

POLICE ADVISORY BOARD FOR ENGLAND AND WALES
104th Meeting
10.30am 28 July 2016
Home Office, 2 Marsham Street, London, SW1P 4DF

AGENDA

Present:

Elizabeth France – Independent Chair

Association of Police and Crime Commissioners (APCC)

Ron Hogg
Andrew Tremayne

Police Federation of England and Wales (PFEW)

Geoff Stuttaford
Alex Duncan

Police Superintendents' Association of England and Wales (PSAEW)

Tim Jackson
Gary Buttercase

National Police Chiefs' Council

Mark Johns
Francis Habgood

Chief Police Officers' Staff Association (CPOSA)

Gareth Wilson
Shabir Hussain

Home Office

Harriet Mackinlay
Mayuri Pandya

Police Staff Council - Trade Union Side (PSC-TUS)

No representative

Metropolitan Police- HR

Valerie Harris

PABEW Secretariat

Chantelle Fields

Hannah Scarr – Acting Secretary

Observers/ in attendance

Matt Johnston – College of Policing

Walter Myles – Department of Justice (Northern Ireland)

Joan Donnelly – PFEW

Karen Pinfold – PFEW

Mariam Conway – PFEW

Elaine Parker - PFEW

Welcome and apologies

1. The Chair welcomed everyone to the meeting; apologies were received from Andy Fittes (PFEW), Nigel Green (ASCCO), Matthew Johnston (College of Policing) and David Knight (IPCC). The Chair also welcomed PCC Ron Hogg (Durham) attending his first meeting in place of Ian Johnston.

Minutes of the 103rd meeting – 26 April 2016

2. Minutes of the meeting held on 26 April 2016 were agreed subject to some minor drafting points and the inclusion of a note under the item 'Capability Dismissal (and ongoing review of limited duties regulations) that the meeting received an update from Mark Johns NPCC on the review of the limited duties provisions. Once the amendments were made the minutes would be recirculated and uploaded to the website.

ACTION: SECRETARIAT

Matters arising

3. Members discussed the action points from the previous meeting and updates were provided as set out in the log (see table below).
4. The meeting noted that the PFEW paper on data requirements considered at the PAB meeting in July 2015 had not been submitted to the last ADR Board meeting. Home Office representatives agreed to liaise with Annual Data Return secretariat to ensure that the PFEW paper was submitted to the Board meeting in September 2016. ACTION: HOME OFFICE
5. Members discussed the timetable for the capability dismissal regulations and it was agreed that this would allow members to take a plenary look at them in October and

then decide whether to reconvene the technical working group to look at them in more detail.

6. There were no other matters arising which were not otherwise on the agenda.

Police Pensions

7. There were no updates to report.

Scheme Advisory Board (SAB)

8. The Chair updated members on the last SAB meeting which took place on 8 July. Key topics discussed included SAB resourcing: James Hurley on behalf of NPCC had informed members of a bid they plan to make to the Police Transformation & Reform Board for resource to help coordinate pension scheme administration and answer technical questions. At the meeting Francis Habgood (NPCC) confirmed that no formal paper had yet been submitted to NPCC, but that this was a welcome proposal to improve coordination and collaboration of pension boards.
9. An update had been provided on the current Pension Challenge; the Home Office expressed the view that given the volume of claims it would be some time before the Tribunal were in a position to take this forward.
10. The Chair also updated members on a meeting of the public service pension schemes consultative forum, hosted by the Pensions Regulator, which she had attended on 5 July. This focused on the importance of communication between schemes and their members. Two cases studies were provided: The NHS Business Services Authority and Kingfisher Group. She recommended that SAB members look at the dedicated website which Kingfisher have created at <https://www.kingfisherpensions.com>.

It was also mentioned that the October SAB agenda should include an item to review the SAB's first year of operation.

Police Pensions Consultative Forum (PPCF)

11. The Chair reported on the last meeting which had taken place on 8 July. Key topics discussed included restriction on commutation on which the Home Office had written to members to explain the Ministerial decision to lift the 2.25 x annual pension cap on commutation for 1987 scheme members with between 25 and 30 years of service. Tim Jackson (PSAEW) emphasised that this would be a discretionary exemption; it would be the responsibility of forces to decide whether to lift the cap. The Home Office confirmed its commitment to share any available information on the take up there had been in the Fire Service to demonstrate whether this was likely to be an effective tool; (outstanding Home Office action point for the PPCF).
12. The Home Office confirmed that they were in the process of instructing lawyers on amendments to the 2015 Police Pension Scheme.
13. The Home Office shared their circular on additional flexibilities to additional voluntary contribution (AVC) arrangements and confirmed that it would be published in the next few days.

14. Home Office agreed to copy to PAB Members the circular announcing regulatory change on AVCs when it was published. ACTION: HOME OFFICE

Capability exit (and ongoing review of Limited Duty determinations)

15. Mark Johns presented the paper on the review of Limited Duties, which recommended further meetings of a technical working group. In April the NPCC had written to all forces and had held a number of meetings about the introduction of the new limited duty regulations. Mark Johns said that the feedback they had received so far was varied with some forces progressing the implementation of these regulations better than others. However, the majority had welcomed the regulations positively.
16. Mark Johns mentioned that there were some teething Issues in relation to regulations and guidance, for example the understanding of operational resilience and requirement differed between forces. Mark Johns confirmed that these points would be discussed at the technical working group and would feed in to the PABEW review of the regulations. ACTION: Mark Johns to convene twg.

Members noted that, in light of the PAB's review of the limited duties provisions, the MPS and Thames Valley Police had decided that there would be no decisions about the removal of the x factor until the outcome of the review was complete.

