



Ministry of Defence

Ministry of Defence Police Committee

Annual Report 2015-16

Chair of the MOD Police Committee

9 August 2016

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MOD POLICE COMMITTEE
ANNUAL REPORT 2015-16

Introduction

1. The MOD Police Act (MDPA) 1987 requires the MOD Police Committee to provide the Secretary of State for Defence and Ministers with independent assurance that the MOD Police Force (MDP) is exercising its policing powers and authority lawfully and impartially, and is meeting the standards required of a UK police force. Since 1 April 2013 the Committee is also required to give advice on the efficiency and effectiveness and performance of the force. Details of our work over 2015-16 is summarised at **Annex A**.

Assurance Opinion

2. From our work in 2015-16, we can give assurance to the Secretary of State that MDP continues to deliver policing services in accordance with the MOD Police Act 1987, that police powers are exercised lawfully, responsibly and proportionately and that MDP meet the standards required of a police force.

3. MDP had an outturn for financial year 2015-16 of £162.4m including external customer funded services; the net outturn of £136.5m was £0.9m under budget. This was a good result, reflecting the tightening of expenditure controls in the second half of the year, notably on overtime and a freeze on recruitment.

4. Performance was maintained, despite the budgetary challenges, at an acceptable level overall, although restricting overtime spend while the vacancies gap remained high led to unavoidable downward variation of service level at some establishments, in agreement with customers based on risk assessment.

5. Recovery will be dependent on recruitment in 2016-17. Any further measures in 2016/17 that impact on recruitment will impair the force's ability to bring service levels back up.

6. Co-operation has been good between local security risk owners and MDP in achieving optimum security effect from the staff available. Our visits to stations and dialogue with customer representatives reflected a high level of satisfaction with the job that MDP does.

7. Good progress was made in the roll out of the new Operational Policing Model across the force, which sees more focus and effort on preventing and deterring threats by increasing the visible activity by MDP “outside the wire”. This is accompanied at appropriate sites by the introduction of community engagement and intervention (known as Operation Servator). Customers are recognising the added value being delivered by the new Operational Policing Model.

8. Negotiations on new terms and conditions of service between the Department and the Defence Police Federation were finally concluded with an agreement at the end of the year. This brings elements of the Winsor reforms of police pay in place in MDP, albeit continuing the long standing relationship of 95% of Home Office pay. Agreement on TACOS clears the way for the introduction of Fitness Testing in MDP which will roll out on a no consequence basis during 2016-17 for full operation in 2017-18.

9. With a very high proportion of armed officers aged over 55, the health and fitness of the workforce is vital. Fitness testing sits alongside revamped occupational health arrangements. Long term sickness absence has reduced this year as a result of continued management focus, albeit MDP did not hit their own target for reduction.

10. The Force faces critical uncertainties on three fronts. Firstly, no final decision has yet been made on the option of replacing MDP by military personnel at the Atomic Weapons Establishment (AWE) Aldermaston. This could affect large numbers of the force’s most highly trained armed specialists and impact on overall capability. The delay is already causing retention issues. Secondly, a decision has been taken to dispose of the MDP HQ site at Wethersfield. As yet no alternative location for the HQ has been identified. The relocation of HQ will present real challenges and risks, and the sooner a decision is made the sooner planning can start for the immense upheaval. Thirdly and most significantly, the Government’s review of Infrastructure Policing is underway, with the potential to reform the structure and shape of armed infrastructure policing which could see MDP change its form and governance within a few years.

11. It will be important to ensure that the commitment to defence of the Force’s Officers is sustained during a further period of great changes. Likewise, the senior leadership will have the challenge to manage a huge change programme that must not detract or divert from delivery of the everyday task.

12. We have noted the commitment from the department to move to a new financing model for MDP with effect 2017-18. That is an essential component of reshaping the relationship between departmental security risk owners and

MDP as service providers. It needs to be accompanied by a medium term financial allocation that allows MDP to plan effectively. Together these changes will enable the force to deliver best value and obviate the problems caused for the force and customers of arbitrary reductions made in the HOCS budget. It will also assist MOD and MDP to prepare for any more radical change from the Infrastructure Policing Review.

