

POLICE ADVISORY BOARD FOR ENGLAND AND WALES

116th MEETING, 30 April 2019, 10.30am

Conference Room 3a, Home Office, 2 Marsham Street, London, SW1P 4DF

Present:

Independent Chair

Elizabeth France

PABEW Secretariat

Simon Glenville

Association of Police and Crime Commissioners (APCC)

Andy Tremayne

Police Federation of England and Wales (PFEW)

John Partington

Police Superintendents' Association (PSA)

Dan Murphy

Chief Police Officers' Staff Association (CPOSA)

Shabir Hussain

Home Office

Angela Chadha

Sara Alderman

Emma Plummer

Mel Sinclair

National Police Chiefs' Council (NPCC)

Paul McElroy

Met Trade Union Side

Valerie Harris

Department of Justice Northern Ireland (DOJI)

Amanda McBride

Observers/in attendance

Elaine Parker- PFEW

Mariam Conway – PFEW

Kevin Courtney – NPCC

Paula Light – College of Policing (by telephone)

Rachel Kearton – CPOSA (by telephone)

Afsana Begum – Home Office

Welcome and apologies

1. The Chair welcomed new attendees: Paul McElroy (NPCC) and joining by telephone Rachel Kearton (CPOSA). Apologies were noted for Matt Jukes (NPCC), Ron Hogg (APPC), Jo Noakes (College of Policing), Kathie Cashell (IOPC) and Rachel Harrison (GMB National Office).

Minutes of the meeting of the 29 January 2019

2. Minutes from the last meeting were agreed with no further amendments. The final version of the minutes would now be uploaded to the webpage, and a final version circulated to members. **Action point: Secretariat.**

Matters arising and action log

3. The Chair went through the action log noting that all actions were complete although there was further discussion arising from action points 8 and 9 relating to guidance for rejoiners.
4. There remained some concern that the guidance was not sufficiently explicit about the appropriate pay point on entry for a rejoiner. While it was accepted that not all the possible situations could be covered it was important that the guidance reduced uncertainty and ensured fairness. Dan Murphy (PSA) had cited a case of an officer rejoining from the NCA on a higher salary than others entering the rank at the same time, but without the necessary skills for the role. This issue was one which Paul Mc Elroy (NPCC), said he would make sure was looked at further. In terms of the guidance Paula Light (College of Policing) agreed that she would add FAQs to cover a range of situations; these could be added to over time. She would circulate the revised draft to members. **Action College of Policing.**
5. Advice on the pension position for those rejoining also needed to be clear. Again, it was accepted that not all situations could be covered but there were some messages which need to be clear to those who might be planning to leave and then rejoin. The key point was that leavers from the 1987 Police Pension Scheme would not be able to rejoin that scheme. The College and the Home Office thought this was covered but agreed to check the draft to make sure the drafting was appropriate **Action: Home Office & CPOSA**

Capability Dismissal

6. Emma Plummer (Home Office) updated members on progress in agreeing the way forward on capability dismissal. The NPCC had accepted that for this to be an exit route available when the criteria were met, there should be a compensation package, which forces would fund. Ministers had given approval that a business case should be drafted for HM Treasury to consider and this was now being prepared by the PAB Technical Working Group ..

7. The decision had been taken some time ago that Home Office lawyers will amend the current draft of the regulations once the guidance had been updated. The drafting of the guidance was a matter for the NPCC and was being taken forward by Kath Lowe (TVP). In response to John Partington (PFEW), Emma Plummer explained that the guidance would be considered further by the PAB Technical Working Group and there would then be an opportunity for consideration of the regulations before formal consultation.
8. Valerie Harris stressed the importance of addressing the risk of disability discrimination when finalising the guidance and regulations. She also asked to be kept informed of progress in case there were implications for police staff. It was agreed that she should be added to the circulation list for this topic. **Action Secretariat**
9. A meeting of the Working Group was to be arranged for late May. **Action Secretariat.**

Regulations and determinations.

10. Emma Plummer went through the amendments and said there were now extra resources with Mel Sinclair (Home Office) joining the team. A lot of comments had been received on the amendments arising from the Children and Families Act consultation. These were under review and it was likely there would be another short consultation, as individual forces had responded differently; there had been no consolidated NPCC view.
11. She went on to confirm that the revised determinations arising out of the changes to police regulation 10B – rejoining member (SI 2018/1191) were published on the gov.uk website on 26 April under cover of HOC 003/2019.. Consultation on police integrity regulations was expected over the summer. On employer contribution regulations, Sara Alderman explained that the consultation had now ended. Consultation responses would be copied to members by the secretariat. The regulations would be made at the end of June.
12. It was also noted that the amendment to enable removal of a restriction on commutation lump sums for certain members of the 1987 Police Pension Scheme, was still outstanding.

Police pensions

UK Police Pensions Consultative Forum

13. The Chair reported that opt-out data is now been collected through the workforce census and the forum had agreed to wait for that information before considering whether it was necessary to supplement the information.
14. On McCloud/Sargeant the Home Office confirmed that there had not yet been a decision by the courts on whether the Government had been given leave to appeal.

