

4 June 2013

**MOD POLICE COMMITTEE**  
**TUES 14 MAY**  
**VENUE: LEVEL 4 SPINE 2 HISTORIC ROOM 13**

**MINUTES OF THE MEETING**

*[approved on 30 July 2013]*

**Members**

David Riddle	Independent Member	<b>Chair</b>
Sir Denis O'Connor	Police Adviser	
Dr Marie Dickie	Independent Member	
Caroline Mitchell	Independent Member	
Jonathan Slater	Director General Transformation & Corporate Services, MOD	
Mark Preston	Director of Business Resilience, MOD	
Heather Tayler	Head of Finance – Head Office and Corporate Services	

**Attendees**

Gerry McAuley	T/Chief Constable, MDP
Alf Hitchcock	Chief Constable, MDP (Designate)
Robert Chidley	ACC Central Operations MDP
Dave Allard	ACC Divisional Operations, MDP
David King	Head of Corporate Services, MDP HQ
Sara Parry	HR Business Partner Head, MOD
Iain Brookes	DE&S (Customer representative), MOD
Richard Clancy	DBR-Assistant Head Physical Security and Policing Policy, MOD
Ch Supt Dave Long	Head of Standards, MDP HQ
Eamon Keating	Chair, Defence Police Federation
Karen Feather	Clerk to the MOD Police Committee ( <b>Secretary</b> )

**Chair's Opening Remarks**

1. The Chair welcomed the new members and attendees to their first MOD Police Committee meeting; Jonathan Slater, Heather Tayler and Iain Brookes. He looked forward to their participation and contributions. He was also delighted to welcome Mr Alf Hitchcock who was due to take over as the Chief Constable of the MDP on 10 June.
2. This was the first meeting of the Committee since SofS had agreed that it should expand its terms of reference to include advising the Department on MDP performance and management issues, in addition to advising him on policing powers and duties. The revised Terms of Reference were currently undergoing a legal check before promulgation.

**Agenda Item 1: Minutes of the last meeting and actions**

3. The minutes of the meeting held of 5 February 2013 (DBR-DefSy-4-2-4 dated 18 Feb 13) were agreed as an accurate record.

4. The Chair asked the Secretary to maintain a formal Action Log for future meetings.

**Action: Sec**

5. The Chair asked for an update on two points in the minutes:

a) Para 10. MDP's business case for further VERS offers. Mr King confirmed that HOCS had approved a further 107 targeted VERS offers, and officers are in the process of being informed whether their applications had been agreed. The Committee noted that this left approx 460 officers whose VERS applications would not be approved. Mr Slater thought that where some of these officers were assessed as non-capable there may be merit in preparing a further business case for further VERS offers in order that steps could be taken to begin to refresh the force. He invited the new Chief Constable to consider this and the Chair requested that an update on the position should be provided for the next meeting. **Action: CCMDP**

b) Para 29. Key Priorities for 13-14 The Chair was unclear about the status of the 2013-14 Key Priorities that had been discussed at the previous meeting where concern had been expressed by the independent members and DGTCS that the targets set by the former Chief Constable continued to be unachievable while the force remained in transition. Mr McAuley confirmed that whilst the force had yet to formally publish its Business Plan for 2013-14, individual portfolio plans had progressed and performance measures had been agreed with the Divisional Commanders for accountability purposes. The MDP also wanted to consider further reform of some of the performance measurement systems, which they believe would be better to include consideration of outcomes as opposed to inputs. Jonathan Slater noted that this would take some time to negotiate and it was important that there were clear performance measures in place that the new Chief Constable could sign up to on his arrival. The Chair asked for the performance measures to be re-presented at the next meeting for sign off by the Committee. **Action: Head Corporate Services**

### **Agenda Item 3: Chief Constable's Management Report**

6. The Committee noted that this report had been prepared by CC Steve Love before he departed in mid-April.

#### **Terms and Conditions of Service Review**

7. David King's report referred to the change of lead, from HRD to MDP (with HRD offering advice and support. Marie Dickie said that this review was fundamental to allowing the MDP to move forward with external recruitment and sought assurance that this vital work would be properly resourced. She further noted that some of the key factors, such as Occupational Health, fell between the force and the Department and would therefore need to be properly addressed and concluded.

8. Jonathan Slater accepted this point and said he had agreed that MDP HQ could recruit full-time, dedicated expertise to assist with the TCOS work and that MDP was now empowered to take it forward.

