



Ministry of Defence Police Committee

Annual Report 2009/10

Chair of the MOD Police Committee

July 2010

To the Secretary of State for Defence

Dear Secretary of State,

Ministry of Defence Police Committee – Annual Report on the MOD Police

1. The main task of the MoD Police Committee is to provide independent scrutiny and assurance to you that the MoD Police is exercising its powers and authority lawfully and impartially, and meeting the standards required of a police force. I therefore have pleasure in presenting the MoD Police Committee's third annual report which provides a brief account of our scrutiny activity in the period from 1 April 2009 to 31 March 2010, as well as our assurance opinion on the MoD Police.

Assurance Opinion

2. Based on our work in the past year and the evidence we have seen, briefly summarised in **Annex A**, we can give assurance that the MDP is delivering policing services in accordance with the MDP Act 1987, that police powers and authority are exercised impartially, lawfully, responsibly and proportionately by the Chief Constable and the force, and that MDP is meeting the standards required of a police force.

3. MDP works closely and effectively with other police forces on operational matters. It is part of the national arrangements for mutual aid between forces, which operate at no cost to the MoD. MDP is not covered by recent legislation imposing duties on police forces to collaborate to enhance protective services and secure value for money. Nevertheless there is scope for MDP to collaborate with other forces as it addresses the challenges of reduced resourcing that lie ahead.

4. To maintain its standing and reputation in UK policing, MDP must maintain standards and policies that are consistent with the wider policing community, and maintain its capability in interoperability with other forces. This could be jeopardised by the impending budget reductions for MDP and we will monitor this. It is crucial for the MoD to enable MDP to settle its strategic future shape and size, and then to move systematically towards that, as swiftly as possible.

MoD Police Committee – Background

5. The MoD Police Committee was restructured in October 2007 following a review of governance requirements. At that time, the chairmanship of the Committee passed from the then 2nd Permanent Secretary to an independent chair, who is supported by three independent members and two Police Advisers (who are former HM Chief Inspectors of Constabulary for England and Wales and for Scotland). Two senior civil servants, Director General Human Resources and Corporate Services and Director Business Resilience, are also members of the Committee. The full membership of the Committee is provided at **Annex B**, with the remuneration and expenses of members and the costs of MoD staff who support the Committee at **Annex C**.

6. Our Terms of Reference are provided at **Annex D**. We meet in formal session in London four times a year with the Chief Constable and his senior management team. These meetings provide the principal opportunity for the committee as a whole to

receive reports from the Chief Constable on force performance, to probe, to provide constructive challenge, and hold the force to account on the use of its powers, its compliance with relevant national policing standards, and the effectiveness of its operational delivery in meeting MoD requirements. The appropriate HM Inspector of Constabulary and the Independent Police Complaints Commissioner with responsibility for MDP are each invited to attend one meeting per year.

7. Committee members are actively engaged with the force outside of our formal meetings. We regularly visit Police establishments and Divisional HQ's in order to assess the force's work on the ground, and to gain appreciation of their local relations with MoD customers and Home Office forces. We have an annual plan of work which includes several in depth scrutinies of aspects of the force each year. A summary of our findings in the subjects we covered in 09/10 is at **Annex A**.

MoD Police – Strategic Direction

8. The force has been pursuing a strategic direction that is intended over a period of time to transform it into the specialist defence policing organisation, providing high value and high calibre capabilities for Defence that are not available from Home Office forces. The Police Committee considers that strategy to be a sound one reflecting the Defence interests. Under the leadership of the Chief Constable and his top team, the force has made significant progress, most notably in relation to its operational capabilities to protect the nuclear deterrent at the Atomic Weapons Establishment. It has demonstrated its ability to support the Defence effort in Afghanistan and other arenas. It has also been recognised for its work in policing critical national infrastructure sites, paid for by the Home Office and the Department of Energy and Climate Change.

9. This is against a background of other work over the last few years (such as the MOD's closing the gap exercise, the Armed Guarding Review and subsequent Fleet, Land and Air Reviews) which has examined policing and guarding requirements; and the preference of Front Line Commands to employ the armed Military Provost Guard Service as an alternative provider of armed guarding in locations where constabulary powers are not considered to be necessary. These and other drivers have led to a reduced requirement for MDP officers at military bases.

