

Report of the Independent Panel on Police Authority Members' Allowances



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Executive summary

It is the job of police authorities to make sure that there is an efficient and effective police force in each area and that local people are consulted on their police service, securing their cooperation in preventing crime and disorder in that area. Police authority members carry out a difficult and very responsible job on behalf of their communities.

We were appointed by the APA Plenary to make an independent and objective assessment of the remuneration which should be paid to police authority members. Our starting point was to review the reports published by the independent panel in 2001 and 2002. The previous panel had the same chair but different members.

We were conscious that the way in which police authorities manage their business varies widely, reflecting different ways of working and different local circumstances. Accordingly, our report seeks to provide a framework which gives individual police authorities the flexibility to tailor local allowance schemes to reflect the various ways in which authorities and their members work.

From our discussions with members and officers and our survey results, it appears that the framework in the previous reports, with an inbuilt ability to increase annually, has broadly 'stood the test of time'.

One of the fundamental principles underlying our report is that a fair and realistic system of allowances is essential if members are to fulfil their duties professionally and effectively.

We also believe that allowances should be set at levels which ensure that within reason no-one is prevented from being a member of a police authority simply because of financial constraints. Police authorities can only effectively represent their communities if their membership reflects the people they serve. A proper allowances system should assist in encouraging people with the right skills and qualities from all backgrounds,

cultures and walks of life to sit on police authorities.

Finally, allowance schemes should be published so that they are accessible, transparent and easily understood by police authority members and the public alike.

Our report has sought to ensure a framework based on these principles within which individual police authorities can continue to develop their local schemes. We took the view that the level of allowances paid should be commensurate with both the responsibilities borne and the time commitment made by members whether attending meetings arranged by the police authority or engaging with local people/stakeholders or engaging with other organisations and other forces such as in relation to collaboration or in training/conferences or other activities.

The key elements of the framework are that:

- police authorities should clearly link the levels of remuneration to the job being done – collective job profiles, adapted to fit local circumstances, and a specific role description for each individual member form the basis for our recommendations;
- all members should receive a basic annual allowance which properly reflects
 - the demands placed on them,
 - the minimum time commitment needed to carry out their duties effectively, once what may be an initial steep learning curve has passed, and
 - the fact that members generally make use of their own home and facilities in carrying out their work;
- higher levels of allowances should be paid to those undertaking significant additional responsibilities such as the chair and vice-chair.

- local allowances schemes should include the number of bands of Special Responsibility Allowance (SRA) appropriate to their circumstances but should clearly justify the additional responsibilities and related time commitments which attract these higher payment levels;
- separate payment should be made to police authority members for specific tasks over and above the normal responsibilities such as participation in independent member selection panels and police appeals tribunals using a fixed daily rate;
- allowance levels should be indexed to Police Staff Council cost of living increases and automatically updated each year; and
- allowance levels should reflect that being on a police authority is a public service and that members are in a privileged position in being able to take decisions on behalf of their local communities.

Members should ensure they are able to receive proper support from their officer team and they are provided with the equipment which enables them to perform their role efficiently and effectively.

We recognise that, in their desire to see better policing services for local people, police authorities are always reluctant to allocate funds away from operational policing. As our report makes clear, police authority members can only do an effective job in ensuring that local communities are getting the best from their police force if they are properly resourced to do so. Police authorities should ensure that members themselves are able to take a professional approach to their responsibilities and duties and this includes being properly remunerated.

Michael Banner
Jan Fiore
Serge Lourie (Chair)

June 2008

Report of the Independent Panel on Police Authority Members' Allowances

Who are we?

1 We are an independent panel set up by the Association of Police Authorities (APA), the body which represents all police authorities in England, Wales and Northern Ireland. The APA was keen to ensure that people with no personal interest in this issue should take an independent and objective look at the allowances which should be paid to police authority members. The Panel members are:

Michael Banner Michael has worked in the public sector for twenty years with much of this work on the equalities agenda. His last appointment was as an advisor for the NHS in Wales and the Welsh Assembly Government. As a freelance consultant and trainer he has worked on the broad equalities agenda with various government agencies as well as undertaking a series of organisational and policy reviews.

Jan Fiore Jan has had a longstanding association with the APA and was Vice-Chair of South Yorkshire Police Authority until retirement in May, 2007. She served almost 30 years in public service/local government including terms on development trusts and a health authority.

Serge Lourie (*Panel Chair*) Leader of LB Richmond Upon Thames and former member of the Metropolitan Police Committee and the APA, as well as Chair of the two former independent panels.

2 We would like to take this opportunity to thank Aline Odell who acted as Secretary to the Panel for all her help and hard work.

Introduction

3 The job of securing an efficient and effective police force for each local area is the responsibility of the local police authority. From October 2008 police authorities will be made up of local councillors and local independent members. It is

their job to ensure that the views of local people are reflected in what the police in their area do and to oversee the work of local police forces on behalf of their communities. Together, police authorities in England and Wales are responsible for making sure local people get best value from the £12.8bn spent on the police each year.

4 Most people who serve on police authorities have other jobs and duties. They are motivated to serve through a strong commitment to public service and not by financial reward. Being a member of a police authority is a part-time commitment but it is a considerable one, carrying significant and growing responsibilities. If police authority members are to do an effective job, it is right that they should be properly and fairly recompensed for the work they do on behalf of their local communities.

5 Previous reports in 2001 and 2002 set out a framework for the payment of members' allowances, which was taken up by the overwhelming majority of police authorities.

6 Police authorities decide the allowances to be paid to their members for carrying out this important role. As previously, our report recommends a framework within which each police authority can produce its own local scheme.

7 We should add that we were asked to make recommendations covering all police authorities in England and Wales except for the British Transport Police, the City of London Police Authority, the Civil Nuclear Police Authority and the Ministry of Defence Police Committee.

Our terms of reference

8 Our terms of reference are set out at **Annex 1**.

9 The Panel was conscious from the outset that, as local bodies, all police authorities organise their work in different ways. This view was strongly

reinforced by our discussions and meetings with police authority members and staff. Accordingly, we were clear that our report should not seek to be prescriptive but should provide a framework giving sufficient flexibility for police authorities to adapt and tailor our proposals to respective local needs and circumstances. This theme runs throughout our report.

