

**POLICE ADVISORY BOARD FOR ENGLAND AND WALES**

**SIXTEENTH ANNUAL REPORT OF THE INDEPENDENT CHAIR**

**APRIL 2016 - MARCH 2017**

**2016-2017**

## Foreword

The Police Advisory Board for England and Wales (PABEW) was established as a non-departmental public body under section 46 of the Police Act 1964. During the year 2016, the PABEW was reclassified as a Stakeholder Group following a recommendation in the triennial review. Its membership and functions are set out in its constitution, which was revised and agreed in January 2015 and can be found at Annex C. It is tasked to:

- a. advise the Secretary of State on general questions affecting the police in England and Wales;
- b. consider draft regulations which the Secretary of State proposes to make under section 50 or section 52 of the Police Act 1996 with respect to matters other than hours of duty, leave, pay and allowances, or the issue, use and return of police clothing, personal equipment and accoutrements, or the ranks to be held by members of police forces, or the qualifications for appointment and promotion of members of police forces, or periods of service on probation, or the maintenance of personal records of members of police forces and to make such representations to the Secretary of State as it thinks fit;
- c. consider draft regulations which the Secretary of State proposes to make under section 37, 39, 81 or 83 of the Police Act 1997, and to make such representations to the Secretary of State as it thinks fit;
- d. consider draft regulations which the Secretary of State proposes to make under Part 2 of the Police Reform Act 2002, and to make such representations to the Secretary of State as it thinks fit;
- e. consider draft regulations which the Secretary of State proposes to make under section 1 of the Police Pensions Act 1976.
- f. establish the Scheme Advisory Board for the Police Pension Schemes, in accordance with the requirements of s7 of the Public Service Pensions Act 2013.
- g. it may also consider any matter relating to conditions of service (excluding those matters listed in section b above), and any other matter affecting the police which has been referred to it by the Secretary of State, and it will advise the Secretary of State on such matters within any time limit specified by the Secretary of State.

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## **Introduction**

- 1.1 This is the sixteenth Annual Report on the work of the Police Advisory Board for England and Wales (PABEW). It covers the work of the Board from the 1 April 2016 to the 31 March 2017.

## **What we do**

- 1.2 The Board was established by statute to advise the Home Secretary on general questions affecting the police in England and Wales. It fulfils a role comparable to that of consultative bodies found in other fields of employment, and shares with them the objectives of engaging the expertise and experience of managers and staff alike in addressing the challenges of change and reform, and of providing a forum for the resolution of difficulties.
- 1.3 There is a separate Policing Advisory Group for Northern Ireland and a consultative forum for the police service in Scotland; both has its own pensions Scheme Advisory Board.
- 1.4 To ensure a flow of information and ideas in relation to police pensions a Police Pension Consultative Forum meets quarterly with membership drawn from England, Wales, Scotland and Northern Ireland.

## **2. Working Methods**

- 2.1 Much of the substantive work of the Board is undertaken through expert working parties, which give detailed consideration to issues, and make recommendations for decision by the full Board. Board meetings deal directly with straightforward issues, refer matters to expert working parties following initial discussion, and receive and consider reports from working parties. This approach to business enables full meetings to be completed efficiently.
- 2.2 Working parties often include representatives of organisations able to provide specialist knowledge, in addition to representatives of the parties represented on the PABEW. In the period under review, working parties have had the benefit of input from, amongst others, the Disabled Police Association as well as experts drawn from within organisations represented on the PABEW.
- 2.3 Quarterly minutes of the meetings are regularly uploaded to our webpage.
- 2.4 This has been the second year of operation of the Scheme Advisory Board (SAB). We have continued to develop the role of the board, to

ensure we are able to seek the information we require, analyse it and provide sufficient and appropriate advice to schemes.

### **3. Issues and recommendations**

#### **Triennial Review**

- 3.1 Following the PABEW's Triennial Review, the Home Secretary made a Written Ministerial Statement to Parliament on 20 April 2016. There were six recommendations in total, and the report made clear that these should be implemented within six months of the publication. These were discussed during the July meeting.

#### **PABEW self-assessment**

- 3.2 It was agreed during the October meeting that members would complete an annual self-assessment at the final meeting of the business year, to reflect on what had worked well and what could be done better. This also provided an opportunity to reflect on the recommendations from the Triennial Review, which reclassified the PABEW as a stakeholder group.
- 3.3 Two papers were presented by the Police Federation of England and Wales (PFEW); the first was a letter dated 5 December 2016 to the Chair with suggestions about the PABEW's working arrangements. The second was a paper with suggestions from PFEW on resource requirements.
- 3.4 Members agreed that consideration should be given to different ways of working, in terms of Secretariat support, as well as for members to undertake a piece of work in relation to horizon scanning and pipeline planning work.

