

POLICE ADVISORY BOARD FOR ENGLAND AND WALES
105th Meeting
10.30am 26 October 2016
Home Office, 2 Marsham Street, London, SW1P 4DF

Present:

Elizabeth France – Independent Chair

Association of Police and Crime Commissioners (APCC)

Ron Hogg
Andrew Tremayne

Police Federation of England and Wales (PFEW)

Andy Fittes
Dave Bamber

Police Superintendents' Association of England and Wales (PSAEW)

Tim Jackson
Gary Buttercase

Chief Police Officers' Staff Association (CPOSA)

Gareth Wilson

Home Office
Peter Spreadbury
Harriet Mackinlay

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

No representative

Metropolitan Police- Trade Union Side

Sarah Murphy-Brookman
Mark Pomroy
Valerie Harris

PABEW Secretariat

Hannah Scarr

Observers/ in attendance

Walter Myles – Department of Justice (Northern Ireland)

Joan Donnelly – PFEW

Karen Pinfold – PFEW

Mariam Conway – PFEW

Welcome and apologies

1. The Chair welcomed members to the meeting. Apologies were received from the NPCC. All other Members were represented.

Minutes of the 104th meeting – 28 July 2016

2. The minutes from the previous meeting were agreed for publication on the website.

Matters arising

3. Under matters arising members discussed the Triennial Review response, in particular how the Home Office might consider funding for the PABEW. Peter Spreadbury (Home Office) was happy to consider any case for additional support but made clear that the Home Office would need greater understanding on the type of additional resources the PABEW required and for what purpose.
4. The Chair recognised that resourcing for the SAB was a separate issue due to its unique nature and acknowledged that the PABEW had never had additional resource apart from that provided through the secretariat. The Chair asked whether members thought that additional time from, or through, the secretariat was required to support the collation and low level analysis of information, or whether further specialised resource might be needed to support the working groups.
5. Tim Jackson (PSAEW) said that unless the nature of the quarterly meeting changed it is the working groups which need more resource. It was hard to quantify or to anticipate the nature of the support that might be needed. In discussion it was suggested that perhaps this was something to consider as each new working group was established.
6. Members had already agreed that there should be an annual self - assessment, and it was agreed that this should be on the January agenda with additional consideration of how funding might help PABEW to deliver.
Action Point 1: secretariat.
7. Andy Fittes said that PABEW had previously adopted procedures for conducting its business. He undertook to provide the Chair with a copy so that they could inform the discussion at the next meeting. **Action 2: PFEW**

8. Members also discussed data collection from forces. Members noted that the Home Office had not submitted the PFEW paper on data requirements to the ADR Board. The Home Office updated members on the discussion from the Annual Data Return group and while there was no paper to share, Harriet Mackinlay explained that a key issue raised was the quality of data collection and the burden requests for additional data places on forces. There were gaps in responses to current requests so care would need to be taken in adding to the list – making it more relevant would however be welcome by all. Ron Hogg (APCC) said that APCC might be able to do more to encourage forces to return their data. Home Office also informed members that workforce data would move onto the census. Following discussion it was agreed that data issues should be a substantive item on the next agenda. **Action point 2: secretariat**

Police Pensions

9. Members had no comments to raise under this item.

Scheme Advisory Board

10. The Chair summarised the key points from the meeting held on 10 October:
- SAB Resourcing:** James Hurley informed members that Chief Constables have agreed to fund a pension advisory post for two years; this would be advertised shortly. It will be a seconded post and will link with the fire pension specialist.
- Local Pension Boards-Publishing Information:** Members discussed the inconsistencies with how Local Pension Boards are formulated and governed. The Chair will be sending a letter shortly to LPB's requesting a copy of their annual report.
- Pension Calculator:** The Federation circulated a paper on the provision of a pension calculator. It was understood that Scottish Government had commissioned GAD to design a calculator, the prototype would be available shortly and it was hoped that Home Office would be able to work with their Scottish colleagues to offer a version of use in England and Wales.

Police Pensions Consultative Forum

11. The Chair summarised the key points from the meeting held on 10 October:
- Restriction on Commutation:** Home Office confirmed that following the Ministerial decision, they had instructed lawyers to make the regulatory amendments, but were unable to give a firm timetable at this stage. Members discussed the impact this would have and what data was available from the Fire Service on the use of this discretion.
12. **CPOSA/ PSAEW proposal on contributions holiday:** Although Home Office had responded on this issue and confirmed that there was not a compelling enough option to support the proposal, after further discussion they agreed to further consider the arguments based on 'unfairness'.

13. **Application of additional flexibilities to additional voluntary contribution arrangements:** Home Office updated members and confirmed that lawyers were currently working on the drafting of regulations and that consultation might begin before the January meeting.

Capability exit (and ongoing review of Limited Duty determinations)

Capability exit

14. Harriet Mackinlay (Home Office) updated members on the progress of the regulations to introduce capability exit. She hoped that a first draft would be available for consideration shortly.

