

**Lodged au Greffe on 4th April 2000
by the Home Affairs Committee**



STATES OF JERSEY

STATES GREFFE

180

2000

P.42

Price code: B
Report

In 1996, the Defence Committee considered a report concerning the proposed introduction of an arbitration procedure for determining Police Officers' pay and conditions of service, and resolving disputes during negotiations.

Following the initial proposals and consultation with the Establishment Committee, a draft procedure was drawn up and agreed at officer level between the States Personnel Department, States of Jersey Police and Police Association.

The Defence Committee agreed to the proposals and requested that the necessary amendment be made to the Police Force (Jersey) Law 1974, to allow for the introduction of a Police Negotiating Board.

The purpose of the Law is to eliminate confrontation during pay negotiations, and to establish procedures in the event of a dispute by referring the matter to arbitration.

At present, there is no procedure or mechanism in Law for negotiations in the event of a dispute, and there is no automatic right to refer the matter to arbitration.

This Law therefore amends the Police Force (Jersey) Law 1974 in order to establish and provide for the following matters -

- A new Article 11 to establish the Police Negotiating Board.

- A new Second Schedule which sets out the provisions relating to the Board, which are as follows -

Paragraph 1 sets out the constitution of the Board, which consists of two sides -

- (1) The Official Side comprising two members appointed by the Home Affairs Committee and two appointed by the Human Resources Committee.
- (2) The Staff Side, comprising four members appointed by the States of Jersey Police Association.

The remainder of the paragraph sets out the procedures in the event that a member of the Board is unable to attend a meeting; the term of office of a member of the Board; procedure in the event that a member resigns, or there is a casual vacancy; the position of the Chief Officer of the States of Jersey Police and the Deputy regarding eligibility for membership of the Board; the position concerning advisers appointed by either Side.

Paragraph 2 describes the functions of the Board concerning the duties to negotiate and make recommendations relating to pay, terms and conditions of service for all members of the States of Jersey Police represented by the Association, and any other related matters referred to the Board. The functions are limited to making non-binding recommendations for consideration by the Home Affairs Committee.

Paragraph 3 deals with the officers of the Board and details who shall be secretaries and gives a power for the Board to appoint other officers as necessary.

Paragraph 4 describes the conduct of business of the Board. The quorum shall be two members from each side; every question before the Board shall be decided by a majority of members present; other than for the aforementioned matters, the Board may regulate its own procedure; for each pay period the Association shall submit a written claim or receive a written offer from, the Home Affairs Committee, unless the claim or offer is agreed beforehand, the Board shall meet within one month of the claim or offer being put forward; a meeting of the Board shall be convened not more than one month after any other matter is referred to the Board by the Home Affairs Committee and the Association; at the conclusion of each meeting, the decisions of the Board shall be verbally agreed, recorded by representatives of both Sides and the decisions confirmed in correspondence as soon as practicable, but no later than two weeks after the meeting; a report shall be submitted to the Home Affairs Committee which shall consider the recommendation, after consultation with the Human Resources Committee if required.

Paragraph 5 describes the procedures to be followed in the event of the Board failing to agree on a recommendation for submission to the Home Affairs Committee, or the Home Affairs Committee determines scales of pay or other terms and conditions of service which differ from the recommendation of the Board, or which are not acceptable to the Association. The Board shall reconvene and seek common ground and further opportunities for a negotiated settlement. If there is no agreement, either Side may declare a "dispute".

Paragraph 6 describes the procedure for conciliation and the appointment of an independent conciliator, with a view to achieving an agreed settlement.

Paragraph 7 describes the procedure in the event that independent arbitration is necessary where conciliation has failed. Arbitration shall be by a panel consisting of an independent Chairman, recommended by the Board, and appointed by the Home Affairs Committee and one member nominated by each Side. The Police Force (Jersey) Law 1974 requires the Committee to "determine" pay scales, therefore they cannot be bound by any arbitration panel recommendation, but shall take the award into account in determining the appropriate scale of pay and other terms and conditions of service, and shall only decide not to implement the arbitration award or any part of it in exceptional circumstances. The findings of the Arbitration panel shall be binding on the Association.

Paragraph 8 describes the procedure at the conclusion of the pay negotiations in that the Joint Secretaries shall jointly sign a document setting out any variations to existing scales of pay or terms, or terms and conditions of service of the Force, and any new scales of pay applicable. This shall be ratified by an Act of the Home Affairs Committee.

