



# **Ministry of Defence Police Committee**

**Annual Report 2010/11**

**Chair of the MOD Police Committee**

**July 2011**



## **MINISTRY OF DEFENCE POLICE COMMITTEE**

### **ANNUAL REPORT 2010/11**

#### **Introduction**

1. The principal task of the MOD Police Committee is to provide you with independent scrutiny and assurance that the MOD Police is exercising its powers and authority lawfully and impartially, and meeting the standards required of a police force. I have pleasure in presenting the MOD Police Committee's fourth annual report which provides a brief account of our work over the period 1 April 2010 to 31 March 2011 and our assurance opinion on the MOD Police.

#### **Assurance Opinion**

2. From 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 continuing to deliver 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. Looking to the future there is a risk that the capability of MDP as a police force may become impaired by the scale of the planned MOD budget reductions for guarding and civil policing, or the manner of implementation, or both. The delay in settling the policy framework that will enable the future tasks of MDP to be defined with certainty means that the present unsatisfactory vacancy freeze will continue for longer, with the risks that entails, and MDP's transition to a smaller organisation with a different set of roles will be drawn out. This presents substantial management challenges. The proposed reductions in the number of officers in Force Headquarters and CID could result in a situation where MDP finds it difficult to maintain the range and depth of capabilities and skills that are needed to ensure effective delivery of policing services in accordance with recognised standards and MOD expectations.

#### **MOD Police Committee – Background**

4. Under my leadership as the independent Chair, the Committee is comprised of two former HM Chief Inspectors of Constabulary, and 3 independent members; two have experience of serving on Police Authorities for Home Department Police Forces, and one was a member of the former Police Complaints Authority. Two senior MOD officials also sit on the Committee. A summary of our activities in 2010/11 is at **Annex A**. The full membership of the Committee is provided at **Annex B**, and the remuneration and expenses of members and the costs of MOD staff who support the Committee at **Annex C**. The Committee's Terms of Reference are provided at **Annex D**.

5. To fulfil our responsibilities we meet 4 times a year in London with the Chief Constable and his senior management team. This provides us with an opportunity to receive reports, probe and constructively challenge the top team and to hold the force to account on the use of its powers, its compliance with national policing standards, and the effectiveness of its operational delivery in meeting the MoD's requirements. We also have an annual work programme which includes several in depth scrutinies by Committee members of aspects of the force's responsibilities each year.

6. In the course of the year I have met with the Minister (Defence Personnel, Welfare and Veterans), Ursula Brennan (as 2<sup>nd</sup> Permanent Secretary), and Jon Day, 2<sup>nd</sup> Permanent Secretary, to discuss the Committee's role and to keep them informed as to the Committee's views about the MDP, particularly in the context of the spending cuts facing the Department.

### **MOD Police – Strategic Direction**

7. The period covered by this report has been dominated by financial constraints and uncertainty. At the time of this report, the force is being consulted on various civil policing and guarding options as part of the Planning Round 11 process, before Ministers take final decisions which will ultimately decide the future size and footprint of the MOD Police. The Force is still working under the regime of freezing vacancies and no overtime instituted as part of PR9, which we commented upon in our report last year as unsustainable in the longer term.

8. As on 31 March 2011 the MDP had 343 gapped posts from a complement of 3,645 which has resulted from the recruitment constraints that were put in place in August 2009. The reduction is significant. It is a credit to MDP and its officers that over the year, taskings have been met to a level of circa 90% despite the reductions. However, a number of Defence establishments are experiencing reduced service because of vacancies, and this problem will continue and get more difficult as long as the vacancy freeze and overtime ban are the only instruments for downsizing the force. In addition the MOD's Voluntary Early Release Scheme has attracted a significant number of police officer applicants; this will assist towards the long term reduction in numbers in MDP but it may also serve to complicate the existing problem of maintaining complements at critical establishments.

9. The work led by MOD Senior Civil Servant Trevor Woolley to consider the MOD Police's Pay, and Terms and Conditions of Service is on hold following the Home Secretary's announcement of a review into Police Pay and Conditions of Service by Tom Winsor. A merger with the Civil Nuclear Constabulary may still be considered a possibility for some time in the future, while in the shorter term a review into interoperability between the two forces has recently taken place, and has identified areas for fruitful collaboration.