David Riddle
Chair of the MOD Police Committee

MOD Police Committee – Background

1. The MOD Police Committee is a statutory requirement of the MOD Police Act 1987. The Secretary of State for Defence appoints the members. The Terms of Reference for the Committee and the membership of the Committee is available at: <https://www.gov.uk/government/publications/ministry-of-defence-police-committee-terms-of-reference> and <https://www.gov.uk/government/publications/mod-police-committee-independent-members-and-guidance-documents>. The operating costs of the committee including the remuneration and expenses of the independent members of the Committee are shown at **Annex B**.

Force Transformation

2. Work in 2015-16 driven by financial challenges has resulted in better alignment of the force's allocation of the Defence budget and the tasking requirements from their customers. It enabled the MDP to demonstrate how it will continue to adapt and respond to the reduction of resources while maintaining an efficient and effective service.

3. The Committee and the Chief Constable recognise that the implementation of the Strategic Defence and Security Review (SDSR) within the MOD, and the associated plans to invest in stronger military capability over the next 10 years, will inevitably require the MDP to become more efficient in the way they deliver specialist armed policing services and capabilities during 2016-17 and beyond. A key feature will be the wider introduction and implementation of the new operational policing model, with innovative ways of meeting their customers' requirements.

Recruitment and Workforce Planning

4. As a result of the recruitment freeze imposed on the MDP only some 228 officers were recruited in 2015-16 against a target of 300. The number of exits in 2015-16 was 206 (an average 18 per month) which means there was a net increase of 22 officers. The majority of those who left were aged 50 or over.

5. Keeping up the momentum of recruitment to fill the gaps in the complement is a significant area of risk for the force. The departmental decision on policing at AWE, yet to be settled, will have a major bearing on this and the need for an early decision cannot be overstated. The best case assessment is that MDP may reach target levels during 2017 in some areas, but not all and depending on the AWE decision; the worst case assessment suggests that reaching the target staffing level could be pushed back into 2018. If current recruitment targets are not met over the next two years, the force will struggle to maintain the capacity to deliver tasks. Any further recruitment freeze or slow down could impact adversely on capability short and long term.

Terms and Conditions of Service and Fitness

6. An agreement on changes to MDP terms and conditions of service was finally reached on 1 April 2016. These reflect wider Home Office police changes made in the Winsor Report in 2012.

7. 2016-17 will see all officers undertake a “without consequence” fitness test. This may identify officers who are potentially not capable of reaching the required standard for operational deployment. Furthermore the move towards regularising fitness standards across armed policing in the UK, which is currently higher than the MDP standard of 5.7, may expose more non-capable officers. The senior officer team will need to monitor this closely to assess risks to operational service delivery.

8. The Committee also supports the work the force is now doing to examine shift patterns to further improve operational effectiveness and consider officer safety and welfare factors.

Pension Age

9. The Government has declined the MOD’s proposal for an Enhanced Effective Pension Age of 60 for MDP officers. The explanation was that this ran counter to the Government’s policy for longer working lives and HMT did not wish to set a precedent which may be attractive to other groups in the wider public sector (including the Defence Fire and Rescue Service).

10. The Committee has placed on record its disappointment in the final outcome and suggested that the matter of the pension age should be revisited at a later and appropriate stage. An opportune time for this may be when a decision is reached following the ongoing Infrastructure Policing Review.

Long Term Sickness and Capability

11. In 2014 MDP set itself a target to reduce the total number of officers who were either on Long Term Sick (LTS) or not capable of carrying a firearm. These officers were reducing the capacity of the Force to meet its customer Guarding and Security Statement of Requirement (GSSOR) agreed tasking levels and were driving up unacceptable levels of overtime. The target was to reduce this level of absenteeism from firearms duties to a level comparable across the wider UK policing service– a challenging target when most Forces have very few firearms officers.

