

**MINISTRY OF DEFENCE  
POLICE COMMITTEE**

**FIRST ANNUAL REPORT  
TO THE  
SECRETARY OF STATE  
FOR DEFENCE**

**JULY 2008**



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**ANNUAL REPORT OF THE**  
**MINISTRY OF DEFENCE**  
**POLICE COMMITTEE**  
**1 OCTOBER 2007- 31 MARCH 2008**

**Overall Initial Assessment and Assurance**

**This is the first report of the MOD Police Committee to the Secretary of State for Defence. Our report covers a six month period from 1 October 2007, when the new independent members of the MOD's restructured Police Committee were appointed, up to the end of the financial year on 31 March 2008.**

**After the first six months, the initial impression of all the members of the MOD Police Committee, including senior MOD officials, are that the new governance arrangements implemented towards the end of 2007 are working efficiently and effectively. We are confident that these arrangements once fully developed, will provide effective overall governance of the Ministry of Defence Police.**

**Introduction**

1. The Ministry of Defence Police Committee is appointed by the Secretary of State for Defence under Section 1(5) of the Ministry of Defence Police Act 1987. The Committee was restructured in 2007. The previous Police Committee dealt with two areas; the governance of the Ministry of Defence Police and the management of the Ministry of Defence Police and Guarding Agency as a result of the Ministry of Defence Guard Service being brought into the Agency in 2004. Under the former arrangements, the MOD's Second Permanent Under Secretary was simultaneously the Agency Owner, the Chairman of the Police Committee and the Chief Constable's reporting officer.
2. Under the new arrangements which came into effect last year, the Police Committee now focuses on oversight of policing activity by MDP and an Owner's Advisory Board is concerned with management of the Agency and relations with defence customers (see paras 6-7)
3. The Chair and majority of members of the Police Committee are now recruited externally and are therefore independent of the MOD. These arrangements bring the Ministry of Defence Police closer to the governance model for other police forces, with a tripartite structure of Chief Constable, Police Committee, and Government department, each with a separate role. The Chief Constable is accountable to the law in his use of constabulary powers, not to the Ministry of Defence: the Police Committee provides independent oversight of the performance of MDP and a forum at which the Chief Constable can be held to account. The new governance arrangements also contribute to the constabulary standing and external reputation of the MDP.

4. The MOD Police Committee comprises an independent chair, three independent members, a Police Adviser for England and Wales, and a Police Adviser for Scotland. Two senior MOD officials are also members of the Committee. Membership and appointment details are provided at **Annex A**.

5. To make the best use of the knowledge and experience of the members of the Police Committee, each independent member has been allocated responsibility to lead in one or more thematic areas, and we have also assigned each independent member a role to link to one or more MDP geographic divisions.

### **MOD Police Committee's Relationship with the Ministry of Defence Police and Guarding Agency Owner's Advisory Board**

6. Ownership of the Ministry of Defence Police and Guarding Agency (MDPGA) passed from the Second Permanent Under Secretary to the MOD Personnel Director in summer 2007. In parallel a new and separate Owner's Advisory Board (OAB) was set up. Its role is to oversee the resource and management issues for the Agency as a whole - which includes the MOD Guard Service (4,000) and civil servants (500) in addition to the Ministry of Defence Police (3,500).

7. In common with other MOD Agencies, the MDPGA OAB meetings are held 3 times a year; to set the key targets for the forthcoming year, to review mid year performance and to confirm the end of year performance. The Chair of the Police Committee attends OAB meetings and the Agency Owner is a member of the MOD Police Committee. This ensures that a dialogue and visibility is maintained between the two discrete forums. It is the view of the Chair of the MOD Police Committee that these new governance arrangements and ways of working appear to have settled in well. There is some obvious but essential overlapping of agenda items between the OAB and the MOD Police Committee (for example on Key Targets and Performance matters). Over time, we are confident that overlaps will be rationalised.

### **Ministry of Defence Police and the exercise of constabulary authority**

8. The Ministry of Defence Police is a national civilian police force comprising approximately 3,500 officers. Its role is primarily to provide specialist policing for Ministry of Defence establishments, personnel and activities, including protection of the nuclear deterrent. All officers are trained and attested to the same standards as constables in Home Office forces, and are subject to the same laws and professional codes as other police officers. Unusually, all MDP officers are firearms trained, although firearms are only carried when required. The force has a Criminal Investigation Department, investigating crimes with significant defence implications, notably fraud and theft of MOD funds and assets.