10. As a consequence of MoD Planning Round 09, the budget for the Ministry of Defence Police and Guarding Agency was reduced in year, and the means of implementation was a recruitment and overtime freeze throughout the Agency introduced in August 2009 and set to remain in force for the foreseeable future. The necessary strategic realignment of tasks with funding available from PR10 is still subject to a wider security review being led by Director Business Resilience.

11. It is a tribute to the commitment of MDP officers that, despite the recruitment and overtime freezes, during 2009/10, the Agency achieved 5 out of 9 of its performance targets for the year, and the MDP achieved an overall improvement in the level of customer satisfaction.

12. The Police Committee recognises that the resources available for policing will reduce. We are concerned that the pace of the strategic transformation of MDP has been slowed by the uncertainties arising from the PR09 and PR10 decisions. The current recruitment and overtime freezes are blunt instruments that cannot be sustained indefinitely without impairing the force's capabilities and operational effectiveness. It is important to settle the strategic resources envelope for policing as

soon as possible, and to complete the security review to align tasks with resources, so that the MDP can embark on the consequent re-shaping of the organisation.

13. We will focus attention in this area, in order that we can assure Ministers about the impact of the MoD measures and alert Ministers to any significant risks that compromise the overall operational integrity and effectiveness of the MDP as a police force. A key feature of our work plan for 2010/11 will be to undertake a series of visits across the force to determine what impact the planning rounds measures have had on the force's ability to deliver services, and to assess the impact on morale and professionalism.

DAVID RIDDLE
Chair of the MOD Police Committee

MOD Police Committee Work Plan 09/10

Use of Firearms

Following an in-depth look at the MDP's use of firearms in our 08/09 work plan, we conducted a follow up visit. We saw good progress made which included full licence accreditation by the National Policing Improvement Agency, the first such licence awarded to a non-Home Department Police Force (HDPFs).

In June 2009 the Chief Constable presented a report to the Committee, with his proposals to make Taser generally available to armed MDP officers as a less-lethal option. The Committee endorsed the proposal to deploy Taser and stipulated that any instances of Taser being drawn by officers were reported to future Committee meetings in accordance with the established national framework used by the Home Department Police Forces.

International Policing

In support of this priority defence objective, the MDP continue to make a significant contribution by providing officers for mentoring the Afghan National Police in the Helmand province.

Following recommendations made in our 08/09 report, we found improvements had been made in the selection, welfare arrangements and management of individuals deployed abroad.

Drugs and Alcohol Testing

MDP were several years behind Home Office forces in introducing drug and alcohol testing for officers in safety critical roles. Following a scrutiny with recommendations made by the Police Committee, the Agency Management Board approved a Drugs and Alcohol Misuse Testing Policy in January 2010, which is based on Home Department Police Force policy. 10% of officers carrying firearms will be randomly tested on an annual basis and a "with cause" policy will be enforced for officers in safety critical roles.

The policy is due for implementation during 2010 and the Committee will monitor that it is not delayed because of funding priorities or any other cause.

Section 44 Stop and Search

The use of s44 Stop and Search powers under the Anti-Terrorism Crime and Security Act 2001 continues to be controversial in some Home Office forces. In recognition that Section 44 Stop and Search operations went to the core of MDP's constabulary authority the Committee carried out a scrutiny to provide assurance on the integrity of the MDP's approach.

Our work highlighted some areas for greater transparency and monitoring, but overall the members were impressed with MDP officers' approach to these operations around the Government Security Zone in Whitehall. The statistics showed disproportionality as regards ethnic minorities, but this is in the context of a transient community with a continuing flow of tourists and changes in demographics as a result of protest activity

in the area. There have been very few public complaints about the use of stop and search powers by the MDP. We have encouraged the MDP to undertake community engagement, alongside the Met Police in Westminster.

The Committee will continue to follow the developments following the ruling by the European High Court last year which declared Section 44 unlawful and the recent decision of the Government to limit the use of these powers in future.

Diversity and Equality

The Police Committee has developed a deliberate focus on diversity in view of the low numbers of women (9.8 %) and ethnic minorities (1.4%) in the Force. We have been impressed by the many examples of good practice attributable to both senior managers and individual officers in pursuit of fairness and inclusivity. It is clear that the present financial climate will impact adversely on the force's ambition to fully reflect the community it serves. The committee will, however, want to see continuing support for staff networks and for all supervising officers to have diversity objectives in their personal performance development reports.

