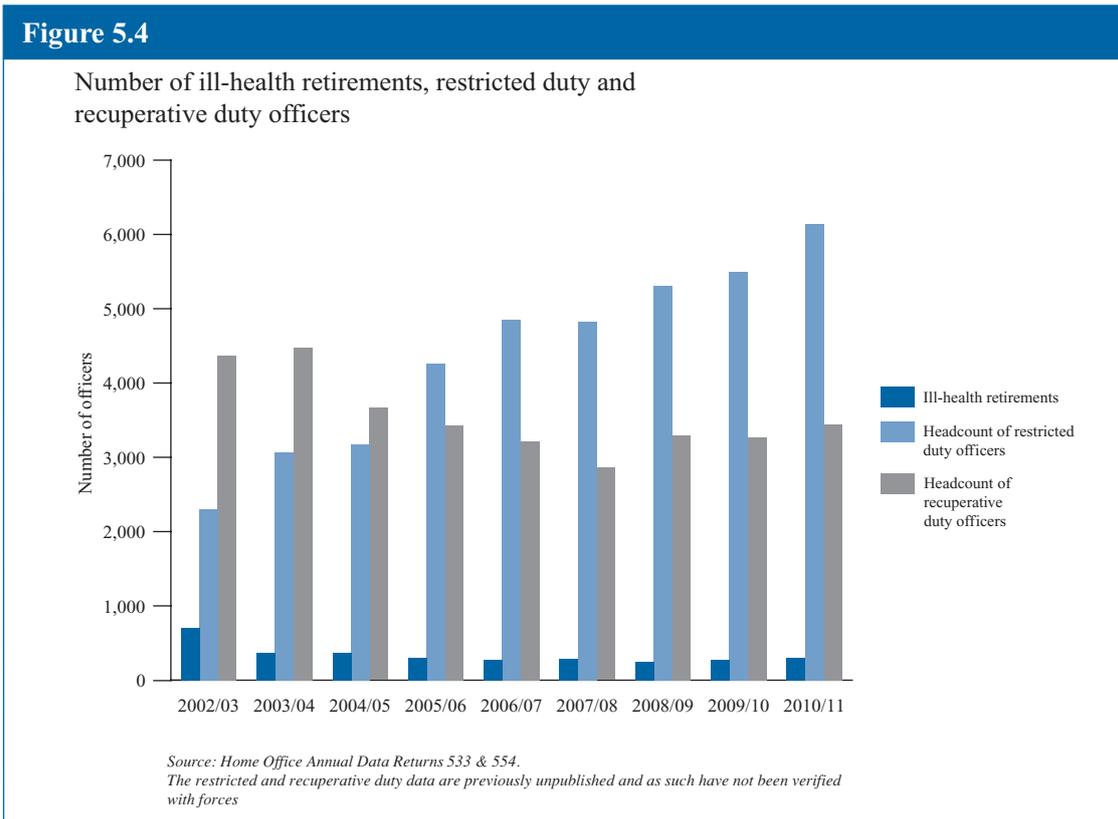
Ill-health retirements as a percentage of officer strength (FTE)



Source: Home Office Annual Data Returns 533 & 502

## Analysis

- 5.4.34 Figure 5.3 illustrates the number of ill-health retirements each year as a percentage of full time officer strength.
- 5.4.35 Figure 5.3 demonstrates the steep decline in the number of ill-health retirements over the four years from 2002/3 to 2005/6. The incidence of ill-health retirement reduced from 0.53% of officer strength in 2002/3 to 0.21% in 2005/6. Ill-health retirement has since remained relatively stable at or just below 0.20% of officer strength.
- 5.4.36 Figure 5.4 shows the number of ill-health retirements set against the number of officers on restricted and recuperative duty.



- 5.4.37 As described above, ill-health retirement declined steeply between 2002/03, when there were 708, and 2005/06, when there were 301, almost a 60% reduction. At the same time, the number of officers on restricted duty has risen steadily from 2,299 in 2002/03 to 6,137 in 2010/11, an increase of 167%. Recuperative duty declined between 2003/04, when there were 4,482 officers on recuperative duty, to 2007/08, when there were 2,859 officers on recuperative duty. It has since risen slightly to 3,447 in 2010/11.
- 5.4.38 This decline in ill-health retirement coincides in part with a change in Government policy in relation to the way police pensions are charged. On 1 April 2006, the police pension finance system changed. Previously, all medical pension costs had been paid from annual force budgets. Part of the police grant was set aside to cover this, but because pension costs were unpredictable, forces found it difficult to plan financially, and sometimes had to use budgets allocated to other purposes to make up a shortfall. To prevent this, forces would set money aside to cover pension-related costs which would often remain unspent at the end of the year. Since 1 April 2006, the Treasury funds pension costs which are not covered by the employee and employer contributions. As explained, the employer contribution to police pensions is now 24.2%. The employer contributions were actuarially assessed to be 25.5% of the officer's salary, but this was reduced on the understanding that forces would pay a single charge for each ill-health retirement of an amount equal to double the officer's salary. This was designed to be fairer, so that there was no risk that forces which managed ill-health retirement well might subsidise those using it extensively and perhaps inappropriately.

*Comparisons with other pension schemes – Local Government Pension Scheme*

- 5.4.39 The local government scheme is open to a range of local government officials, including police staff outside London. The terms and conditions are set out in the Local Government Pension Scheme Regulations 1998. The current Local Government Pension Scheme (LGPS) was introduced from 1 April 2008.
- 5.4.40 An individual may be required to retire on medical grounds if he or she is permanently disabled. The local government pension scheme has three tiers of ill-health retirement benefits. These were introduced more efficiently to direct benefits at those most in need. The benefits are highest for those who, irrespective of age, are medically assessed as less likely to work again before the scheme's normal retirement age of 65. There are three tiers<sup>382</sup>:
- **Tier One:** Those with no reasonable prospect of being capable of undertaking gainful employment before the age of 65 receive an ill-health pension based on what their membership would have been had they continued in employment until they were aged 65.
  - **Tier Two:** Those unlikely to be capable of gainful employment within three years of leaving their employment, but likely to be able to undertake gainful employment before the age of 65, receive enhanced benefits of 25% of their prospective membership to the age of 65 on top of their accrued membership<sup>383</sup>.
  - **Tier Three:** Those likely to be capable of undertaking gainful employment within three years of leaving, or before the age of 65, if that is earlier, receive ill-health benefits based on their accrued membership. There is no enhancement. This ill-health pension can only be paid for a maximum of three years, stops if the member obtains gainful employment, and is subject to review after 18 months. At the review, a further medical assessment is needed to establish whether the member remains incapable of gainful employment.
- 5.4.41 When a Tier Three pension is stopped, it becomes payable again at 65, but the member can decide to take reduced benefits at or from 60 or, with the former employer's consent, at or from 55. If the member dies whilst his pension is stopped, a lump sum death grant of five times his pension, less the amount of any pension and lump sum already paid, is payable.
- 5.4.42 A Tier Three pension can be upgraded to a Tier Two pension in certain circumstances and with a further medical assessment. The employer cannot revise the award if the original Tier Three ill-health pension has been stopped for three years or more, or if the member has reached age 65. The ill-health retirement framework provides certain protections for those who were active members and aged 45 or over at 1 April 2008, and for those whose conditions have meant they have had to reduce their hours of work.
- 5.4.43 A local government employee who sustains an injury or contracts a disease at work may be entitled to an injury allowance. Like injury awards for officers, these are separate from the LGPS benefits and are paid by the employer.

*Civil service pension*

- 5.4.44 The civil service pension schemes are open to those working in the civil service including, for historical reasons, police staff working in London.
- 5.4.45 Under the civil service classic pension scheme, ill-health retirement can be applied for either by the member in question or the employer, although the employer must first investigate options to allow the member to continue working. The member is then assessed by a medical adviser for eligibility for a pension. An ill-health retirement pension is paid if the scheme's medical adviser is satisfied that the member can no longer do his job because of illness, the breakdown in his health is likely to be permanent and he has at least two years' service.

382 *Local Government Pension Scheme*, October 2011, [www.lgps.org.uk](http://www.lgps.org.uk)

383 Gainful employment is defined as paid employment for not less than 30 hours in each week for a period of not less than 12 months

- 5.4.46 If the member is eligible for an ill-health pension, he receives an immediate pension and a lump sum of three times his salary. The pension is based on length of service (worked out as 1/80<sup>th</sup> of pensionable earnings for each year of reckonable service). Those with between two and five years' service receive no enhancement; those with between five and ten years' service have their reckonable service doubled; and those with over ten years' service either have their reckonable service increased to 20 years or their reckonable service is increased by six and two thirds years, whichever is greater. The member can also choose to commute, or give up, part of his pension in exchange for an additional lump sum<sup>384</sup>.
- 5.4.47 Under the more recent civil service premium scheme, to qualify for an ill-health pension, a member must have at least two years' service and the scheme's medical adviser must be satisfied that he meets the criteria<sup>385</sup>. There are two tiers of pension, depending on the severity of the illness and the effect it has on the member's ability to work:
- **Lower Tier:** The member must be prevented from doing his own or a comparable job by a recognised medical condition, and it must be established that this situation is likely to continue until he reaches the scheme's normal pension age. His pension is not reduced for early payment and is paid for life, irrespective of future employment. It is based on reckonable service to the date of medical retirement. Those with fewer than ten years' service may receive some enhancement; those with fewer than five years' service would receive double increments, and those with between five and ten years' service would receive ten years' service.
  - **Higher Tier:** The member must be incapable of gainful employment because of a significant incapacity, that is to say he is incapable of doing almost any job. His pension is not reduced for early payment, and is reviewed within five years. Those no longer meeting the eligibility criteria have their pensions reduced to the lower tier. The pension is based on the pension the member would have received if he had continued to work until the scheme's pension age.

### *Firefighters*

- 5.4.48 Under the Firefighters' Pension Scheme 1992, which closed to new members on 5 April 2006, ill-health pensions are available to those who are independently assessed as having a disablement that is likely to continue until their normal pension age of 55<sup>386</sup>. The size of the pension received depends on the member's length of pensionable service, his average pay (normally in the last year of service), and whether he would receive a lower tier ill-health pension – for those permanently disabled from performing the role of a firefighter – or a higher tier pension – for those permanently disabled for any other regular employment.
- 5.4.49 The lower tier pension is as follows:
- Those with fewer than five years' pensionable service receive a normal pension, calculated at one-sixtieth multiplied by pensionable service multiplied by average pensionable pay.
  - Those with five or more years' pensionable service receive a pension calculated as though it were a deferred pension. First, a hypothetical pension is calculated assuming the member had worked to the normal retirement age using his current average salary. This is then prorated to reflect the number of years actually worked. This takes into account that the final ten years of a firefighter's service would, like police officers', have accrued pension rights at double-rate.
- 5.4.50 Those with five or more years' pensionable service are eligible for higher tier pensions. In these cases, firefighters receive the lower tier pension to which they would be entitled, with an

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384 *Classic Ill-health Retirement Pension Benefits: a Brief Guide to the Benefits Available*, Civil Service Pensions, London, June 2011

385 *Classic Plus and Premium Ill-health Retirement Pension Benefits: a Brief Guide to the Benefits Available*, Civil Service Pensions, London, June 2011

386 *Firefighters' Pension Scheme 1992: Ill-health Pensions*, Department for Communities and Local Government, London, April 2006, amended July 2006

additional higher tier pension. This higher tier pension is calculated using the enhancements below and is based on years of pensionable service:

- Those with between five and nine years' pensionable service receive a double enhancement. An officer with nine years' service would receive an enhancement of 9/60<sup>ths</sup> in addition to the 9/60<sup>ths</sup> to which he would normally be entitled, giving him a pension of 18/60<sup>ths</sup> of his pensionable pay.
  - Those with between ten and 13 years' service receive an enhancement to bring their pensions up to 20/60<sup>ths</sup>.
  - Those with 13 or more years' service receive an enhancement of 7/60<sup>ths</sup>.
- 5.4.51 Higher tier pensions are capped. They cannot be larger than the normal pension the officer would have received at his normal retirement age. As an officer already receives the lower tier pension, the final sum is subtracted from the higher tier pension so he does not receive it twice.
- 5.4.52 Ill-health pensions can be reviewed to establish whether the firefighter still meets the eligibility criteria for his pension, if the officer has not reached the age of 60 and has been receiving it for fewer than ten years. Those found able to work regularly have the higher tier pension removed. Those receiving the lower tier pension found able to work could be offered re-employment in their former jobs, in which case the pension would be deferred until the age of 60, as the firefighter would either have taken up employment or refused it.
- 5.4.53 Under the new firefighters' pension scheme<sup>387</sup>, a firefighter with three months' qualifying service who is independently assessed as permanently disabled for the performance of the duties of his role may be considered at any age for an ill-health pension. There are two tiers of award:
- **Lower tier:** This is based on the normal pension formula (1/60 multiplied by the firefighter's pensionable service, multiplied by his final pensionable pay);
  - **Higher tier:** This is available to those unable to undertake regular employment and who have five years' qualifying service. The enhancement is calculated as an extra number of years of service which then is converted into additional pension. The enhancement is calculated by multiplying by two per cent the product of the firefighter's actual service and the amount of prospective service he still had to serve before the pension age of 60.
- 5.4.54 Firefighters in both schemes are eligible for payments under the Firefighters' Compensation Scheme (England) which provides benefits to them and their dependants if they are disabled or die as a result of an injury received in the execution of duty.

## Consultation

### *Response by the Association of Chief Police Officers*

- 5.4.55 The Association of Chief Police Officers discussed ill-health retirement in its submission to Part 1. It states that the reduction in the numbers of officers retiring on ill-health terms comes from a focus on cost, better guidance and the use of reasonable adjustments for those with disabilities<sup>388</sup>. It states that officers injured on duty are subject to the same provisions as those unable to continue in service because of the requirement to treat disability fairly and consistently, irrespective of cause. ACPO states that whilst a small number of forces have arranged, by individual agreement, for officers to move to staff roles, there is no provision for un-deployable officers to move to staff roles and terms. The lack of a clear provision "inhibits movement and retention of police officers with physical restrictions", which places police officers at a disadvantage compared with employees<sup>389</sup>.

387 *A Guide to the New Firefighters' Pension Scheme 2006 (England)*, Department for Communities and Local Government, London, December 2006

388 ACPO Part 1 submission, page 33

389 *ibid.* page 33

*Response by the Association of Police Authorities*

- 5.4.56 The APA states that the management of ill-health retirement is complex, requiring legal, medical and regulatory knowledge<sup>390</sup>. Appeals are expensive, with costs being borne by the police authority.

*Responses by police forces and authorities*

- 5.4.57 The Metropolitan Police Authority is content with the current ill-health retirement arrangements<sup>391</sup>. It believes they have driven performance and reduced the level of ill-health retirement. It does not believe that the severity of an officer's disability should be part of the consideration of the level of pension he receives. It believes this could be open to successful challenge.
- 5.4.58 Lincolnshire Constabulary states that ill-health retirement pensions should be assessed on a case-by-case basis, considering the effect on officers in terms of their future ability to work and possibly lifetime earnings<sup>392</sup>. It argues that the proceeds of any civil claim received by an officer should be taken into consideration.
- 5.4.59 South Yorkshire Police states that the severity of disablement, rather than the length of service, should be the focus of an ill-health retirement scheme, as should the extent to which an officer could still use his skills and experience<sup>393</sup>.