12. The latest data to end of March 2016 shows:

Category	Sept 14	Sept 15	Target Dec 15	Actual Dec 15	Mar 16
Long Term Sick (LTS) as recorded on HRMS Officers absent 28 days/more	87	91	66	79	63
Temporarily 'Non-Capable' Officers with shorter term conditions, illness, injury	64	83	50	84	81
Permanent 'Non-Capable' Officers with long term medical conditions	56	17	25	17	15
Total	207	192	141	180	159
% of MDP current strength	8.4%	7.5%	5.2%	7.1%	6.2%

13. The figures show good progress, even though MDP did not meet the targets it set itself to reduce the level of LTS and non-capability down to no more than 5.2% of the workforce by December 2015. This was always an ambitious target aimed at equalling the performance of the best Home Office forces despite the fact that, uniquely, the majority of MDP officers are specialised, firearms officers making it a more challenging proposition than for other Forces.

14. The Committee has welcomed MDP's efforts to reduce the level of permanently non-capable officers to below target by December 2015. This was achieved by the introduction of a new reasonable adjustment policy which enabled the Force to proactively manage officers into non-firearms positions but still make a meaningful contribution towards the overall policing effect for Defence.

15. By the end of FY 2016-17 MDP had reduced the level of LTS and non-capability across the Force by almost 25%. This was assisted by the establishment of a new Performance & Attendance Governance Group and better use of Unsatisfactory Police Performance (UPP) procedures.

16. We will ensure that the MDP continues to bear down on these cases. Support from a dedicated case manager from Defence Business Services and the employment of MDP clinicians will be vital since there are a number of issues that are likely to affect future performance. These include the introduction of an annual medical programme, applying College of Policing standards and fitness testing.

Firearms Command and Control

17. The MDP has made good progress to implement the recommendations made by HM Inspector of Constabulary following their Firearms Command and Control inspection in December 2013. Two recommendations remain outstanding but are currently dependent on decisions made by the National Police Chiefs Council so are out with MDP control. We will continue to keep this under review.

Communications

18. In our 2014 Culture Review of the MDP the Committee was critical of the state of IT communications across the Force with two systems in use in many locations: the MDPNet and the MOD DII. Progress to move all stations onto DII continues with 41 out of 49 MDP locations now using the single DII system. The Committee hopes this progress will continue since we recognise that communications are an important contributor to the further modernisation of the MDP.

Infrastructure Policing Review

19. [redacted]

20. Significant legislative, governance and funding issues would have to be resolved before any decision is taken. The Police Committee Chair has been invited to sit on a Challenge Group with his counterparts from the Civil Nuclear and British Transport Police Authorities. Senior MOD officials attend the steering committee with DECC and DfT officials and MDP officers are represented on the Stakeholders Group with CNC and BTP representatives.

Sub-Committee for Performance and Risk Management

21. It is the role of the Committee to advise Director General Head Office and Commissioning Services on the efficiency and effectiveness of the force. We discharge this responsibility through a Sub-Committee for Performance and Risk Management.

22. The MDP's performance on their Key Priorities is also now reported direct to the Defence Board each quarter with our independent assessment.

23. The key points of our assessment for 2015-16 are as follows.

Finance

a) We noted that MDP had an outturn for financial year 2015-16 of £162.4m including external customer funded services; after third party income and allowable overspends the net outturn was £136.5m. This was £0.9m under budget. Given the way the numbers looked mid-year, this was a good result, but it was achieved through use of robust expenditure controls in the second

half of the year, notably on overtime and a freeze on recruitment. The impact on service levels was considerable, with local customers having to agree variations in service level without which the resource would not have stretched.

b) The outturn also reflected allowable overspends at some critical establishments where continued overtime was judged essential to maintain service levels and to cover some tasks that were required but were not actually funded by HOCS or a customer, such as Longtown.

c) One off spending measures taken in 2015-16 may not all be sustainable in 2016-17. Also, new spending pressures – such as statutory sick pay and continued unfunding of some tasks such as Longtown - could produce a resources gap of the order of £13m. This will be a challenge to achieve without a significant impact on service delivery, and it now seems possible that further significant in year reductions will be required by the Department because of the overall financial predicament of Defence.

d) The sooner that decisions are made about any further reductions in 2016-17, the stronger the likelihood that MDP can implement the necessary changes to secure the cost reductions. It is also important that decisions are made about security at AWE and the unfunded tasks, to enable effective resource planning by the force. The Committee has encouraged the Chief Constable to give notice terminating unfunded activity with effect 1 April 2017, if the funding is not resolved by September 2016.