9. The MDP's constabulary powers are all derived from common and statute law. The range of people who are subject to the exercise of police powers by MDP extends beyond the direct employees of the MOD, to include the general public outside of the Defence Estate. These powers must be exercised in accordance with the law, impartially, reasonably and proportionately, without undue influence, prejudice or constraint. The Chief Constable must exercise impartial professional discretion in deciding to investigate offences and initiate prosecution or other judicial action, free of any interference from the department, any Minister or the Police Committee.

10. MDP officers may be, and frequently are, called upon to support policing operations led by the Home Office forces, under well established arrangements for mutual aid. This requires the force to be prepared to deploy officers very quickly on a national basis to react in emergencies such as the London and Glasgow bombings, to conduct searches or to deal effectively with protestors often using specialist equipment. In these as well as many other aspects of the normal role, MDP officers are policing in the public eye.

11. The MOD Police Committee's role is to provide assurance that Ministry of Defence Police perform their constabulary powers effectively and efficiently. It will also ensure that the force is responsive to defence needs and priorities, and in so doing to hold the force to account for the way it performs its policing functions. Unlike a Home Department Police Authority, the MOD Police Committee is not responsible for setting the strategic direction for the force, as that is the business of its Owner's Advisory Board. However, Police Committee members will contribute to debate about the strategic direction and priorities of MDP and will seek to ensure that the force has sufficient resources to carry out its functions in accordance with that strategic direction. The Committee will through its scrutiny seek to ensure that the management of the MDP is demonstrating the most effective use of the resources it has been given. If we recognise that there is a case to be made for additional resources for MDP for vital developments or to maintain its effectiveness and professional capabilities, we would make that case up to the most senior level required. The terms of reference for the MOD Police Committee are at **Annex B**.

### **HMIC Baseline Inspection Report**

12. Regular inspections of MDP by Her Majesty's Inspectorate of Constabulary (HMIC) became a legislative requirement with the implementation of the Police Reform Act 2002. As with other forces, the MDP's inspection arrangements are currently in transition from the Baseline Assessment Model to a new themed approach. Due to the unique nature of the MDP some elements of the HMIC themes are not appropriate (e.g. neighbourhood policing and community engagement). With effect from 1 Oct 07 the MOD Police Committee assumed responsibility for deciding on the inspection regime and programme in consultation and engagement with the Chief Constable and HMIC.

## **Customer Satisfaction**

13. The Committee recognises that this is a difficult time to compete for funding and resources across the whole of government. The Committee was further aware of the potential impact of the converging factors in the MOD such as the Closing the Gap exercise, the Armed Guarding Review and the Fleet, Land and Air Reviews that had examined future policing and guarding requirements. These developments may result in a reduced requirement for police posts in the non-nuclear guarding category. These are difficult issues which need, and in our view are, receiving careful management, although we are aware that these matters are currently affecting morale in the MDP and could impact upon the MDP/MGS relationship. Through discussions at the OAB and the Police Committee meetings the Agency Owner has recognised that it is imperative to get the MDP capability right for the future. The current work to establish an updated Statement of Requirement for Policing is important. However, despite internal pressures we have also seen some very positive external factors; for example developments on overseas taskings in consultation with the Foreign and Commonwealth Office; the Operation Vintage (critical national infrastructure deployments assistance to the Home Office and the Department for Business Enterprise and Regulatory Reform) as well as the possibility of other home security tasks on a full repayment basis.

### **MDP's Performance against key targets for FY 07/08**

14. The MOD Police Committee reviews the performance targets of the MDP each quarter and has an opportunity to discuss any issues of interest at our formal meetings. Performance for 2007/8 will be fully reported in the Chief Constable's Annual Report, but we have noted the overall results as follows: -

***Key Target 1: By 31 Mar 08 to have maintained MDP customer satisfaction rate at the baseline level set in 06/07 (i.e. 90%)***

This target was met. Customer satisfaction has remained high. The Police Committee considered that this was a significant achievement given the measures imposed on the force as a result of the Closing the Gap exercise (see para 17).