9. The Chair welcomed this. He asked for a full scoping plan of the task and a plan of action for delivery to be made available at the next meeting. **Action: Head Corporate Services**

### Firearms Training Licence

10. For the benefit of the new members and attendees, the Chair provided a summary of the situation regarding the renewal of the MDP Firearms Training Licence following the MDP submission and self assessment to the (then) National Police Improvements Agency (now College of Policing) last year. An issue had emerged more recently regarding the requirement for the MDP to have a fitness policy in place by October 2013 that was consistent with national ACPO standards.

11. Mr Chidley confirmed that he had engaged with the Head of the College of Policing (COP), who appreciated the problem for forces such as MDP, which have such a high percentage of firearms officers. It appeared likely that CoP would agree to accept a detailed plan of how the MDP will implement fitness standards for firearms officers within an acceptable timescale as sufficient evidence to renew their Firearms Licence in October. It will then be up to the Force to deliver the plan, underpinned by the TCOS review outcome on the fitness standards.

12. The Chair said that he had also had a useful and constructive meeting with Andy Latto, the firearms lead for CoP on 10 May. He had confirmed that the CoP wanted to help forces retain their Licenses by being as supportive as possible. Their main criticism of the MDP firearms licensing self-assessment in 2012 was the lack of evidence provided, rather than substantive performance matters. Mr Latto had indicated that the MDP's re-submission in Mar 13 was much improved and more compliant, although there were remained some points of concern that would be addressed in the full inspection later this year.

13. Sir Denis O'Connor noted that while there was no imminent risk to the MDP Firearms Training Licence, the Force had merely been given an extended time limit, of about 18 months, to ensure a fitness policy was fully implemented.

14. It was agreed that MDP needed to negotiate with CoP to agree the right standard of fitness for the MDP given the nature of their armed roles. Mr Hitchcock confirmed that he planned early engagement with CoP to discuss MDP standards for fitness and testing.

**Action: CCMDP**

15. Given that firearms operations are so crucial to the MDP's role, Sir Denis wanted to ensure that the Force had learned from this experience, which could potentially have caused damage to their reputation.

16. Mr McAuley confirmed that the Chief Officers had reflected on this and acknowledged that the submission had been handled at the tactical level and they had not been engaged until late in the process. He had subsequently tasked the Operational Standards Team to assist to ensure the submission was presented with the necessary evidence and to the required standard in future.

### Agenda Item 3: Risk Register

17. It was suggested that this register needed to be reviewed and re-issued in the MOD standard format and with timelines for actions. Heather Tayler offered to assist David King with this in order to present CCMDP with an early draft for his consideration. **Action: HOCS Fin Hd and Hd Corp Services.**

#### **Agenda Item 4: DBR**

18. Mark Preston said that he was close to finalising all the consultation processes although there remained some tensions between the DPF and the TUs in respect of the flexible tasking proposals for some DE&S sites. There was also a risk of the TUs registering a formal disagreement in regard to the consultation on the proposed guarding arrangements for FLC sites. He was grateful to the DPF for their constructive engagement throughout the process. He hoped to seek Ministerial approval to implement the measures by late May/early June.

19. The Chair noted the paper on the nuclear security assurance process that had been prepared by DBR-Def Sy staff and offered his thanks to Martin Gilbey. Mark Preston explained that the assurance requirements are to enable him, as the Security Process Owner (SPO), to gain and provide assurance to the Defence Audit Committee and Defence Board on the effectiveness of nuclear security arrangements. He accepted that the Police Committee would also benefit from having sight of this assurance.

20. The Chair suggested that the Committee should have a short presentation from Martin Gilbey on the nuclear security assurance process at the next meeting in order that all members have a better understanding given their new role in performance and accountability. Action: Sec

#### **Agenda item 5: HR issues**

21. David King provided a short update on the consultation on the implementation of the policing and guard policy changes, the TACOS Project and the Public Service Pensions Bill.

22. Steve Love had provided an update on diversity issues prior to his departure, which recorded his disappointment in the lack of progress from MOD Head Office.

23. Marie Dickie stressed that while the Force no longer had a separate duty of compliance with legislation, the Chief Officers still needed to be able to see and use diversity data to help them to manage the force effectively. The availability of current and reliable information was essential to enable the Committee to monitor, and the Force to manage, diversity issues. This was particularly relevant given the expected re-commencement of external recruitment in 2014 and the need to ensure the force is able to meet the future MOD requirement for armed policing. Mr Hitchcock agreed with this assessment.

#### **Agenda Item 6: MOD Police Committee's Annual Report to SofS**

24. The Chair explained that the draft report was currently in circulation with the independent members of the Committee. The intention was to send copies to MOD officials and MDP HQ for a factual accuracy check in mid June, with an aim to delivering the report to SofS before the summer recess (18 July).