The legislative background

10 An extract of the legislative provisions is at **Annex 2**. In brief, these:

- provide for each police authority to decide its own allowances scheme;
- require each police authority to publish details of its allowances scheme every year; and
- require police authorities to publish any revisions to their scheme before the changes can take effect.

How we approached our work

11 The Panel agreed the following basic principles and that any allowances scheme should:

- ensure that, within reason, no-one is prevented from being a member of a police authority simply because of financial constraints;
- remunerate police authority members fairly, commensurate with their role and responsibilities, recognising the considerable public service commitment of members;
- enable people of the highest calibre from all backgrounds and walks of life to serve on police authorities, particularly younger people or those with family or caring commitments;
- support police authority members in carrying out their duties effectively and efficiently;

- be transparent and easy to understand for both members and the public; and
- be easy to administer and operate.

12 We:

- invited all police authorities and individual members to make written and oral comments;
- held a series of meetings at the APA annual conference held in Stratford on Avon, in Wakefield, London (two), Birmingham, Cardiff, and Manchester attended by police authority members and officers;
- discussed a draft of our report at the APA Plenary meeting on 9 April 2008;
- consulted senior Home Office officials with policy responsibility for police authorities;
- conducted a survey relating to time spent by members on police authority business and existing allowance schemes;
- gathered comparative information about allowances paid elsewhere in the public sector, such as local authorities, probation boards and health authorities; and
- examined the reports prepared by the Councillors Commission.

What do we know about current remuneration levels?

13 40 per cent of police authorities responded to the survey (see **Annex 5**).

14 The survey of current allowances indicated basic allowances in a range from less than £5K to more than £10K, with a median just over £8K, and chairs' allowances in a range from £14K to just over £29K, with a median just under £22K. This

did not include additional allowances such as those for selection panel membership and in some cases for other panels or committees or for attending APA meetings or for travel time.

15 The survey of current average weekly time commitments of members without special responsibilities indicated 7 to 21 hours with a median of 10 hours and for chairs, 12 to 55 hours with a median of 32 hours. This compares with the suggested time commitment of 7 to 10 and 24 respectively outlined in the 2001 panel report.

16 Some police authorities provided information relating to vice chairs and to other leading members. The differences in organisation and roles in each police authority meant that comparisons are unlikely to be meaningful but the raw data can be found in The Supplement to the Report of the Independent Panel on Police Authority Members' Allowances ('the supplement') which can be found at <http://www.apa.police.uk/apa/members+area/guidance+documents/constitutional+matters/members+allowances/>.

What else did police authorities tell us in the survey?

17 Where police authorities had recently independently reviewed their schemes, they had received advice from Standards Committee members, leading academics, the Home Office representative on the independent member selection panel, and other people with relevant local private and public sector experience.

18 The issue most often raised was that of the varying commitment and performance of members.

19 There were several comments regarding the recent increases in fuel costs.

What did members and officers tell us in the roadshows?

20 The panel asked about:

- role descriptions and, particularly, significant changes in the role over the last five to six years;
- relevant comparative members allowances other than councillors and the NHS;
- the structure of allowances (e.g. would a lower basic rate and more special responsibility allowances help where there are significant disparities between the responsibilities of different members?);
- appraisal;
- information technology (IT) provision and other support;
- APA responsibilities;
- comments on any other related matters.

21 As in the survey, the main concern raised with the panel was of the varying performance of members. There was however limited support for a lower basic allowance. Some police authorities have introduced rigorous appraisal schemes; others are more 'light touch' (see later section on accountability at **paragraph 90**).

22 Overall, members felt that the workload/responsibility, which was initially increased by the debate on potential mergers, had continued to be demanding for some members because of the emergence of regional police authority structures as well as the development of the national counter terrorism policing structure. In addition, local area agreements and partnerships generally required higher levels of time and skill. The issue of specialisation was also raised as all members needed an in-depth understanding of

some but not necessarily all areas of business. The areas of in-depth understanding required are driven by the police authorities' strategic needs.

23 The provision of IT support for members varied widely from no provision for independent members to whatever was necessary including personal organisers.

24 The issue of carers' allowances was also raised.

25 There was a low level awareness of APA allowances.

26 The meetings were all extremely positive and useful and we are grateful for the time and effort of all those who attended.

What other points were made?

- Pension provision;
- additional allowances for members who undertake regional or other responsibilities; and
- appropriateness of separate allowances for such things as selection panels.

The Panel's findings

27 We gave detailed consideration to the views expressed to us by police authorities and members both during the meetings and through written and oral comments.

28 The Panel recognises that police authorities are relatively small bodies comprising in most cases just 17 members – although five police authorities have 19 members and the Metropolitan Police Authority (MPA) has 23 members – normally supported by a smaller officer group. Accordingly, it is critical that police authorities operate in a corporate, business-like manner and that all members contribute as fully and effectively as possible to the work of the police authority.

29 We found persuasive the argument strongly put, that police authorities need to continue to become increasingly effective, demanding greater professionalism in the way members approach their strategic responsibilities. This is not to be confused with the professional role of chief constables and their forces for operational policing nor with the role of the chief executive and police authority officers in providing professional advice, analysis and research to the police authority. But to exercise effective local governance of their forces and to fully represent their communities, members need to carry out their responsibilities in a professional manner and any remuneration scheme should reflect this.

30 We were told about the wide variation in officer support in different authorities. We understood from members how the recruitment of an appropriate police authority officer team had impacted on their effectiveness. We support the principle that the number and calibre of officers can significantly assist members to be more fully effective, but this specific issue is not in our remit.

31 We consider that a particularly important factor is the need for police authorities to be as representative as possible of their communities and for members to be drawn from across the social spectrum. In our view, any remuneration scheme should be such as to enable people from all backgrounds and walks of life to serve on police authorities. Membership of police authorities should not be confined to those who can afford, or who are prepared to give, their time with little or no recompense. We believe that any allowances scheme should make it possible for a cross section of people including those with jobs, young people, those from minority ethnic communities and those with caring responsibilities, to serve on police authorities.