***Key Target 2: By 31 Mar 08, to achieve a detection rate for crime that impacts significantly against Defence capability of at least 50%***

This target was not met. This was due to a change in the crime recording rules introduced by the Home Office whereby forces are now required to wait until suspects are convicted or otherwise sanctioned rather than once they have been charged.

***Key Target 3: By 31 Mar 08 to have delivered at least 95% of MDP agreed customer taskings***

This target was not met. The Committee noted that MDP had reported an achievement of 90% over the past 3 years and recognised that this target was difficult to meet as a result of a non-nuclear overtime freeze which was introduced as a savings measure in FY07/08 and is

expected to continue into 09/10 due to the Closing the Gap project. The actual performance of 90% was nonetheless creditable.

***Key Target 4: By 31 Mar 08, to achieve all international agreed tasks with the Foreign and Commonwealth Officer in support of wider Defence and Foreign Policy objectives.***

This target was met. As a defence asset the MDP force do not share many of the constraints experienced by local police forces when deploying overseas, and have developed experience of working with the Armed Forces on defence tasks. The Police Committee has therefore welcomed the important contribution made by MDP officers to deployments in Kosovo, and more recently to Afghanistan, in support of defence and wider government objectives. These tasks are conducted on a full repayment basis.

***Key Target 5: By 31 Mar 08, to have demonstrated the recovery or prevention of loss to the MOD of a minimum of £2M in assets based on all criminal investigations activities within the Agency.***

This target was met. (The target of £2M represents the cost of the MDP Fraud Squad to the MOD).

***Key Target 6: By 31 Mar 08, to have agreed a Closing the Gap Plan with Top Level Budget Holders and implemented the in-year elements.***

This target was met. The Committee has received briefing and updates in progress against the Closing the Gap Action Plan. We have however expressed some concern that measures to address the funding shortfall might impact on the MDP's capability, efficiency and effectiveness in the longer term and note that these measures meant that MDP were unable to achieve Key Targets 3.

### **MDP's Annual Performance Targets for FY 08/09**

15. During its first Away Day in February 2008, the MOD Police Committee focussed on the key targets proposed to be set by the Agency Management Board for the MDP for FY08/09, in order to give advice to the Owners Advisory Board. As a result the Committee has asked the Agency Owner and the force to undertake further work on some of the Key Targets. We specifically wanted to understand how crime impacts on the defence capability with a view to producing a more robust and challenging target for FY09/10. We also pressed for a diversity target to be re-introduced for 08/09 against an appropriate measurement. The Key Targets for 08/09 that were approved by the Owner's Advisory Board will be published in the MDPGA's Corporate Plan 2008-13 and Business Plan 2008-09. The MOD Police Committee members look forward to early engagement in target development and setting in future years.

## **Standards and Compliance**

16. The Chief Constable of the Ministry of Defence Police reports quarterly to the MOD Police Committee on compliance or progress with key national Association of Chief Police Officers' standards. This includes:

- Firearms
- Chemical, Biological, Radiological and Nuclear responders
- Alcohol and Drugs Testing
- Information Knowledge Management
- National Crime Recording standard/National Standard Incident Reporting
- Surveillance
- Use of Forces and Powers

## **Efficiency and effectiveness**

17. A major strand of work for the Agency is currently the Closing the Gap exercise. This attempts to address a financial shortfall resulting from the establishment of the Agency in 2004 when the MOD Guard Service (MGS) and the MDP were brought together under a single Agency. Until then the MGS were funded by several Top Level Budget (TLB) holders depending on where they were based. The funding gap arose because when the MGS were removed from their books the TLBs did not transfer sufficient funding into the Agency for the tasks being carried out. Another part of the gap, albeit much smaller, was due to police pay rises being larger than the allocation made for them in the MOD. The Closing the Gap exercise therefore aims to bring into line the cost of providing the MDP and MGS services with the available funding from the TLBs. The exercise has looked at tasking, as well as efficiency measures, negotiating additional funding from customers, and negotiating reduced requirements for policing and guarding when funding cannot be provided. The Police Committee is advised that the current estimate is that the funding gap will be closed by FY10/11. The Police Committee recognise the hard work being done across the Agency and customer TLBs to address this. We understand from Agency staff that the gap for 08/09 is expected to be contained within resource control totals but ongoing control will be vital to ensure no further risks are introduced.