Review of limited duty determinations

Members noted that a further technical working group meeting had taken place on 14 October 2016. Andy Fittes reported that the Disabled Police Association had tabled a paper, which the PFEW had endorsed. The DPA and PFEW could not support the measures proposed by the NPCC and in particular the proposed amendments to Annex EE which would remove the requirement for forces to evidence operational resilience levels. This would represent a significant move away from the PABEW's original approach to limited duties which was to support operational resilience. As a result of the discussions at the working group Mark John's, NPCC lead for limited duties, had been asked to seek Francis Habgood's views on the following:

- can NPCC confirm whether or not it wishes to amend Annex EE to remove references to operational requirements/resilience;
 - if it does not, is NPCC content to amend the NPCC guidance to clarify some points raised by forces.
15. Andy Fittes said that the working group had agreed that if the NPCC did wish to pursue amendments to Annex EE then it might be necessary for future working groups to be independently chaired. If necessary, the Federation asked that the NPCC bring evidence to the working group to explain why a fundamental shift in thinking around operational resilience was necessary. The Chair said that, as with earlier meetings of the Group she would make herself available if needed. **Action point 3: WG to let secretariat know if the Chair was needed**

PABEW Discipline Sub-Committee

16. The Chair summarised the key points from the meeting held on 5 October: **Policing & Crime Bill:** Home Office provided an update on how the Bill was progressing, informing members that the Bill had been through the first day of Lords' Committee which mainly focused on Emergency Services Collaboration and that day two was scheduled for 26 October, this would cover the discipline and complaint provisions.
17. Home Office also updated members on the amendments which had arisen at Committee Stage, the main one to note was in relation to the 'exceptional circumstances' test for disciplinary proceedings to be brought at any stage after a police officer had resigned or retired; this was a Government

amendment. Home Office also discussed the phases of implementation, which had now been agreed by Ministers. Phase 1, would be within five months of Royal Assent and would cover provisions on former officers, barred list, IPCC powers, and supercomplaints. Phase 1.5, would be within ten months of Royal Assent and would cover provisions on IPCC governance. Phase 2, would be within 15-18 months of Royal Assent and would cover provisions for complaints, whistleblowing, and Chapman recommendations.

18. The removal of the restriction on officers retiring: Members expressed considerable concern that this regulatory change would not now be laid until on its own as soon as Royal Assent had been given, but would be part of phase 1, scheduled for no earlier than June 2017. Following the discussion the Chair had drafted a letter to the Home Secretary expressing concern on PABEW's behalf and asked for the committee's agreement to sending it, subject to any comments received by the end of October. This was agreed.
Action Point 4: Secretariat to send the letter, subject to any amendments, in the week beginning 31 October.

Any other business

19. Andy Fittes referred to the Government's response following the consultation on public service exit payments which for police officers would include the voluntary exit scheme and asked whether the Home Office had an update on the timescales for effecting the changes. It was confirmed that the maximum set included chief officer retirement packages (where these were additional to the pension itself). **Action Point 5: Home Office**
20. Andy Fittes reported that he had asked for a copy of the policy document explaining the rationale for the MPS proposal to remove Chief Inspector and Commander ranks in 2018. This decision seemed to have been taken separately from consideration of the NPCC and College proposals for a rank/level structure. There were no provisions in the Policing and Crime Bill to remove these ranks in the MPS. Members asked what regulatory provisions the MPS would be using. It was noted that the Police Act 1996 set out the rank structure and the power to determine the rank structure lay with the College of Policing. In addition, there was no regulatory mechanism to remove police officers. Members agreed that this was something to note at the moment and looked forward to seeing the policy framework before discussing whether there were issues of interest to PABEW.

Date of next meeting
30 January 2017

PABEW Independent Secretariat

	Actions	Date of the Meeting	To be completed by:	Status – to be updated and recirculated before the next meeting
	The Federation agreed to supply the Chair with a copy	26 October 2016	PFEW	

	of PAB's working arrangements (paragraph 6)			
1	Secretariat to add PABEW self-assessment to the January agenda (paragraph 6).	26 October 2016	Secretariat	
	Home Office to circulate a paper on data issues ahead of the meeting (paragraph 7).	26 October 2016	Home Office	
2	Secretariat to add data issues to the January agenda (paragraph 7).	26 October 2016	Secretariat	
3	Working Group for limited duties to let the secretariat know if an independent Chair is needed (paragraph 14).	26 October 2016	Working Group	
4	Secretariat to send a letter to the Home Secretary on behalf of the PABEW regarding the removal on restriction of officers retiring (paragraph 17).	26 October 2016	Secretariat	
5	Home Office to provide an update on the consultation of exit payments (paragraph 18).	26 October 2016	Home Office	
1	Secretariat to recirculate April's minutes which reflect the Federation's comments (paragraph 2).	28 July 2016	Secretariat	Complete
2	Home Office agreed to liaise with Annual Data Return secretariat to share the paper from the Federation (paragraph 4).	28 July 2016	Home Office	Complete
3	Home Office agreed to copy PABEW members when the circular announcing the regulatory changes on additional flexibilities to voluntary contribution arrangements is published (paragraph 14).	28 July 2016	Home Office	Complete
4	Chair will write to the Home Office relaying the PABEW's formal response regarding	28 July 2016	Chair	Complete

	the Triennial Review (paragraph 23).			
5	Chair and Secretariat will submit this year's annual report (paragraph 25).	28 July 2016	Chair and Secretariat	Complete
6	Chair to write to the Northern Ireland Police Federation to confirm that she is happy for them to attend the next discipline sub-committee meeting (paragraph 26).	28 July 2016	Chair	Complete
7	Secretariat to liaise with Home Office and NPCC to identify a date that the draft regulations will be available relating to capability dismissal (paragraph 15)	April 2016	Home Office	Ongoing- In the July meeting Home Office confirmed that lawyers are working on draft regulations and an update will be provided in the October meeting
12	College of Policing Allowances: Chair to write to the College of Policing to outline the PAB's role in this issue and agreed to circulate a draft to the PAB for comment (January minutes, paragraph 47)-Previous Action Point 21.	January 2016	Chair – with support from new Secretary	Complete- Letter was sent on 11 November 2016