*Response by the Police Federation of England and Wales*

- 5.4.60 The Police Federation states that updated guidance on managing ill-health has recently been agreed by the PNB and so the processes and provisions for ill-health retirement remain appropriate<sup>394</sup>.

*Response by the Police Superintendents' Association of England and Wales*

- 5.4.61 The Police Superintendents' Association states that, when used properly, the current system is "fairly effective" but can prove problematic when officers have anxiety or depression<sup>395</sup>. This is treatable, and so it is not possible to say it is a permanent condition which will prevent the individual carrying out the duties of a constable under the age of 55.

*Seminars*

- 5.4.62 In the seminar held for Part 2 of the review, Mr Steve Corkerton (HMIC) stated that a distinction should be made between those injured in the execution of their duty, who should receive every support, and those who become sick or injured for other reasons, who should receive less support<sup>396</sup>.
- 5.4.63 Mr Bob Crawley (Head of Health and Wellbeing, Metropolitan Police Service) said that the criteria for ill-health retirement should be reviewed so that they are more specific and better reflect what police officers do, particularly the differences between senior ranks and more junior officers. He pointed out that chief superintendents seldom have to arrest people<sup>397</sup>. Ms Ashley Judd (Head of Human Resources, Lancashire Police) said that if a distinction were to be made in ill-health retirement pensions between those injured on and off-duty, the pension regulations and injury benefit scheme would need to be substantially changed<sup>398</sup>. Ms Sara Alderman (Home Office) said that this question is already adequately handled through the injury awards scheme.

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390 APA submission, page 35

391 *Submission from Metropolitan Police Authority*, September 2011, page 46

392 *Submission from Lincolnshire Constabulary*, September 2011, page 37

393 *Submission from South Yorkshire Constabulary*, September 2011, page 32

394 Police Federation submission, page 77

395 Police Superintendents' Association submission, page 60

396 Exit routes seminar (2010), page 47-48

397 Career model seminar (2011), page 90

398 *ibid.* page 113

*Website*

- 5.4.64 The website consultation held for Part 1 asked for comments on ill-health retirement, in the following terms: “Should ill-health retirement be changed, and if so how?”. A small number of respondents said that better management was needed before and after ill-health retirement to ensure that individuals are still eligible<sup>399</sup>. A few said that ill-health retirement offers too much to the retired individual. A further few respondents said that Government policy on ill-health retirement makes it harder for officers to receive a pension, presumably because of the eligibility criteria.

**Conclusions**

- 5.4.65 The review was asked to consider what principles should govern any future police pension scheme’s ill-health retirement provisions. The first question which any ill-health retirement scheme should address is what criteria should an individual have to meet in order to qualify for retirement on the grounds of ill-health. In the course of the consultation undertaken for the review, a variety of views were given. The current test for an ill-health retirement pension, that an officer should be permanently disabled for the ordinary duties of a police officer, is reasonable. If an officer is unable as a result of a disability to fulfil a role requiring the office of constable, he should be medically retired in the interests of the efficiency of the force. This is because he is unable, even with reasonable adjustments, to perform the duties for which he is paid. Retaining such an officer places a burden on his force, particularly at a time when police numbers are falling and every officer is needed to serve the public. Ms Ashley Judd suggests that the eligibility criteria for ill-health retirement should vary according to rank, with the criteria for more senior ranks taking into consideration the lower likelihood such officers will have to do physically strenuous work. Whilst it is true that those in more senior ranks are less likely to be serving on the streets, it remains inherent in the work of the police that occasions may arise when all officers, irrespective of rank, are required to perform a frontline service, even when off-duty. For this reason, the same criteria for ill-health retirement should apply to all police officers, regardless of rank.
- 5.4.66 The question whether to treat officers differently based on the causes of their illnesses or injuries was raised during the consultation. Some, such as Mr Steve Corkerton, suggested that a distinction should be made between those injured in the course of their duty and those who become injured or sick for other reasons. I agree with ACPO that this would be inappropriate. This is because it would contravene sections 6 and 15 of the Equality Act 2010. Discrimination against a person with disabilities is not permitted; it is irrelevant how his disability was received. As pointed out by the Home Office, the sacrifice of those injured on duty can already be recognised by an Injury Award, which ensures that such officers are not left worse off than before their injury.
- 5.4.67 Finally, there has been some discussion over whether the current approach to deciding the size of an ill-health pension is the correct one. Some, such as the Metropolitan Police Authority, believe that the calculation used in the 1987 scheme, based on length of service alone, is appropriate. The Metropolitan Police Authority argues that other tests could be open to a successful challenge on equality grounds. However, the general trend over the last decade has been towards medical pensions that consider an individual’s ability to work, as well as length of service. This is supported by Lincolnshire Constabulary and South Yorkshire Police, amongst other respondents to the consultation. This is the approach taken by all recent public sector pension schemes, not only the 2006 scheme but also other public sector pension schemes introduced over the last decade, such as the new firefighters’ pension scheme (introduced in 2006) and the Local Government Pension Scheme, introduced in 2008. In these schemes, the size of an ill-health retirement pension is determined by reference to both the length of the officer’s service and his ability to work in future once he leaves. This approach is fair.

<sup>399</sup> *Analysis of Responses to Police Review of Remuneration and Conditions for Officers and Staff*, Greenstreet Berman, December 2010, page 14

- 5.4.68 Whilst the length of time an officer has served, and therefore the amount he has contributed to the pension scheme, should be taken into account, a distinction should be drawn between an officer who will be able to work on leaving the police service, and an officer who must rely on his ill-health retirement pension for the rest of his life. Any future police pension scheme should make the size of the ill-health retirement pension of police officers dependent on two factors: the officer's length of service and his ability to work in future. Officers permanently disabled for police duty but still capable of regular employment should receive an unenhanced pension. Officers permanently disabled for regular employment should receive an enhanced pension.

**Recommendation 44 – A future police pension scheme should retain the existing test which must be fulfilled for an officer to be considered for an ill-health retirement pension, that is that the officer should be permanently disabled for the ordinary duties of a police officer.**

**Recommendation 45 – A future police pension scheme should determine the size of a police officer's pension, when he is retiring on the grounds of ill-health, by considering both his length of service and his future capacity for regular employment.**

## 6 Managing the officer workforce

In Part 1, I explained that police forces need greater flexibility in managing their workforces. The future is inherently uncertain, but economic projections indicate that in the foreseeable future forces are unlikely to receive the generous budgetary increases which have been commonplace over the past decade. Indeed, there may be need for further reductions in funding in the medium-term. Approximately 80% of police forces' budgets are spent on personnel, and more than half of that part is spent on police officers' pay and allowances. Unlike police staff, officers cannot be made redundant or be required to resign in the interests of efficiency (unless, in the latter case, they have served for at least 30 years). The exceptions to this are Chief Constables and Deputy Chief Constables who are on fixed term appointments. A Chief Constable therefore has a limited range of instruments which he can use to change his workforce mix or structure; the instruments he does have are generally crude. Freezing recruitment, as many forces have done, to reduce the size of police workforces, is far from satisfactory, since it will create a bubble of lack of expertise which will move through the system for many years to come.

In order to improve the instruments available to chief officers in the management of their police officer workforces, two potential workforce management tools have been considered: military-style commissions and a power analogous to compulsory severance for police officers. I have concluded that commissions would be a disproportionately onerous and therefore illegitimate means of achieving the stated objective. In contrast, compulsory severance is a widely accepted practice in the United Kingdom labour markets, and it already applies to some police officers, such as British Transport Police officers. It is therefore not inconsistent with the office of constable. The introduction of such an instrument may properly be regarded as analogous to an extension of the existing Regulation A19 of the Police Pensions Regulations 1987 and Regulation 20 of the Police Pensions Regulations 2006 which permit compulsory severance for those police officers with over 30 or 35 years' service.

The principal recommendations in this Chapter include:

- introducing a power analogous to compulsory severance which should apply to all police officers from April 2013;
- enabling police forces to offer financial compensation to police officers who have had their service ended using this new power;
- basing that financial compensation on the financial compensation for redundancy in the Civil Service Redundancy Scheme 2010; and
- requiring all police forces to produce and publish an annual force management statement which *inter alia* sets out the resources, in terms of personnel and tangible assets, which are expected to be required to meet the projected demands for policing services in the area in question in the short-, medium- and long-terms.

- 6.0.1 Part 1 of this review emphasised the need for additional instruments for a chief officer to provide sufficient flexibility to alter his workforce size, structure and composition<sup>1</sup>. Part 1 contained a recommendation for the establishment of a regime akin to voluntary redundancy, open to all police officers, and that it should be based on the terms of the civil service compensation scheme<sup>2</sup>. It was there stated that Part 2 of the review would consider whether police forces should have the power to compel a police officer to leave his police force in the interests of the efficiency and requirements of the force. It was explained that that there are strong arguments for some form of system analogous to compulsory redundancy for police officers, particularly in the current economic circumstances, so that police forces can move

<sup>1</sup> Part 1 report, page 190

<sup>2</sup> *ibid.* page 193

more swiftly to reshape their workforces<sup>3</sup>. However, Part 1 also explained that a system akin to compulsory redundancy is not necessarily the best way of empowering police forces to alter the size, structure and composition of their workforces, and stated that the options for doing this would be considered in detail in Part 2 of the review<sup>4</sup>.

- 6.0.2 This Chapter contains the conclusions of that review. It also deals with how severance for Chief Constables should be dealt with in the light of the introduction of police and crime commissioners in November 2012.

## 6.1 Workforce planning

### Background

#### *History*

- 6.1.1 Since the foundation of the Metropolitan Police in 1829, all but the most senior police officers have, with the exception of the Trenchard Scheme (see below), been appointed indefinitely, their leaving date subject only to maximum age requirements.
- 6.1.2 After Lord Trenchard became the Commissioner of the Metropolitan Police in 1931, he encountered two main problems with his workforce. The first, discussed in Chapter 3, was the lack of leadership. The second was the lack of incentive to perform on the parts of the many constables who would never be promoted to sergeant<sup>5</sup>. To tackle the latter problem, Lord Trenchard proposed to reduce the proportion of older constables by recruiting up to 5,000 new constables on ten-year engagements. The aim of this was to bring in younger and more active constables who would increase the energy of the lower ranks<sup>6</sup>. Lord Trenchard's proposals were generally approved, although they were recognised as controversial<sup>7</sup>. Proponents of the scheme argued that beat duty tended to be monotonous and success depended on keenness and initiative. Short-service engagements would considerably reduce the average age of constables, and shorten the time they spent on routine work<sup>8</sup>. Under the ten-year scheme, once a constable's ten years had been completed, he would retire with a gratuity based on one month's pay for every completed year of service. It was expected that those with police service experience would be attractive employees, and an appointments board was set up to assist the approximately 500 officers expected to retire each year.
- 6.1.3 The Home Office came to consider the short-service scheme to be misconceived, being based on the assumption that inertia and apathy in the lower ranks stemmed from many constables having no reward to look forward to, and the deadening routine of the beat, neither of which was solved by the scheme<sup>9</sup>. There was concern that the standard of those being recruited would be lowered, as officers would have a finite job, a relatively small gratuity and no guarantee of subsequent employment. There was also concern about the loss of experience, since for the first four to five years a constable was learning his trade. There were anxieties about increased corruption as delinquent officers would not have a sufficient fear of losing job or pension<sup>10</sup>.
- 6.1.4 This new form of service required legislation to authorise the Metropolitan Police Commissioner, with the approval of the Secretary of State, to make the appointments and to provide gratuities on discharge by adapting pensions legislation<sup>11</sup>.
- 6.1.5 The scheme never fulfilled its purpose<sup>12</sup> and recruitment, in particular, was unsatisfactory as a result. Having officers serving under two sets of terms and conditions led to managerial

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3 *ibid.* page 196

4 *ibid.* page 196

5 Dixon report, page 205

6 *ibid.* page 206

7 *ibid.* page 208

8 *ibid.* page 218

9 *ibid.* page 218

10 *ibid.* page 219

11 *ibid.* page 219

12 *ibid.* page 219

difficulties, and the short-service officers did not show the standard of efficiency which Lord Trenchard had hoped. In 1937, Sir Philip Game (Lord Trenchard's successor as Commissioner), said that the scheme was in "troubled waters" and was likely to remain so<sup>13</sup>. One concern was that provincial police forces could recruit experienced police officers fully trained at the Metropolitan Police's expense<sup>14</sup>. Officers on short-service engagements were being tempted to move to county and borough forces on normal engagements<sup>15</sup>. The short-service scheme was abandoned in February 1939.

#### *The Oaksey Committee*

- 6.1.6 Chief Constables who provided evidence to the Oaksey Committee in 1949 proposed a change to police pensions which they believed would remove a source of inefficiency, by enabling officers who were "unhappy or disappointed" in the service to leave without losing their accrued pension rights<sup>16</sup>. They suggested that constables (and no other ranks) should be allowed to retire having completed either 14 or 21 years' service, rather than having to wait until they reached 25 years' service to claim their pensions. The Oaksey Committee was minded to accept that some provision for shorter service would increase efficiency, whilst avoiding the difficulties experienced with the Metropolitan Police's short-service scheme. To avoid disrupting the service unnecessarily through significant numbers of officers leaving, it recommended that the Home Office should consider introducing a scheme enabling constables to retire at 20 years' service on a reduced pension when the "manpower position becomes easier"<sup>17</sup>. Such a change to the pension scheme was not subsequently made. The Oaksey Committee also rejected a Home Office proposal to enable police authorities to compel an officer to retire after 20 years' service. The committee noted that this would "materially diminish security of tenure" and "would involve decisions which it would be difficult for a chief officer of police to take without trenching on questions of discipline"<sup>18</sup>. Instead, the committee proposed that officers should be able to leave the service with a pension when they had completed between 20 and 25 years' service, but on a pension of one-third pay. In return, it was suggested that those who took advantage of the scheme should be obliged to join a police reserve which could be called out in an emergency. This latter proposal was not implemented.

#### *The Royal Commission*

- 6.1.7 Although no changes to the length of an officer's career were recommended, the Royal Commission was also conscious that some police officers became disillusioned before the ends of their careers. It noted that, whilst an officer's career should normally span 30 years, it would be in the interest of forces for some officers to retire with fewer than 30 years' service.

#### *The Sheehy review*

- 6.1.8 In 1993, one of Sir Patrick Sheehy's most controversial recommendations was that tenure for police officers should be changed. He noted that for many in the private sector, job security was considerably less than in the police, with many workers subject to no more than a three-month notice period<sup>19</sup>, although people in more senior positions tended to have greater security through the use of fixed term contracts. Changes were also beginning to occur in the public sector, which was becoming less of a job for life. Sheehy noted that, in the United Kingdom,

13 *ibid.* page 220

14 *The Official Encyclopaedia of Scotland Yard*, M. Fido and K. Skinner, London, 1999, page 269

15 Dixon report, page 220

16 Oaksey report, page 41

17 *ibid.* page 41

18 *ibid.* page 42

19 Sheehy report, page 115

only Royal Ulster Constabulary reservists were then on fixed term appointments<sup>20</sup>. Otherwise, there were few arrangements for dispensing with the services of officers<sup>21</sup>.