32 Being a member of a police authority is not just about attending formal meetings and committees but also about taking a proactive role

in developing and maintaining networks and links with local people and community groups as well as engaging directly with operational/basic command units, with local authorities through crime and disorder reduction partnerships and with other police authorities. The growth of IT means that meetings are not always the most effective way to despatch business.

33 Allowances schemes related to attendance at particular meetings place an emphasis on time spent in formal police authority meetings, rather than the contribution made. In the past, meetings could be unnecessarily prolonged or held simply because this was the only way to recognise members' contribution. It is difficult to pitch a basic allowance at a level which reflects the wide variation in the contribution of members within police authorities. In particular cases such as independent member selection panels, we recommend a separate allowance (see **paragraph 80**), however, we consider that attendance generally is a performance management issue rather than a matter to be tackled through remuneration schemes and discuss this in more detail in **paragraphs 35 to 39**.

34 We concluded that the existing recommended framework for members' allowances of a system of basic and special responsibility allowances was sound.

Police authority management

35 We gave considerable thought to the issue, frequently raised at our focus groups, concerning the wide variations in the time and in the contribution of individual members.

36 We fully accept that police authorities have had limited say over those who are appointed to serve on them. Most control is exercised in relation to independent members, who go through a rigorous selection process with the police authority making the final appointments. The appointment of

councillor members remains controlled entirely by relevant councils or joint committees. Nevertheless, establishing any skills gap and then ensuring councils/joint committees are aware of the general remit of police authority members and the particular skills required may assist this process.

37 We recognise that not all police authority members contribute to the work of police authorities to the same extent as others. This can be reflected in the wide variation in hours shown in the survey but we are only too well aware that quantity does not always equate with quality and that more does not mean better. However, it is also clear, that whilst in some police authorities the burden of work is widely shared, other police authorities rely heavily on a small number of members making a major contribution both in terms of quantity and quality, whilst some members contribute a minimum.

38 In our view, this is not normally an issue to be tackled through a remuneration scheme but is a performance management matter for police authorities. We would urge all police authorities to examine closely their arrangements for ensuring that all members carry out their responsibilities in full. Many police authorities have or are developing protocols and policies to address this issue and a number of these are shown in the supplement. In particular, it may be helpful for members to agree a specific role profile tailored to their individual interests and skills such as a lead or link member for a geographical or functional area. This could be discussed annually with the chair, assisted by the chief executive. In the case of those not fulfilling the role, we would suggest that the chair should discuss the situation with the member concerned (and, in the case of councillor members, his/her nominating body). Further consideration is given in **paragraphs 90 to 97**.

39 We are aware that the APA is developing a self assessment exercise for police authorities as a whole as part of its wider improvement

programme, and might wish to consider developing further guidance to help police authorities in this area.

What is the job?

40 Our terms of reference require us to make proposals about the range and level of payments to police authority members.

41 We recognised that there are a number of avenues we could have explored in devising allowances levels. For example, we considered differentiating on the basis of a number of factors including geography, population sizes, crime levels, counter terrorism scrutiny and police authority profiles relating to force performance issues. We were clear that this was not the right approach to take nationally – all police authorities have a similar job to do – but when deciding upon local allowances within a national framework, police authorities may want to take particular local circumstances into account.

42 In the previous report, we developed a series of job profiles for:

- police authority members;
- leading members/committee chairs;
- vice-chairs; and
- chairs.

43 The survey we conducted showed considerable differences in the way police authorities are structured so that although the general job profiles previously developed might still be helpful, in detail the definition of Leading members for example was adapted to suit each police authority's circumstances. For example, some police authorities may consider that all members will have a lead/link role and that this is part of the basic role description. Other police authorities may

consider some lead/link roles to be more onerous and rewarded accordingly.

44 Since the last report, Skills for Justice has published *National Occupational Standards for the Governance of Public Sector Services*. We consider that the standards themselves are very detailed but some of the accompanying documents may be of value to police authorities and these are signposted in **Annex 4**.

Comparative allowance rates

45 We then considered what an appropriate remuneration rate might be for this time commitment. In doing so, we looked at the approach taken elsewhere in the public sector. We noted that:

- the national male median white collar pay at March 2007, as quoted in the Councillors Commission report of December 2007, was £138.75 per day. For a one day a week commitment over 44 weeks this would equate to just over £6K per year;
- in the British Transport Police Authority the Chair is paid £34,500 and members £14,448;
- members of health trusts receive between £6K and £13K per annum for a minimum commitment of two and a half days per month, and members of strategic health authorities receive £7.5K for a similar commitment. Chairs of health trusts receive between £18K and £35K for a commitment of three and a half days per week and chairs of strategic health authorities receive between £40K and £60K for a similar commitment. NHS chairs do not appear to receive any additional allowances for travel, interviewing chief officers, attending conferences, etc;
- probation chairs receive between £15.5K and 27.5K for a time commitment most believe to be at least three days a week;

- there is a statutory limit of £25K on allowances paid to housing association/registered social landlord chairs – the guidance note on remuneration is clear that where board members are paid, there must be a robust, transparent and independent system for member appraisal;
- lay justices, governors in schools and further education and members of CVS boards are not remunerated other than expenses. This is also the default position for charities although the Charities Commission does have power to approve remuneration in exceptional circumstances.

Factoring in support for members

46 Police authority members necessarily carry out much of their work away from the police authority's offices. There are a number of direct costs which they incur as a result. This includes for example use of their own home as an office as well as communications costs. These are considered in more detail at **paragraphs 85 to 86** but on a general point, members will be able to claim tax relief on the cost of the accommodation but would probably be unwise to do so as it would make that proportion of the home subject to Capital Gains Tax.