Temporary Promotions

The Committee initiated a review in the light of data showing an unusually high number of officers holding temporary promotions throughout the force (about 4% at the time of producing our report). There were also significant numbers of officers whose temporary rank had endured for several years. Following our review and their own internal scrutiny, the force produced the new Policy Rules and Guidance on Temporary Promotions and Acting Ranks in July 2009 which clearly set out line management responsibilities for authorisation and set out clear timelines for Temporary Promotion (with a six monthly review) and Long Term Temporary Promotion, which would be used following open competition for a fixed time period of no longer than 3 years.

We have also highlighted issues around with career management and promotions, and geographical manning issues which the force is continuing to address.

Professional Standards

The maintenance of a high level of professional standards in policing, and particularly the handling of complaints and misconduct, is vital maintaining the trust and confidence that is the foundation of the relationship between the police and the public. Two members of the Committee visit the Professional Standards Department each quarter to review cases and raise any issues or concern with the appropriate authority.

The MOD Police Committee's Sub-Committee for complaints and misconduct is responsible for considering any actions against ACPO officers. No such complaints were received in 09/10.

The MOD Police introduced new Conduct and Tribunal Appeals Regulations on 1 Dec 09, which are underpinned by new standards of professional behaviour. This brings them into line with HDPFs for matters of conduct. Performance issues continue to be dealt with under MOD's Restoring Efficiency Procedures, although there is a proposal to amend the MOD Police Act 1987 to enable the force to introduce the Police Performance Regulations through the Armed Forces Bill.

Human Rights Act

Although there is no statutory requirement for the MOD Police Committee to monitor the MDP's performance on human rights (unlike Police Authorities for the HDPFs), however we have resolved to include this as a dimension of the assurance we provide to Ministers. As a result and for the purposes of best practice we have include HRA compliance in our work where appropriate.

Ministry of Defence Police Committee

List of Members

David Riddle Independent Chairman	Appointed 1 Oct 07
Sir Keith Povey QPM Police Adviser (England & Wales)	Appointed 1 Jun 07
Andrew Brown CBE QPM Police Adviser (Scotland)	Appointed 1 Jun 07
Dr Marie Dickie OBE Independent Member	Appointed 1 Oct 07
Caroline Mitchell Independent Member	Appointed 1 Oct 07
Dr Parvaiz Ali Independent Member	Appointed 1 Oct 07
Susan Scholefield CMG Agency Owner Director General Human Resources & Corporate Services Ministry of Defence	from 22 Sep 08
Mark Preston Director Business Resilience Ministry of Defence	from Mar 09
Karen Feather Clerk to the MOD Police Committee Ministry of Defence	from Jan 07

Remuneration and Expenses of the Members of the MOD Police Committee & Costs of MOD Staff

Members 2009/2010

		Fees	Expenses	Total
David Riddle	Chair	£16,625.00	£586.70	£17,211.70
Sir Keith Povey	Police Adviser (England & Wales)	£9,750.00	£1,854.90	£11,604.90
Andrew Brown	Police Adviser (Scotland)	£6,500.00	£1,601.56	£8,101.56
Dr Marie Dickie	Independent	£12,050.00	£1,764.95	£13,814.95
Caroline Mitchell	Independent	£6,825.00	£115.10	£6,940.10
Dr Parvaiz Ali	Independent	£7,150.00	£2,102.04	£9,252.04
Susan Scholefield*	Director General Human Resources & Corporate Service (& MDPGA Owner)	Nil	Nil	£3,950.00
Mark Preston*	Director Business Resilience	Nil	Nil	£1,226.00
Total				£72,101.25

MOD Staff

Clerk to the MOD Police Committee**	£35,737.00
Assistant Clerk to the MOD Police Committee**	£14,321.00
Total	£50,058.00

Grand Total **£122,159.25**

* The figures for the Senior Civil Service MOD members of the Committee are based on the number of meetings attended.

** The figures for MOD staff represent an approx rate for the percentage of time spent on Police Committee business

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. Provide scrutiny and guidance to 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.