- 6.1.9 Sheehy concluded that there was some support in the police service for fixed term appointments on the grounds that they could:
- introduce greater management flexibility by “allowing force size to be adjusted ‘painlessly’”<sup>22</sup>;
  - increase promotion prospects, allowing officers with potential to progress;
  - provide greater clarity in roles and expectations;
  - help ensure police officers maintained their fitness, performance and competence; and
  - allow for a regular assessment of whether an officer should remain in the police service<sup>23</sup>.
- 6.1.10 Sheehy also acknowledged the disadvantages of fixed term appointments, including concerns that they might:
- deter quality recruits;
  - deter officers from seeking promotion;
  - cause retention problems in tight labour markets;
  - go against what was seen as the vocational nature of policing; and
  - cause police officers unnecessary stress<sup>24</sup>.
- 6.1.11 On balance, Sheehy concluded that the advantages of fixed term appointments outweighed the disadvantages. He recommended their introduction for all police officers, on the basis that they would:
- provide a better motivated and more accountable work force;
  - allow officers to leave the police service with dignity and with a fair settlement;
  - provide greater management flexibility in managing non-motivated officers;
  - provide regular two-way reviews of an individual’s service;
  - enhance promotion opportunities;
  - encourage better workforce planning; and
  - provide a way of adjusting the profile and size of the workforce<sup>25</sup>.
- 6.1.12 Sheehy proposed that fixed term appointments should be introduced for all ranks, and that all future recruits should be moved onto fixed term appointments as soon as the necessary legislation was in place, as should existing officers who were promoted or moved police forces<sup>26</sup>. Sheehy recommended that newly recruited officers should be given fixed term appointments of ten years to reflect the investment in their training and to give time for both the force and the individual to decide on their suitability for police work. Thereafter, extensions of five years would be given, although managers could offer shorter appointments in certain specified circumstances<sup>27</sup>.
- 6.1.13 Sheehy’s proposals for fixed term appointments for most ranks were not implemented, for largely political reasons. The general situation in relation to police officer tenure remains the

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20 Full time reservists were introduced in Northern Ireland in the 1970s on a three-year contractual basis. Generally, contracts were extended but it has been decided that the full time reserve is no longer required. See Table 6.2 for details of the scheme

21 Sheehy report, page 116

22 *ibid.* page 117

23 *ibid.* page 117

24 *ibid.* page 117

25 *ibid.* page 117

26 *ibid.* page 121

27 *ibid.* page 122

same as it stood before his report in 1993, with the exception of chief officers, who did move on to fixed term contracts; these are dealt with later in this Chapter.

### *Status quo*

- 6.1.14 Police forces are made up of two substantially different workforces: police officers, who are not employees, and police staff, who are<sup>28</sup>. Managers have the same workforce management instruments in relation to police staff as do other employers: voluntary severance, early retirement and compulsory redundancy. Police forces can, therefore, shape their police staff workforces to meet changing circumstances. Police officers are not employees, but individual officers of the Crown. At present, it is not possible for a police force to require a police officer with fewer than 30 years' service to resign on the grounds of efficiency. No system analogous to compulsory redundancy exists for such officers<sup>29</sup>. There is currently also no power to offer police officers voluntary severance or early retirement beyond the restricted powers already set out in police pension regulations. Therefore, the circumstances in which a police officer can be required to leave the police service are limited, and provide police forces with very little flexibility to manage the officer workforce to meet future needs. With these material constraints, in order to reduce police officer numbers forces have been compelled to suspend recruitment to allow the police officer workforce to be reduced through natural wastage.
- 6.1.15 There are currently five mechanisms by which a police force can compel an officer to leave. Probationary officers can be required to leave under Regulation 13 of the Police Regulations 2003 on health or performance grounds. Police officers can be required to leave for performance and attendance reasons through the unsatisfactory performance and attendance procedures set out in the Police (Performance) Regulations 2008. Police officers can be required to leave for disciplinary reasons under the Police (Conduct) Regulations 2008. Police officers below ACPO rank with more than 30 years' pensionable service can be required to retire from the police service on the grounds of efficiency under Regulation A19 of the Police Pensions Regulations 1987. Police authorities also have the power to require an officer to retire on the grounds of ill-health and disability if he is assessed as being permanently disabled for the ordinary duties of a member of the police force (this is dealt with in Chapter 5). The separate arrangements for Chief Constables and Deputy Chief Constables are dealt with later in this Chapter. These arrangements were described in Part 1, but are summarised here<sup>30</sup>.
- 6.1.16 Under Regulation 13 of the Police Regulations 2003, a probationary officer can be required to leave the police force at any time during his two year probation if the chief constable considers him unfit, either physically or mentally, or considers that he is unlikely to become an efficient or well-conducted constable. As shown in Table 6.1 below, this happens very rarely. I understand from my discussions with officers that probationary officers are more likely to leave following informal discussions with their managers.
- 6.1.17 The unsatisfactory performance and attendance procedures are set out in the Police (Performance) Regulations 2008. The unsatisfactory performance and attendance procedures are principally designed to deal with sustained unsatisfactory performance or attendance on the part of a police officer, but can be used to deal with gross incompetence in a single occurrence. They apply to officers up to and including the rank of chief superintendent. Managers are expected to deal informally with problems of unsatisfactory performance or attendance as part of their normal duties, and should only use the three-stage unsatisfactory performance and attendance procedures where there has been evidence that a management approach has not worked. If an officer reaches the third stage of the process, a panel of three people, including a senior police officer and a human resources professional, can decide to redeploy, demote or dismiss the officer, or give him a further improvement notice. After the third stage meeting, the officer has the right to appeal to a Police Appeals Tribunal. This tribunal consists of an independent chair, who must be a barrister, a retired member of the police service, a serving senior police officer and a member of the Police Authority. Unlike an employment tribunal,

28 Part 1 report, page 182

29 As police officers are not employees, they cannot be made redundant

30 Part 1 report, pages 182-188, 190

a Police Appeals Tribunal can rule that an officer should be reinstated. It has no power to recommend that an officer be paid money in consideration of his resignation. As discussed later in this Chapter, the number of police officers being dismissed each year is also very small.

- 6.1.18 Part 1 concluded that the unsatisfactory performance and attendance regime is essentially sound and fair. However, it also concluded that the weakness of some managers, which impedes or frustrates the honest and objective handling of performance, ought to be eliminated. Recommendation 52 said that all police forces should learn from best practice<sup>31</sup> and, in Recommendation 53, I said that police forces should identify a cadre of Assistant Chief Constables to specialise in unsatisfactory performance and attendance procedures and to hear cases across police force boundaries<sup>32</sup>. Recommendation 54 said that the unsatisfactory performance and attendance regime should take into account cases where an officer has had an adverse determination against him within a period which is shorter than 12 months, or there are pending and unresolved unsatisfactory performance and attendance proceedings against him<sup>33</sup>. Part 1 recommended that this period should be five years. Therefore, if a police officer has had two or more adverse determinations made against him, on substantive (rather than procedural) grounds, in concluded unsatisfactory performance and attendance proceedings within the past five years, subsequent unsatisfactory performance and attendance proceedings should begin at the third stage. This was designed to enable police forces to take a more rounded view of performance and attendance issues.
- 6.1.19 The Police (Conduct) Regulations 2008 cover the investigation of, and proceedings against, police officers in disciplinary matters. They specify what constitutes a breach of discipline on the grounds of conduct – specified as misconduct or gross misconduct – against stated standards of professional behaviour. The regulations also establish the process to be followed, the timescales for each stage and the process for appeals to Police Appeals Tribunals.
- 6.1.20 Regulation A19 of the Police Pensions Regulations 1987 enables a police force to require an officer (below ACPO rank) with more than 30 years' pensionable service to retire from the force on the grounds of efficiency<sup>34</sup>. There are no additional costs associated with the use of Regulation A19 for a force. As with a regular retirement, the costs are borne by the police pension fund. Part 1 concluded that whilst the use of Regulation A19 has significant disadvantages for workforce planning, with officers being chosen because of their length of service rather than the value of their skills and expertise to the police force, it should continue to be available to forces as one of the few tools available to make compulsory reductions in police workforces<sup>35</sup>. To improve it, Recommendation 57 of Part 1 said that the criteria for the use of Regulation A19 should be amended so as to include service-critical skills and performance as explicit considerations.
- 6.1.21 The lack of adequate instruments in the hands of chief officers to determine the size, structure and composition of the police officer workforce leads to adverse consequences for police staff, who can be offered voluntary severance or early retirement or be made compulsorily redundant. Police staff therefore bear the greatest burden in any police workforce reductions. This imbalance can also cause police forces to make decisions which are not in the public interest, achieving short-term financial savings at the expense of future staff skills and losing the opportunity to make the police service as efficient as it might be. This is particularly true if it requires police officers to take jobs that can, and should, be undertaken by lower-paid staff. Moves of police officers into police staff jobs also reduces the proportion of officers on the frontline, which cannot be in the public interest.

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31 *ibid.* page 187

32 *ibid.* page 187

33 *ibid.* page 188

34 Officers who commenced service on or after 6 April 2006 are covered by the Police Pensions Regulations 2006. Regulation 20 in these regulations is equivalent to Regulation A19 of the Police Pensions Regulations 1987, but compulsory retirement in the interests of efficiency of the service only applies to those over the age of 55 with a minimum of 35 years' service. No officer who falls under the 2006 regulations will yet have accrued enough service to come under Regulation 20

35 Part 1 report, page 190

- 6.1.22 To reduce this burden on staff and the risks to the efficiency of police forces, Part 1 contained a recommendation that police forces should be given the ability to offer police officers voluntary severance on the terms contained in the Civil Service Compensation Scheme 2010 (Recommendation 58).

### *Compulsory severance*

- 6.1.23 Part 1 summarised the debate about the introduction of a future power to compel a police officer to leave the force<sup>36</sup>. Two principal approaches emerged in the Part 1 consultation. One was the introduction of a power analogous to compulsory redundancy. The other was a new career structure for police officers.
- 6.1.24 Part 1 explained how a police force holding a power analogous to redundancy is not inconsistent with the office of constable. Compulsory severance arrangements already exist for officers with more than 30 years' service (Regulation A19) and, as discussed below, for Chief Constables and Deputy Chief Constables whose fixed term appointments are not renewed. The British Transport Police has a redundancy scheme for its officers, who are, like Home Office force officers, denied the right to belong to a trade union. The full-time police reserve in Northern Ireland is also subject to a compulsory severance scheme. Some of the special factors cited to explain why police officers should not be subject to a power which can compel them to leave the police force do not stand up to scrutiny. Whilst police officers are not employees, many of the protections enjoyed by employees have already been applied to them, such as protection from unlawful discrimination. In consultation, some of the staff associations argued that the absence of the right to strike or join a trade union justifies and makes necessary a protection from compulsory redundancy. However, that factor has no effect in the case of the armed services, which have compulsory redundancy.
- 6.1.25 Part 1 concluded that there are strong arguments for empowering police forces to compel police officers to leave before they have completed 30 years' service<sup>37</sup>. In the short term, police forces face considerable budgetary pressures. Police forces are being required to make an overall 14% reduction in police budgets between 2010 and 2015. This is leading to a greater focus on the efficiency of police forces. Staffing costs make up over 80% of police force budgets, so the efficient use of their main resources, their people, is under close scrutiny. To deal with these pressures, any police force may need to be able to alter its workforce size, structure and composition. Introducing a system analogous to compulsory redundancy would facilitate this. However, further consideration was needed in relation to whether a new career structure for police officers, similar to the commissions and engagements system used in the armed forces (explained below), would be a better approach for the longer term. Under such a regime, police officers would be able to plan their careers, knowing well in advance the timing of potential break points. Police forces would be able to decide to retain an officer based on the individual's performance against measures it deemed important. And they would be able to terminate a police officer's service on grounds other than the officer's performance, for example because of budgetary or structural considerations.
- 6.1.26 A system akin to compulsory redundancy does not mean that an individual can be removed simply because of his unsatisfactory performance or inefficiency. In such cases, the correct course of action is the use of the unsatisfactory performance and attendance procedures. In employment law, redundancy means that the role in question no longer exists. If there were a power to make officers redundant, the police force would first have to establish that the requirements of the police force for officers to carry out work of a particular kind generally or in the place where the officer is employed by the police force have ceased or diminished or are expected to do so. The force would then have to identify which officers are in those roles and are at risk of redundancy. Only at that point would the police force make selections of individual officers for redundancy, assuming that the force did not need to eliminate the entire activity in question. Once the employer has reasonably concluded that a redundancy situation

<sup>36</sup> *ibid.* pages 194-197

<sup>37</sup> *ibid.* page 196

exists, it is permitted to make its selections for redundancy on the grounds of efficiency, competence and other relevant factors. Poor performers who are in jobs of the kind which are to be made redundant are more likely to be selected for redundancy than people who are performing satisfactorily.

## Analysis

6.1.27 Table 6.1 shows the number of probationary officers dismissed between 2002/03 and 2010/11.

<b>Table 6.1 Probationary Officer Dismissals</b>		
<b>Financial year</b>	<b>Officer dismissals in probationary period</b>	<b>As % of total officer dismissals</b>
2002/03	60	35.7%
2003/04	61	38.9%
2004/05	34	25.4%
2005/06	33	17.6%
2006/07	20	12.8%
2007/08	16	9.2%
2008/09	17	13.1%
2009/10	16	9.8%
2010/11	16	9.3%

*Source: Home Office Annual Data Return 581. These data are previously unpublished and have not been verified with forces*

6.1.28 Table 6.1 shows that the use of Regulation 13 of the Police Regulations 2003<sup>38</sup> has declined steadily between 2002/03 and 2010/11 both in the numbers of probationary officers dismissed, from 60 in 2002/03 to 16 in 2010/11, and as a percentage of total officer dismissals, from a high of 38.9% in 2003/04 to 9.3% in 2010/11. These numbers are very small.