Involvement in the APA

47 We believe that account should continue to be taken of involvement in APA business when determining local basic allowances and special responsibility payments and we have again, factored this into our proposals. This does not relate to APA office-holders, or those who are appointed by the APA to represent it on external bodies or organisations, which is the subject of a separate study. We also believe that a similar principle should apply to work done in/for police authorities' regional groups where members are representing their police authority's own interests

Other potentially onerous and non-regular commitments

48 Some of the work of police authorities is regular such as the annual policing plan and the accompanying budget. Some work is less regular but while demanding, is not significantly onerous. Non regular but very onerous work includes HR issues such as appointing independent members, a chief executive, or the Association of Chief Police Officers (ACPO) team and undertaking police appeal tribunals.

49 In 2001 the Panel recommended that the work of appointing independent members and police appeals tribunals should be separately remunerated. The main rationale for this is that members sit with external people who are specifically remunerated for this role (see **paragraph 81**). Such a rationale will not apply to appointments of a chief executive or the ACPO team. Some police authorities have decided to remunerate members separately for appointing the ACPO team. This is a local decision, but we believe that a plethora of additional allowances paid to members for ad hoc roles mean that the scheme is more likely to be complex to agree and sustain and less transparent for members of the public.

Public service contribution

50 According to the Councillors Commission report in 2007, the public service 'discount' most often used in local government (when the process is explicitly followed) is between 30 and 33 per cent, but can vary between 25 and 50 per cent. The discount is in effect the work done by councillors which is considered to be 'pro bono'. We have not sought specifically to take account of this in our recommendations below because we have focussed on what hours might be reasonably necessary. However each police authority locally will wish to consider whether it should incorporate a public service contribution when determining local levels of allowances.

Proposed rates of basic allowance

51 The original (2001) proposal was based on an hourly rate and the view that, on average, members would need to devote between seven and ten and a half hours per week to police authority business, including participation as appropriate in regional and national activities. We proposed that the annual rate should be £7k to £10.5k, upgraded annually in line with a suitable public service comparator. In 2008 the value would be £8.6K to £12.9K.

52 We recognised that this was quite a wide range. However, we continue to feel that this is appropriate to enable individual police authorities to set annual basic allowances at a level which reflects local circumstances and ways of working. For example, in some areas despite appropriate use of modern communications systems, members may need to spend a considerable amount of time travelling to police authority and consultation meetings. In others, members may have shorter distances to travel but the population covered by the police authority and/or the crime profile may place additional time demands on members. In recent times, some members have taken a lead role regionally such as in relation to counter terrorism units and this also may involve additional time demands. There may be other factors such as long term force performance issues. Where, within that wide range, an authority falls is obviously a matter for them. Many police authorities have sought local independent advice. Examples are advice from standards committee members, leading academics, their Home Office representative on the independent member selection panel, and other people with relevant local private and public sector experience.

53 We believe that a range of £8.6K to £12.9K (based on the estimate of between seven and ten and a half hours per week) continues to give police authorities sufficient room to remunerate members

appropriately.

54 Where members, who do not have special responsibilities and are not in the initial steep learning curve phase, are spending up to 21 hours a week on police authority business, there may be some organisational strategic issues. Particularly where extensive travelling time is involved, police authorities should consider further use of technology such as video conferencing.

55 Some members who do not have special responsibilities are keen to undertake more than a commitment of ten and a half hours and clearly police authorities will wish to take advantage of their skills and experience. This might be considered 'pro bono' (see **paragraph 50**) and would not normally lead to a higher allowance for them. We believe that the number of hours remunerated should be that which is required to do the job properly in the view of the police authority.

56 In the survey, several police authorities indicated their members without special responsibilities spent an average of seven hours per week on police authority business. This suggests at present in some police authorities there may be members who spend less than seven hours on police authority business. We think it is unlikely that a member might fully meet the responsibilities outlined in the generic job profile at a significantly lower time commitment than seven hours. Nevertheless there may be particular circumstances in which a member is not able to make such a commitment but has particular skills/experience which make their contribution to the police authority sufficiently valuable to outweigh other considerations. Accordingly, for example, where members commit to a fully specified limited role taking perhaps three and a half hours per week rather than a full day, we would suggest that a basic annual allowance might start at half the normal minimum at £4.3K

Special responsibility allowances

57 Police authorities are small bodies. It is important that all members contribute fully if the police authority is to operate effectively. However, some members will inevitably be called upon to shoulder significant additional responsibilities. The chair is a clear example of this. Many police authorities also have a number of members such as vice chairs or chairs of major committees or leading members responsible for a particularly onerous portfolio.

58 Accordingly, it is right that any allowance scheme recognises the additional time and effort committed by those members to police authority business through the payment of special responsibility allowances.

59 However, we would urge that in developing their local allowances schemes, police authorities clearly define the significant additional responsibilities placed on those members which merit additional payment.

60 As indicated previously, a number of job profiles were devised for the 2001 report. These seem to have been generally accepted and adapted by police authorities to suit their own local circumstances. The 2001 report made recommendations relating to chairs, vice-chairs and committee chairs/leading members. We believe from considering the members' allowances schemes showing the range of structures operated by police authorities and from the range of hours shown in the survey that particular recommendations from the Panel for vice-chairs and committee chairs/leading members would not be helpful except for **paragraph 66** relating to vice-chairs. However these are clearly likely to fall somewhere between the basic allowance and the chairs' allowance.

Chair

61 The job of chair of a police authority is one carrying an extremely high level of responsibility. It

involves a considerable leadership role to bring together into a corporate, coherent way the work of the police authority as a whole.

62 The demands on a chair's time, given the nature of policing and the need to be able to react quickly and at any time to issues as they arise, suggested in 2001 that a chair would need to devote a minimum of two days a week to this role. At that time, the APA benchmarking data suggested that some chairs spent up to three and a half days per week on police authority business. The position as indicated by the current survey is that 32 hours is the median and some chairs spent considerably more time on police authority business. However in some cases the number of hours may have included those remunerated separately by the police authority such as selection panel membership, other panels or committees, attending APA meetings or travel time. In some cases the number of hours may also include some remunerated by other organisations such as the local authority if councillors attend community meetings in a dual role.

