

DBR-Def Sy 5-2-4

27 May 2015

MOD POLICE COMMITTEE
TUES 12 MAY 2015
VENUE: LEVEL 4 SPINE 2 MEETING ROOM 13

MINUTES OF THE MEETING

[approved on 1 Sep 15]

Present:

Members

David Riddle
Sir Hugh Orde
Len Jackson
Anne McMeel
Mark Preston
Heather Tayler

Chair
Police Adviser
Independent Member
Independent Member
Director Business Services
Head of Finance Head Office &
Corporate Services

Attendees

Stephen Otter
Alf Hitchcock
Dave Allard
Paul McLaughlin
David King
Richard Medland
Harvey Moore

HM Inspector of Constabulary
Chief Constable, MDP
T/Deputy Chief Constable CC MDP
T/ACC Operations MDP
Head Corporate Services, MDP HQ
DE&S (Customer representative),
AH-PSPP, Director of Business
Resilience, MOD

Supt Simon Eatwell
David Old
Supt Derry Montgomery
Eamon Keating
Karen Feather

Staff Officer-HMIC
Head of Business Systems, MDP HQ
DBR-Def Sy-Policing Policy 2
Chair, Defence Police Federation
Clerk to the MOD Police Committee

Apologies

Jonathan Slater

Director General Head Office &
Commissioning Services

Dave Long

T/ACC Organisational Development
and Crime (ODC)

Daniel Applegate

Civ HR-Strategy

Chair's Opening Remarks and Declarations of Interest

1. The Chair welcomed HMIC, Mr Stephen Otter and Superintendent Simon Eatwell to the meeting, and welcomed Sir Hugh Orde to his first Police Committee meeting since his appointment as Police Adviser. David Old, Head of Business Systems was attending the meeting as an observer.

2. There were no declarations of interest.
3. The Chair asked the Chief Constable to send the Committee's best wishes to Gerry McAuley who had recently retired as Deputy Chief Constable, and placed on record their appreciation for his significant achievements during his tenures as DCC and ACC, highlighting his work on the Defence Community Police Officers and his delivery on CNI policing in support of the DECC.
4. He briefed the Committee that the advertisement for a new DCC was due to be published in Police Professional on 14 May.
5. The MDP Policing Plan 15-16 had been approved out of committee and copies would be circulated to Committee members following publication.

Action: MDP Hd CS

Agenda Item 2: Minutes of the last meeting

6. The minutes of the meeting held on 10 February 2015 (DBR-Def Sy 4-2-4 dated 27 February 2015) were agreed.
7. The record of the Special Session of the MOD Police Committee held on 24 March (DBR-Def Sy 4-2-4 dated 27 March 2015) was agreed.
8. All items in the Action Log had been discharged or were due to be addressed during the meeting.

Chief Constable's Strategic Report

Recruitment

9. CCMDP reported that MDP remained on track with recruitment, with 294 officers in training or deployed in the last 12 months. The force was working with Havas to improve the diversity of the new recruits, and this was starting to show signs of improvement. The latest estimate was that the force will be close to full complement by Nov 15. CCMDP also said that a Training Needs Analysis would address whether there were any opportunities to reduce the 17 week training period.

10. Anne McMeel queried some of the figures on the recruitment plan. David King agreed to make revisions and re-issue the table. **Action: MDP Hd CS**

Capability and Long Term sick

11. CCMDP reported that Long Term Sick and permanent non-capable officers had reduced significantly and were on track to meet the targets for Dec 15. Temporary non-capable officers remained a challenge (see Agenda Item 11).

DII Transition

12. 60% of the force would be on DII by the end of the year. Survey work was underway for Nuclear Division stations.

Occupational Health

13. An independent review will consider the MDP's requirement, current service performance and the way ahead to determine whether MDP will have a full in-house OH arrangement or if there can be improvements to the current MOD service being provided. The report was due in June.

Terms and Conditions of Service (TACOS)

14. CCMDP reported that Civ HR has tabled proposals for serving officers that address fitness and all of the Winsor recommendations that were appropriate for the MDP. This now includes a reduced pension age of 65yrs. Key differences between the Chief Constable and the Defence Police Federation remain but a smaller change package may go forward in order to secure agreement. The major issues remaining were the net pay deduction for the DPF and, for CCMDP, the introduction variable shift roster for operational flexibility (which through Winsor gives chief officers the right to change shift patterns through consultation not negotiation), and the introduction of a fitness standard.

