

POLICE ADVISORY BOARD FOR ENGLAND AND WALES
106th Meeting
10.30am 30 January 2017
Home Office, 2 Marsham Street, London, SW1P 4DF

Present:

Elizabeth France – Independent Chair

Association of Police and Crime Commissioners (APCC)

Andrew Tremayne

Police Federation of England and Wales (PFEW)

Andy Fittes

Dave Bamber

Geoff Stuttford

Police Superintendents' Association of England and Wales (PSAEW)

Tim Jackson

Daniel Murphy

Gary Buttercase

Chief Police Officers' Staff Association (CPOSA)

Gareth Wilson

Shabir Hussain

Home Office

Peter Spreadbury

Harriet Mackinlay

Metropolitan Police

Mark Pomroy

Metropolitan Police- Trade Union Side

Valerie Harris

PABEWEW Secretariat

Hannah Scarr

Observers/ in attendance

Walter Myles – Department of Justice (Northern Ireland)

Diane Mulligan -- Department of Justice (Northern Ireland)

Joan Donnelly – PFEW

Mariam Conway – PFEW

Elaine Parker - PFEW

Welcome and apologies

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

Minutes of the 104th meeting – October 2016

2. The minutes from the previous meeting were agreed for publication on the website, subject to minor amendments.

Matters arising

3. Members discussed the action log; which was updated as shown below.
4. The Home Office updated members on proposals to bring forward changes to voluntary exits for police officers and said that they expect to start an informal consultation in the next month. This would be an agenda item for the next meeting.
5. The Home Office confirmed that they expected to be able to share the draft capability dismissal regulations at the next meeting. A technical working group could then be arranged. Andy Fittes said it would be useful if Elizabeth France could Chair the technical working group.
Action Point Home Office.
6. It was noted by the Chair that the Chair of the College of Policing had not yet responded to the PABEW's letter on allowances, this should be followed up by the secretariat. **Action Point Secretariat.**
7. Members also discussed changes to the rank structure, which are being proposed by the MPS. Andy Fittes, PFEW, reported that PFEW had asked for a copy of the business case setting out the rationale for the removal of chief inspector and chief superintendent ranks. These had not yet been received. Mark Pomroy (MPS), said that the internal consultation was ongoing and that the responses received would feed into the policy development.
8. Members discussed the role the PABEW should play in relation to this process. Francis Habgood (NPCC) cautioned members to be mindful that a national position of delayering has been agreed and that the PABEW's role was not to become too involved with an individual force policy. Tim Jackson (PSAEW) emphasised the wider implications that the decision of one force could have upon the other 42 forces, which is why it was important for PABEW to have sight of the business case. The terms of reference of the PABEW included the provision of advice to the Home Secretary on general questions affecting the police in England and Wales.

9. These points were noted and it was agreed that the PABEW's role was in relation to how the streamlining of rank structure was implemented and so the PABEW should write to the MPS, explaining that its interest was in the wider implications of the change they proposed, and asking for sight of the policy framework, **Action point Chair.**

PABEW self-assessment

10. It was agreed at the last quarterly meeting that members would complete an annual self- assessment at the final meeting of the business year, to reflect on what works well and what could be done better. This also provided an opportunity to reflect on the recommendations from the Triennial Review, which reclassified the PABEW as a stakeholder group.
11. Andy Fittes (Police Federation) introduced the two papers that the Federation had submitted to inform the discussion at the meeting. The first was a letter dated 5 December 2016 to the Chair with PFEW suggestions about the PABEW's working arrangements. The second was a paper with suggestions from PFEW on resource requirements. Members reviewed the PABEW's initial procedures. It was agreed that in relation to the secretariat function, members would assist by helping to ensure that the circulation list was up to date and that all correspondence was clearly marked **Action Point Members.**
12. The Chair acknowledged that while the PABEW had matured since the initial procedures were established and was prepared to respond flexibly where that was necessary, it remained important for papers tabled for consideration at any meeting. and responses to action points, to be available to members well in advance.
13. Members concluded that while the secretariat resource available was sufficient to service the committees there was little capacity for proactive work. It was agreed that consideration should be given to different ways of working to make progress.
14. Francis Habgood (NPCC) noted that to avoid work being repeated in different fora it would be helpful to have a better understanding of what consultations were taking place, as there might then be an opportunity for the PABEW to feed into other responses.
15. Members agreed that it would be useful for the PABEW to undertake a piece of work in relation to horizon scanning and pipeline planning work and bring this back for the next meeting as a substantive agenda item, **Action Point Secretariat**