63 A higher number of hours than in 2001 is consistent with a higher profile for police authorities, particularly in relation to force performance and to collaboration. On the other hand, police authorities are finding solutions to this high level of hours by different and more efficient ways of working. Progress is being made on support/IT/training/time management/accountability. Nevertheless, independent advisers may conclude that particular local circumstances make three and a half days necessary (not including any time which is remunerated separately).

64 In addition, we feel that the additional responsibilities of the chair are considerable and that, over and above the extra time commitment which chairing an authority necessarily involves, the remuneration levels should reflect the significantly different and more onerous nature of

the chair's responsibilities. Accordingly, we propose that the special responsibility allowances paid to chairs should include a premium which reflects this and consider that this should be set at 20 per cent. For a range between two and three and a half days this would mean proposed special responsibility allowances with a total allowance (including basic allowance) payable to chairs between £20.6k and £36.1k a year.

65 Health trust chairs receive £18k to £35k a year for a three and a half day a week commitment. We therefore consider that our proposals compare appropriately with this benchmark.

66 For vice-chairs we consider that an uplift of up to ten per cent may be appropriate.

Metropolitan Police Authority

67 The MPA has particular national responsibilities and its budget is approximately one quarter of the total expenditure on policing. We believe that members of the MPA will probably need to devote more time to their role than members of other police authorities and the role may attract a responsibility premium.

68 Greater London Authority (GLA) members have not been remunerated by the MPA, but the legal position preventing remuneration will change in October. In any event, for independent members of the MPA, we would suggest that basic allowances be set at a level above that of other police authorities through a process involving local independent endorsement (see **paragraph 100**).

Choosing not to claim

69 We are aware from our research, that there are some members of police authorities who currently choose not to claim any allowances or whose allowances are paid direct to charity. We would stress that members should still be free not to receive any allowances, if they do not wish to do

so. Police authorities should make provision for this in their local schemes.

Carers'/dependants' allowances

70 As we have indicated previously, it is critical that police authorities attract the highest quality of people from all sectors of their communities to serve as members. So it is important that no-one is prevented from serving on a police authority because they have young children or other caring responsibilities.

71 Accordingly, we strongly recommend at least the minimum hourly wage. For adult dependents and children requiring professional care, we recommend the hourly rate charged locally by the council for a home care assistant is made available for those members with dependents. So as to ensure that the highest standards of stewardship of public funds are maintained we recommend:

- that allowance should be paid against actual expenditure evidenced by receipts; and
- the allowance should not be payable to a member of the claimant's household or close relative.

Independent standards committee members

72 All police authorities will have local standards committees but the number of occasions on which either the whole committee or perhaps only the non police authority members meet varies widely. Some committees have been involved in individual complaints while others have yet to have any complaints referred to them. Some non police authority members have provided a source of independent advice when considering members allowances or members' appraisal. The 2001 report recommended a daily rate and even for those who meet rarely a (half) daily rate would be appropriate.

73 There are therefore two questions:

- What is the appropriate daily rate?
- Should this apply to police authority members as well as non police authority members?

74 Police authorities who appoint standards committee members who are also standards committee members of the local authority may wish to pay a similar allowance rate. Otherwise a similar rate to the selection panel members below would be appropriate.

75 The practice on paying police authority members varies. Generally we believe that routine meetings should not be remunerated separately but should be part of an individual members' 'portfolio' of responsibilities. Where a particular non routine and very onerous task is required, it may be considered appropriate to remunerate police authority members in a similar manner to their colleagues on the committee.

76 A number of police authorities have chosen to pay a slightly higher daily rate to the non police authority member chair of the Committee. In these circumstances a ten per cent uplift may be appropriate.

Selection panel members

77 Each police authority has a selection panel which is responsible for the first stage of the process of selecting independent members to serve on the police authority. Each selection panel comprises three people who may be members of the police authority plus a person appointed by the Home Secretary and an independent assessor appointed from a list of eligible people maintained by the Home Office.

78 Under the Police Authority Regulations 2008 (and Metropolitan Police Authority Regulations 2008), police authorities are responsible for

determining the level of payments to be made to selection panel members.

79 All five members of the selection panel have a similar role and all are normally appointed for a term of five years or (in the case of police authority appointees) until their appointment to the police authority ends. The work is generally cyclical, although casual vacancies may arise, and it involves a short burst of intensive work over a time-limited period.

80 We consider that a daily payment rate is appropriate for all selection panel members including police authority members as the work should not be regarded as part of their basic or special allowance payments. The basic allowance recommended above equates to about £200 per day and we would suggest that police authorities should consider setting the rate for selection panel members at a similar level. We are however aware that the rate payable to independent assessors on the central list for the Office of the Commissioner for Public Appointments (OCPA) is £250 a day.

Police appeals tribunal members

81 Police authorities are required to nominate police authority members to join other persons serving on any police appeals tribunal. This is the final appellate authority in police discipline cases. The frequency and nature of police tribunal work is unpredictable. The number of tribunals is unpredictable and some cases may involve intensive sittings over many days while others may be decided on the paperwork.

82 We do not consider that this work should be incorporated within the basic allowance and police authority members required to sit on appeals tribunals should be paid the same daily rates as the other tribunal panel members. These rates are set by the Home Office and should be increased in line with increases determined by the Home Office. We recognise that this is inconsistent with the daily

rates payable for selection panel and standards committee work but we believe that the intensive and quasi-judicial nature of the tribunal role probably merits a higher payment level.

Expenses

83 In 2002 we felt that it would be appropriate for mileage to be payable at the rates agreed annually by the Inland Revenue. In the survey most police authorities' schemes allowed for a maximum of 40p per mile. Fuel costs have increased and we are aware that at least one police authority is pursuing this issue with the Inland Revenue. We recommend no change to Panel's 2002 recommendation to pay at the Inland Revenue rate.

84 We noted that one police authority had introduced a policy where members travelled first class on trains only in particular circumstances. This was when the train was likely to be sufficiently full that it would not otherwise be possible to continue with police authority business on the journey. Another police authority had a policy on when it might be necessary because of travelling time to spend the night before a conference/meeting/training course in a hotel. These are all matters for local decision but, particularly where officers can assist members by making bookings for travel and accommodation, it may be possible to take advantage of any lower rates while ensuring that members are able to carry out their public functions effectively and in circumstances which are appropriate to their role.