Risk

e) The arrangements for risk management in the force have improved in the past year, with clearer definition of risks and stronger risk ownership at senior officer level. Looking forward for 2016-17 we have agreed a new structure for the corporate risk register with risks defined in better alignment to MDP strategic business objectives.

Operational Performance

f) Performance monitoring shows that restricting overtime spend has led in many establishments to downward variation of service level, in agreement with customers. Recovery to standard levels of security performance will be dependent on recruitment. Any further measures in 2016-17 that impact on recruitment will impair the force's ability to bring service levels back up to standard. In the meantime, local security risk owners must focus with MDP on getting optimum security effect from the staff available.

Inspections and Audits

g) No external inspections were reported to the Police Committee for 2015-16

h) Details of audits undertaken by DIA in 2015-16 were as follows:

Title	Audit Opinion	Number of recommendations outstanding
Capability Handling and Sickness Management	Substantial	1
Procurement Coherence	Substantial	1
Unsatisfactory Performance Procedures	Substantial	1
Diversity	Substantial	0
Change Programme – 12 month evaluation	Limited	1

MOD POLICE COMMITTEE – WORK PROGRAMME 2015-16

1. Each year the Committee sets a work programme for independent members to provide detailed scrutiny of selected areas of MDP activity or process.

Review of the Operational Capability Centre – Training and Leadership

2. This review by two independent members reported that the OCC was clearly challenged by the extent of its role and responsibilities, and still trying to recover from the four year recruitment freeze. This had resulted in the loss of experienced trainers and staff; it required a completed re-write of the recruit syllabus to meet the College of Policing standards. The OCC priority to deliver recruit training meant staff were unable to invest sufficient time to other responsibilities included leadership training and professional development.

3. The OCC appeared to be inadequately resourced to deliver these to a high standard and there was no overall training plan for OCC delivery that would enable a review of training capacity and capability.

4. Their report made several recommendations which are being addressed by the force and a recent review of HQ has resulted in improved resourcing for the OCC although there is little resilience.

Operation Pease – Review of Professional Standards Department handling of misconduct at AWE Burghfield

5. The Chief Constable invited the Police Committee to do an independent review of the Force's handling of the misconduct at AWE in August 2013 which resulted in 25 resignations, 6 dismissals following a misconduct hearing, 19 attended a misconduct meeting and 6 officers had no further action taken.

6. The Committee's lead independent member for Professional Standard undertook this review and made several recommendations and learning points. These included better direction and leadership at strategic level from Chief Officers, better communication both internally and externally, and making officer welfare a priority. The Chief Constable has accepted all the recommendations in the report and has put in place measures to implement them.

Professional Standards

7. We welcome the work the force has done over the last 12-18 months through the implementation of the Organisational Development Strategy to address professional standards, officer behaviour and the College of Policing Code of Ethics.

8. An independent member continues to undertake a quarterly audit of complaints and conduct files. He also examines the Force expenses and business interests registers on a twice yearly basis. The total number of complaints and conduct allegations handled by the force during 2015-16 are provided at Appendix 1 to Annex A.

9. The number of conduct cases (122) is slightly higher than the previous year figure (103), but remains very low compared with most other Forces. The most common breaches of the professional standards of behaviour continue to be discreditable conduct (87 allegations), duties and responsibilities (31 allegations) and orders and instructions (19 allegations).

10. The number of public complaint cases was 13. This continues the downward trend seen in previous years (21 in 2014-15 and 44 in 2013-14) and it remains a pleasing statistic.