Data issues

- 16 Harriet Mackinlay (Home Office), led the discussion around data issues, this was in response to the last meeting where members agreed there were some wider data issue and undertook to liaise with the Police Data Requirement Board on data quality and the burden on forces.
- 17 It was noted that changes were being made to the police workforce census, including merging in existing HR data collections, in order to better inform the Pay Review Body process. It was recognised that there had been some progress but that from this there was a broader discussion needed about ensuring that the right data was being collected, to the right standard, in order to inform PAB's work as well as that of other groups. It was recognised that national data collections can impose a heavy burden on forces and that only data that are absolutely necessary should be collected.
- 18 Andy Fittes suggested a small working group to identify data collections which would be of value. Francis Habgood noted that the limitations set by the PDRG were high and that the census sits outside the Annual Data Return.
- 19 It was agreed by members that it would be useful to convene a group, inviting someone from the PDRG secretariat and others with an interest in police workforce data, help establish priorities relating to future data collections. **Action Point Home Office.**

Police Pensions

- 20 Members had no further comments to raise under this item. PFEW said that the Home Office was consulting with PABEW on amendment regulations to provide chief officers with discretion to remove the 2.25x commutation limit in the 1987 scheme. After discussion, the Chair said she would write to the Home Office with a letter highlighting the common issues raised by constituent members of PABEW.

Scheme Advisory Board (SAB)

- 21 The Chair summarised the key points from the meeting held on 09 January:
- Ian Pollitt gave a useful presentation to members drawing on his experience as MPS local pension board chair.
 - Members were also introduced to Kevin Courtney who was assuming the NPCC Pension Advisor Post. He will play a key role **in helping to coordinate contact between the SAB and the police pension scheme managers and Pension Boards**, driving momentum with the SAB and answering technical queries.
 - The Board also agreed to issue the draft letter to Scheme Managers suggested by the Federation on Annual Benefit Statements.
 - The next meeting of the SAB is scheduled for 8 May in Edinburgh.

Police Pensions Consultative Forum (PPCF)

22 The Chair summarised the key points from the meeting held on 09 January:

- Members received a presentation from GAD.
- Members discussed the CPOSA and PSAEW proposal for contributions holidays for members of the 1987 Police Pension Scheme, Home Office agreed to meet staff association representatives to discuss this further.
- Since this meeting the amendment regulations for ESA had also been laid and published on the legislation website.
- The next meeting of PPCF is scheduled for 8 May in Edinburgh.

Capability exit (and ongoing review of Limited Duty determinations)

23 Members noted that, since the last meeting, the NPCC had advised that it had moved to a position where it agreed not to change determinations, if at all possible, but to propose amendments to the limited duties guidance in order to address the issues raised from the feedback from forces.

24 Mark Johns told members that there would be a technical working group later that day chaired by the PABEW Chair, to consider NPCC proposals to amend NPCC guidance to forces.

PABEW Discipline Sub-Committee

- The Chair informed members that it had been agreed to postpone the meeting that was scheduled to take place on 11 January 2017 as there had been no substantive matters for consideration on the implementation of regulations.
- Members did receive an update on the implementation of the discipline and complaints provisions within the P&C Bill. These remain unchanged with the first phase of the bill covering – removal of the resignation prevention clause, regulations concerning former police officers in exceptional circumstance and the police barred and advisory list. The intention was that these regulations would be laid around June 2017,
- The Home Office apologised for the delay in a Ministerial response to the Chair's letter on the need to bring forward the clause on the removal of resignation prevention as quickly as possible.
- Members received an update on the IPCC regulations which have now been sent to the GLA for comment, however as the regulations have not yet been approved by Ministers, Home Office will not be consulting the PABEW before mid-**February**. The sub-committee's next meeting is 25 April.

Attestation

- 25 Home Office introduced the paper they had tabled outlining their proposal to make a small technical change to the attestation oath which would remove the restriction that officers must make their oath to a local magistrate. The need for this change had become apparent when arrangements were being made for the officers from 7 different forces on the Police Now scheme to take their oath; there was difficulty securing the availability of the relevant local magistrates. It is hoped that this change will enable greater flexibility.
- 26 While members agreed that his seemed a sensible suggestion, formal comment would be made when the draft amendment regulation was available.
- 27 The Home Office said that incorporating the College of Policing's code of ethics within the Police Oath was also being considered. Members pointed out that this was implied by the current Oath and the case for change was not clear to the meeting.
- 28 The Home Office said that this proposal was at an early stage of consideration and gave an assurance that a more formal proposal would come back to the PABEW for consideration.

Any other business

29. The PFEW suggested that the PABEW may need to consider proposals that emerge out of the College of Policing role profile project as the terms of reference of the PABEW includes the provision of advice to the Home Secretary on general questions affecting the police in England and Wales and to consider draft regulations on matters made under section 50 of the Police Act 1996 including "the duties which are or are not to be performed by members of police forces". It was agreed that this might be picked up by the Chair when pursuing a reply from the College on allowances. Matt Johnston (College of Policing) agreed to look into how this discussion might be taken further. The Chair asked the CoP to keep PABEW informed about its work so PAB can take a view where relevant. **Action point.**

Date of next meeting

28 April 2017

PABEW Independent Secretariat