IT support

85 In the survey this varied between:

- providing equipment and consumables direct/ reimbursing broadband costs;
- additional allowances with a range of between £135 and £725; and

- no provision at all.

86 We recommend provision which enables police authorities to operate as effectively as possible including:

- computers and printers;
- provision/installation of broadband;
- mobile phones, the numbers of which are publicised allowing members to be easily contacted by the public;
- electronic diaries which are regularly synchronised which then allow police authority meetings to be arranged efficiently;
- mobile email where it is crucial that particular members be in constant email contact;
- if provided, all equipment should be returned to the police authority when a member leaves unless the proper cost of disposal is greater than the equipments value; and
- for consumables such as paper and printing ink it may be more efficient in terms of members' time for these to be either provided direct or included in a general allowance rather than reimbursed individually.

Police authorities will note that, although councillors are usually provided with computers by the local authority, recent high profile cases indicate there may be data security reasons for councillor members, as well as independent members, having a dedicated computer and broadband connection.

Annual up-rating of allowances

87 We consider that members' allowances should be up-rated automatically to avoid the need for an annual review. It seemed to us that

the most relevant and sensible index continues to be the Police Staff Council rates which determine increases in pay for police support staff.

Pensions

88 We have again looked at the position relating to pensions in the light of concerns raised by members. This is now being considered by the Home Office. In the meantime the position appears to remain that members of police authorities are not employees for the purposes of legislation governing pensions. Nevertheless members of local authorities may have pension provision in their local authority role. The Panel recommends that the Home Office ensure the position of police authority members is considered in a timely manner and that the outcome is at least consistent with that of councillors for local authorities.

Benefits issues

89 The position relating to benefits was not raised with the panel but if police authority members are treated less favourably than councillors in relation to their allowances vis-à-vis state benefits, this could affect recruitment of members and should be addressed by the Home Office and Department of Work and Pensions.

Accountability

90 In the 2001 and 2002 reports, the question of the variable commitment by members was considered. In this survey, the Panel was clear that this was not an issue to be tackled through a remuneration scheme but more properly relates to the performance and assessment of police authority members. We are aware that police authorities have, and are taking, the issue of performance management of members seriously reflecting the recommendation in both reports that they should put in place arrangements to ensure

that all members carry out their responsibilities fully and effectively. Indeed, this remains the issue most frequently raised in our roadshows and mentioned by police authorities in the survey.

91 A police authority may remove a member from office in the circumstances set out in paragraph 24 of the 2008 Regulations.

92 The first two provisions in that paragraph can be less difficult to prove: that a member has been absent without consent for more than three consecutive months or that a member has been convicted of a criminal offence. The later two provisions are difficult to prove: that a member is incapacitated by physical or mental illness or that the member is otherwise unable or unfit to discharge their functions as a member.

93 Nevertheless in other public sector contexts such as for housing association/registered social landlord chairs it is clear that where board members are paid, there must be a robust, transparent and independent system for member appraisal. This is also the case in the health service.

94 One indicator for accountability is attendance where the failure to attend falls short of the provisions above but is nevertheless unacceptable. While attendance focuses on 'input' rather than 'output', it is easier to measure and forms part of a number of appraisal schemes. One police authority takes the measure further by providing for the refund of allowances in the event of failure, without good cause, to attend 75 per cent of the meetings which the member is expected to attend. This provision is clearly set out in the member allowance scheme and assuming any decision on refund is taken by the whole police authority, it appears to be consistent with paragraph 29 of the 2008 regulations. We do not consider refund of allowances should be the main focus of an appraisal scheme (and it is not the main focus in this police authority) but this may be a useful provision in particular circumstances.

95 Generally, the most important issue is to ensure that every member fully understands his or her role. That role will certainly change over time, adapting to the police authority's priorities (such as those in the annual policing plan) and perhaps the members' personal circumstances. Each role needs to be discussed and agreed regularly with the member. Some members are keen to undertake more than a minimum commitment and clearly police authorities will wish to take advantage of their skills and experience. This should not however necessarily mean a higher allowance for them nor a presumed higher minimum commitment for their colleagues.

96 If, however, a member is clearly aware of their particular responsibilities and continues to fail to undertake them, then the police authority's recourse may be to try to persuade the member to resign and/or, in the case of councillor members, to contact the appointing body. Any such step would, of course, need to be undertaken in a fair and equitable way. If this were unsuccessful, the police authority would need evidence for any action as set out in **paragraph 94**.

97 It would be inappropriate for us to give definitive guidance to police authorities on member management. However, given the very real and immediate eagerness of police authorities to move forward, we felt that it would be wrong not to address this in our report. The supplement contains some examples of current schemes, and the principles of any scheme should include the following:

The scheme should provide an opportunity for the police authority to further promote efficiency and effectiveness

The police authority should use the scheme to demonstrate its commitment to performance management and value for money.

The scheme should offer an opportunity for the police authority to provide support to its members

The scheme should provide an opportunity for the police authority to discuss whether and how they can help members' develop to their full potential, by improving knowledge, skills and abilities;

The scheme should be open, honest and robust

The scheme should be open between the member and police authority (i.e. the person/persons conducting the review). Members should approach any self-assessment elements in an open and constructive way. Likewise, members are entitled to see everything that is written, by others, about their performance. The person/persons conducting the review should display and encourage honesty so that all involved can say what they think in a constructive and positive manner without fear of criticism or recrimination.

The scheme should be fair

Observations about members' performance, or by members on their own performance, must be objectively based on examples of their activities and behaviour. Judgments must be made on performance and *not* on personality. All members – irrespective of gender, race, age, disability, sexual orientation, religion or belief – must be treated fairly.

The scheme is an ongoing process

The police authority should actively encourage performance improvement and support the personal development of each member throughout the year. Every member should aspire to achieve the standards set for their role and the objectives that have been agreed. Where the member or the police authority identifies development needs, the member should work to

achieve the development plan agreed to meet those needs.