6.1.29 Figure 6.1 shows the number of dismissed officers, and that number as a percentage of officer strength.

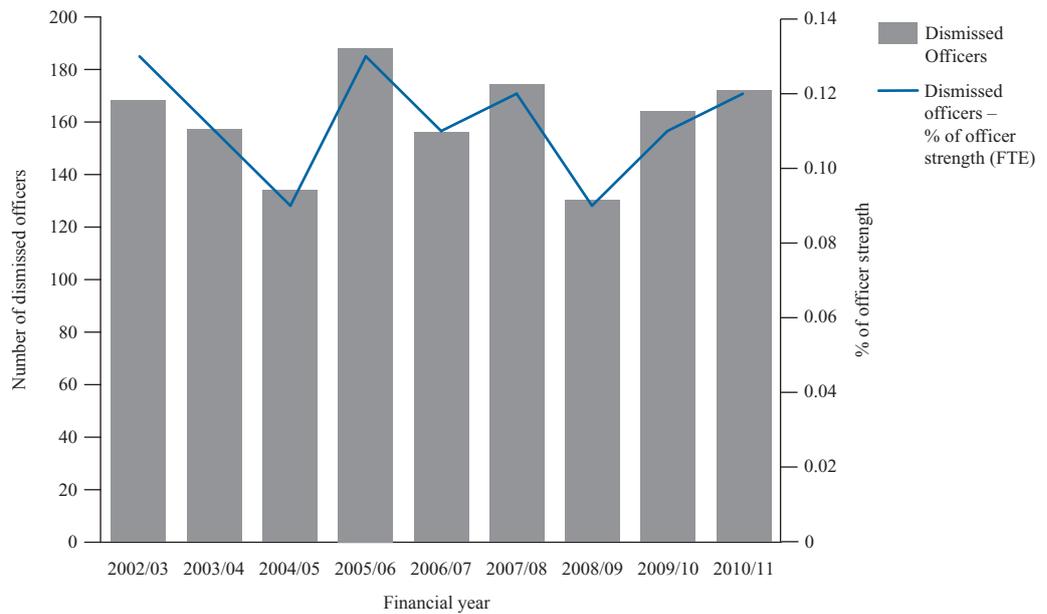
6.1.30 Figure 6.1 shows that the number of officers dismissed each year is very low. It ranges from a high of 188 in 2005/06 to a low of 130 in 2008/09. Dismissals as a percentage of officer strength are also very low, ranging from a high of 0.13% in 2005/06 to a low of 0.09% in 2008/09.

6.1.31 Figure 6.2 shows the police officer workforce by officers' length of service in 2010/11.

<sup>38</sup> Under Regulation 13 of the Police Regulations 2003, a probationary officer can be required to leave the police force during his two-year probationary period if the chief constable considers him mentally or physically unfit or considers that he is unlikely to become an efficient or well-conducted constable

**Figure 6.1**

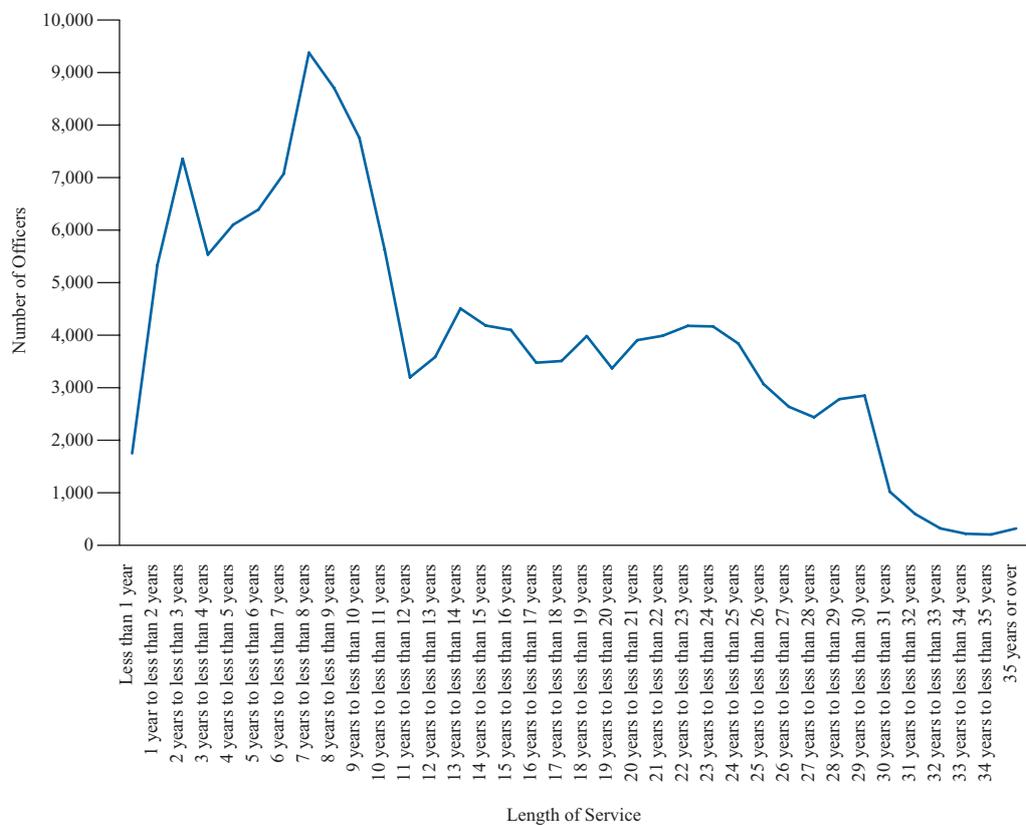
Dismissed officers: number and percentage of officer strength



Source: Home Office Annual Data Returns 581 and 502. Dismissals data have not been verified with forces.

**Figure 6.2**

Police officers (including probationers) by length of service in 2010/11



Source: Police pay review modelling, utilising Home Office annual data return 582: length of service

- 6.1.32 Analysis of the current police officer workforce by length of service in Figure 6.2 shows that there is a bulge of officers between one to two years' service (5,335 officers) and ten to 11 years' service (5,623 officers), reflecting the increased recruitment during the first decade of the 21<sup>st</sup> century. The peak in recruitment can be seen in the cohort of officers between seven and eight years' service which contains 9,378 officers. Recruitment is now below the normal trend over the last 30 years of between around 2,500 and 4,000 officers each year, with only 1,750 officers having less than one years' service. The effect of the recruitment policy of the last decade, first a large increase and now below average, will be felt in the police officer workforce for the next 25 to 30 years, given the current low leaving rates and proposals that individuals should work longer before receiving their pensions.
- 6.1.33 In *Adapting to Austerity*, a review of police force and authority preparedness for the spending review period between 2011/12 and 2014/15, Her Majesty's Inspectorate of Constabulary stated that the police service is facing its biggest financial challenge in a generation<sup>39</sup>. In terms of workforce reductions, the report found that forces are already starting to reduce the size of their workforces in 2010/11. It estimated that between March 2010 and March 2015, the police workforce would reduce by 16,200 police officers (an 11% reduction between March 2010 and 31 March 2015<sup>40</sup>), 1,800 PCSOs (an 11% reduction between March 2010 and 31 March 2015<sup>41</sup>) and 16,100 police staff (a 19% reduction between March 2010 and 31 March 2015<sup>42</sup>). This accounts for a total reduction of 34,100 full-time equivalent officers and staff, or 14% of the workforce<sup>43</sup>. Of these reductions, 23,000, or two-thirds, still needed to be made between 31 March 2011 and 31 March 2015. This would return the police workforce back to its 2003/04 level and police officer numbers back to their 2001/02 level<sup>44</sup>. HMIC noted that these figures are likely to be an underestimate. Not all forces, notably the Metropolitan Police, which accounts for 22% of the police workforce in England and Wales, provided data for all the years of the comprehensive spending review; forces were still developing plans and assumptions would improve over time<sup>45</sup>.
- 6.1.34 The HMIC report found that the majority of police forces had frozen police officer recruitment during 2010 and most forces planned to continue this<sup>46</sup>. All forces had considered the use of Regulation A19, under which those with 30 years' service or more can face compulsory retirement on the grounds of organisational efficiency. Twenty-two forces stated that they either had used it or were about to<sup>47</sup>. The report noted that both methods of controlling the workforce came at a cost. A recruitment freeze realises immediate savings but may result in "an uneven skillset in the workforce in future years"<sup>48</sup>. Regulation A19 is a blunt instrument, as it currently inhibits the protection of specialist skills. It notes that the savings to the taxpayer are modest because whilst the police authority saves the cost of the officer's salary, the taxpayer pays his pension<sup>49</sup>. The HMIC report noted that force equality impact assessments showed that females were more likely to be adversely affected by cuts in police staff, as opposed to officers, as they make up the larger proportion of the police staff workforce. The use of Regulation A19 disproportionately affects white males who made up the majority of police officer recruits 30 years ago.
- 6.1.35 Policy Exchange argues that the growth in police budgets over the past 30 years<sup>50</sup>, and the consequent growth in the numbers of police officers (from 123,476 to 141,631 between

39 *Adapting to Austerity: A Review of Police Force and Authority Preparedness for the 2011/12 to 2014/15 CSR Period*, Her Majesty's Inspectorate of Constabulary, London, July 2011, page 3

40 *ibid.* page 14

41 *ibid.* page 14

42 *ibid.* page 14

43 *ibid.* page 4

44 *ibid.* page 15

45 *ibid.* pages 14-15

46 *ibid.* page 16

47 *ibid.* page 17

48 *ibid.* page 17

49 *ibid.* page 17

50 *Cost of the Cops: Manpower and Deployment in Policing*, E. Boyd, R. Geoghegan and B. Gibbs, Policy Exchange, London, 2011, page 6

2001/02 to 2009/10<sup>51</sup>) and of police staff (from 57,104 to 98,801 over the same period) has increased waste, as increased resources mean that police forces have not had to modernise their workforces to make them more efficient. It cites HMIC's concerns in 2004 that the rush to hire officers was overtaking the assessment of what created an efficient workforce mix, sometimes leading to acknowledged waste as officers were hired unnecessarily<sup>52</sup>.

- 6.1.36 Policy Exchange argues that the inability of police forces to make officers redundant hampers the ability of police forces to deliver better services for less money<sup>53</sup>. The savings that can be made by improving the efficiency of workforce deployment and re-organising the way services are delivered are thereby reduced. Officers (with fewer than 30 years' service) currently in back-office roles cannot be made redundant, which means that if forces focus on reducing the number of civilian staff too much, efficiency gains are reversed and police become less visible to the public.

### *Alternatives – Compulsory redundancy*

- 6.1.37 There are a wide range of schemes which compensate individuals made compulsorily redundant. Some examples from the public sector, together with the statutory minimum and the corresponding benefits for those taking voluntary severance and early retirement, are summarised in Table 6.2.

<b>Table 6.2 Examples of Redundancy Schemes</b>				
<b>Statutory redundancy pay</b>				
1.	This gives a minimum compensation payment to all those made redundant	<i>VOLUNTARY SEVERANCE</i>  <i>Not applicable</i>	<i>REDUNDANCY</i>  Statutory redundancy is a multiple of weekly earnings (up to a maximum of £380 per week) by a factor based on the number of weeks worked. This factor increases based on age (up to the age of 61) and length of service (up to 20 years).	<i>EARLY RETIREMENT</i>  <i>Not applicable</i>
<b>Police Service of Northern Ireland Reserve (Full Time) Severance Regulations 2006</b>				
2.	This is applicable to full-time reserve officers whose contracts are not extended. The full-time reserve started in the 1970s on a three-year contractual basis. Generally contracts were extended but it has been decided that the full time reserve is no longer required	<i>VOLUNTARY SEVERANCE</i>  <i>Not applicable</i>	<i>REDUNDANCY</i>  <i>For members aged 50 and over on date of leaving:</i>  – up to five years pensionable service enhancement subject to maximum of 30 years,  <b>OR</b>  – the member's pension entitlement if he had served to compulsory retirement age (whichever is less)  <i>For members aged 50 or over not entitled to an immediate pension after enhancements</i>	<i>EARLY RETIREMENT</i>  <i>Not applicable</i>

51 *ibid.* pages 13-14

52 *ibid.* pages 14

53 *ibid.* page 16

**Table 6.2 Examples of Redundancy Schemes *continued***

			<p>– the member receives a pensionable service enhancement equal to the period of pensionable service attained from the age of 45 to the date of leaving (subject to a maximum 30 years)</p> <p><u>Severance Lump Sums</u></p> <p><i>A member aged 50 or over</i> at the date of leaving is entitled to a severance lump sum calculated by multiplying the member’s pensionable pay by an appropriate lump sum factor.</p> <p><i>A member below the age of 50 entitled to immediate pension</i> is entitled to a severance lump sum (calculated according to tables).</p> <p><i>A member below 50 not entitled to immediate pension, but with at least five years’ service</i>, is entitled to a severance lump sum (calculated according to tables).</p>	
<b>Existing chief officer compensation scheme</b>				
3.	<p>This is designed to compensate Chief Constables and Deputy Chief Constables whose fixed term appointment expires and is not renewed before they attain 30 years’ service, a situation akin to redundancy.</p>	<p><i>VOLUNTARY SEVERANCE</i></p> <p><i>Not applicable</i></p>	<p><i>REDUNDANCY</i> (akin)</p> <p><i>Under 50 with 25 to 30 years’ service:</i> eligible for ordinary pension from the age of 50 with a capped lump sum and a taxable payment of the proportion of the difference between the lump sum received and that at 30 years’ service. Discretionary payment up to 12 months’ pensionable pay.</p> <p><i>Under 50, less than 25 years’ service.</i> No pension until 60 years of age. Police authorities may pay discretionary compensation of 12 to 18 months pay. This is repayable if the individual rejoins the police service within one year. Half of the payment is repayable if the individual rejoins within two years.</p>	<p><i>EARLY RETIREMENT</i></p> <p><i>Aged over 50 with 25 to 30 years’ service:</i> Eligible for immediate pension with capped commutation payment, and taxable payment of a proportion of the difference between an individual’s lump sum at 30 years’ service and the commutation for which he is currently eligible.</p> <p><i>Aged over 50 with less than 25 years’ service:</i> Actuarially reduced pension from the age of 55 and compensation of six months pensionable pay OR an unreduced pension from the age of 60 with a payment of 12 month pay.</p>

**Table 6.2 Examples of Redundancy Schemes *continued***

<b>New civil service scheme 2010</b>				
4.	Introduced in December 2010, the new civil service redundancy scheme is designed to be fairer and better value for taxpayers. It includes the ability to treat everyone as earning at least 90% of the private sector median, (currently rounded up to £23,000 a year) benefiting lower paid workers. There is a maximum earnings assumption of six times the private sector pay (currently about £150,000).	<p><b>VOLUNTARY SEVERANCE</b></p> <p><i>Voluntary Exits:</i> In these circumstances the organisation has the most discretion. It can offer from the statutory minimum to two months pay for each year of service, capped at 21 years of service.</p> <p><i>Voluntary Redundancy:</i> This can only be used when a formal consultation on redundancy has opened, and only those affected are eligible. The tariff is one month for each year of service with a cap of 21 years service.</p>	<p><b>REDUNDANCY</b></p> <p>The organisation can offer a compensation lump sum of only one month per year of service up to a maximum of 12 years service.</p> <p>No additional payment can be made to lower the actuarial pension reduction if the person is leaving at or above the minimum pension age.</p>	<p><b>EARLY RETIREMENT</b></p> <p>Pension enhancements are not possible. Those above the minimum pension age (50 or 55 depending on the date of joining) can receive an actuarially reduced pension.</p> <p>It is possible to sacrifice an appropriate amount of the compensation lump sum to remove the actuarial reduction. If necessary the department can make up the difference.</p>
<b>Local Government scheme</b>				
5.		<p><b>VOLUNTARY SEVERANCE</b></p> <p>The scheme ranges from statutory redundancy pay to a maximum lump sum of 104 weeks pay (or two years)</p> <p>Alternatively, an individual can receive an enhancement of pension rights up to ten additional years.</p> <p>Members under the age of 55 are entitled to a deferred pension at the normal retirement age.</p>	<p><b>REDUNDANCY</b></p> <p>The scheme ranges from statutory redundancy pay to a maximum lump sum of 104 weeks' pay (or two years)</p> <p>Alternatively, an individual can receive an enhancement of pension rights up to ten additional years.</p> <p>Members under 55 are entitled to a deferred pension at the normal retirement age.</p>	<p><b>EARLY RETIREMENT</b></p> <p>If the employee is over 55 with at least three months of membership of the local government pension scheme, and his employing authority certify the reason for his retirement as redundancy, he is automatically entitled to the immediate payment of unreduced pension benefits. He can use his lump sum to boost his pension pot. The employer pays the early payments cost.</p>

