

DBR-Def Sy-4-2-4

8 January 2016

MOD POLICE COMMITTEE
MINUTES OF THE MEETING HELD ON
8 DECEMBER 2015
[agreed on 15 Mar 2016]

Present

Members

David Riddle	Chair
Sir Hugh Orde	Police Adviser
Len Jackson	Independent Member
Anne McMeel	Independent Member
Mark Preston	A/Director General Head Office & Commissioning Services
Paul Fyfe	A/Director Business Resilience
Lucy Spencer	Head of Finance Head Office & Corporate Services

Attendees

Alf Hitchcock	Chief Constable, MDP
Andy Adams	Deputy Chief Constable, MDP
Justin Oliver	Chief Officer Resources & Planning
Dave Allard	ACC OperationsMDP
Dave Long	T/ACC Organisational Development &Crime
Richard Medland	DE&S (Customer representative),
Harvey Moore	AH-PSPP, Director of Business Resilience, MOD
Richard Clancy	TACOS Review
Supt Derry Montgomery	DBR-Def Sy
Eamon Keating	Chair, Defence Police Federation
Karen Feather	Clerk to the MOD Police Committee

Apologies

Paul McLaughlin	T/ACC Operations
-----------------	------------------

Introduction

The Chair welcomed DCC Andy Adams and Lucy Spencer to their first meeting, and Mark Preston and Paul Fyfe to their first meeting in their roles as Acting DGHOCS and DBR respectively.

2. The Chair reported on his constructive meeting with Mark Lancaster MP, Minister for Defence Personnel and Veterans, on 13 October accompanied by CCMDP, to discuss the Committee's Annual Report on the MDP. They had useful discussions on the policing requirements for the Queen Elizabeth Carrier (QEC), Terms and

Conditions of Service, the pension age, and the in year savings measures imposed on the MDP.

3. The Chair explained that he would take the agenda in reverse order (starting section relating to Policing Powers and Duties) since Mark Preston was unable to join the meeting until 1500, and this would allow for his contribution to the strategic matters. (However, the minutes are presented in the usual order of the agenda).

Agenda Item 1: Minutes of the last meeting and Action Log

4. The minutes of the last meeting held on 1 Sep 15 (DBR-Def Sy-4-2-4 dated 1 October 15) were agreed and the action log was noted.

STRATEGIC ISSUES

Agenda Item 2: Chief Constable's Strategic Report

5. CCMDP reported that the MDP requirement for the QEC had now been agreed with the Navy and he considered this acceptable. Recruitment and training to meet this requirement was now the main issue for MDP. A small complement of MDP officers had been established at Caledonia with effect from Nov 15.

6. Redacted.

7. Len Jackson noted the attrition levels from the MDP had increased from approx 17 per month to over 20 since the overtime constraints were imposed in Oct and asked if this was an increasing risk to the force. Also, 6% of new recruits had already left MDP. The DPF Chair thought that this was due to so much uncertainty in the force at the present time. Anne McMeel asked for the rate of attrition from new recruits to be monitored and if possible reasons gathered. CCMDP explained that he hoped to resume recruitment early in 2016. **Action: ACC ODC**

Agenda Item 3: SDSR 15 – Policing and Guarding Options

8. There were two aspects to the SDSR; the options for efficiency savings for policing and guarding which is a matter for the MOD and the review of National Infrastructure which is being led by the Home Office.

9. Harvey Moore outlined the various options that were being considered internally as efficiency savings.

10. The Chair asked when the MDP budget for 16-17 would be confirmed. Lucy Spencer replied that the final ABC settlement was expected in February but could be delayed if there were any contentious issues. The current requirement for savings was likely to go on for another two years. The Chair noted that this would impact on CCMDP's ability to plan.

11. Anne McMeel said that the Committee needed to understand the MDP's policing priorities and the resources available to MDP to deliver this in order to avoid the position that the MDP had found itself in this year.

12. Mark Preston recommended that the MDP should model on the expected budget with shadow plans to reduce this by 5% and 10% respectively. Justin Oliver said the Policing Plan was already being drawn up along these lines, with the customer requirements to be taken as a saving as the last resort. Mark Preston reiterated that no decisions had been taken and the MOD awaited the settlement letter from the Treasury.

13. Paul Fyfe said the Department needed to take steps to prevent the need for MDP to go through the Deviation Process again in 16-17. He confirmed he would be meeting PsyAs to discuss the Operational Policing Model and that the decision had to be based on what was the best for Defence and its risk appetite, rather than for individual TLBs.