The scheme should apply to all police authority members including the chair

The police authority should be represented by appropriate people including one or more of the chair/vice-chair/chief executive/independent facilitator

The scheme should be based on a full understanding of each member's particular agreed role and their performance against that role

Home Office views

98 As indicated previously, we have discussed our report with senior Home Office officials and emerging findings have been shared. Given that the Home Secretary has power to make regulations governing allowances and expenses for police authority members, chairs and vice-chairs, we felt it was sensible to hold such discussions.

Implementation

99 Given the survey shows allowances in some police authorities considerably below our recommendations, we are aware of the potential implications for local budgets.

100 Where increases might be considerable police authorities may wish to ensure some local independent endorsement. Police authorities will be aware that, by statute, all local authorities in England are required to establish and maintain an independent remuneration panel to review their allowances and provide advice on its scheme. This is not statutory for police authorities but increasingly cited as good practice. Examples of local independent endorsements are set out in **paragraph 52**.

101 We recognise that no police authority would wish to detract from the money available to spend on providing better local policing services to their communities. However, we also note that police authority costs are a minimal element of overall police budgets. Additionally, we point out that, if police authorities are to do their job properly in securing efficient and effective local policing, they can only do so if they are appropriately resourced and supported to fulfil their responsibilities. Therefore, we are clear that the potential increased cost implications for police authority budgets should not be a reason for failing to remunerate members at a realistic and fair rate. We believe that a police force supervised by a good police authority will justify any increased remuneration to members.

102 However, it is open to police authorities to consider phasing in any new arrangements over a period of say two to three years, if they wish to prevent significant one-off budget increases.

Further review

103 We would suggest that the APA establish a further independent review of the arrangements in four years time.

Publication of schemes

104 Each police authority must publish its local allowance schemes and any alterations before, but not more than 12 months before, any payments can be made under it.

105 The legislation does not specify the manner of publication. We are aware that police authorities have considerable experience of publishing information and communicating with local people but generally police authorities should ensure that details of their schemes are placed in an easily accessible position on their websites.

Conclusion

106 Our report seeks to provide an independent and objective assessment of how best to remunerate police authority members for the considerable responsibilities which they undertake on behalf of their communities. We have sought to take account of the views of members themselves, of officers who are called on to administer the scheme, and stakeholders such as the Home Office. We have also sought to ensure that our approach has been informed by comparable schemes elsewhere in the public sector.

107 We believe that the framework originally proposed has stood the test of time but that particular issues such as providing members with the IT and other support they need to ensure police forces are efficient and effective may need to be considered.

Summary of our recommendations

108 We recommend that:

- police authorities should develop local allowances schemes which support members in carrying out their responsibilities effectively;
- local allowances schemes should be accessible, fair and transparent;
- local allowances schemes should provide for all members to receive a basic allowance, with higher allowances paid to members with special responsibilities;
- the rates of allowances payable should be linked to a clear job profile at each level using the standard job profiles incorporated in this report tailored to local needs, and each member should have an individual job profile setting out their particular responsibilities;
- the level of allowances payable should relate to the expected time commitment of members to local and national police authority business and should also take account of additional expenses to members;
- the rate of basic allowances should be set between £4.3K and £12.9K a year except for the MPA;
- the special responsibility allowances payable to police authority chairs should be set so that the total allowance (including basic allowance) is between £20.6K and £36.1K a year except for the MPA;
- the special responsibility allowance payable to vice-chairs and to committee chairs/leading members should be set between the basic and the chairs allowances at a level commensurate with the time commitment;
- all local allowances schemes should include provision for payment of carers'/dependants' allowances based on the guidelines contained in our report;
- police authorities should ensure that their local schemes are transparent and easily accessible to local people;
- local allowances schemes should provide for
 - selection panel members being paid between £200 and £250 per day, and
 - police appeals tribunal members being paid at the same daily rate set by the Home Office for other tribunal members;
- proper IT and other support should be provided;
- local schemes should be linked to Police Staff Council cost of living increases, so that rates are automatically updated each year
- police authorities should put in place appropriate arrangements to ensure that all members carry out their responsibilities fully and effectively and the APA should work with police authorities to develop guidance on this; and
- there should be a further review in 2012.

Annex 1

Terms of reference

To make recommendations on allowances and expenses paid to police authority members and to APA post holders and to address any other relevant matters including any arising from the previous reports in 2002 and 2003.

Annex 2

Extract from the Police Authority Regulations 2008

Appointment of members by relevant councils

7.—(1) In the case of a police authority in relation to which there is only one relevant council, the members referred to in regulation 6(1)(a) or 6(2)(a) shall be appointed by that council.

(2) In any other case, those members shall be appointed by a joint committee consisting of persons appointed by the relevant councils from among their own members.

(3) The number of members of the joint committee, and the number of those members to be appointed by each relevant council, shall be such as the councils may agree or, in the absence of agreement, as may be determined by the Secretary of State.

Appointment of independent members

9.—(1) The members referred to in regulation 6(1)(b) or 6(2)(b) shall be appointed—

(a) by the existing members of the police authority,

(b) from among persons on a short-list prepared by a selection panel in accordance with Part 3 of these Regulations.

(2) Where an existing member of the police authority is on the short-list referred to in paragraph (1)(b) that person shall not be entitled to play any role in the appointment of persons from that short-list and shall not be considered to be an existing member of the police authority for the purposes of paragraph (1)(a).

Allowances

29.—(1) Subject to paragraphs (2) to (4), a police authority may make to its chairman, vice chairman and other members such payments by way of reimbursement of expenses and allowances as the police authority may determine.

(2) No payment shall be made under this paragraph except in accordance with arrangements published by the police authority not more than twelve months before the making of the payment.

(3) A police authority may from time to time revise any arrangements made for the purposes of this paragraph; but, no revisions shall take effect until published by the authority.

(4) Payments made under this paragraph may differ according to whether the recipient is the chairman, a vice-chairman or other member or is appointed under regulations 7 or 9.