11. The combined total of conduct and public complaint cases was 135. These cases contained, in total, 180 allegations.

12. We remain comfortable with the way the Professional Standards Department deals with complaint and conduct matters. Resources are now back in balance after the regrettable incidents at Burghfield and Aldermaston during 2013-2014. In consequence timeliness in dealing with cases continues to improve.

Diversity

13. As a result of the recruitment freeze imposed on the MDP only some 228 officers were recruited in 2015-16 against a target of 300. Of those recruited, 44 (19.3%) were women and 8 (3.5%) were BAME. Whilst this is an improvement on 2014-15 the outcome was significantly short of the admittedly ambitious targets of 25% and 15% respectively. The age profile of the MDP and the anticipated impact of annual medical and fitness tests on the Force mean that annual recruitment of some 300 officers will be required over the medium term and the Police Committee remains concerned at the Force's ability to use this opportunity to improve significantly the diversity profile of its officers.

14. The MDP launched a new Diversity and Inclusion Support Structure in September 2015 which includes superintendent ranks as Ambassadors and as part of this role they have each been allocated at least one Protected Characteristic as well as a Key Diversity Theme. The Police Committee supports this approach to mainstreaming diversity in the Force but it is dependent on effective data sharing and support from the Diversity and Inclusion Team if unnecessary duplication of effort is to be avoided.'

Appendix 1 to Annex A

MOD POLICE – COMPLAINT & CONDUCT ALLEGATIONS RECORDED 2015-2016			
COMPLAINT ALLEGATION TYPE	NO	CONDUCT ALLEGATION TYPE	NO
Serious non-sexual assault	0	Honesty and Integrity	6
Sexual assault	0	Authority, Respect and Courtesy	6
Other assault	0	Equality and Diversity	0
Oppressive conduct or harassment	2	Use of Force	1
Unlawful/unnecessary arrest or detention	1	Orders and Instructions	19
Discriminatory Behaviour	0	Duties and Responsibilities	31
Irregularity in evidence/perjury	5	Confidentiality	0
Corrupt practice	2	Fitness for Duty	1
Mishandling of property	2	Discreditable Conduct	87
Breach Code A PACE (Stop & Search)	0	Challenging and Reporting Improper Conduct	3
Breach Code B PACE (Search of premises/seizure of property)	0		
Breach Code C PACE (Detention, Treatment & Questioning)	0		
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	2		
Other irregularity in procedure	5		
Incivility, impoliteness and intolerance	2		
Traffic irregularity	4		
Other	0		
Lack of fairness and impartiality	0		
Improper disclosure of information	1		
Other sexual conduct	0		
Corrupt practice	0		
General policing standards	0		
Operational policing policies	0		
Organisational decisions	0		
Total Allegations	26		154
Total Cases	13		122

HISTORICAL STATISTICS OF COMPLAINT & CONDUCT ALLEGATIONS/CASES RECORDED					
	2013 - 2014	2014 - 2015		2013 - 2014	2014 - 2015
Complaint Allegations	101	34	Conduct Allegations	209	154
Complaint Cases	44	21	Conduct Cases	139	103

**REMUNERATION AND EXPENSES OF THE INDEPENDENT MEMBERS
OF THE MOD POLICE COMMITTEE FY 2015-16**

Name	Position	Fees	Expenses	Total
David Riddle	Chair	15,225.00	740.91	£ 15,965.91
Sir Hugh Orde	Police Adviser	9,075.00	732.86	£ 9,807.86
Len Jackson	Independent Member	13,475.00	1,644.55	£15,119.55
Miss Anne McMeel	Independent Member	10,450.00	463.71	£10,913.71
TOTAL		£48,225.00	£3,582.03	£51,807.03

MOD costs¹

	Salary (capitation	Travel & Subsistence	Total
Clerk to the MOD Police Committee (60% of time)	33,012.60	470.00	£ 33,482.60
Association of Police & Crime Commissioners (associate membership)			£ 9,000.00
TOTAL	£33,012.60	£ 470.00	£ 42,482.60

¹ There are further costs relating to MOD officials (including MDP) preparation and attendance at meetings, and miscellaneous administrative costs.