Agenda Item 4: Home Office Review of Infrastructure Policing

14. Harvey Moore said that the Infrastructure Policing Review, led by the Home Office, was looking at how to police the national infrastructure i.e. military sites, nuclear sites, rail hubs, airports, and the strategic road and rail network.

15. Harvey Moore provided an outline of the options that were emerging which included a possible MDP/CNC merger but no decisions had yet been taken.

16. Redacted.

Agenda Item 5: TACOS update

17. Richard Clancy updated the Committee on the latest position on the negotiations. The Department's revised offer on changes to MDP TACOS was issued to the DPF on 16 November, which included an effective pension age of 65 for MDP officers who do not have protected rights to an earlier pension age. Following a ballot of their membership, the DPF rejected the revised offer, but have said they would accept it subject to the specific conditions. The main demand was for a reduction in pension age to 60 to match the pension age of Home Office police officers. They also sought to delay the introduction of "with consequence" fitness testing from 1 Jan to 1 Apr 16; and for the introduction of an Unsociable Hours Allowance at a time when deemed affordable. The DPF were due to meet with the Minister on 17 Dec.

18. The Chair thanked Richard Clancy for the update. Given the ongoing negotiations it was inappropriate to discuss this in more detail, but he hoped that further engagement would finally resolve the TACOS matter and that MDP had prepared an implementation plan in order to move forward as quickly as possible. He commented that if agreement could not be reached, MDP should have a plan to bring into operation those parts of the package that are vital to the future of the force.

Agenda Item 6: Culture Review

19. ACC ODC gave a brief overview of progress against the recommendation made following the Committee's Culture Review last year, and noted that the SC was due

to do a Deep Dive on the Organisational Development Strategy at the meeting in Feb 16.

20. Len Jackson disagreed with the assessment that the impact of not identifying training and development needs from the annual Performance and Development review was minimal and urged the MDP to address this and the current PDR. He also asked the force to consider producing a Leadership and Management template that would illustrate best practice for dissemination to all operational stations.

Action: ACC ODC.

21. The Chair said the Committee was concerned about the intent to slip full DII transition to beyond Sep 16 because of the current financial constraints. Justin Oliver replied that MDP continued to engage with ISS and most issues had now been resolved enabling information to be shared between MDPNet and DII. CCMDP however said full migration would take another two years. Funding of £1.5-2M was needed. The Committee urged the force to ensure that all preparatory work was carried out in readiness. Paul Fyfe thought this might be an issue to raise at the next VCDS stocktake. **Action: A/DBR & CCMDP**

22. The Chair reminded the Committee that the IT issue had been highlighted in their Annual Report as impairment to capability and he may consider writing to the Minister about it in the New Year. He would speak with Justin Oliver to be clear about the exact requirements. Mark Preston recommended that in the first instance it should be raised with Maj Gen Ivan Hooper. He will also speak to Mike Stone if there was an opportunity. **Action: Chair & A/DGHOCS**

Agenda Item 7: Alignment of MDP Budget and Policing Plan

23. CCMDP had written to the Chair of the Police Committee following the discussions about the budget at the last SC when Anne McMeel said that the Policing Plan needed to be better aligned with the MDP's budget allocation. All were concerned that in year savings that were imposed on the force created significant challenges to MDP's ability to meet their customers' requirements with the reduced budget total.

24. Mark Preston stated that in his new role as a Budget Holder, he saw more clearly the conflict between funding and DBR's security policy requirements. He wanted a model for policing which would move away from the current arrangement whereby HOCS hold MDP funding, in order to give TLBs a greater say on their MDP requirements and resources. He would discuss this with PUS, with the involvement of CCMDP and the Police Committee. **Action: A/DGHOCS**

25. The Chair said that this was encouraging because clearly everyone recognised the unsustainability of the current funding model to run a police force efficiently and effectively. He suggested that this should be discussed in February (see para 62). CCMDP agreed to work up some options in preparation for this. **Action: CCMDP**

PERFORMANCE

Agenda Item 8: Sub-Committee Performance and Risk Management

26. The minutes of the Sub-Committee for Performance and Risk Management held on 13 Oct (DBR-Def Sy 4-2-4 dated 19 Oct 15) were noted.