The Metropolitan Police Authority Regulations 2008 contain similar provisions.

Annex 3

List of meetings and roadshows

**APA conference at
Stratford-upon-Avon
November 2007**

Individual contributions from members from
Derbyshire Police Authority, Devon and Cornwall
Police Authority, Durham Police Authority and
Gwent Police Authority

**Wakefield, Birmingham
and London roadshows
February 2008**

**Cardiff, Manchester and
London roadshows
March 2008**

Annex 4

Job profiles

Police authority member

The role and responsibilities set out here are those for which all members of the police authority are collectively responsible. Each individual member will have a particular role/responsibility which will be agreed by the police authority as a whole but which might helpfully be set out in one document for each member. Examples of web documents can be found in the supplement. At the most basic, each member will attend particular committees and panels. Other members may have additional responsibility for a particular area of police authority business or a project eg for a specific policing plan policy. Some members will have responsibility for a geographic area. The responsibilities are similar to some of those set out below, i.e:

- to act as the police authority's lead member on an area or areas;
- to develop and maintain up-to-date knowledge and specialist expertise in that area or those areas
- to liaise closely with police authority and force staff in developing and implementing the police authority's policy; and
- possibly to contribute to national policy development, national events or APA networks, or initiatives on the areas for which responsible.

But the extent to which such responsibilities are sufficiently onerous to attract a special responsibility allowance will depend upon the circumstances in each police authority.

Collective role

- To ensure that there is an effective and efficient police force for the area;
- to ensure that local communities receive best value in local policing services;

- to set the strategic direction for the force and exercise effective oversight of force performance;
- to represent the interests of all those who live in, work in, or visit the police authority area and to ensure that the views of local people are reflected in the nature and style of local policing;
- to ensure that policing services are provided fairly and in a way which does not discriminate against any group or individual; and
- to participate constructively in the good governance of both the police authority and the force.

Collective responsibilities

To carry out collectively all statutory and locally determined requirements of a police authority member, including participation in the formulation of policy, decision-making and other activities of the full authority (such as determining the budget and precept, determining local policing priorities, agreeing the annual policing/best value plan and other strategies).

Police authority statutory responsibilities are:

- to participate effectively as a member of any committee, panel, or other police authority forum to which the member is appointed;
- to participate in best value reviews, as nominated by the police authority;
- to comply with all relevant codes of conduct and maintain the highest standards of conduct and ethics;
- to maintain an up-to-date knowledge and awareness of national and local policing issues;
- to maintain a good working knowledge of force policies and practices and to establish good

working relationships with officers of both the police authority and the force;

- to rigorously scrutinise, challenge and monitor all aspects of force performance;
- to participate fully in local consultative arrangements and actively engage in communication and dialogue with local people about local policing services;
- to represent the views of the police authority within local communities and the views of local communities to the police authority;
- to participate actively in any outside body or forum on which the member is appointed to represent the police authority;
- to be involved in the appointment, discipline or dismissal of senior officers, as appropriate;
- to monitor the way in which complaints are dealt with by the force and deal with complaints against chief officers;
- to promote equality of opportunity and work to eliminate unlawful discrimination both internally within the police authority and force and in the provision of policing services;
- to attend local, regional and national conferences/seminars/briefings, if nominated by the police authority;
- to answer questions at council meetings, if nominated to do so by the police authority;
- to ensure that an effective independent custody visiting scheme is maintained; and
- to participate in inspections and audits of the force and police authority.

Chairs of major committees or panels/lead member

Role

- To fulfil the basic responsibilities of a police authority member and to chair a major committee, panel or similar of the authority or act as a lead member for a particular portfolio.

Additional responsibilities

- To lead the work of a major committee/panel of the police authority;
- to act as the police authority's lead member and spokesperson on the areas within the committee/panel's remit;
- to develop and maintain up-to-date knowledge and specialist expertise in the area for which responsible;
- to liaise closely with police authority and force staff in developing and managing the work of the committee/panel; and
- to contribute to national policy development, national events or APA networks or initiatives on the areas for which responsible.

Vice-chair

Role

- To fulfil the basic responsibilities of a police authority member and to hold the office of vice-chair of the authority.

Additional responsibilities

- To deputise for the chair when necessary;
- to liaise closely with the chair and assist him/her in overseeing conduct of the police authority's business as described in the chair's job profile; and
- to represent the police authority on the APA, if nominated to do so.

Chair of the police authority

Role

- To fulfil the basic responsibilities of a police authority member and hold the office of chair of the police authority.

Additional responsibilities

- To provide leadership, ensuring that the police authority works as a coherent and corporate body;
- to preside at police authority meetings, applying standing orders and ensure that members have a fair opportunity to participate in debates;
- to represent the police authority to the press and outside organisations;
- to oversee co-ordination of police authority business at member level and develop, review and monitor implementation of the policies and strategies of the police authority;
- to liaise with the chief executive, treasurer and chief constable to facilitate police authority business;
- to hold regular strategic meetings with the chief constable;
- to undertake performance review of the members of the chief officer team;
- to appoint the police authority's officers and staff and ensure that arrangements are in place for effective management of officers and staff;
- to ensure that police authority members receive the support and training they need to carry out their functions effectively;
- to represent the police authority on the APA;

- to attend regional networks and national tripartite gatherings, as required

List of key statutory duties from the APA guidance note of August 2007 on delivering good governance is included.

Police authorities may wish to note that a slightly different approach to defining the overall role of police authorities is set out in the Skills for Justice website at:

<http://www.skillsforjustice.com/template01.asp?PageID=223>

Some police authorities may find the definitions useful.

Annex 5

List of police authorities who responded to the survey

- Avon
- Bedfordshire
- Cambridgeshire
- Cheshire
- Cleveland
- Cumbria
- Derbyshire
- Dyfed
- Essex
- Gwent
- Gloucestershire
- Hampshire
- Hertfordshire
- Humberside
- Staffordshire
- South Wales
- South Yorkshire
- Suffolk
- Surrey
- Sussex
- West Mercia
- West Midlands
- Wiltshire



**An independent report commissioned
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