## **Agenda Item 7: Chief Constable's Operational Report**

25. Mr Allard provided a short summary of some MDP activities over the period of this report. These included policing peaceful protests at AWE and a blockade type protest on the Clyde, support to the UKBF over the Easter holiday period, and forward planning for providing marine support for the G8 summit in Northern Ireland and for the Commonwealth Games in Scotland in 2014.

26. Mr Brookes thanked the MDP for their major commitment to Operation Reel (escorting defence munitions movements by road) over the last six months, which was set to continue through to the end of 2013, albeit on a reducing basis. He said that MDP had done a superb job. He emphasised that without their support DE&S would have been unable to maintain munitions deliveries, which would have directly impacted on the ability to support training and front line operations.

27. The Chair asked how sustainable such operation would be under the future footprint. Mr Allard's view was that the force would still be able to provide support.

## **Agenda Item 8: Performance Report – Qrt 4 12-13**

28. The Chair thanked David King, Justin Oliver and his team for their hard work in pulling this data together, which will be used to inform both the Police Committee and the MDP Management Board in the future. It was noted that this was still work in progress and the report was likely to be further refined to meet specific requirements.

### **Occupational Health**

29. David King said the Department's approach to OH was intended to meet, in full, the MDP Statement of Requirement. But he cautioned that discussions were still underway and he expected that the fitness standards and regime requirements (as one example) would expose shortfalls in provision. The DPF Chair explained that Civil Service Occupational Health Schemes tended to be reactive i.e. helping officers who have been sick to return to the workplace. A proactive approach was needed which would provide officers with advice on diets, training, load carrying rather than stamina, and such matters that would be fundamental to maintaining a fitter and healthier workforce. In his view an arrangement with a military-related occupational health scheme would appear to be more appropriate. David King said he had commissioned 'gap analysis' from the MDP OH Advisor and on that basis would recommend what additional resources and OH cover was needed, beyond that which could be secured via MOD arrangements. Jonathan Slater said that MDP should lead on taking this work forward. **Action: Head Corporate Services**

### **Business Plan and Performance Qtr 4 2012-13**

30. The Committee noted the final quarter performance for 2012-13. MDP had fully achieved 2 of its 6 Key Priorities and 4 were within 5% of the target (yellow). The delivery of policing at territorial divisions was just outside 20% of the KP(amber).

### **Task Delivery Performance**

31. Sir Denis O'Connor asked what was being done to address the excessive overtime that was needed to maintain performance levels at some stations. Mr Allard acknowledged that this was a significant issue as cover was currently needed for officers

who had left the force, non-capable officers or to cover sickness absence. He explained that he had arranged for DSG officers to be used where possible to ensure that officers on these stations were able to take leave over the summer.

32. The Committee noted that the statistics were still work in progress and had already been updated to include details of mitigation actions.

33. Ian Brookes thought the Committee needed to have visibility of output delivery as well as input measures. DE&S have been developing a simple monthly report to enable them to measure performance against the high level tasks agreed with the MDP in the Guarding and Security Statements of Requirement, and convert this into a weighted score which can be presented in a tabular format. This will identify any sites where there are significant problems and where priority tasks are not being completed, thereby providing a more balanced view of MDP performance.

34. Mark Preston agreed that both quantity and quality of MDP's performance should be clarified.

35. The Chair asked Iain Brookes to work with David King and Dave Allard to agree how MDP performance might be better reported at the next meeting **Action: DE&S Infra Sy/MDP Hd CS and MDP ACC DO.**

#### Absences

36. The Committee noted that the most common cause of absence from the force was as a consequence of muscle and bone ailments which amounted to 27.7% of recorded causes. The second was for anxiety, depression or stress which accounted for 16.1%. In this respect Mr McAuley described the various checks and measures in place to ensure that officers who might be suffering from anxiety were not issued with a firearm.

37. Mr Keating confirmed that while he supported the system in place to ensure that officers were not given a weapon if there is any doubt over their fitness for duty, he thought that Occupational Health Advisers should play a more robust role. To enable this, the job profiles for armed officers needed to be more specific about the weight of the equipment and the requirements upon an officer who is armed, so that the Occupational Health advisers have a better understanding of the role and duties of an armed MDP officer before making their assessment.

38. The Chair thought this might be an area for scrutiny in the Committee's Work Programme for 13-14.

#### Financial Performance

39. David King presented the MDP 's financial report. Heather Tayler supported the statements, and agreed that MDP's financial performance was on track at the end of FY 2012-13.

#### DIA audits

40. The Chair asked for an explanation on the "no assurance" grading for the Mutual Aid internal audit to confirm this was not an operational matter. T/CC said this related to

financial recovery and the level of delegation for deciding to waive charges for mutual aid. A Force Order had now been issued to address this.