PABEW Discipline Sub-Committee

17. The Chair reported on the last meeting which had taken place on 26 July. The key topic for discussion was the Policing & Crime Bill. The Home Office explained that there had been delays due to parliamentary sequencing, but they were now planning on the assumption that Royal Assent would be achieved by the end of the year. They also provided a brief outline of the implementation schedule which they plan to deliver in three stages. The Home Office also explained that they had agreed to take forward an amendment from the opposition regarding the misconduct of former officers.
18. The creation of Gangmasters and Labour Abuse Authority with the corresponding extension of IPCC oversight of PACE powers was discussed. There was concern that this had not been recognised sooner as a matter for PABEW to consider but it was noted that there would be consultation on the regulations later in the year.
19. The development of the Super-Complaints System had been discussed at the sub-committee. The key proposals were further discussed at the meeting. There was not seen to be any difficulty in agreeing to the proposal that the PABEW Chair should take responsibility for considering applications from bodies wishing to make super complaints; there were mixed views as to the value of the person in that role being part of the committee which would decide the destination of complaints. There was considered to be advantage if this was seen as offering an independent chairing role when consideration was given by HMIC and IPCC as to which body should consider the substance of the complaint. Tim Jackson (PSAEW) also registered concern that these proposals could distract the IPCC from its core purpose.

PMAB Review

20. At the SAB meeting of 8 July PFEW shared their paper in response to this review. It was also agreed that Avril Cooper (MET) should be invited to share with the SAB findings from a Metropolitan Police survey which was first to be shared with the National Attendance Management Forum. After this, it was agreed that a position would be summarised and submitted to the NPCC for them to take forward.
21. The Chair informed members that the GMC had confirmed that they were content for their response on issues raised by Dr Broome to be shared with him.

Consultation outside of Committee

22. The Chair summarised regulations on which members had been consulted outside committee meetings, these included:
- a) Employment Support Allowance (Consequential Amendment) (Police Injury Benefit) Regulations 2016: The Home Office confirmed that they were considering the Federation's response to this consultation which raised concerns, including about the use of the Welfare Reform Act 2007 to make changes to the Police (Injury Benefit) Regulations 2006 with regards to ESA, thus bypassing the "no worsening" provisions of the Police Pensions Act 1976.
 - b) Alcohol Testing: consultation had been undertaken on a proposed amendment to Regulation 8 of the Police Regulations 2003 to permit alcohol testing of members of police forces where the chief officer has reasonable cause to suspect such a member is under the influence of alcohol. Members had been supportive of the proposed regulatory change, which had previously been agreed by the PABEW on 4 November 2013 but had not been implemented. The Home Office confirmed that this would be progressed after the summer recess.

Triennial Review Recommendations

23. The Triennial Review, published on 23 March 2016 made six recommendations for the PABEW. These were discussed and the views of Members are summarised under each:
- A) it should be reclassified as a Stakeholder Group; ***This recommendation makes no practical difference to the functioning of the Group and it is assumed has had immediate effect.***
 - B) consideration should be given by the Home Office and PABEW to formalising arrangements which would enable PABEW to conduct business in the temporary absence of the Chair. Any decision on who will act on behalf of the Chair in her absence must be set out in the published constitution; ***PABEW Members concluded that the most effective response would be to amend the constitution to make clear that in the temporary absence of the Chair those present would elect a meeting Chair.***
 - C) the Home Office should consider how funding could be made available to the PABEW to allow it to commission independent research; ***Members look forward to the Home office response to this recommendation.***
 - D) the sponsor team should explore whether there is potential to use telephone or video conferencing at quarterly board meetings; ***It was agreed at the meeting that while there was no requirement for video conferencing, a room with***

facilities for telephone conferencing would be booked by the secretariat whenever possible.

- E) the secretariat should ensure that minutes of board meetings are published within five days of their approval at the subsequent meeting; **A new webpage has recently been established and the aim will be to upload the agreed minutes immediately after the relevant meeting.**
- F) consideration should be given to establishing a quorum for each full board meeting. Any quorum must specify the number of bodies that are represented rather than the number of people that must attend. **After consideration PABEW Members saw no need for a quorum. The group is advisory and any proposed formal advice would be circulated to all members for comment before submission.**

The report made clear that the recommendations should be implemented within six months of publication, so it was agreed that the Chair would write to the Home office relaying the conclusions reached to inform their response. ACTION: CHAIR

Any other business

24. Harriet Mackinlay (Home Office) had shared a draft circular ahead of the meeting on temporary promotion, which made provision to extend honoraria. She confirmed that this circular would enable forces to progress the change described in advance of formal regulatory change. The draft determinations had been shared with the PCF, for initial consideration, and would be formally consulted on at a later date. PFEW agreed to provide comments to the Home Office on the circular outside of the meeting. In addition, further clarification was sought that the provision would be available (after April 2016) for officers currently on temporary promotion
25. The Chair confirmed that she would be submitting the PABEW's annual report before the end of the recess, and would circulate the final version and draft covering letter before so doing. ACTION: CHAIR AND SECRETARIAT
26. The Chair had received a letter from Marty Whittle of the Police Federation for Northern Ireland asking if they might send an observer to meetings of the Discipline Sub Committee. There was a brief discussion which concluded that it was important to control the size of meetings while welcoming those who would benefit from or could contribute to them. It was agreed that requests to observe should be considered by the Chair and accepted where there was benefit to be gained. With the revised police conduct regulations having been introduced in Northern Ireland in June it was clear that there would be benefit in attendance by the Police Federation of Northern Ireland for a time limited period; the Chair would reply accordingly. ACTION: CHAIR

Shabir Hussain asked if GAD could give a presentation on the funding of the police pension schemes. It was agreed to ask GAD to present to both the UK PPCF and the SAB. ACTION: Home Office

Date of next meeting

27. The next meeting will be held on the 26 October 2016