

STATES OF JERSEY



DRAFT STATES OF JERSEY POLICE FORCE (POLICE NEGOTIATING BOARD) (JERSEY) REGULATIONS 201-

Lodged au Greffe on 30th December 2016
by the Minister for Home Affairs

STATES GREFFE



Jersey

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REPORT

These draft Regulations make updated provision for the Police Negotiating Board (“the Board”), originally established under Article 11 of the [Police Force \(Jersey\) Law 1974](#) (“the 1974 Law”) and retained through transitional provisions in the Schedule to the [States of Jersey Police Force Law 2012](#) (“the 2012 Law”), with these Regulations now replacing this transitional provision.

1. Background

The [Draft States of Jersey Police Force Law 201- \(P.182/2011\)](#) was lodged *au Greffe* on 16th November 2011 by the then Minister for Home Affairs. The Explanatory Note to the draft Law recorded that –

“*Article 11* provides for the terms and conditions relating to leave, pay and hours of police officers, other than the Chief Officer and Deputy Chief Officer, to be determined by the States Employment Board. (“Terms and conditions” for this purpose are defined in *Article 1*.) The States may designate a body to negotiate with the States Employment Board as to such terms and conditions and to make non-binding recommendations to the Board. The transitional provisions given effect to by *Article 32* and *Schedule 2* provide for the Police Negotiating Board to continue as if it were a body designated under Article 11.”

The draft Law was adopted by the States Assembly on 15th May 2012.

The 2012 Law provides, in Article 11, that the States may make Regulations prescribing the constitution of a body to negotiate with, and make non-binding recommendations to, the States Employment Board regarding the terms and conditions of police officers, and to prescribe the way in which the body must carry out its functions. In addition, the 2012 Law includes transitional provisions, such that the Police Negotiating Board established under Article 11 of the 1974 Law continues as if it were a body designated by Regulations under Article 11 of the 2012 Law.

2. The draft Regulations

The draft Regulations designate the Board, first established in the 1974 Law, to carry out the functions described in Article 11 of the 2012 Law with respect to the terms and conditions of police officers and require the Board to negotiate with, and make non-binding recommendations to, the States Employment Board. The draft Regulations also include a Schedule, setting out the constitution of the Board and the way it carries

out its functions, which are similar to the provisions in Schedule 2 to the 1974 Law. The Regulations would come into force 7 days after they are made.

The draft Regulations have been subject to consultation with the Jersey Police Authority, States of Jersey Police Association and States of Jersey Human Resources Department.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of these draft Regulations.

Explanatory Note

These Regulations make provision with respect to the Police Negotiating Board (“Board”), established under Article 11 of the Police Force (Jersey) Law 1974 (“1974 Law”). Article 11 of the 1974 Law was repealed by the States of Jersey Police Force Law 2012 (“2012 Law”), however the Schedule to the 2012 Law provides for the Board to continue and as if the provisions in Schedule 2 to the 1974 Law were included in Regulations made under Article 11. These Regulations replace this transitional provision.

Regulation 1 designates the Board to carry out the functions described in Article 11(4) of the States of Jersey Police Force Law 2012 (“2012 Law”). The functions in Article 11(4) of the 2012 Law apply with respect to the terms and conditions of the appointment of police officers and require the Board to (a) negotiate with the States Employment Board and (b) make non-binding recommendations to the States Employment Board.

Regulation 2 gives effect to the *Schedule* which sets out provisions relating to the constitution of the Board and the way it is to carry out its functions. These provisions are similar to those set out in Schedule 2 to the 1974 Law.

Regulation 3 sets out the title to these Regulations and provides that they will come into force 7 days after the day these Regulations are made.



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Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in pursuance of Article 11 of the States of Jersey Police Force Law 2012¹, have made the following Regulations –

1 Designation of Police Negotiating Board

- (1) The Police Negotiating Board, established under the Police Force (Jersey) Law 1974², is designated under Article 11(3) of the States of Jersey Police Force Law 2012³ to carry out the functions described in Article 11(4) of that Law.
- (2) In these Regulations references to the “Board” are to Police Negotiating Board.

2 Constitution and other matters relating to the Board

The Schedule shall have effect.

3 Citation and commencement

These Regulations may be cited as the States of Jersey Police Force (Police Negotiating Board) (Jersey) Regulations 201- and shall come into force 7 days after the day these Regulations are made.

SCHEDULE

(Regulation 2)

**CONSTITUTION AND OTHER MATTERS RELATING TO THE POLICE
NEGOTIATING BOARD****1 Constitution**

- (1) The Board shall consist of an Official Side and a Staff Side.
- (2) The Official Side shall consist of 4 members of whom –
 - (a) 2 shall be appointed by the Minister; and
 - (b) 2 shall be appointed by the States Employment Board.
- (3) The Staff Side shall consist of 4 members appointed by the States of Jersey Police Association established under Article 12 of the States of Jersey Police Force Law 2012⁴ (the “Association”) from among the members of the Association.
- (4) If a member of the Board is unable to attend any meeting, the body which appointed the member 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.
- (5) A member of the Official Side shall hold office until such time as a new Council of Ministers is appointed and is eligible for re-appointment and a member of the Staff Side shall hold office for a period determined by the Association.
- (6) A member may resign his or her office by giving written notice to the body which appointed the member and may be removed from office by that body.
- (7) Any casual vacancy shall be filled by appointment of a new member by the body which appointed the member who has vacated the member’s office and the new member shall hold office until the next election of a new Council of Ministers, if a member of the Official Side, or for a period determined by the Association, if a member of the Staff Side.
- (8) The Chief Officer and the Deputy Chief Officer 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.
- (9) 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.

2 Officers

- (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.

3 Conduct of business

- (1) The quorum of the Board shall be 2 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 States Employment Board, or receive a written offer from the States Employment Board.
- (5) Unless the claim or offer is agreed by both the Association and the States Employment Board 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 States Employment Board 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 2 weeks after the meeting.
- (8) Once the Board has reached an agreement on a recommendation for consideration by the States Employment Board, the Joint Secretaries shall prepare and sign a report for submission to the States Employment Board.
- (9) The States Employment Board 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.
- (10) The new scales of pay or terms and conditions of service shall take effect from a date determined by the States Employment Board.

4 Failure to agree

- (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 States Employment Board; or
 - (b) the States Employment Board 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.

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- (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 States Employment Board for independent conciliation.

5 Conciliation

- (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 3 shall be followed.
- (3) All reasonable expenses incurred in connection with the conciliation shall be met by the States Employment Board.

6 Arbitration

- (1) Where the Board fails to reach agreement through conciliation on a recommendation for submission to the States Employment Board or the States Employment Board 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 States Employment Board.
- (3) Arbitration shall be by a panel consisting of an independent Chairman recommended by the Board and appointed by the States Employment Board 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 2 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 States Employment Board.
- (7) The States Employment Board is not bound by the award of an arbitration panel, but the States Employment Board 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.

7 Conclusion of pay negotiations

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 the States Employment Board.

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- ¹ *chapter 23.820*
 - ² *chapter 23.220*
 - ³ *chapter 23.820*
 - ⁴ *chapter 23.820*