41. It was noted that most of the DIA audits in 2012-13 had been follow up reports to earlier audits. David King said the DIA audit programme of the MDP for 2013-14 was currently under negotiation and due to be agreed by the MDP Management Board later this month.

42. Heather Tayler said that in future, internal audits should be agreed with the Police Committee, since the HOCS TLB role was now limited to Head Office. David King said that audit recommendations were due to go to the Management Board for consideration later this month. The Chair asked for the list to be provided to the Committee for review and agreement at the next meeting. **Action: Hd MDP CS**

### **Agenda Item 9: Chief Constable's Report on Standards and Compliance**

#### **National Crime Recording Standards**

43. The results of the audit on National Crime Reporting Standards were presented to the Committee. Mr McAuley explained that performance for crime related incidents closed on non-crime codes had been assessed as "poor". This was disappointing but since the recommendations from the last audit in 2011 had now been implemented he predicted that this score would improve in 2015.

#### **HMIC's Public Order inspection**

44. The Committee welcomed full sight of the Public Order Action Plan. The Committee was satisfied that all of the actions required as a result of the HMIC Public Order Inspection in 2009 had now been fully addressed. Since HMIC had delegated oversight to the Committee, the Chair asked the Secretary to write to HMIC to confirm the actions were now completed. **Action: Secretary**

#### **DIA's Corporate Manslaughter Audit**

45. The DIA Corporate Manslaughter Follow Up audit had concluded that ten recommendations had been fully implemented by the MDP, although two remained partially implemented, one of which was classed as a high priority. If training occurred as scheduled and the weapons review takes place the work would conclude by the end of 2013. The Chair asked for a report to the first Police Committee meeting in 2014 (date tba) in order to be satisfied that the two outstanding actions, which were firearms related, had been completed. **Action: ACC DO/Secretary**

### **Agenda Item 10: MDP's Use of Force and Powers**

46. The report covering the period 26 Jan to 1 May 2013 was noted.

### **Agenda Item 11: Professional Standards Report**

47. Head of Standards provided a short overview of the Professional Standards report for the final quarter of 12-13.

48. Caroline Mitchell noted that the numbers of complaints that had exceeded 120 days to conclude were increasing, with 11 cases this quarter. While acknowledging that these were small numbers, PSD needed to address this. Hd Standards confirmed the increase was due to a backlog being 'cleared' by additional staff but that resource had now been prioritised elsewhere to support the DBR Formal Consultation and Complementing process. It was agreed to discuss how these might be reduced at the next PSD audit.

**Action: Caroline Mitchell/Hd of Standards.**

### **Agenda Item 12: MOD Police Committee Annual Work Programme 12-13**

#### **MDP's response to the Police Committee's Review of Police Integrity**

49. Marie Dickie considered that the MDP's response to the Committee's report on Police Integrity was generally positive and responsive. Social Media guidelines had recently been published. Marie Dickie suggested that it might be feasible to supplement this with one page of "Do's and Don'ts" that would be more visible to the officers on the ground. The T/CC agreed and mentioned the force would also publish some case studies in the Lessons Learned bulletins that are issued by PSD. **Action: Hd of Standards**

50. The Chair recalled that their report had recommended that MDP publish an "Insider threat" policy with a degree of urgency. Hd of Standards explained that this work was ongoing and that progress would be report at the next meeting. **Action: Hd of Standards**

51. Mark Preston suggested that the force might consider taking account of some the work the Department had already undertaken on this issue. T/CC said they were also using some of the work carried out by AWE plc to address the insider threat.

#### **MOD Police Committee's Review of Misconduct Outcomes**

52. Caroline Mitchell summarised the findings of the recent work to review misconduct outcomes which she had carried out with Sir Denis O'Connor. There was a lack of benchmarking to determine whether cases should be dealt with as misconduct or gross misconduct meaning that officers chairing hearings or meetings have to make their own judgements based on their personal values and standards; in some cases there had been allowance for mitigation or remorse which was in conflict with the law on integrity, the standards were not sufficiently visible in the Force, and a register of officers with adverse disciplinary findings was still not finalised.

53. The Chair said that he found some of the outcomes that had been highlighted in the Committee's report very surprising indeed and it was difficult to understand why some of the officers were still in service. He felt that the first paragraph of the Committee's overall assessment presented a significant challenge to the force. He asked T/CC to address this in the force's response to the Committee at the next meeting. **Action: T/CCMDP**

### **Agenda Item 13: Date of the next meeting**

54. Tues 30 July.

**KAREN FEATHER**  
**Secretary**

**Clerk to the MOD Police Committee**  
**MB: 01.I.48**  
**Tel: 020 7807 8245**