10. The Chief Constable has drawn up a plan for the MDP's transition to being a smaller force with a redefined mission to meet crucial defence needs as, predominantly, a nuclear guarding force. His plan has our support, and has been presented by the Chief Constable widely across the Department. We earnestly hope that the Department will proceed with all speed to make the strategic and resourcing decisions to set the new framework and footprint for MDP. There is a clear requirement for a Corporate Implementation Plan once the future footprint and Terms and Conditions of Service are confirmed to shape the MDP of the future.

11. Our work programme for 2011/12 will focus on issues of capability as the MDP undergoes the programme of transformation and to ensure that this is underpinned by strong governance. We also intend to continue with our visits around the force to enable us to assess how the change is progressing and how officers at all ranks are engaged.

12. The national police landscape is itself changing substantially. The government rightly stressed the importance of collaboration between forces to enhance protective services and secure greater value for money. The MDP was not covered by the legislation imposing duties on police forces to collaborate, but this should not inhibit initiatives, and we are pleased that work is progressing on some specific areas for collaboration between MDP and CNC.

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

## **MOD POLICE COMMITTEE – ANNUAL WORK PROGRAMME 2010/11**

### **State of the Force visits**

A1. I pointed out in last year's report that the current recruitment and overtime freezes were blunt instruments that could not be sustained indefinitely without impairing the force's capabilities and operational effectiveness. Since August 2009 the force has been unable to recruit externally and has been only able to move officers around internally where vacancies occurred at those establishments classified as Level 1 or repayment tasks. There continue to be severe restrictions on the use of overtime and officers may generally only complete training which is classed as mandatory. Therefore, I undertook that the independent Committee members and Police Advisers would pay particular attention to the impact of these measures on the force over the coming year.

A2. The Committee has carried out two rounds of State of the Force visits which included individual visits to a total of 11 stations and 3 Defence Community Police Officer locations. At each station we assessed the operational effectiveness; their ability to achieve their "customer tasking" to meet the Defence requirement; and their ability to comply with policing standards. We also took account of officers' morale at the station and of the force overall.

#### Phase 1

A3. Our first phase of visits took place in July and August 2010, about a year after the first planning round measures had been implemented, and there was already some evidence of immense strains at some of the establishments. It had been necessary to reduce some customer tasking at bases that were classified at Level 2 or below and consequently the MDP's customers were carrying a much greater security risk because police tasks had to be reduced where vacant posts were being carried. We were pleased to note that there was no evidence that core policing standards were being compromised and mandatory training requirements (firearms, dog handling) continued to be met. Morale was reported to be surprisingly resilient but officers reflected anxiety about the future. We recognised that managing the mobility of officers would be a major issue for the Chief Constable in the future in order to ensure that the force has the best officers in the right location once the future footprint of the force was confirmed.

#### Phase 2

A4. Following our latest round of visits in February 2011, we reported that the force's resilience was now being severely tested since the planning round measures that resulted in vacancies existing where they fall were producing some serious mismatches of resources to tasking. Heads of Establishment we spoke to told us that they wanted risk ownership confirmed at a higher level since the reduction in their resources was increasing the risk to their establishments. There were concerns expressed about the sustainability of the National Police Improvements Agency's (NPIA) firearms training standards against the declining resources at some stations. However, they continued to be achieved with recourse to officers from Divisional Support Groups to backfill for abstractions where possible.

A5. The work of the Defence Community Police officers was valued for providing a significant contribution to crime reduction and investigation on the Defence estate, and providing an important reassurance to service families.

A6. Officers felt that the Chief Constable was keeping them well informed, but morale was gradually being eroded through continued rumour and uncertainty around the Planning Round 11 options which were before the Defence Board at the time of our visits and the Voluntary Early Release Scheme had just been announced. We also felt that where any change of security provider may be considered, that the MOD needed to ensure that all associated costs were fully identified in order to ensure that any changes resulted in an overall saving to Defence.

### **Public Order**

A7. Her Majesty's Inspector of Constabulary (HMIC) has asked the Police Committee to oversee a series of recommendations made in his inspection report dated March 2010. This included the development of policy, intelligence, CBRN capability, and marine capability for the 2012 Olympics.