Scheme Advisory Board

15. The Chair explained the concern at the loss of circulars on pension related matters raised in both pension meetings. She explained that the Home Office had proposed a new form to communicate policy and regulatory amendments. This was seen as a step in the right direction although further thought on making the information searchable and easily indexed would be helpful.

16. There was discussion about how best to gather information and marshal arguments to provide to the Minister in response to his request for evidence to justify changes to the Annual Allowance rules. Dan Murphy (PSA), had provided case studies to the Home Office, but it was recognised that there was a need to pull information together and to demonstrate the impact on the effectiveness of policing. The arguments being put forward on behalf of NHS staff, in particular consultants who work beyond their basic contracted hours, were being closely followed, and might be helpful in putting forward the case for the police, although the focus of the argument might be different, particularly in relation to double accrual.

17. It was agreed that there would be benefit in bringing together an ad hoc technical group to pool information, and knowledge of information sources and to present a coordinated set of responses to the questions posed by the Home Office. Kevin Courtney agreed to coordinate this and report back to the July meetings. **Action Kevin Courtney (NPCC)**

18. Shabir Hussain asked for an explanation of how section 12(6) Public Service Pensions Act 2013 could allow the suspension of the action to resolve the cost cap breach. Angela Chadha (Home Office), said she had taken advice from HM Treasury and would write to members. **Action Home Office**

19. The Chair reported discussion at the pensions meetings of her proposal to try to rationalise the agendas of the two meetings. The aim would be to retain the valued opportunity for UK wide discussion of pensions issues while avoiding duplication. She would prepare a paper for the groups to consider which would propose trying a single agenda and combined attendance.

20. Location of the meetings was a separate issue. It was important to hold some meetings in the devolved administrations, but the frequency might be reviewed particularly when the group wanted the benefit of presentations by GAD, HMT and The Pensions Regulator at some meetings. This would also be further considered by the members of the pensions meetings. **Action Chair**

PABEW Discipline Sub-Committee

21. The Discipline subcommittee met on 25 April. Its principle discussion was on the disciplinary aspects of the sexual harassment implementation plan prepared by the NPCC and sent to the subcommittee by CC Julian Williams for its comments. Members had been asked to prepare comments for consideration at the meeting and submission by the Chair in time for inclusion before the material

was launched. Comments had been requested by 29 April, but the meeting was told that the material had been circulated on ChiefsNet on the 23rd.

22. There were substantive comments in relation to the investigative checklist and concern that if it were used without amendment and without the accompanying College of Policing Guidance, which was yet to be drafted, there would be confusion, and a risk of allegations of abuse of process. After discussion it was agreed that the Chair would write to CC Julian Williams and ask that the package be launched without the checklist, which could follow with the guidance. The subcommittee's request was agreed and the checklist has been withdrawn. Members will now work with the College of Policing to make sure the checklist and guidance are fit for purpose. Existing rules would be used in the interim.

23 The College of Policing had asked for comments on the discipline paragraphs of the PEQF guidance. This had been drafted with the help of Rupert Bailey (Home Office) but the final version now needed to be checked. Members agreed to respond by 30 April.

Any other business

24. The Treasury consultation on the proposed 95k cap on exit payments was raised by Kevin Courtney. It was agreed that a combined response might add weight to the common points which members wanted to raise. Members would prepare their responses and copy them to the secretariat and to Kevin Courtney who would prepare a draft to be sent by the Chair on behalf of PAB. As the closing date is 3 July comments would be needed by 14 June. **Action All**

25. Emma Plummer said that Peter Spreadbury had taken up post as acting Head of the Police Workforce and Professionalism Unit. He was planning to meet PAB members as soon as possible.

Date of next meeting

17 July 2019

	Actions	Date of the Meeting	To be completed by:	Status – to be updated and re-circulated before the next meeting
1	Secretariat to arrange for a final version of minutes to be uploaded to the webpage, in addition to circulating a final	29 January 2019	Secretariat	Completed

	version to members.			
2	Rejoiners guidance needs to be clear on re-entry pay point.	29 January 2019	College	Completed
3	Rejoiners guidance to be made clearer on study leave.	29 January 2019	College	Completed
4	Rejoinder guidance – FAQs to be added to cover a range of situations.	30 April 2019	College	
5	Advice on the pension position for those rejoining needs to be checked to ensure current drafting is appropriate.	30 April 2019	Home Office & CPOSA	
6	On annual allowance, a technical working group is to be formed.	30 April 2019	NPCC	
7	Explanation of how section 12(6) Public Service Pensions Act 2013 could allow the suspension of the action to resolve the cost cap breach - Angela Chadha to write to members following advice received from HMT.	30 April 2019	Home Office	
8	Location of pension meetings to be considered	30 April 2019	Chair	Completed
9	Members to send responses to the 95K cap consultation to the Secretariat and	30 April 2019	All	Completed

	Kevin Courtney for the Chair submit a response on behalf of the PAB.			
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PABEW Secretariat
03 May 2019