18. The Police Committee were particularly concerned about how measures to address the funding shortfall might impact on the MDP's policing capability, efficiency and effectiveness. As noted above the MDP failed to meet some key targets because an overtime embargo at non-nuclear establishments had been introduced as a cost savings measure. We will continue to take an interest in this project particularly to ensure that MDP remains a viable force and that the savings measures that are identified by the Agency and its customers are sustainable over future years without detriment to the professional capabilities of MDP.



## **Making the best use of the Ministry of Defence Police in the defence interest**

19. The role of the Ministry of Defence Police is primarily to provide specialist policing for Ministry of Defence establishments, personnel and activities. The MDP works closely with relevant local police forces in all the roles they perform, reducing the burden on those forces as well as contributing to the achievement of defence objectives, the protection of MOD personnel, and the safety and security of the public. The force is a significant participant in the UK contribution to international policing operations, most notably in Kosovo and, more recently in Afghanistan.

20. The MOD Police Committee have recognised the need for a defence crime strategy to provide the basis for more effective targeting of MDP resources and more robust measurement of the force's crime performance targets.

## **Professional Standards**

21. The maintenance of a high level of professional standards in policing, and particularly the handling of complaints and misconduct, is vital to maintaining the trust and confidence that is the foundation of the relationship between police and the public. Home Office police authorities have a statutory responsibility under section 15 of the Police Reform Act 2002 to keep themselves informed as to the handling of complaints and misconduct matters by the police forces. The MOD Police Committee will carry out similar continuous oversight and scrutiny in regard to MDP.

22. A report from the Professional Standards Department (PSD) is provided quarterly for the Police Committee's scrutiny and before each meeting two members of the committee conduct an audit at the Headquarters when they have the opportunity to raise any issues or concerns with the appropriate authority.

23. The MOD Police Committee takes complaint and misconduct cases very seriously. A sub-committee for complaints and misconduct was formed to deal with any complaints or misconduct issues made against chief officers of the Ministry of Defence Police from members of the public. Since it was re-formed in Oct 07 the Sub-Committee has considered 4 cases, none of which have required formal action but which have identified areas for learning within MDP.

24. The Committee is also required to provide members to sit on tribunals for MDP officers. Police Committee members will undertake training later this year in preparation for when the new Police Misconduct Regulations come into effect whereby members will sit on Level 2 Misconduct Hearings.

25. The force has recently appointed a new Head of PSD. It has also recently changed command arrangements from the Director Personnel Department to the Deputy Chief Constable taking responsibility. This mirrors Home Department Police Force arrangements and is welcomed by the Committee.

26. The Police Committee has recommended an early in depth scrutiny of the Professional Standards function in MDP by way of the HMIC Professional Standards Self Assessment, promoted by HMIC in lieu of a thematic inspection. This seemed to be an ideal vehicle for a structured internal review, which would, with Police Committee input, enable us to give assurance to the Secretary of State. We have therefore included this subject in the MOD Police Committee Work Plan for 08/09.

### **Diversity**

27. Diversity is a standing agenda item at Police Committee meetings. One member has a thematic responsibility for diversity on the Committee and was appointed to provide an independent input by attending the MDPGA's Diversity Action Board. This is chaired by the Chief Constable and meets six times per year.

28. The Police Committee has an important role to play in helping to promote equality and diversity in MDP and to shape and develop the Agency's Diversity Plan. The Committee has quickly gained an awareness about how different the MDP recruitment profile is compared to Home Department Police Forces. The MDP recruitment base consists substantially of persons who were firearms trained, former members of the armed forces, police officers from other forces who are over 45 years old or had family connections to MDP. However, younger officers have been recruited to some of the specialist groups. Like many HDPFs, it continues to be a challenge for MDP recruitment to be reflective of its policing community, in relation to both gender and ethnicity. The Committee has recognised that there are issues with recruitment, retention, development and promotion that may not exist in other forces, but they are acknowledged and are being addressed as far as possible.