Fitness

15. The Institute for Naval Medicine has recommended a fitness standard of 5:7 for all MDP officers (although new recruits currently achieve 7:6 on entry). The DPF has agreed with the INM recommendation. The level now needs to be negotiated with the College of Policing due to the implications for firearms licensing. CCMDP was committed to early implementation, while providing continued support to officers on health, fitness and well being.

New Operational Policing Model

16. CCMDP reported that he had presented to VCDS his view of the potential operational advantages a new operational policing model would bring to defence, national policing and national security resistance. It was also his view that the new model would potentially free resources to meet other priorities such as fraud, cyber-crime and international policing requirements.

17. The Chair asked for the topic to appear on the agenda for the next SCPRM on 30 Jun 15 so that the Police Committee had an opportunity to discuss this. He invited Len Jackson to attend if possible. **Action: Sec**

18. CCMDP suggested that Supt Dave Pawley and CI Phil Merriman who were leading on this work should attend to deliver a presentation. **Action: CCMDP**

Agenda Item 3: Organisational Development Strategy

19. The Committee was invited to note the ODS that had previously been presented at the Special Session of the Police Committee on 24 Mar 15 during the discussions about the Culture Review and the recommendations arising from it. The Chair asked the DPF Chair for his view on the strategy. Mr Keating said the Federation welcomed it given the intent to improve communication and invest in leadership.

20. Len Jackson said he had recently met with the team responsible for its implementation. It was vital that the force delivered against this in the next 12 months. Sir Hugh Orde added that the challenge was to be able to explain at the end of the year exactly what had been achieved and delivered.

21. The Chair suggested that the SCPRM should do a Deep Dive on the ODS implementation during the autumn meeting. **Action: Sec/T/ACC ODC**

Agenda Item 4: Culture Review – MDP Action Plan

22. CCMDP reminded the Committee that all the recommendations arising out of the Culture and Security Capabilities Review had been agreed and accepted. The Chair noted that many actions had been given a timeline for completion before or by 30 June. Given the next Police Committee meeting was on 1 September, he requested that an update report was provided by 17 July to confirm that the recommendations had been fully discharged, or any explanation of the delay. **Action: T/ACC ODC**

Agenda Item 5: Terms and Conditions of Service

23. This had been covered in other agenda items (see para 14)

Agenda Item 6: HMIC Update

24. Stephen Otter thanked the Chair for inviting him and Simon Eatwell to attend the meeting. He updated the Committee on HMIC's inspection plans for 15-16 which included plans for a CT inspection which would either consider the PREVENT agenda or the residual threat issue. The Chair agreed to consider MDP's participation in a CT review and agreed to provide a response to HMIC offline. **Action: Chair**

25. He suggested that one of the key areas the MDP might like to consider would be Value for Money and efficiency issues (and specifically comparing these with CNC) and HMC would be willing to do this work with that force too. It would look at the potential for collaboration, consider the operating model and cost of back office support. This would result in an MDP VFM profile which could then be updated each year. The Chair saw the potential

relevance of this, provided that CNC were prepared to engage and there was Ministerial commitment from both government departments. MOD Committee members agreed with this. The Chair would discuss this with the CNCPA Chair who he was due to meet the following week. **Action: Chair**

Agenda Item 7: HMIC Firearms Command and Control inspection

26. Paul McLaughlin provided a short outline of the inspection and MDP's progress in implementing the recommendations which were laid out in the Police Committee paper. The MDP Operational Assurance team had been tasked to review the implementation of the recommendations, and had just provided TORs for this work to the Chair for approval. This review was to be completed and reported to the Police Committee by mid June.

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32. It was agreed that Operational Standards assurance work should continue, but the recommendation relating to Territorial Division command and control protocol would continue to be treated as outstanding until the above action had been carried out. This would then determine MDP and the Police Committee's response to HMIC which would be provided by Dec 15.