#### **Capability Exit (and ongoing review of Limited Duty Regulations)**

- 3.5 Members agreed during the April meeting that they were content for Home Office lawyers to start drafting the regulations based on the draft NPCC capability exit guidance and comments provided by other members of the PABEW. There would then need to be the usual consultation process and consideration of draft regulations by the PABEW.
- 3.6 In the July meeting, a paper was presented on the review of Limited Duties, which recommended further meetings of a technical working group. In April, the NPCC had written to all forces and had held a number of meetings about the introduction of the new measures to improve management of officers on Limited Duty. Points raised would be discussed at the technical working group and would feed into the PABEW review of the determinations.
- 3.7 In light of the PABEW's review of the Limited Duties provisions, the MPS and Thames Valley Police had decided that there would be no

decisions about the removal of the x factor until the outcome of the review was complete.

- 3.8 In the October meeting, feedback from the technical working group was provided. The issue of operational resilience provoked a significant discussion and consideration was then being given to removing it from the annex. This was because the NPCC had proposed removing reference to operational resilience from Annex EE to Police Regulation 22 and the accompanying NPCC guidance to forces. Other parties represented on the PABEW noted that the proposed amendments represented a significant move away from the PABEW's original approach to limited duties which was to support operational resilience. Consideration was given as to whether the existing changes (that is, to provide better definition of recuperative, adjusted duties, management restricted duties) have actually achieved all the intended outcome, such as better workforce planning.
- 3.9 By the January meeting, NPCC had moved to a position where they agreed not to change determinations, if at all possible, but to propose amendments to the Limited Duties guidance in order to address the issues raised from the feedback received from forces.

#### **Selected Medical Practitioners**

- 3.10 At the April meeting, the Chair shared advice received from the General Medical Council (GMC) regarding Dr Broome's view that Selected Medical Practitioners (SMPs) should be awarded quasi judicial status and their role therefore excluded from the remit of the GMC in order to limit the impact of vexatious complaints upon SMPs. The GMC view supported the PABEW's provisional position that there was insufficient evidence to support a case for any change in status of SMPs.

#### **Data Issues**

- 3.11 Members agreed that there were some wider data issues and undertook to liaise with the Police Data Requirement Board on data quality and the burden on forces. A discussion was had around the need to ensure that the right data was being collected, to the right standard, in order to inform the PABEW's work as well as that of other groups. It was recognised that national data collections can impose a heavy burden on forces and that only data that is absolutely necessary should be collected.
- 3.12 It was agreed that a working group would be useful to discuss these issues, which the Home Office would arrange. The first meeting of the working group took place in March.
- 3.13 The working group met for the first time in March and members agreed to take forward the idea of a National Data Workforce Strategy.

### **Attestation and the police oath**

- 3.14 In the January meeting, the Home Office introduced a paper outlining their proposal to make a small technical change to the attestation oath, which would remove the restriction that officers must make their oath to a local magistrate. It was hoped that the change would enable greater flexibility. While members agreed that this seemed a sensible suggestion, formal comment would be made when draft amendment regulations were available.
- 3.15 The Home Office explained that incorporating the College of Policing's code of ethics within the Police Oath was also being considered. Members pointed out that this was implied by the current oath and the case for change was not clear. The Home Office said that this was at an early stage of consideration and gave assurance that a more formal proposal would come back to the PABEW for consideration. Subsequently, in March the Home Office consulted parties represented on the PABEW on its proposals to change the police oath and attestation arrangements.

### **Summary**

- 3.16 The measures taken on issues and recommendations brought to the PABEW, highlight the value of member's contributions. This progress also identifies the importance in devolving technical complexities to a working group for them to unlock and report back to wider membership. The recommendations that have come out of the Triennial Review have also given the PABEW a chance to reconsider some of its' ways of working, and it has now been recognised that there is a need for us to work closer with the College of Policing to ensure that the PABEW are able to be kept informed about its work and take a view where relevant. The College are expected to provide the PABEW with a substantive update on their work during the next round of quarterly meetings.