A8. We have observed progress made to date in some areas, but there is still work to be done and we will closely monitor further progress. Confirmation of MOD's future Statement of Requirement for MDP, part of the PR11 work, will be an important factor enabling MDP to develop the capacity and command processes to meet the HMIC requirements in relation to the force's defined role.

### **MDP's use of CCTV**

A9. Unlike Home Office Police Authorities, this Committee does not have a statutory requirement to monitor the MOD Police's performance on human rights. However, given your overarching responsibilities for compliance with the Human Rights Act, we have included this as part of our work and as a dimension of the assurance we provide to Ministers.

A10. This year we undertook work to confirm that the MOD Police's use of CCTV was appropriate and proportionate, and that evidence or records arising from its use were properly handled in accordance with the Data Protection Act 1998 and recognising the requirements of the Human Rights Act. We reported that we were satisfied overall with the level of compliance in the Agency.

## **Professional Standards**

A11. During 2010/11, there were 49 complaints (comprising 91 allegations) made against MDP officers by members of the public, and 163 (comprising 175 allegations) internal conduct cases. Appendix A refers. There were no complaints from members of the public or allegations of misconduct against Senior Officers.

A12. The Committee keeps itself closely informed on complaints and misconduct, and two of our members review every case dealt with by the PSD of MDP, to assure compliance with the statutory procedures for complaints, fairness and proportionality. The Committee maintains an interest in the reforms following the implementation of MOD Police Conduct Regulations on 1 December 2009. We are pleased to note that to-date there have been no Misconduct Hearings in MDP heard under the 2009 regulations, with many conduct matters being dealt with by management action as the reforms intended.

A13. The Committee has welcomed the introduction of Drugs and Alcohol testing in the MDP following the new policy dated 1 December 2010 which now brings the MDP in line with Home Department Police Forces. The testing covers recruits, random testing of officers in safety critical roles and "with cause" testing. We plan to review its implementation as part of our 2011/12 work programme.

## **Diversity**

A14. The Agency's Diversity Strategy and Action Plan for 2010/11 set out what the MDP aimed to achieve in the present financial climate and took account of the staffing restrictions caused by the Planning Round 2009 measures (i.e. gaps lie where they fall) and the MDPGA HQ Review (aimed to reduce staff by 33%) and the Optimizing HR programme, all of which would impact on the Agency's Diversity Equality Unit.

A15. The Police Committee needed to ensure that the actions described in the Plan were capable of being carried out against this background, and that there was a continuing ambition in the force to improve – or at least maintain – its diversity performance.

## **Support to the Defence Main Effort in Afghanistan**

A16. MOD Police officers are deployed to Afghanistan (OP Herrick including the EU Mission and the NATO Training Mission); Kosovo, Georgia and Palestine. All these posts are funded by the FCO on a full repayment basis.

A17. The Committee wishes to acknowledge the MDP's ongoing contribution to the MOD's Afghanistan Main Effort, which has been ongoing since January 2008. MDP officers are able to work alongside their military colleagues engaged on training and mentoring the Afghanistan National Police, including at some of the Forward Operating Bases. The MDP's contribution is significant in policing terms and to date a total of 120 officers have deployed to this challenging theatre.

A18. The Committee also applauds some excellent achievements by female members of the force who have received or been nominated for special awards following their sterling work with women who were training for the Afghan National Police.



## **Crime and the MOD**

A19. At our quarterly meetings the Committee are regularly briefed on the work of the MDP's CID, including cases of serious crime affecting the MoD. We have been impressed by the CID's achievements in this arena. Their successes have included investigations into stolen kit which was vital to operations in an overseas theatre, the identification of weaknesses in the Joint Personnel Administration system and in procurement processes, as well as a very wide range of fraud and corruption cases. The planned reduction in the size of CID in MDP will impact on the number of cases that the force can handle in the future.

A20. We have welcomed the creation of the Defence Crime Board, under the chairmanship of the Director General Finance, that plans to address the subject of enforcement, prevention and intelligence. We very much hope that the department will keep a clear and strong focus on preventing fraud and theft, as we believe that more effective prevention will save many millions of pounds for the Defence budget. In the current financial climate this is more important than ever.