Agenda Item 9: Chief Constable's Performance Report

a) Financial Report – AP7 forecast

27. Justin Oliver confirmed that AP7 was expected to deliver on the revised budget allocation due to the application of robust financial controls, but overtime remained a risk given that was the only area that could deliver significant savings. Changes to legislation that will lead to future Statutory Annual Leave Payments was a concern and expected to cost between £0.775M and £3.7M per annum however it was hoped that this would be centrally funded by MOD. A/DGHOCS suggested that MDP may need to find funding for this liability in the future.

28. The Committee was concerned that over the longer term that the MDP could not continue under its present funding arrangements and asked how this should be addressed. MDP, HOCS, and DBR needed to agree the MDP Policing Plan for 16-17 and the delivery expectations.

b) HOCS in year saving measures

29. DG HOCS had approved approx £1M of deviations to the HOCS in-year savings, which allowed MDP to incur overtime costs on the tasks that the deviation process had deemed to be the most critical, and where failure to deliver would present unmanageable security risk. [Redacted]

30. The matter of [redacted] had been passed to HOCS Fin as a finance issue (£1M) to discuss with TLB counterparts.

c) Station Performance Report – Oct 15

31. The Committee noted the station performance report for Oct 15. CCMDP handed out an updated Performance Report that had been compiled by data on Status Codes (e333) which illustrated how many times specific tasks had been carried out. This indicated the percentage of change since the previous month. The Chair welcomed this since it would be helpful to see the impact of the funding constraints in future months.

d) Operational Report

32. The Operational Report was noted.

Agenda Item 10: Report on reducing Long Term Sickness and Non-capability and Occupational Health Arrangements

33. DCCMDP presented the update on MDP Long Term Sickness and Non-Capability. He also provided benchmarking comparisons with other forces, including Essex, Suffolk, South Yorks and the MPS which illustrated the MDP was making good progress. Len Jackson suggested the MDP should look at BTP performance levels as a benchmark.

34. A new Performance and Attendance Unit had been established but Justin Oliver stressed that it remained important that supervisors took responsibility and addressed matters promptly.

35. At the last meeting the Committee had asked for an explanation of the MDP's methodology in re-assessing capability. The DCC explained that 41 officers who were assessed as non-capable were performing police roles although they were unable to be issued with a firearm. This meant that the effective strength of the force had increased to 94% since the officers were contributing to the overall security and policing effect. He stressed that work to assist the officers to return to full fitness and firearms duties ran in parallel. Anne McMeel agreed because if officers could not return to full duties within a reasonable timescale arrangements needed to be made to invoke UPP or ill-health retirement. Therefore the numbers of officers in this category and the length of time needed to be transparent. Anne McMeel also pointed out that the two tables indicating progress on reducing levels were no longer comparable due to placing the 41 officers back on the effective strength and suggested that these might be re-visited. **Action: DCC**

36. There was a discussion over the Stage 3 UPP. In MDP this became an elongated process because of the opportunity to apply for compensation of up to 2 years pay from the Civil Service Compensation Scheme where an officer is to be discharged for ill-health, and the subsequent appeals process.

37. DCC MDP reported that the DIA Audit on Capability Handling and Sickness Management had been reasonable.

Agenda Item 11: Diversity and Inclusion

38. Anne McMeel had attended the Diversity Board on 13 Oct. She reported that some of the Action Plan targets had been re-assessed as a result of challenges to the ratings at the meeting and now reflected a more realistic situation.

39. She was especially complimentary on the new Diversity Model based on Champions, Ambassadors and Allies. The engagement at Superintendent level was very important since they were the visible representatives of the organisations who are well placed to engage with ACPO and across the lower ranks structure. This will be led by Supt Pam Hewitt, whose involvement will ensure there are links into the Organisational Development Strategy.

40. The Committee members confirmed they would like to have sight of civilian statistics but separated out of the police numbers. **Action: CORP**

POLICING POWERS AND DUTIES

Agenda Item 12: HMIC Firearms Command and Control arrangements

[redacted]

a) Taser

46. At the last meeting CCMDP said that the HMIC recommendation to supply all officers with Taser would be reduced to help MDP to deliver the in-year cost saving measures that had been imposed the force. The Chair and Sir Hugh Orde indicated they would be disposed to approve this measure, and requested a paper for the next Police Committee meeting outlining the full impact of this measure for the Committee to consider.