Explanatory Note

The purpose of the draft Law is to amend the Police Force (Jersey) Law 1974 (“the principal Law”) to establish and provide for matters relating to the Police Negotiating Board.

Article 1 establishes the Police Negotiating Board (“the Board”) and applies the provisions of the new Second Schedule to it.

Articles 2 and 3 make consequential amendments to Article 15B and the Schedule.

Article 4 adds the new Second Schedule.

Article 5 is the Citation and commencement provision.

Provisions relating to the Board are contained in the new Second Schedule -

Paragraph 1 sets out the Constitution.

Paragraph 2 describes the Functions.

Paragraph 3 deals with Officers.

Paragraph 4 describes the Conduct of Business.

Paragraph 5 contains the procedures to be followed where there is failure to agree.

Paragraph 6 provides for conciliation

Paragraph 7 provides for independent arbitration where conciliation fails

Paragraph 8 requires the Joint Secretaries of the Board to sign a document setting out any variations to existing pay scales or terms and conditions of service which variations are to be ratified by an Act of the Committee.

POLICE FORCE (AMENDMENT No. 8) (JERSEY) LAW 200-

A LAW to amend the Police Force (Jersey) Law 1974 to establish and provide for matters related to the Police Negotiating Board; sanctioned by Order of Her Majesty in Council of the

(Registered on the _____ day of _____ 200-)

STATES OF JERSEY

The _____ day of _____ 200-

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

ARTICLE 1

After Article 10 of the Police Force (Jersey) Law 1974,^[1] as amended (hereinafter referred to as “the principal Law”), there shall be inserted the following Article -

“**ARTICLE 11**

THE POLICE NEGOTIATING BOARD

The Police Negotiating Board (“the Board”), to which the provisions of the Second Schedule shall apply, is established.”.

ARTICLE 2

In Article 15B of the principal Law,^[2] for the word “Schedule”, wherever it occurs, there shall be substituted the words “First Schedule”.

ARTICLE 3

The Schedule to the principal Law^[3] shall be re-numbered as the First Schedule.

ARTICLE 4

After the First Schedule to the principal Law³ there shall be added the Schedule set out in the Schedule to this Law.

ARTICLE 5

This Law may be cited as the Police Force (Amendment No. 8) (Jersey) Law 200- and shall come into force on a day appointed by the States.

SCHEDULE

“SECOND SCHEDULE

(Article 11)

THE POLICE NEGOTIATING BOARD

Constitution

1.-(1) The Board consists of two Sides each of four members of whom

- two shall be appointed by the Home Affairs Committee (“the Committee”);
- two shall be appointed by the Human Resources Committee,

and who together are called “the Official Side”; and

- four shall be members appointed by the States of Jersey Police Association (“the Association”) from among the members of the Association,

and who together are called “the Staff Side”.

(2) If a member of the Board is unable to attend any meeting, the body which appointed him shall be entitled to appoint a substitute for that meeting who shall have all the powers of a member, but if no substitute is appointed the proceedings of the Board at that meeting will not be invalidated as a result.

(3) A member of the Official Side shall hold office for three years from the triennial election by the States of Jersey of a new Committee and is eligible for re-appointment and a member of the Staff Side shall hold office for a period determined by the Association.

(4) A member may resign his office by giving written notice to the body which appointed him and may be removed from office by that body.

(5) Any casual vacancy shall be filled by appointment of a new member by the body which appointed the member who has vacated his office and the new member shall hold office until the next election of a new Committee, if a member of the Official Side, or for a period determined by the Association, if a member of the Staff Side.

(6) The Chief Officer of the Force, or his deputy, are not eligible for membership of the Board but may attend any meeting and shall provide independent advice and information at the request of either Side.

(7) Each Side may appoint an adviser or advisers to attend meetings and assist the Board on specific matters and an adviser may take part in discussions on the specific matter in question but is not a member of the Board.

Functions

2.-(1) The functions of the Board are to negotiate and make recommendations to the Committee on

- (a) the pay, terms and conditions of service for all members of the force represented by the Association; and
- (b) any other related matters that the Committee and the Association agree should be referred to the Board for a recommendation.

(2) The functions of the Board are limited to making non-binding recommendations on the matters referred to in sub-paragraph (1) for consideration by the Committee.