Agenda Item 8: MOD Police Committee Annual Report 14-15 and Work Programme 15-16

33. The Committee's annual report would focus on the Culture Review (and the associated MPS Peer Review report), the work and progress to reduce sickness and non-capability, the recruitment programme and impact on overtime, and IT issues. A draft would circulate to independent and MOD members for contributions. The report would be sent to the MDP Management Board for an accuracy check. The final report should be sent to the Defence Minister before the summer recess (i.e. mid July). **Action: all Committee members and Sec**

34. The work programme was expected to include a further phase of the review of the Operational Capability Centre, and Lessons Learned following the Burghfield misconduct process (at the appropriate time). The Committee will continue to oversee the implementation of the Firearms Command and Control inspection with some direct scrutiny by the Chair and Police Adviser. Heather Tayler referred to the Annual Assurance Report all TLBs have to complete – the content of which is used to inform the governance statement for the Annual Report and Accounts. For 2015-16 she thought it was likely that the TLB will ask MDP to complete the return. She would then expect this to be cleared either by the Police Committee or the Sub-Committee for Performance and Risk Management before it was submitted to the TLB. The timing of this was usually early March in order for the finished product to be incorporated in the overall TLB return and considered by the appropriate governance body. The Police Committee in Feb 16 may be appropriate timing for this. **Action: MDP Hd CS/Sec**

Agenda Item 9: Sub-Committee for Performance and Risk Management

35. The Committee was invited to accept the minutes of the meeting held on 24 March.

Agenda Item 10: MDP Performance

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38. The Committee welcomed the new, concise format of the Operational Report.

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1f: Given the work required to address the outstanding HMIC recommendation on implementing the CNI policing model across Territorial Division, this could not be assessed as "Achieved" and should be rated as Amber.

3b: The recruitment of females and ethnic minorities in Q4 had been achieved following partial achievement between Q1-3. Anne McMeel suggested that the performance should be supported with the relevant figures to illustrate this achievement.

7a: The Committee felt that an assessment of "Substantially Achieved" was not commensurate with the overspend against target. The MDP outturn was £3.6M (2.7%) above the £136.2M budget allocation after allowance for an additional overspend for infrastructure. The cause was the expenditure on overtime, detached duty and temporary

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41. David King agreed to adjust some of the KP assessments following the Committee's comments. This should be re-circulated out of committee.

Action: MDP HdCS

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43. The Chair asked Anne McMeel to work closely with MDP Hd CS to provide her assessment to the committee whether the budget for 15-16 was soundly constructed and monitored. **Action: MDP HdCS/Anne McMeel**

Agenda Item 11: End of Year Report on Reducing Long Term Sick and Non-Capability

44. The MDP HQ report to the Defence Secretary was presented as the Police Committee paper for this agenda item. Mr Allard reported that work continued to drive down the numbers and HQ was confident that the targets set for Dec 15 would be met for Long Term Sick and Permanent Non-Capable. However, the figures for Temporary Non-Capable remained a challenge with the target to reduce by 50% unlikely to be met by the end of 2015.

45. The Chair welcomed the progress to date and confirmed that the Committee would continue to examine the force's plan and performance due to the cost implications for overtime while colleagues continue to backfill these posts.

Agenda Item 12: Diversity and Equalities

Diversity Action Plan 14-15 and draft Diversity Action Plan 15-16

46. Anne McMeel acknowledged the good progress but suggested that the Q4 assessments shown on the Diversity Action Plan for 14-15 should be reviewed. Many targets that were reported as complete or on track were being carried over in the 15-16 plan and therefore not fully discharged. Some targets needed to be revised so they were measurable, with a better description of the requirement. **Action: MDP HdCS**

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47. The Chair found the data very useful, but it would be more appropriate for this Committee if the civilian numbers could be omitted (or at least separated from the police numbers) because they distorted the statistics. **Action: MDP HdCS**

Agenda Item 13: Use of Force

48. The Committee noted the report.

Agenda Item 14: Professional Standards

49. Len Jackson reported that he completed the PSD audit on 23 April. He reviewed a number of misconduct, complaints and appeals files. They were in good order and contained, in his view, appropriate outcomes. He also reported that PSD had ceased from asking SPOs to investigate gross misconduct cases. Finally he received an update on AWE cases, which were currently stalled awaiting the outcome of a number of appeals.