## **4. PABEW Discipline Sub-Committee**

- 4.1 The PABEW Discipline Sub-Committee has continued its work on Police Disciplinary Arrangements.
- 4.2 The Home Office have kept members informed on the progress of the Policing and Crime Bill; the implementation phases were agreed by Ministers, with phase 1 commencing within five months of Royal Assent and phase 2 within 15-18 months time. While a first draft of early regulations had been expected for consideration by members by February/March 2017, they had not been received by the end of the reporting year.
- 4.3 Members have discussed the provisions within the Bill impacting the IPCC and how guidance to implement these provisions would be produced. This draft guidance would be brought before the committee and a full public consultation would also be held.

- 4.4 Members were informed of amendments that had arisen at Committee Stage; the main one to note was in relation to the 'exceptional circumstances' test for disciplinary proceedings to be brought at any stage after a police officer had resigned or retired (this was tabled by the Government).

The Home Office confirmed that they would aim to lift the restriction on officers retiring, as an early priority since this was a considerable concern that had been aired by members. The expectation had been that they would be laid in June 2017.

- 4.5 During July's meeting, the Home Office introduced proposals to consult the PABEW on future regulatory changes relating to the Gangmasters and Labour Abuse Authority (GLAA), formerly the Gangmasters Licensing Authority. It was explained that the Immigration Act, 2016, gives a small number of staff of the GLAA in their capacity as Labour Abuse Prevention Officers, PACE powers under the Police and Criminal Evidence Act 1984 and IPCC's remit would be extended in consequence to oversee this. Only those officers of the GLAA acting in the capacity of Labour Abuse Prevention Officers would be subject to IPCC oversight.

- 4.6 The Home Office would draft regulations to extend IPCC's remit to give oversight of the PACE powers. It was agreed that the Home Office would consult members outside of the Committee schedule so that they could meet their deadline in laying the regulations at the end of the year. Initial concerns shared by members were around how the regulations might impact the capacity of IPCC. It was concluded that greater notice should be given around what legislative proposals were in the pipeline so that the Committee could effectively respond.

- 4.7 Members provided comments on the above draft regulations, including comments about the capacity of the IPCC to take on the oversight of labour abuse prevention officers (LAPOs) in addition to their current workload and impact this may have on the current delays with IPCC investigations, as well as inconsistency with the police regime. The Home Office provided some reassurance around these points and explained that they would review these regulations once the new package of integrity reforms in the Policing and Crime Act 2017 takes effect to reflect the new IPCC governance framework and other reforms to align them as necessary. Both sets of regulations were laid before Parliament and were expected to come into force at the end of April 2017.

- 4.8 The Sub-Committee remains an effective medium to explore how new arrangements relating to policing disciplinary procedures will affect the sector and this role will continue as members will be consulted on new regulations relating to the disciplinary provisions within the Policing and Crime Act 2017.



## **5. Scheme Advisory Board**

- 5.1 The Police Pensions Scheme Advisory Board (SAB) is part of the required governance structure for the reformed public service pension schemes under regulation 7 of the Public Service Pensions Act 2013. Schedule 2 of the Act provides that the Home Secretary is the responsible authority who can make and amend the scheme regulations. Under regulation 7 of the Act there must be a scheme advisory board to advise the responsible authority, at the responsible authority's request, on the desirability of changes to the scheme. The governance arrangements also cover the Police Pension Scheme 1987 and the New Police Pension Scheme 2006.
- 5.2 The SAB can provide advice (on request or otherwise) to a scheme manager or to a police pension board in relation to the effective and efficient administration and management of the police pension schemes.
- 5.3 Following the implementation of the 2015 Police Pension Scheme on 1 April a group of approximately 6,000 police officers to date are preparing to instigate a legal challenge to the new scheme on the grounds of age, race and gender discrimination. Similar challenges are being brought by workforces in other public sector pension schemes, including those of the judiciary and fire-fighters.
- 5.4 During the design of the 2015 scheme it was decided that, in line with arrangements for pension reform in other public sector workforces, those who were 10 years from their retirement age on 1 April 2012 would remain in their existing scheme in recognition of the argument that they have less time to plan for their retirement than colleagues further from retirement age. This challenge is based on the idea that this is unfair as younger officers, who are inevitably more affected by the changes, will include many more female officers as well as a greater number of officers from an ethnic minority background.
- 5.5 The Government successfully defended its position with regard to the fire fighters claims but the claimants were successful in the case of the judiciary. Both judgements are being appeals and the Home Office will continue to consider their impact on the police pensions case, whilst progressing this litigation.
- 5.6 Contracting out arrangements: The Home Office informed members that the main implication of the introduction of the new State Pension was that from 6 April members would no longer receive the national insurance rebate. They confirmed that as a result, there would be an increase in employee national insurance contributions of around 1.4% of earnings between the relevant national insurance thresholds, set each year by HM Treasury.