Officers

3.-(1) The Board shall appoint Joint Secretaries and any other officers as may be necessary.

(2) Until secretaries are appointed the Director of Employee Relations, Human Resources Department, shall act

as the Official Side Secretary and a member of the Staff Side shall act as the Staff Side Secretary.

Conduct of business

- 4.-(1) The quorum of the Board shall be two members from each Side.
- (2) Every question before the Board is to be decided by the opinion of a majority of the members of the Board present.
- (3) Other than the matters provided for by sub-paragraphs (1) and (2) the Board may regulate its own procedure.
- (4) For each pay period the Association shall submit a written claim, for consideration by the Committee, or receive a written offer from the Committee.
- (5) Unless the claim or offer is agreed by both the Association and the Committee beforehand, a meeting of the Board shall take place within one month of the claim or offer being put forward.
- (6) Any other matter which the Committee and the Association agree to be referred to the Board shall be notified to the Board and the Joint Secretaries shall convene a meeting of the Board to discuss the matter not more than one month after the matter has been notified.
- (7) At the end of each meeting, the decisions of the Board shall be verbally agreed and recorded by the representatives of both Sides and those decisions shall be subsequently confirmed in correspondence between the Joint secretaries as soon as practicable but not later than two weeks after the meeting.
- (8) Once the Board has reached an agreement on a recommendation for consideration by the Committee, the Joint Secretaries shall prepare and sign a report for submission to the Committee.
- (9) The Committee shall consider the recommendation of the Board and determine, where appropriate, any variation in the appropriate scales of pay or other terms and conditions of service, after consultation with the Human Resources Committee if required by this Law.
- (10) The new scales of pay or terms and conditions of service shall take effect from a date determined by the Committee.

Failure to agree

- 5.-(1) The procedures set out below are to be followed in the event that
 - (a) the Board fails to reach agreement on a recommendation for submission to the Committee; or
 - (b) the Committee determines scales of pay or other terms and conditions of service which differ from the recommendation of the Board or which are not acceptable to the Association.
- (2) The Board shall be reconvened in order to identify common ground and seek any further opportunities for a negotiated settlement but if there is no agreement, either Side may declare a "dispute", whereupon the Board shall attempt to determine and recommend agreed terms to the Committee for independent conciliation.

Conciliation

- 6.- (1) An independent conciliator shall be appointed by the Board to liaise with both Sides of the Board and preside at meetings of the Board with a view to achieving an agreed settlement but the independent conciliator will not have a vote at any meeting.
- (2) Where the Board is able to identify an agreed recommendation with the assistance of the conciliator, the procedures set out in paragraph 4 shall be followed.
- (3) All reasonable expenses incurred in connection with the conciliation shall be met by the Committee.

Arbitration

7.-(1) Where the Board fails to reach agreement through conciliation on a recommendation for submission to the Committee or the Committee determines scales of pay or other terms and conditions of service which differ from the recommendation of the Board following conciliation or which are not acceptable to the Association, either Side shall have the right of recourse to independent arbitration.

(2) The Board shall recommend the terms of reference for independent arbitration to the Committee.

(3) Arbitration shall be by a panel consisting of an independent Chairman recommended by the Board and appointed by the Committee and one member nominated by each Side.

(4) The procedures for the arbitration shall be determined by the independent Chairman.

(5) The arbitration shall commence within two months of the Chairman's appointment, unless the Board decides otherwise.

(6) All reasonable expenses incurred in connection with the arbitration shall be met by the Committee.

(7) The Committee is not bound by the award of an arbitration panel, but it shall take that award into account in the exercise of its functions under this Law to determine the appropriate scale of pay for each rank and other terms and conditions of service and shall only decide not to implement the arbitration award, or any part of it, in exceptional circumstances.

(8) The findings of the arbitration panel shall be binding on the Association.

Conclusion of pay negotiations

8. The Joint Secretaries of the Board shall jointly sign a document setting out any variation to existing scales of pay or terms and conditions of service of the Force and any new scales of pay applicable, which shall be ratified by an Act of the Committee.”

[1] Volume 1973-1974, page 379.

[2] Volume 1973-1974, page 381 and Volume 1982-1983, page 61.

[3] Volume 1973-1974, page 382 and Volume 1982-1983, page 63.