47. ACC ODC briefed that there remained a strategic intent for all MDP Authorised Firearms Officers to be trained in Taser to meet the requirements of the CoP AFO Role Profile. In reality the saving measure to reduce Taser procurement has resulted in deferring some training to FY16-17 and a modest saving for the number of cartridges used for training purposes.

48. The Chair suggested that this is kept under review Sir Hugh Orde agreed that the MDP plans to continue to train all AFOs but for limited Taser deployments were well focused.

Agenda Item 13: Use of Force

49. The report was noted including the reference to one Taser being drawn. ACC O confirmed this was in support of a HO police force.

Agenda Item 14: Professional Standards Report

50. Len Jackson said that the PSD report appeared to present a satisfactory position; complaints remained low and there was some improvement to performance on conduct matters now that the majority of Burghfield cases had concluded.

51. He asked for confirmation that the decision to place UPP under the HR Dept rather than PSD related only for Occupational Health performance matters, because Sgts and Insps had important management responsibilities to discharge with reference to inefficiency etc. He was assured that was the case by the DCC.

52. The PSD report referred to the loss of 17 drug test samples by a private contractor and Anne McMeel asked about the consequences of this and any lessons learned. The DCC agreed to follow this up. **Action: DCC**

53. The Chair asked Len Jackson to make arrangements to review the outcomes of Employment Tribunal case to ensure there were no consistent themes or patterns. **Action: Len Jackson**

54. The Chair asked CCMDP what were the consequences of MDP not carrying out biometric testing on new recruits. CCMDP explained that the Government Legal Service had advised the force that legislation was not required for this purpose and it could be introduced through policy since the recruits would be providing their consent to testing for this purpose. However, there had been an area of uncertainty around what the HO police might want to do if there is a positive match for data and as a result the HO police want to initiate a criminal investigation in respect of it. GLS advised that this should be dropped from the Armed Forces Bill since this needed further work with the HO to confirm whether legislation was necessary for this purpose. PSD remains engaged with GLS on this matter.

Agenda Item 15: MOD Police Committee Work Programme 15-16

a) Burghfield – Lessons Learned

55. Len Jackson reported that he had visited AWE Burghfield in November and was due to visit MDP HQ on 9 Dec.

b) OCC Review

56. Sir Hugh Orde presented the Committee's report following the visit he had made with Len Jackson to HQ on 30 Sep. In making their recommendations they were aware that some work was already underway following the MDP's Training Need Analysis (TNA), and they were also mindful of MDP's current budget constraints.

57. He urged the force to address the lifed posts issue and to consider devolving budgets as far as practicable. He was also concerned that the delivery of MDP's entire leadership training programme was down to one individual.

58. Sir Hugh Orde agreed with the recommendation that had been made in the TNA that MDP recruits should not be over trained for the policing role they are expected to perform, but proper accreditation was essential. He remained convinced that there was potential for savings in the force's approach to Taser training.

59. Len Jackson suggested that a small investment by the MOD to enhance the firearms range may provide an opportunity to promote the facilities to other police forces, especially given the recent national drive to increase police firearms officers.

60. CCMDP thanked them for their observations. He agreed that the OCC was under resourced for the task expected of it. He agreed with the report's recommendations. The current HQ review would address the matter of "lifed posts"; the force had used a reverse civilianisation process in order to retain some police posts. He agreed to consider devolved budgeting but explained that the opportunity may be limited since back office costs only accounted for 7% of the MDP budget and may not be viable in the MOD's financial structures.

61. The Chair agreed with the conclusions reached by Sir Hugh Orde and Len Jackson. The expectations on the OCC were enormous and clarity of strategic priorities was necessary. While he understood there may be some difficulties and limited scope to devolve budgets, the Police Committee believed there was potential

in it, and expected to be convinced of the MDP's determination to drive efficiency and innovation. The MDP's formal response to the review, supported by an Action Plan should be provided for the next meeting. **Action: ACC ODC**

Agenda Item 16: Any other business

62. It was agreed that there would be an Away Day at MDP HQ on the same day of the next SC for Performance and Risk Management on Tues 16 Feb (which would now transfer from HO to Wethersfield). The objective was for the members of the Committee and the Chief Officer Group to consider the top priorities for 2016/17 and beyond, and potential game changers in order to assist with planning and resourcing. MOD members and attendees of the Committee were also invited to attend.

Agenda Item 17: Date of the next meeting

63. Tues 15 March 2016.

[signed]

KAREN FEATHER
Secretary
Tel: 020 7807 8245