**Table 6.2 Examples of Redundancy Schemes *continued***

Firefighters' scheme				
6.	Firefighters currently have no voluntary or compulsory severance scheme. It is only possible to offer the statutory minimum.	<i>VOLUNTARY SEVERANCE</i> No scheme.	<i>REDUNDANCY</i> No scheme.	<i>EARLY RETIREMENT</i> There are two firefighter schemes in place: <ul style="list-style-type: none"> <li>• <i>The firefighters' pension scheme 1992</i>: the normal retirement age is 55 (or 50 with a minimum of 25 years service and restricted lump sum).</li> <li>• The new firefighters' pension scheme 2006: The normal retirement age is 60, or members can retire from the age of 55 with:                             <ul style="list-style-type: none"> <li>(i) an unreduced pension if the fire and rescue authority initiates the early retirement, or with</li> <li>(ii) an actuarially reduced pension if the member initiates the early retirement.</li> </ul> </li> </ul>

**Table 6.2 Examples of Redundancy Schemes *continued***

<b>Armed Forces Redundancy Scheme (2010)</b>				
7.	Like police officers, those in the Armed Forces are not employees. Armed Forces redundancy programmes are announced by the Defence Council. This scheme applies to those in the Armed Forces Pension Scheme 1975	<p><b><i>VOLUNTARY SEVERANCE</i></b></p> <p><i>Members who take premature voluntary release and have the length of service and age to qualify for a pension (16 years service from age 21 for Officers; 22 years service from age 18 for other ranks):</i> receive a pension and terminal grant appropriate to their rank and length for service.</p> <p><i>Members who take premature voluntary release and do not have the length of service and age to qualify for a pension:</i> receive a preserved pension and terminal grant at the age of 65</p>	<p><b><i>REDUNDANCY</i></b></p> <p><i>Officers with 16 years' service (from the age of 21) or 18 years' service (from the age of 18) and other ranks with 18 years service from the age of 18:</i> Three months' pay for each year of uncompleted service up to nine months (until 1 January 2016). From 1 January 2016 this reduces to a maximum of three months' pay.</p> <p><i>Officers with less than 16 years' service (from age 21) or 18 years' service (from age 18) and other ranks with less than 18 years' service from age 18:</i> one and a half months' pay for each year of completed service up to a maximum of 27 months' pay.</p> <p><i>Members on short service commissions:</i> the lesser of one and a half months' pay for each year of completed service, or the sum of one and a half months' pay for each year of uncompleted service and one and a half months' pay.</p>	<p><b><i>EARLY RETIREMENT</i></b></p> <p><i>No voluntary early retirement scheme exists as such. The current redundancy programme calls for applicants. If selected, members will be offered the same terms as those retired under redundancy terms.</i></p>

**Table 6.2 Examples of Redundancy Schemes *continued***

Armed Forces Redundancy Scheme 2006				
8.	<p>Applies to those in the Armed Forces Pension Scheme 2005.</p> <p>Early Departure Payments (EDP) are payable from the age of 40 provided the individual has served for at least 18 years. The monthly income is at least 50% of the annual preserved pension rising to 75% at age 55. In addition, an EDP lump sum is payable equivalent to 3 times the annual preserved pension. EDP monthly payments are stopped at the age of 65 and replaced by annual pension and pension lump sum.</p>	<p><b>VOLUNTARY SEVERANCE</b></p> <p><i>Members who leave at the age of 40 or later with at least 18 years service and who qualify for an EDP monthly payment and EDP lump sum: receive an EDP monthly income (until the age of 65) and an EDP lump sum. EDP monthly income is replaced with pension and pension lump sum at age 65.</i></p> <p><i>Members who do not qualify for EDP monthly payment and EDP lump sum: receive a preserved pension and pension lump sum at the age of 65.</i></p>	<p><b>REDUNDANCY</b></p> <p><i>Members who are aged 40 onwards with at least 18 years' service: three months' pay for each year of uncompleted service up to a maximum of 12 months' pay, capped at six months' pay if more than 40 years' reckonable service.</i></p> <p><i>Members who are below the age of 40: one and a half months' pay for each year of completed service up to a maximum of 27 months' pay.</i></p> <p><i>Members on short service commissions: the lesser of one and a half months' pay for each year of completed service, or the sum of one and a half months' pay for each year of uncompleted service and one and a half months' pay.</i></p>	<p><b>EARLY RETIREMENT</b></p> <p><i>No voluntary early retirement scheme exists as such. The current redundancy programme calls for applicants. If selected, members will be offered the same terms as those retired under the redundancy terms.</i></p>

### *British Transport Police*

6.1.38 Unlike Home Office police forces, British Transport Police officers are employees of the British Transport Police Authority and can be made redundant. Section 18 of the Railways and Transport Safety Act 2003 created the British Transport Police Authority and section 20 gives the British Transport Police Authority the obligation to:

*“secure the maintenance of an efficient and effective police force ... to be known as the British Transport Police Force”.*

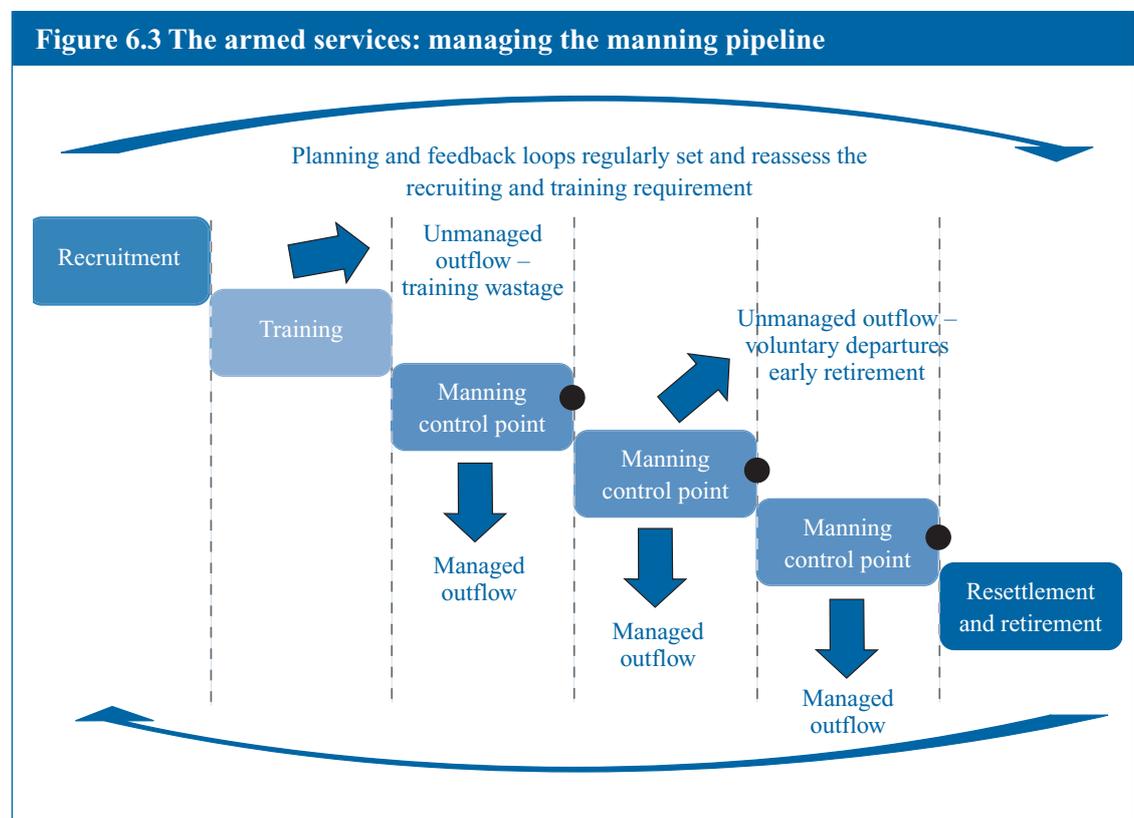
6.1.39 Section 24 provides that the British Transport Police “Authority shall appoint and employ constables of the Police Force”. Whilst British Transport Police officers are employees of the British Transport Police Authority, they do not have some of the ordinary rights associated with that status. For instance, section 30 of the Railways and Transport Safety Act 2003 prohibits British Transport Police officers joining a union. British Transport Police officers do not have the right to bring unfair dismissal proceedings<sup>54</sup>.

6.1.40 A redundancy and resettlement scheme for British Transport Police officers was introduced in 2004. At the time of the publication of this report, no officer has been made redundant on a compulsory basis. In situations involving compulsory redundancy, officers employed after 29 February 2004 receive the statutory minimum redundancy payment (see above). For officers employed before that date, the redundancy compensation scheme is more complex.

<sup>54</sup> The Employment Appeal Tribunal held in *Spence v British Railways Board* [2001] ICR 232 that section 200 of the Employment Rights Act 1996 applies to British Transport Police officers

*Armed services commissions system*

- 6.1.41 Rather than serving for an open-ended period, armed services personnel serve for specified periods through a system of commissions (for officers) and engagements (for other ranks). The benefit of this system for the state is that the armed services are not required to retain an individual who is no longer performing satisfactorily. An individual will begin his commission or engagement with the expectation of serving for a specified length of time, which may be extended if both parties so wish. This length of the commission or engagement varies depending on the rank of the person in question and the branch of the armed services and profession of which he is a member. At the end of his initial commission or engagement, an individual must be assessed in order to progress further. These assessments appear at set points in a career. Whether or not an individual continues in service depends on the assessment of the board at that point. The board looks at the individual's appraisal reports and assesses whether to offer that person additional service or whether to terminate his service. This assessment process, and the numbers and skills that the service wishes to maintain, depends on comprehensive workforce planning across the armed services in order to predict what size of workforce is likely to be required and what skills the workforce needs to have. This system produces a significant amount of 'churn' within the armed services.
- 6.1.42 Workforce planning is an essential part of the management culture of the armed services. Each year the armed services assesses the condition and capacity of its workforce and what is likely to be needed in future. This workforce plan, or "manpower planning requirement", begins with the strategic direction being set. This direction is set following analysis of what the United Kingdom's defence capabilities need to be and the likely scenarios within which it needs to operate. From this assessment, the type and size of the armed forces needed to meet this capability is calculated, including the number of personnel and the skills required, the consequent training requirements and the training and rest periods which need to be built into the system. Each branch of the armed services then develops its own 'manpower planning and career management process' which sets out how that service will meet the requirements it has been given. Figure 6.3 illustrates how this process works.



- 6.1.43 Once people are recruited into the armed services, they may leave during training because the organisation or the individual do not consider them suitable for life in the services. The numbers leaving in these circumstances are not within the control of the organisation. Once successfully through training, personnel continue in service, being assessed at specified ‘manning control points’ against the rest of their cohort. The armed services may also discharge people between manning control points because of poor performance, unsuitability or misconduct. Members of the armed services can also be made redundant.
- 6.1.44 The length of a commission or engagement varies considerably depending on the branch of the armed services in question and the rank and profession of the individual. Usual commission and engagement lengths are set out in Table 6.3.

**Table 6.3 Armed services commissions and engagements**

	<b>Royal Navy</b>	<b>Army</b>	<b>Royal Air Force</b>
<b>Officers</b>	Officers receive an initial commission of between six and 12 years. If selected for a career commission, service is extended to between 16 and 18 years. A full term commission further extends service to retirement age.	Officers are initially appointed for between three and eight years and then, if selected, are offered further commissions of between ten and 16 years until they reach 34 years service.	Officers receive either an initial six or 12 year short commission. Selected officers then receive a permanent commission lasting until they have either reached 40 years of age or have 18 years’ service. On appointment to Squadron Leader officers may stay until the age of 55.
<b>Other ranks</b>	Ratings join on a 22-year engagement.	Soldiers serve for an initial 12 years and then, if selected, are offered either a further 12 or 18 year engagement.	Airmen serve for an initial nine years and are then offered further engagements of between 12 and 15 years.

*Source: Ministry of Defence*

- 6.1.45 The commission and engagement system has a degree of flexibility which allows the length of a commission or engagement to be varied depending on the labour market. Certain types of specialist training, such as that for aircrew or medical staff, attract a return of service provision, that is the individual must remain in service for an agreed period to ensure that the organisation receives a return on its investment. For instance, a pilot is likely to be given a longer initial commission and to have to sign a contract agreeing to financial penalties if he leaves earlier. However, those in the infantry, who have general skills, and where the organisation benefits through having a regular turnover of young officers, are likely to receive short initial commissions of perhaps only three years.
- 6.1.46 When personnel leave the armed services, they are entitled to resettlement support. The level of support depends on an individual’s length of service and will generally be credits which can be used to buy training from an accredited private sector provider in order to be ready for a career in civilian life. Those leaving may also qualify for a terminal grant which depends on their rank and length of service. In addition to the terminal grant, officers on the Armed Forces Pension Scheme 1975 qualify for an early pension after 16 years’ service from the age of 21, whilst other ranks qualify for a pension after 22 years’ service from the age of 18. Those who leave before meeting the eligibility criteria have their pension preserved until the age of 65. Those on the Armed Forces Pension Scheme 2005 and who are over the age of 40 and have 18

years' service qualify for Early Departure Payments. The Early Departure Payment is a lump sum of three times the individual's annual preserved pension<sup>55</sup> and a monthly income of at least 50% of the annual preserved pension rising to 75% of the annual preserved pension if the individual is over 55. This is payable until the individual reaches 65, when his full pension and lump sum become payable.

## Consultation

### *Response by the Association of Chief Police Officers*

- 6.1.47 The Association of Chief Police Officers recognises the lack of flexibility for forces to manage officer numbers, and the disproportionate effect this has on police staff<sup>56</sup>. In principle, it supports greater flexibility for Chief Constables in managing the size, structure and composition of their workforces. It explains that short and medium term contracts would be one way of achieving this, as long as the vocation of policing is not undermined. However, it does not believe these should be used as a way of managing performance. It says that this should be done through proper performance management procedures.

### *Response by the Association of Police Authorities*

- 6.1.48 The APA says that it is unconvinced that a commissions model for future police careers would bring about sufficient workforce reform. It acknowledges that such a regime would enable the service better to manage its workforce by reducing the number of officers and ensuring a steady inflow of new recruits. However, it states that the inability of police forces to make officers redundant is "a significant barrier to productivity and value for money"<sup>57</sup>. The APA is in favour of a compulsory redundancy regime, and points out that redundancy works satisfactorily in other sectors and for police staff.