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51. The Chair noted the Employment Tribunals summary which was now included in the PSD report. He had a number of questions that he would deal with offline. **Action: Chair**

52. The Committee discussed the recent amendments to the Police Conduct Regulations 2012 which will result in holding misconduct hearings in public (subject to listed exemptions which include matters concerning national security), and will introduce Legally Qualified Chairs wef Jan 16. Although the Committee and the force's joint response to the Home Office Consultation did not necessarily support these proposals, the Chair directed that it was proper that MDP complied with government policy for police ethics and standards. CCMDP indicated that he agreed. The Committee and CCMDP were in complete agreement that hearings should continue to be in private if there was any risk that a public hearing could compromise national security. It was agreed therefore that the MDP Conduct etc Regulations (SI 2015-25) be amended through the appropriate legislative channels to reflect the Police Conduct Regs as far as practicable. DBR would lead with support from PSD. **Action: Sec**

Agenda Item 15: Any other business

53. No matters were raised.

Agenda Item 16: Date of the next meeting

54. Police Committee: Tues 1 Sep (papers due by cop 20 Aug 15)

55. Sub Committee Performance and Risk Management: Tues 30 June
(papers due by cop 18 Jun)

KAREN FEATHER
Secretary
DBR-Def Sy- Policing Policy 1
MB: 1.I 58
Tel: 02 7807 8245

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27. The Chair explained that one outstanding issue was the HMIC recommendation that MDP should implement a common firearms command and control protocol across Territorial Division based on the one currently in use at CNI sites. The report for the meeting indicated that MDP did not believe that this was deliverable given the number of HO forces involved and other reasons, and the Chair asked HMIC for his view.

28. Mr Otter recognised the good work that MDP had done to address their recommendations. He had some sympathy for MDP in trying to negotiate this arrangement with austerity hit HO forces and offered to help if needed.

29. CCMDP stated that he believed that the CNI model was the right approach and had already been negotiated with some forces. However, he thought that some HOPFs may be over-estimating the possible impact on their forces.

30. Sir Hugh Orde noted that consistency was essential across all forces during a firearms incident and he suggested that it might be beneficial for the CC to brief the National Police Chiefs' Council to get consensus for support at the top level. It might also be helpful to consider a joint proposal with CNC (who had a similar recommendation following their recent inspection). The Chair said that if required he could take a similar approach by engaging with PCCs via the Association of Police and Crime Commissioners (APCCs) and he would also discuss this matter with the CNCPA Chair.

31. It was agreed that CCMDP would raise the issue at NPCC in conjunction with CNC, and report back. CCMDP will liaise with the Police Adviser in developing the proposal for NPCC. **Action: CCMDP/Chair/Police Adviser**

32. It was agreed that Operational Standards assurance work should continue, but the recommendation relating to Territorial Division command and control protocol would continue to be treated as outstanding until the above action had been carried out. This would then determine MDP and the Police Committee's response to HMIC which would be provided by Dec 15.

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50. Sir Hugh Orde questioned why MDP only performed drug testing on officers ranks Insp and below. Mr Allard explained the MDP priority to date was on officers performing an operational role.

51. The Chair noted the Employment Tribunals summary which was now included in the PSD report. He had a number of questions that he would deal with offline. **Action: Chair**

52. The Committee discussed the recent amendments to the Police Conduct Regulations 2012 which will result in holding misconduct hearings in public (subject to listed exemptions which include matters concerning national security), and will introduce Legally Qualified Chairs wef Jan 16. Although the Committee and the force's joint response to the Home Office Consultation did not necessarily support these proposals, the Chair directed that it was proper that MDP complied with government policy for police ethics and standards. CCMDP indicated that he agreed. The Committee and CCMDP were in complete agreement that hearings should continue to be in private if there was any risk that a public hearing could compromise national security. It was agreed therefore that the MDP Conduct etc Regulations (SI 2015-25) be amended through the appropriate legislative channels to reflect the Police Conduct Regs as far as practicable. DBR would lead with support from PSD. **Action: Sec**

Agenda Item 15: Any other business

53. No matters were raised.

Agenda Item 16: Date of the next meeting

54. Police Committee: Tues 1 Sep (papers due by cop 20 Aug 15)

55. Sub Committee Performance and Risk Management: Tues 30 June
(papers due by cop 18 Jun)

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