**COMPLAINTS AND MISCONDUCT BY MOD POLICE OFFICERS**

| <b>COMPLAINT ALLEGATIONS TYPE</b>                               | <b>NO</b> | <b>CONDUCT ALLEGATIONS TYPE</b>            | <b>NO</b>  |
|---|-----------|--|------------|
| Serious non sexual assault                                      | 0         | Honesty and Integrity                      | 32         |
| Sexual assault  | 0         | Authority, Respect and Courtesy            | 11         |
| Other assault   | 7         | Equality and Diversity                     | 1          |
| Oppressive conduct or harassment                                | 13        | Use of Force                               | 0          |
| Unlawful/unnecessary arrest or detention                        | 1         | Orders and Instructions                    | 8          |
| Discriminatory Behaviour  | 3         | Duties and Responsibilities                | 24         |
| Irregularity in evidence/perjury                                | 2         | Confidentiality                            | 2          |
| Corrupt practice  | 5         | Fitness for Duty                           | 3          |
| Mishandling of property   | 0         | Discreditable Conduct                      | 93         |
| Breach Code A PACE (Stop & Search)                              | 0         | Challenging and Reporting Improper Conduct | 1          |
| Breach Code B PACE (Search of premises/seizure of property)     | 5         |  |            |
| Breach Code C PACE (Detention, Treatment & Questioning)         | 1         |  |            |
| Breach Code D PACE (Identification)                             | 0         |  |            |
| Breach Code E PACE (Audio Recording – interviews with suspects) | 0         |  |            |
| Multiple or unspecified breaches of PACE                        | 0         |  |            |
| Other neglect or failure in duty                                | 15        |  |            |
| Other irregularity in procedure                                 | 8         |  |            |
| Incivility, impoliteness and intolerance                        | 15        |  |            |
| Traffic irregularity  | 4         |  |            |
| Other   | 2         |  |            |
| Lack of fairness and impartiality                               | 5         |  |            |
| Improper disclosure of information                              | 5         |  |            |
| Other sexual conduct  | 0         |  |            |
| <b>Total Allegations</b>  | <b>91</b> |  | <b>175</b> |
| <b>Total Cases</b>  | <b>49</b> |  | <b>163</b> |

## MINISTRY OF DEFENCE POLICE COMMITTEE

### LIST OF MEMBERS

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

**REMUNERATION AND EXPENSES OF THE MEMBERS OF THE MOD POLICE  
COMMITTEE & COSTS OF MOD STAFF**

**Independent Members**

|                    |  | <b>Fees</b> | <b>Expenses</b> | <b>Total<br/>2010/11</b> | <b>Total<br/>2009/10</b> |
|--------------------|--|-------------|-----------------|--------------------------|--------------------------|
| David Riddle       | Chair  | £16,625.00  | £503.82         | £17,128.82               |                          |
| Sir Keith Povey    | Police Adviser (England & Wales)                                     | £7,800.00   | £1,362.34       | £9,162.34                |                          |
| Andrew Brown       | Police Adviser (Scotland)  | £5,200.00   | £1,166.88       | £6,366.88                |                          |
| Dr Marie Dickie    | Independent  | £7,800.00   | £1,029.15       | £8,829.15                |                          |
| Caroline Mitchell  | Independent  | £5,525.00   | £135.20         | £5,660.20                |                          |
| Dr Parvaiz Ali     | Independent  | £5,850.00   | £1,355.36       | £7,205.36                |                          |
| Susan Scholefield* | Director General Human Resources & Corporate Service (& MDPGA Owner) | Nil         | Nil             | £2,394.00                |                          |
| Mark Preston*      | Director Business Resilience   | Nil         | Nil             | £1,590.00                |                          |
| <b>Total</b>       |  |             |                 | <b>£58,336.75</b>        | <b>£72,101.25</b>        |

**MOD Staff**

|   |                   |                   |
|---|-------------------|-------------------|
| Clerk to the MOD Police Committee**           | £29,944.88        |                   |
| Assistant Clerk to the MOD Police Committee** | £8,116.94         |                   |
| <b>Total</b>                                  | <b>£38,061.82</b> | <b>£50,058.00</b> |

**Grand Total** **£96,398.57** **£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.