29. The MOD Police Committee recognises that the commitment to diversity by senior police managers is high. The Committee will press for an effective delivery of the Action Plan to secure long term sustainable changes in the profile of the force.

### **Links with External Organisations**

30. The Police Committee has become an affiliate member of the Association of Police Authorities. This will ensure that the particular interests of the MDP are presented in national debates about policing, that the professionalism of MDP and its contribution to national policing priorities such as counter terrorism is widely recognised. It will further ensure that emerging good practice in policing can be applied appropriately in MDP.

31. The Police Committee is in regular dialogue with Her Majesty's Inspectorate of Constabulary and the Independent Police Complaints Commission (the Commissioner is invited to attend a Police Committee meeting once a year).

32. Mindful that the MDP is a national police force it was also important for the Committee to establish early links with Scottish agencies. The Chair therefore attended the Scottish Police Convenors' Board.

### **MOD Police Committee Work Plan FY08/09**

33. The Police Committee members have been allocated divisional responsibilities and for the first time, thematic responsibilities to make the best use of their experience and skills.

34. A MOD Police Committee Work Plan for FY08/09 has been agreed with the Chief Constable and his management board. To support this work a series of visits and meetings will be arranged. This will necessitate the independent Police Committee members working closely with the CC, DCC and 3 ACCs to deliver their assurances. Members' reports and MDP's responses will be presented at MOD Police Committee meetings. An update will be provided in the MOD Police Committee Report 08/09.

35. Details of Police Committee operating costs and expenses incurred in FY 07/08 are provided in the MDPGA Annual Report. These figures include the expenses of the former MOD Police Committee independent members over the period 1 Apr – 31 Oct 07.

**David Riddle**  
**Chair of the MOD Police Committee**

### **Annexes**

- A. Membership and Appointment details
- B. MOD Police Committee Terms of Reference

## MINISTRY OF DEFENCE POLICE COMMITTEE

### LIST OF MEMBERS

<b>David Riddle</b> Independent Chairman	Appointed 1 Oct 07
<b>Sir Keith Povey QPM</b> Police Adviser (England & Wales)	Appointed 1 June 07
<b>Andrew Brown QPM</b> Police Adviser (Scotland)	Re-Appointed 1 June 07
<b>Dr Marie Dickie OBE</b> Independent Member	Appointed 1 Oct 07
<b>Caroline Mitchell</b> Independent Member	Appointed 1 Oct 07
<b>Dr Parvaiz Ali</b> Independent Member	Appointed 1 Oct 07
<b>Richard Hatfield*</b> Personnel Director Ministry of Defence	wef: Jun 01
<b>Robert Rooks</b> Director General, Security & Safety Ministry of Defence	wef : Jan 05
<b>Karen Feather</b> Clerk to the MOD Police Committee Ministry of Defence	wef: Jan 07

\* Richard Hatfield was appointed as the Owner of the Ministry of Defence Police and Guarding Agency wef 1 Jul 07.

## **MINISTRY OF DEFENCE POLICE COMMITTEE**

### **TERMS OF REFERENCE**

The MOD Police Committee's main role is to provide an independent scrutiny and assurance to the Secretary of State for Defence that the Ministry of Defence Police (MDP) is delivering policing services in accordance with the MDP Act 1987.

In order to perform this role the Committee is required to:

1. Ensure that police powers and authority are impartially and lawfully exercised by the Chief Constable;
2. Confirm that MDP is meeting the standards required of a police force;
3. Validate that MDP's exercise of its authority is responsible, proportionate and impartial;
4. Validate that MOD's use of the MDP is appropriate in relation to the exercising of policing powers and authority;
5. Provide scrutiny and guidance on any other matter in relation to the use of policing powers which fall within the responsibility of the MDP;
6. Consider the MDP's targets and performance and the Ministry of Defence Police and Guarding Agency's corporate and business plans as far as required to the exercise the above functions;
7. Consider all complaints made against all members of the Chief Officer ranks of the MDP. This may be delegated to a sub-panel of the MOD Police Committee;
8. Undertake all responsibilities required of the Conduct and Appeal Regulations (Statutory Instruments);
9. Submit an annual report to the Secretary of State for Defence on the MDP's discharge of policing powers;
10. Publish the operating costs and expenses of the Police Committee each year.

## **Distribution**

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