### *Response by Association of Police Authority Chief Executives*

- 6.1.49 The Association of Police Authority Chief Executives (APACE) suggests that there may be some place for short- or fixed-term commissions in the police<sup>58</sup>. However, it recommends that the review should consider the potential for officers to be made redundant in the interests of the efficiency and effectiveness of the service. It does not understand why arrangements which work well in other sectors, including for police staff, should not apply to police officers.

### *Responses by police forces and authorities*

- 6.1.50 Thames Valley Police Authority agrees with APACE that greater flexibility is needed for forces to alter their workforce size, structure and composition, and that it should be possible to make officers redundant when that is in the interests of the efficiency and effectiveness of the force<sup>59</sup>.
- 6.1.51 The Metropolitan Police Service would welcome other methods of releasing officers. It suggests the time may be right to give officers more flexible "contracts of employment", making the service more attractive as many people move towards "portfolio careers"<sup>60</sup>.
- 6.1.52 Hampshire Constabulary does not support redundancy as a way of managing the workforce. It would like to see officers engaged on contracts with break points akin to the military style of employment, giving both the force and individual an opportunity to part company, with a financial package that gives appropriate reward and security.

55 Benefits due to a member leaving AFPS 05 before the age of 55 after a minimum of two years' service or a transfer in from another scheme. The preserved pension and pension lump sum are payable at the age of 65

56 ACPO Part 1 submission, page 36

57 APA Part 1 submission, page 31

58 *Submission from Association of Police Authority Chief Executives*, September 2011, page 7

59 *Submission from Thames Valley Police Authority*, September 2011, pages 3-4

60 *Submission from Metropolitan Police Service*, October 2011, pages 3-4

*Response by the Police Federation of England and Wales*

- 6.1.53 The Police Federation rejects the idea of commissions. It does not believe officers in whose training and development significant investment has been made, and who have accumulated experience, should be susceptible to a requirement to leave early in their careers<sup>61</sup>. It argues that this could undermine the vocational ethos of policing. The Police Federation rejects any comparison between the police service and the armed forces and the concept of a career structure akin to the armed forces<sup>62</sup>. It believes that issues such as performance management can be achieved without “drastic and unnecessary change”.
- 6.1.54 The Police Federation discussed the question of redundancy for officers in its first submission in Part 1<sup>63</sup>. In brief, it stated that a power to make officers redundant is inconsistent with the special status of the office of constable, that policing is unique, that officers are subject to a range of restrictions in their lives, and forces’ lack of a power to make them redundant is an appropriate restraint which balances the intrusive restrictions which apply to officers. It also argued that to remain independent, officers must be free from fear that their actions will not mark them out for future redundancy<sup>64</sup>.

*Response by the Police Superintendents’ Association*

- 6.1.55 The Police Superintendents’ Association argues that short commissions would not be cost-effective because terminating officers’ service after only a few years would mean that the costs of training them would be wasted. It is also concerned that such a scheme would reduce the resilience of police forces to protect the public because of the wait involved for new officers to become competent<sup>65</sup>. It is unpersuaded that such a regime is either necessary or desirable. Once police numbers have been adjusted following the current budget reductions, the Association argues that officer numbers can be managed through normal recruitment mechanisms.
- 6.1.56 The Police Superintendents’ Association suggests that officers required to leave before attaining normal retirement age should, at certain identified points, receive a reduced pension or gratuity payable immediately<sup>66</sup>. There could be a graduated scale of entitlements based on years of service and age. As in the military, this would enable officers to transfer to life outside the police service and recognise the likely level of financial commitments such individuals are likely to have.

*Response by UNISON*

- 6.1.57 UNISON states that police staff are being disproportionately adversely affected by redundancies following the comprehensive spending review, and that fairer and more appropriate mechanisms to control police officer numbers should be developed<sup>67</sup>.

*Additional consultation responses*

- 6.1.58 Reform recommends that redundancy should be introduced for officers, as reductions in staff numbers mean that forces will become increasingly officer-dominated, reversing the benefits of civilianisation<sup>68</sup>. It states that police forces are no different from other workforces. It argues that the current system is unjustifiably biased towards certain groups (officers) at the expense of others (staff).
- 6.1.59 Reform remarks that the service is losing highly experienced and able people because it is difficult to enter and leave policing with appropriate and efficient degrees of flexibility<sup>69</sup>. It

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61 Police Federation submission, page 74

62 *ibid.* page 75

63 Part 1 report, page 195

64 Police Federation Part 1 submission (1), page 50

65 Police Superintendents’ Association submission, page 8

66 *ibid.* page 58

67 UNISON submission, page 14

68 *Submission from Reform*, September 2011, page 7

69 *ibid.* page 60

recommends that greater use should be made of commissions, which would also be likely to improve the culture of policing, moving it away from one which focuses on time served to one of performance. It rejects the idea that shorter commissions would make constables less independent, as independence should mean freedom for an officer from the executive branch of Government, not his superiors<sup>70</sup>. It finds it unlikely that officers' independence would be compromised by a desire to win the approval of senior officers to secure an extension. It argues that military officers do not demonstrate compromised integrity.

### *Seminars*

- 6.1.60 Approaches to managing the workforce were discussed at seminars held for both Parts 1 and 2, on 10 October 2010 and 13 July 2011 respectively.
- 6.1.61 An account of the discussion at the earlier seminar appears in Part 1. However, some points were made which it is useful to reiterate. On compulsory redundancy, the general secretary of the Police Federation stated that redundancy was incompatible with being an officer of the Crown<sup>71</sup>. He was concerned that it would constrain the proper use of the office. He said that there may be circumstances in which a junior officer may be inhibited from pursuing a particular course of action – one which would be an entirely proper exercise of his discretion and use of his original jurisdiction – because of a fear that such a step may be regarded unfavourably by a senior officer, and would therefore render him more likely on a future occasion to be selected for redundancy. The general secretary was also concerned that making officers redundant could lead to skills shortages in future<sup>72</sup>. He said that the training and development of a police officer is long and expensive, and so redundancies could have long-term adverse consequences on the effectiveness of a police force. In contrast, he said that police staff functions were “more general” and could be quickly filled from outside if required.
- 6.1.62 Chief Superintendent Graham Cassidy (Police Superintendents' Association) opposed the introduction of compulsory redundancy for police officers on the grounds that it would undermine the compact between officers and the state, which offsets the restrictions on officers' private lives and lack of industrial rights with stable employment expectations<sup>73</sup>. Mr Mick Williams (KPMG) pointed out that a similar pact, the military covenant, exists with the armed forces. They too operate under restrictions which are similar to those for the police, yet they have always been susceptible to compulsory redundancy<sup>74</sup>.
- 6.1.63 Ms Terri Teasdale (Director of Resources, Thames Valley Police) stated that 84% of a police force budget is spent on pay and allowances, the majority of it on officers. However, the only way officer numbers could be controlled is by “waiting for someone to retire or resign”<sup>75</sup>. In the context of having to manage significant and rapid budget reductions, she considered this alarming and unsatisfactory<sup>76</sup>. Deputy Chief Constable John Feavvour (Cambridgeshire Constabulary) stated that forces would be in an untenable situation if they were asked to deliver large savings without being given the tools to do so<sup>77</sup>. In his view, reductions of the necessary size could not be made unless there is a way of reducing the number of officers. Whilst reluctant to do this, he said that without that flexibility, forces are unjustifiably and unsustainably constrained<sup>78</sup>.
- 6.1.64 The Part 2 seminar focused primarily on the benefits and disadvantages of a commissions model rather than redundancy. The need for greater flexibility was acknowledged. Ms Sarah Hughes (National Policing Improvement Agency) said that the current situation in which forces cannot make officers redundant means that forces have to consider other ways to manage and

70 *ibid.* page 61

71 Exit routes seminar (2010), pages 100-101

72 *ibid.* pages 101-102

73 *ibid.* page 103

74 *ibid.* page 105

75 *ibid.* page 94

76 *ibid.* page 94

77 *ibid.* page 98

78 *ibid.* page 98

plan their workforces<sup>79</sup>. She said that the absence of adequate management instruments to alter their workforces' size, structure and composition causes forces severe difficulties in meeting the requirements of the comprehensive spending review.

- 6.1.65 Mr Bob Crawley (Head of Health and Wellbeing, Metropolitan Police Service) said that any system of commissions will need proper oversight to ensure people are not improperly required to leave the police service<sup>80</sup>.
- 6.1.66 Sergeant Andy Garrett (Metropolitan Police Disability Staff Association) said that properly designed and operated points at which an officer may be required to leave could be an appropriate model<sup>81</sup>. He believed that forces would need to build the capability to give those leaving at the end of a commission training and support, something which he said does not presently exist<sup>82</sup>. This could be done instead of the payment of financial compensation. He was sceptical about the capacity of a commissions model to improve performance.
- 6.1.67 Ms Ashley Judd (Head of Human Resources, Lancashire Police) thought that making payments or giving early pensions to those leaving at the end of a commission could create severe financial pressures on police forces<sup>83</sup>. Mr Charles Cochrane (Essex Police Authority and the Association of Police Authorities) was also concerned about the costs of a commissions model, and also expressed reservations about the bureaucracy of such a system<sup>84</sup>.
- 6.1.68 Lieutenant-Colonel Andrew Stevenson (Ministry of Defence) said that in the armed services careers are relatively short as people go through a series of what the military call gateways<sup>85</sup>. Those who decide or are asked to leave the service receive support for resettlement, and both officers and soldiers can receive early pensions. He explained that this is useful for both workforce planning and strategic force development.<sup>86</sup> He explained that people are free to leave the service between breakpoints, unless they have particular skills and experience which they have agreed they will use in the service for a particular period of time<sup>87</sup>.
- 6.1.69 Mr Alan Johnson (Metropolitan Police Authority) believed that forces need to learn from the armed services and engage in better career management for all officers, and better succession planning<sup>88</sup>.
- 6.1.70 Assistant Chief Constable Colin Matthews (Merseyside Police) said that a commissions model could be very useful if it were to lead to more transferability between professions. He said that it would be advantageous for people from both the police and other organisations to learn from each other. This could be achieved through short-term contracts lasting perhaps five years.
- 6.1.71 In connection with redundancy, ACC Matthews said that there is resentment amongst staff that they are being treated differently from officers<sup>89</sup>, and that any resulting tensions are undesirable. Mr David Hays (ACPO) said he believed this is because in many other respects the line between officers and staff is becoming less well-defined, particularly in cases where police officers and staff work together in mixed teams<sup>90</sup>.

## Conclusion

- 6.1.72 Since the publication of Part 1, long-term economic projections indicate even more starkly that the police service's generous funding of the early 2000s is unlikely to return. Figure 6.4 illustrates the estimated medium- to long-term rises in public sector net debt (PSND) compared

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79 Career model seminar (2011), page 17

80 *ibid.* page 26

81 *ibid.* page 27

82 *ibid.* page 54

83 *ibid.* page 54

84 *ibid.* page 56

85 *ibid.* page 29

86 *ibid.* page 30

87 *ibid.* page 39

88 *ibid.* page 45

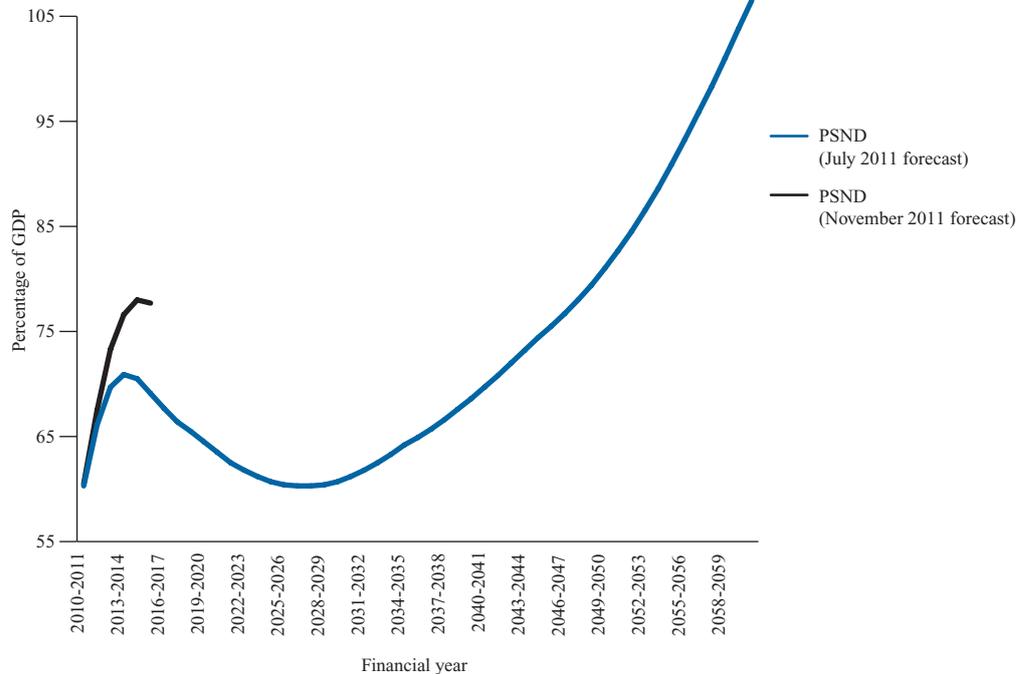
89 *ibid.* page 50

90 *ibid.* pages 50-51

with GDP. There are of course appreciable uncertainties in such long-term forecasting, but it illustrates that the future fiscal outlook for the United Kingdom could be worse, not better.

**Figure 6.4**

Office for Budget Responsibility projections of Public Sector Net Debt as a percentage of GDP, from 2010 to 2061



- 6.1.73 As explained in Chapter 1, after a brief decline in this decade, the Office for Budget Responsibility projects PSND increasing steadily to more than 100% of GDP from the mid-2020s. These financial forecasts indicate that public sector finances are likely to be under considerable pressure for the foreseeable future, and not just the period of the government's spending review to 2015/16. Therefore, it should not be assumed that central government police service grant will return to pre-2009 levels. Whilst the local precept (the amount raised for policing by local council tax) could be increased to compensate for this, police and crime commissioners who choose to increase local taxation will naturally face political pressures not to do so.
- 6.1.74 Forces are likely to need to work within smaller budgets, whilst continuing to maintain and improve services to the public. This can only be done by finding efficiencies and working differently. Forces are likely to collaborate more with one another and, potentially, with the private sector. To do this, forces may need to change their workforce mix (the balance between officers and staff), workforce structure (the numbers of officers and staff at different grades), and what officers and staff do. Forces may also, *in extremis*, need to reduce the size of their workforces. Personnel costs account for approximately 80% of police budgets. This means that if its budget is reduced, a force may need to reduce the cost, and so the size, of its workforce.
- 6.1.75 At present, forces have some instruments to manage the police staff workforce. As explained earlier in this Chapter, members of police staff can be offered voluntary severance and, if necessary, be made redundant if a redundancy situation exists (that is the requirement for work of a particular kind either generally or in a particular location has ceased or diminished or is expected to do so). Forces do not have the same range of instruments to manage the officer workforce. Of necessity, these differences in treatment place a disproportionate burden on police staff members. Their employment can much more easily be brought to an end, whilst most officers have, in effect, a guaranteed job until they reach pensionable age. This imbalance in conditions of service could lead to reverse-civilianisation in some areas, where officers are

moved into jobs which were previously done more efficiently, and in many cases to a higher professional standard, by skilled and experienced police staff. That is neither fair to police staff nor the taxpayer.

- 6.1.76 There is widespread agreement on the part of Official Side organisations that there is a need for considerably greater flexibility for police forces to alter their workforce size, structure and composition. There is less agreement on the most appropriate means of achieving this. Some, such as the Metropolitan Police Service, support the idea of short-term commissions for police officers. Others, such as the Association of Chief Police Authority Chief Executives, the APA and Thames Valley Police, support the introduction of a power akin to redundancy. UNISON also proposes the introduction of mechanisms to manage officer numbers to prevent staff being disproportionately affected by redundancies.
- 6.1.77 In contrast, the Police Federation continues to believe that change is unnecessary in the way forces can manage the officer workforce. It rejects commissions as potentially undermining the vocational ethos of policing by making officers with experience leave early in their career. The Police Superintendents' Association rejects commissions as not cost effective, and further powers as unnecessary and undesirable.
- 6.1.78 The instruments presently available to chief officers to alter their workforce size, structure and composition are inadequate. Freezing recruitment, as many forces have done, to reduce the size of police workforces, is far from satisfactory, since it will create a bubble of lack of expertise which will move through the system for many years to come. A guaranteed job until pensionable age is no longer sustainable, particularly at a time of lower budgets, advances in technology and increasing innovations in how police services are delivered. The disproportionate adverse effects of the imbalance in the terms and conditions of police officers and staff, in these respects, are severe and unfair.
- 6.1.79 Whilst the office of constable is, and should remain, the bedrock of British policing, giving forces greater control over the officer workforce is not inconsistent with it. Officers in a number of non-Home Office forces are susceptible to redundancy. The inability of a right to strike does not carry with it an inseparable immunity from redundancy. Armed forces personnel may not withdraw their labour, but they can face redundancy. Differences between the officer and staff workforces should be harmonised where there is no objective justification for their retention.
- 6.1.80 It is impractical and unsustainable to expect forces to manage their workforces and their budgets in the future with the same tools that they have now. The economic conditions of the next 30 years will not be the same as those of the last thirty. Chief officers need much greater flexibility to alter the size, structure and composition of their workforces.

### *Commissions*

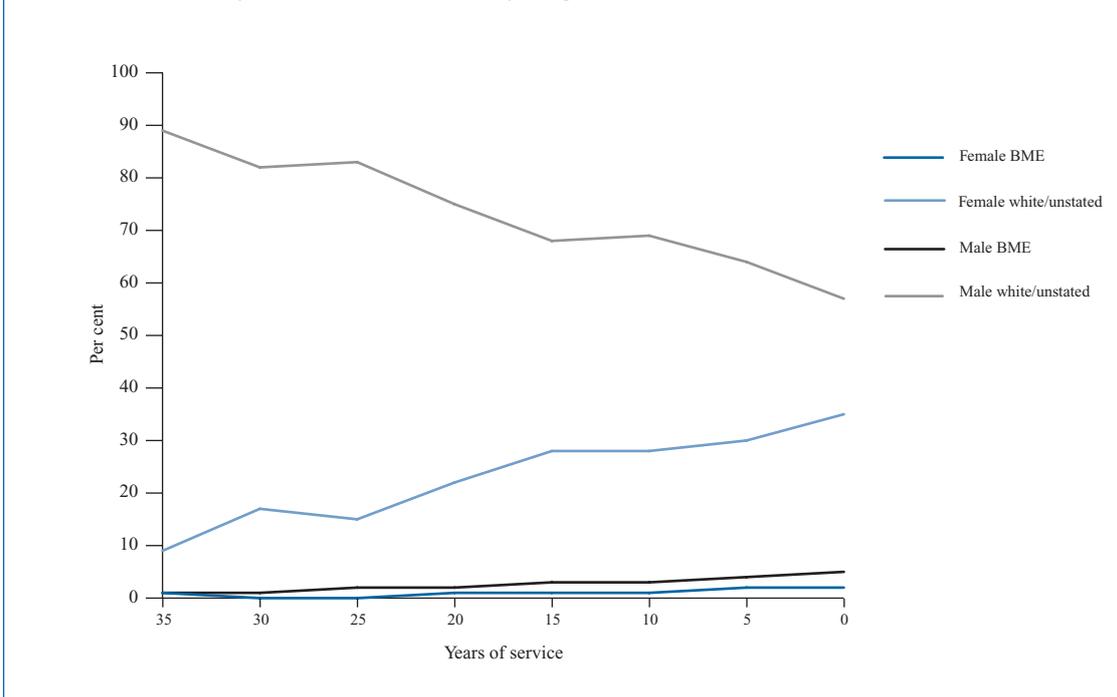
- 6.1.81 Military-style commissions would represent a very considerable increase in the flexibility of a chief officer to alter his workforce size, structure and composition according to the projected needs of the force and the public.
- 6.1.82 Police officers would be engaged for specified periods, such as five or seven years, rather than for a 30 or 35-year career, which is the present position. Periodically, forces would assess their workforce requirements. They would consider how many police officers are likely to be needed at each rank, and the skills which are required. Forces would then match officers approaching the end of an engagement with the positions available. In some years, almost all officers approaching the end of an engagement might be offered continuation. In other years, fewer might be kept on. For example, if the force were to determine that it had more detective sergeants than necessary for future requirements, detective sergeants approaching the ends of their commissions would be scrutinised. They would be ranked against objective criteria, such as their performance, their annual in-service fitness test (see Chapter 5), and their disciplinary and attendance records. Officers would be offered re-engagement, or not, depending on this assessment.

- 6.1.83 Such a system would have a number of significant benefits. Forces would be required to improve their workforce planning processes. They would have to make robust and defensible projections of the likely circumstances and demands of and on policing in the foreseeable future, and then assessments of the necessary condition, capacity and capability of their workforces. By regularly assessing officers against their performance and the skills which the force will need, managers and officers would become more focused on performance management and career development. Officers would insist that managers appraise their performance correctly, and they would be acutely conscious that inadequate performance may very well lead to the refusal of a subsequent period of engagement. Managers would need to ensure that the PDRs produced were of a sufficient quality to meet the requirements of the assessment board. When compared with compulsory severance, officers would have certainty as to when they would be assessed.
- 6.1.84 The advantages of a commission model are so strong that it would have been my strong preference to recommend its introduction to the police service. However, legal difficulties with it are so severe as to make that inadvisable.
- 6.1.85 The nature of any commission model is that it would increase the numbers of recruits at a corresponding rate of decrease in the retention of existing officers. Commissions could therefore indirectly discriminate unlawfully against older workers, as older people would be more likely to be at the end of a period of engagement. Under the Equality Act 2010 age has been identified as a protected characteristic and therefore such discrimination would require objective justification. The benefits of a system of commissions in encouraging better performance and managing workforce numbers might be considered a justification, but other means of achieving such aims are already available (such as the unsatisfactory performance and attendance procedures) or are being considered by the review, such as a system analogous to redundancy for officers. These would be seen as more proportionate than radically reducing the security of tenure for police officers.
- 6.1.86 There are also other difficulties with commissions. The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 apply to police officers, even though they are not employees<sup>91</sup>. The effect of Regulation 8 of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 is that a police officer who is re-engaged for a second or subsequent fixed term would automatically be engaged permanently, unless the Chief Constable could show that there was objective justification for continuing to engage the officer for a fixed term. It would be very difficult to establish such objective justification. Objectives, such as maintaining or encouraging high standards of performance or managing workforce numbers, can be achieved by other means which are more proportionate than radically reducing the security of tenure for officers. Under commissions, every officer would be at risk of non-renewal every few years without any need to establish a redundancy situation.
- 6.1.87 In order to mitigate the effect of the commission model on serving officers, a number of options were explored, most notably introducing it to new recruits only. New recruits would volunteer to accept the revised terms and conditions, unlike serving officers who joined under a previous regime. However, as can be seen in Figure 6.5, the serving officer population is increasingly white and male the greater the number of years of service, whereas the newer recruits are more likely to be female or from black and minority ethnic backgrounds. Of those officers who joined 30 years ago and are now at retirement, 81% are white males and 17% are white females, whilst only 1% come from BME backgrounds. Those officers who joined 15 years ago are 69% white males and 26% white females, whilst BME representation has risen to 4%. Amongst those who have less than one year's service, 61% are white males and 31% are white females, and BME representation has risen to 6%. Assuming this trend continues, introducing such a commissions system only for new recruits would be likely to cause a significant inequality for groups with protected characteristics under the Equality Act 2010 that could only be recommended if there was objective justification for such inequality.

<sup>91</sup> Regulation 17 of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 provides for officers to be treated as employees of the chief officer of the police force

**Figure 6.5**

Gender and ethnicity in the constable rank, by length of service 2010-11



6.1.88 Given the vulnerability of commissions to successful legal challenge, I have concluded that a system of military-style commissions should not be pursued for the police service.

*Compulsory severance*

6.1.89 A system analogous to compulsory redundancy for police officers is a second-best to the commissions model. It also has some advantages over commissions, which ought to be acknowledged. Rather than having to make decisions on whether to terminate police officers’ engagements at regular intervals, forces would only need to do so if a redundancy situation were to arise. That may be rare. Forces already have expertise in administering redundancy because they have done it in the cases of police staff. There is an established body of case law of redundancy, and the models of financial compensation available to people who are made redundant are well-developed. If such a system were to be introduced, it would bring the terms of service for police officers and staff into a considerably greater degree of harmony, to the material advantage of police staff.

6.1.90 There are some disadvantages. A power of compulsory severance is less likely to facilitate appreciable improvements in performance in the same way as commissions. Compulsory severance in the interests of the efficiency of the force is materially different from dismissal on the grounds of conduct or capability. In the latter cases, the unsatisfactory performance and attendance procedures must be used.

6.1.91 It should, however, be acknowledged that performance is a legitimate factor in selection for redundancy, once the need to reduce the workforce has been established. Better performance should follow implementation of the recommendations in Chapter 8. These include a new, more streamlined, performance and development review system, better training for managers on performance management, the introduction of forced-distribution to encourage managers to carry out critical assessments of the performance of the bottom ten *per cent* of workers, and contribution-related pay progression for all ranks up to and including Assistant Chief Constable.

- 6.1.92 A power of compulsory severance will not compel forces to engage in workforce planning as proactively and intensively as would commissions.
- 6.1.93 For the reasons given above, a system of compulsory severance for police officers with less than full pensionable service, analogous to redundancy, would materially improve the ability of chief officers to alter forces' workforce size, structure and composition according to the projected needs of those forces and the public they serve. I recommend that such a system be introduced.
- 6.1.94 The circumstances in which a police officer with less than full pensionable service may be subject to compulsory severance should be the same as those specified for redundancy in section 139 of the Employment Rights Act 1996. Under section 139, a person is taken to be dismissed by reason of redundancy if the employer has ceased or intends to cease to carry on the business for which a person is employed, or to carry it on in the place where the person is employed. Section 139 also provides that a situation of redundancy exists when the requirements of the employer's business cease or diminish for employees to carry out work of a particular kind, including in a particular place.
- 6.1.95 Nothing in my recommendations requires or implies that a police officer is or should become an employee or that the office of constable should be abolished, lost or diminished. The contrary is the case.
- 6.1.96 I recommend that an officer, with less than full pensionable service, who leaves his police force by reason of compulsory severance should be eligible for financial compensation. This should be, as a minimum, equivalent to what would have been the statutory redundancy pay, if he had been made redundant. Forces should be empowered to offer financial compensation on the same terms as the Civil Service Compensation Scheme 2010. As explained in Part 1 in relation to voluntary severance<sup>92</sup>, the civil service scheme is the most recent reflection of current thinking on compensation payments in cases of severance. The scheme was developed to be fair to both civil servants and the taxpayer, and has been subject to recent scrutiny and approval by Parliament. Under the terms of the scheme, forces would be able to offer police officers a lump sum of one month's pay for each year of service up to 12 years' service.
- 6.1.97 I recommend that police officers, like staff, should be given access to employment tribunals if they wish to claim that their compulsory severance has been unfair. This is because the regulations concerning the use of compulsory severance for police officers should be the same as those for employees. Employment tribunals have long-standing expertise in the consideration of cases concerning compulsory redundancy for employees. They are therefore best placed to deal with cases which are analogous to ones which allege unfair selection for redundancy.
- 6.1.98 The power of compulsory severance should apply from September 2013 to all police officers, other than those on fixed term appointments, with less than full pensionable service. Regulation A19 of the Police Pensions Regulations 1987 should continue to apply to those who have completed pensionable service.
- 6.1.99 Compulsory severance will of course cost money. Financial compensation payments will be met from forces' existing budgets.

**Recommendation 46 – The Police Regulations 2003 should be amended to create a system of compulsory severance for police officers with less than full pensionable service from April 2013.**

<sup>92</sup> Part 1 report, page 192

**Recommendation 47 – The Police Regulations 2003 should be amended to provide for the payment of financial compensation to police officers with less than full pensionable service who leave the police service by reason of compulsory severance. Forces should be empowered to offer financial compensation on the same terms as are available under the Civil Service Compensation Scheme 2010.**

**Recommendation 48 – Officers who have been subject to compulsory severance should have access to employment tribunals if they wish to allege that their severance has been unfair.**

*Force management statements*

- 6.1.100 The principal assets of a police force are its people, the most complex and sensitive assets of any enterprise. The proactive and competent management of those assets is essential to the efficient and effective policing of communities. All enterprises need sound and easily accessible information in relation to the capacity, condition and capability of their assets, the efficiency and effectiveness of their performance, and what it costs to maintain and operate them. Without that, performance will suffer, costs will be unnecessarily high, and the assets will deteriorate. This is no less true with people as it is with physical facilities; it is probably more so. Despite this, too many police forces have incomplete or inadequate information in relation to these matters.
- 6.1.101 In order to make sound management decisions on the maintenance, development, retirement and enhancement of its assets, a police force needs to make sound assessment of the demands which it is likely to face in the foreseeable future. These demands will be a function of the interaction of a complex set of variables, including factors such as social deprivation, the conditions of the local and national economy, demographic changes and developments in technology and its use by criminals. Forces should already have a sound appreciation of these things because they should be included in the policing plan established with the local police and crime commissioner.
- 6.1.102 Police and crime commissioners, and the public which elects them, should be able to make an assessment of the efficiency and effectiveness of the police forces in their areas. The ability to make valid comparisons between the performance of police forces will be of considerable advantage in this respect. It is therefore necessary that all police forces prepare and publish their plans in relation to their management of their assets and how they will meet projected demands on a consistent basis.

**Recommendation 49 – HMIC, in consultation with police forces, the Police Professional Body and the Home Office, should establish a national template for a force management statement which should be published by each police force with its annual report. The force management statement should contain consistently presented, reliable data about the projected demands on the force in the short, medium and long terms, the force's plans for meeting those demands, including its financial plans, and the steps it intends to take to improve the efficiency and economy with which it will maintain and develop its workforce and other assets, and discharge its obligations to the public. Each force management statement should also contain a report, with reasons, on the force's performance in the last year against the projections made for that year in the last force management statement. Exclusions should be permitted on security grounds.**

## 6.2 Chief Constables' severance

### Background

#### *History*

- 6.2.1 At the time of the Royal Commission in 1962, police authorities could remove a Chief Constable on either of two grounds. The first concerned his personal conduct, and the matter would be dealt with under the discipline regulations<sup>93</sup>. Borough police forces had powers under the Municipal Corporations Act 1882, which stated that:

*“The watch committee ... may at any time suspend, and the watch committee may at any time dismiss, any borough constable whom they think negligent in the discharge of his duty or otherwise unfit for the same”<sup>94</sup>.*

County police forces had powers under the County Police Act 1839 which stated that “every Chief Constable ... may hold his office until dismissed by the standing joint committee”<sup>95</sup>. In the event of such action being taken, Chief Constables could appeal to the Secretary of State against dismissal or a requirement to resign.

- 6.2.2 The main recommendation of the Royal Commission in connection with the dismissal of Chief Constables was that police authorities should lose the general power to suspend or dismiss Chief Constables under 19<sup>th</sup> century statutes. It argued that the discipline regulations were sufficiently broad to cover any likely circumstances, as well as having the advantage of better safeguards for officers.
- 6.2.3 The second ground of removal of a Chief Constable by his police authority was that the Chief Constable had ceased to be effective and no longer enjoyed the confidence of the police authority to run the police force properly<sup>96</sup>. The Royal Commission recommended that police authorities should be able to require a Chief Constable to retire before he was entitled to a full pension without having to declare that he was inefficient but on the grounds that he had lost their confidence, subject to the approval of the Secretary of State and with no grounds for appeal<sup>97</sup>. The Police Act 1964 – which implemented the recommendations of the Royal Commission – provided in sections 5 and 29 that chief officers might be required to retire at any time in the interests of efficiency<sup>98</sup>.
- 6.2.4 In situations where the Chief Constable was not commanding his force or enforcing the law sufficiently well, the Royal Commission recommended that this should be a matter for the Secretary of State, but the mechanism for removal should be through the police authority which was likely to initiate proceedings in practice<sup>99</sup>. The Secretary of State would be able to request that a police authority require an inefficient Chief Constable to retire. Refusal could mean the withdrawal of the police grant. As a safeguard, the Royal Commission recommended that an independent tribunal should be appointed to consider differences on the matter and report to the Secretary of State, although it was expected that this would seldom be used, as Chief Constables were likely to retire voluntarily<sup>100</sup>.

93 *Final Report of the Royal Commission on the Police (chairman: Sir Henry Willink MC QC)*, Cmnd 1728, May 1962, page 57

94 Section 191(4) of the Municipal Corporations Act 1882

95 Section 4 of the County Police Act 1839 as read with section 9(1) of the Local Government Act 1888

96 *Final Report of the Royal Commission on the Police (chairman: Sir Henry Willink MC QC)*, Cmnd 1728, May 1962, page 57

97 *ibid.* page 59

98 Sheehy report, page 116

99 *Final Report of the Royal Commission on the Police (chairman: Sir Henry Willink MC QC)*, Cmnd 1728, May 1962, page 59

100 *ibid.* page 89

### *Introduction of fixed term appointments*

- 6.2.5 Fixed term appointments for chief officers were introduced in the mid-1990s following Sir Patrick Sheehy's review (see earlier in this Chapter)<sup>101</sup>. Initially, all chief officer ranks were held on fixed term appointments<sup>102</sup>. However, fixed term appointments were abolished for Assistant Chief Constables and Metropolitan Police Commanders by Regulation 2 of the Police (Amendment) Regulations 2006.

### *Status quo*

- 6.2.6 Chief Constables and Deputy Chief Constables are appointed for fixed terms<sup>103</sup>. The fixed term can be extended with the agreement of the relevant police authority for a further three years and, subsequently, for terms lasting one year subject to the consent of the Secretary of State. An appointment can be ended through promotion or dismissal, for disciplinary reasons, following a transfer to another police force, or on retirement. Chief officers may also be required to resign or retire in the interests of the efficiency and effectiveness of the force<sup>104</sup>.
- 6.2.7 Following the introduction of police and crime commissioners in November 2012, the process for removing Chief Constables and Deputy Chief Constables will change. Part 2 of Schedule 8 of the Police Reform and Social Responsibility Act 2011 sets out the process for the removal of a Chief Constable by the local police and crime commissioner (PCC). Once a PCC proposes to require a Chief Constable to retire or resign, he must notify the police and crime panel. The PCC cannot call upon a Chief Constable to retire or resign until the end of a scrutiny process. The PCC must explain, in writing, his reasons for proposing to require the resignation or retirement, and allow the Chief Constable the opportunity to make written representations, which must also be copied to the police and crime panel. If the PCC still proposes to remove the Chief Constable, within six weeks the police and crime panel must recommend whether or not this should be done. In coming to its conclusion, the panel must hold a private scrutiny hearing which both the Chief Constable and the PCC are entitled to attend, and may consult HMIC. Ultimately, the decision to remove the Chief Constable is the PCC's alone. Under Schedule 8, paragraph 16(1) of the Act, the PCC may accept or reject the police and crime panel's recommendation.
- 6.2.8 Different arrangements apply to the compulsory removal from office of the Commissioner and Deputy Commissioner of the Metropolitan Police. In their cases, the approval of the Secretary of State is required if the Mayor of London's Office for Policing and Crime wishes to require either officer to retire or resign<sup>105</sup>.
- 6.2.9 As explained in Part 1, Chief Constables, and their Deputies (and their Metropolitan Police equivalents), have severance arrangements which differ substantially from those applying to officers of lower rank. Home Office Circular 036/04<sup>106</sup>, as amended by PNB Circular 10/3, sets out the process for dealing with the non-renewal of a fixed term appointment of a chief constable and a deputy chief constable. Police authorities must give a minimum of six months' notice if a fixed term appointment is not going to be renewed<sup>107</sup>. If a chief officer is to be removed before the end of his fixed term appointment on the grounds of efficiency or effectiveness and has 30 or more years' service, he will be required to resign<sup>108</sup>. It is for the police authority or Secretary of State to decide whether a chief officer with fewer than 30 years' service should be required to retire rather than resign. If a chief officer voluntarily retires, the financial consequences are set out in pension regulations. Chief officers who are

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101 *Police Pension Scheme*, D. Thurley, House of Commons Library, 1 July 2011, page 6

102 CPOSA Part 1 submission (1), page 3

103 Regulation 11 of the Police Regulations 2003

104 *Home Office Circular 036/2004*, Annex B, page 3

105 Section 48 of the Police Reform and Social Responsibility Act 2011

106 *Home Office Circular 036/2004*, Annex B

107 *Pay and Conditions Package for Chief Officers: Gap in the 2004 Agreement which Needs Correcting*, Police Negotiating Board Circular 10/3, 21 May 2010, Annex B, page 5

108 *ibid.* page 8

required to resign have, since 2004, had access to compensation payments so that they are not financially disadvantaged<sup>109</sup>.

- 6.2.10 These compensation payments were introduced primarily because pension regulations provided that officers retiring with fewer than 30 years' pensionable service could not receive a full, uncapped tax-free lump sum, which amounts to a quarter of the value of their pensions, to which they would otherwise be entitled. The compensation varies depending on the officer's age and length of service. The rules provide that:
- A chief officer under 50 with fewer than 25 years' service whose contract is not renewed must wait until he is 60 for his pension, whatever his length of service. However, his police authority has the discretion to pay him a lump sum of between 12 and 18 months' pensionable pay. This compensation is repayable in full if he rejoins a territorial police force within a year. If he rejoins within two years, half is repayable.
  - A chief officer over 50 with fewer than 25 years' service whose contract is not renewed receives an actuarially reduced pension (payable from 55) and compensation of six months' pensionable pay, or an unreduced pension from the age of 60 and compensation of 12 months' pay. The compensation payment is capped at half the amount the officer would have earned by the age of 60.
  - An officer aged over 50 with 25 or more but fewer than 30 years' service is eligible for an immediate pension, although his tax-free lump sum is capped. These officers receive a taxable payment of a proportion of the difference between the lump sum they will receive and the lump sum they would have received at 30 years' service. The proportion is on a sliding scale from a maximum of 95% with 29 1/2 years' service to 50% with 25 years' service.
  - A chief officer aged under 50 with 25 or more but fewer than 30 years' service is eligible for an ordinary pension payable from 50. As above, the tax-free lump sum is capped, so he will also receive, at 50, a taxable payment of a proportion of the difference between the lump sum he will receive and the lump sum he would have received at 30 years' service, calculated as above for officers over 50. Police authorities also have the discretion to give such an officer a compensation payment of up to 12 months' pensionable pay. This payment is capped so that no chief officer would be able to receive a payment of more than half the amount he would have earned by the age of 50.
- 6.2.11 Whilst not directly comparable, as these chief officers are on fixed term appointments, it is nonetheless constructive to compare these terms with the most recent public sector scheme, namely the new civil service compensation scheme<sup>110</sup>. Permanent personnel leaving the civil service may first be offered voluntary severance terms of a financial settlement equal to the value of one month's pay for each year of service, up to a maximum of 21 months' pay. After that, the individual is entitled to the compulsory terms of one month's pay per year of service up to a maximum of 12 years' service (that is a maximum of 12 months' salary). The options available to chief officers are more generous than those for civil servants leaving on compulsory terms.
- 6.2.12 The Chief Police Officers' Staff Association submitted in Part 1 that there are adverse tax consequences for a chief officer leaving when his fixed term appointment is not extended<sup>111</sup>. Part 1 contains a recommendation that police pension regulations should be amended to allow chief officers to make a choice in relation to the time at which their pension benefits crystallise<sup>112</sup>. Part 1 also said that Part 2 would consider the severance terms for chief officers.

109 Under the Police Pensions Regulations 1987, only those leaving with 30 years' service or compulsorily on the grounds of efficiency (A19), age, or ill-health (A20) can receive a full, uncapped commutation (or tax-free lump sum)

110 *New Civil Service Compensation Scheme*, Cabinet Office, London, 22 December 2010

111 CPOSA Part 1 submission (1), page 5

112 Part 1 report, page 189

## Analysis

- 6.2.13 Data on how many chief officers leave before the end of their fixed term appointments are limited. However, unpublished (and unverified) data from the Home Office indicate that between 2008 and 2011, there were 36 occasions when a chief officer left a fixed term appointment early due to promotion. Sixteen chief officers left the service before the end of a fixed term appointment. The reasons for this are not recorded, but it appears likely that they include retirement.
- 6.2.14 It is difficult to predict how many Chief Constables are likely to leave before the end of their fixed term appointments.

## Consultation

- 6.2.15 The review received no submissions on the ways in which chief officer severance packages are calculated. However, CPOSA has raised concerns in principle about fixed term appointments. In its second submission in Part 1, CPOSA advocates the end of fixed term appointments for both Chief Constables and Deputy Chief Constables<sup>113</sup>. Its reason is uncertainty about the job security of chief officers after the election of police and crime commissioners in 2012.

## Conclusion

- 6.2.16 Whilst this section focuses on severance arrangements in the cases of fixed term appointments which are not renewed, it should first be made clear that I believe (and recommend) that fixed term appointments for Chief Constables and Deputy Chief Constables should remain in place. One of the aims of the legislation creating police and crime commissioners is greater local accountability of policing. To do this, PCCs will need flexibility to appoint, and remove, Chief Constables, on rational, substantive and publicly defensive grounds. In turn, a Chief Constable will benefit from the power to remove his Deputy Chief Constable on the same basis.
- 6.2.17 Whilst I have recommended earlier in this Chapter that a power of compulsory severance should be introduced for all police officers, Chief Constables and Deputy Chief Constables remain unique. Only these ranks have fixed term appointments. As explained earlier in this Chapter, Chief Constables and Deputy Chief Constables whose fixed term appointments are not renewed are already eligible for financial compensation. The terms vary, taking account of the pension entitlement of the officer in question. As the payment methodology was developed in 2004, these compensation payments are based on the assumption that the Chief Constables and Deputy Chief Constables in question will be members of the Police Pension Scheme 1987. Over time, this will change. If, following appropriate consultation, the Home Office introduces a new police pension scheme, the compensation methodology will need to be changed to take account of the effect of the new scheme. With the potential for direct entrants potentially to rise to become chief officers by the end of the decade (see Chapter 3), a new methodology is likely to be used sooner than might previously have been the case. Such officers are likely to be members of a new police pension scheme.
- 6.2.18 As the details of any new scheme have not yet been determined, this report cannot propose a new methodology for compensation. However, I recommend that the compensation should be based on the following principles. The compensation for chief officers should of course be fair. As stated earlier in this Chapter, Chief Constables and Deputy Chief Constables, as police officers, are unique in being on fixed term appointments. This makes their continued engagement more uncertain than is the case for other police officers, even if a power of compulsory severance for all police officers below the rank of Chief Constable and Deputy Chief Constable is introduced. As explained earlier in this Chapter, such an instrument will only be used *in extremis*. In contrast with such a scheme of compulsory severance, the powers available to a PCC and a Chief Constable in the case of a fixed term appointment are far wider. I therefore recommend that the compensation available to Chief Constables and Deputy Chief Constables whose contracts are not renewed should always be more generous than the

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113 CPOSA Part 1 submission (1), page 5

compulsory severance terms available for other police officers. Nevertheless, the compensation should continue to take account of any pension and lump sum to which the officer might be entitled. The officer should not be unduly disadvantaged by the non-renewal of his contract, but the compensation should be fair to the taxpayer.

- 6.2.19 There may be circumstances that arise when it would be wrong for the taxpayer to make a large payment of compensation for loss of office to a senior officer who has been dismissed, or whose contract has not been renewed, by reason of his violation of mandatory standards of professional conduct under the Police (Conduct) Regulations 2008. When a Chief Constable or Deputy Chief Constable has reached a hearing which has the power to dismiss him, amongst other sanctions, that hearing should also have the power to remove some or all of the compensation which would otherwise have been payable to him. If a decision of that kind is made, the officer should have an appropriate right of appeal.

**Recommendation 50 – Compensation payments for Chief Constables and Deputy Chief Constables whose fixed term appointments are not renewed should be fair and more generous than the compensation available to officers who leave the police service by reason of compulsory severance, taking into account any pension entitlements. The current scheme should therefore remain.**

**Recommendation 51 – Hearings under the Police (Conduct) Regulations 2008, which have the power to dismiss an officer, should also have the power to remove some or all of the compensation payment for the contract of appointment to which the chief officer is currently subject if there has been a violation of the mandatory standards of professional conduct under the Police (Conduct) Regulations 2008.**

**Recommendation 52 – Fixed term appointments for Chief Constables and Deputy Chief Constables should remain in place.**



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