- 5.7 Pension resourcing for the SAB: It was decided by members that there was a need for additional resource to assist employers in managing their responsibilities with regard to police pensions. Chief Constables agreed to fund a pension advisory post for two years. The appointment of Kevin Courtney was announced to the January meeting of the PABEW; he took up his post at the end of January.
- 5.8 Scheme Managers: The Chair wrote to Chief Constables on issues regarding the annual allowance statement, the threshold for 'scheme pay' and how they were applying the Scheme Sanction Charge associated with unauthorised payments.
- 5.9 Police Pension Boards: It was agreed that a training event would be set up by Kevin Courtney, to provide scheme managers with the information required, after the public service pension governance survey results were published by the Pensions Regulator.
- 5.10 Summary: The four SAB meetings accounted for in this reporting period demonstrate that the Board has taken considerable action to gather relevant information which will enable them to effectively administer their functions in the future. The recruitment of Kevin Courtney, as an NPCC Pensions Adviser, has enabled further communication between the SAB and scheme managers.

## **6. UK Police Pensions Consultative Forum**

- 6.1 Covering UK-wide interests in pensions related matters the UKPPCF in contrast to the SAB has a more discursive informal role, which facilitates the exchange of ideas and encourages broad discussion amongst members. Substantive proposals are then progressed to the SAB or the PABEW main meeting, or the equivalent bodies in Northern Ireland and Scotland, as appropriate, for formal action.
- 6.2 Topics Discussed: Within this reporting period the Forum discussed the following; Restrictions on Commutation in the 1987 scheme, 2015 Police Pension Scheme, Governance Arrangements, Taxation, Temporary Promotion, Pay and Tax, voluntary contribution arrangements, Injury Benefits and Employment Support Allowance, changes to 1987 pension regulations and consolidation, capability dismissal, proposal on contributions holidays, a pension calculator, pension dashboard, and updates on the Northern Irish and Scottish pension schemes.
- 6.3 Papers Presented: CPOSA/PSAEW 1987 scheme, taxation and double accrual, proposal on contributions holiday. PFEW presented papers on: the recommendations of the College of Policing's 'Review of Force Management of Ill Health Retirements, Injury on Duty Awards and Police Medical Appeal Boards'; provision of a pension calculator; and information benefit statements.

- 6.4 Summary: The wide-ranging nature of discussion within the forum demonstrates that it is effectively carrying out its role as a safe medium in which ideas can be explored and tested and information and issues can be shared. At the end of the reporting year there remain some outstanding issues which require further discussion, including the possibility of a pension calculator for England and Wales and where this might be hosted.

Note: As of 15 June 2017, the Home Office commissioned the Government Actuary's Department (GAD) to develop a pension calculator. The Home Office agreed to fund the costs of development and ongoing maintenance of the calculator. Although this was agreed outside the dates covered by the report, it was agreed before publication.

## **7. Conclusion**

- 7.1 Securing an NPCC Pensions Adviser has been a key success this year. It will allow the SAB to work more closely with scheme managers and provided further capacity for the group.
- 7.2 Our profile is continuing to be raised, which has ensured that measures which have an impact on policing and police regulations are brought to the PABEW's attention in a timely manner.
- 7.3 There have been frustrations for us as the Discipline Regulations we had been expecting to consider were delayed, through pressure of competing priorities within the Home Office. They will now be further delayed as an inevitable result of the June 2017 General Election, but we expect a period of considerable work on them in the coming months.
- 7.4 As last year, I remain impressed by the constructive nature of the debate and the determination of all to provide sound advice which reflects the experience of those who would manage or be impacted by proposed changes. I am grateful to Members and to those who have contributed on an ad hoc basis for the quality of their contributions.

Elizabeth France  
Independent Chair  
Police Advisory Board of England and Wales

August 2017

## **Annex A - Members of the PABEW, 2016-17**

### **Independent Chair**

Elizabeth France

### **Association of Police and Crime Commissioners (APCC)**

Andrew Tremayne

Geoff Petty

### **The London Mayor's Office for Policing and Crime (MOPAC)**

Mike Wadham

### **Chief Police Officers' Staff Association (CPOSA)**

Gareth Wilson

(Shabir Hussain)

### **Police Federation of England and Wales (PFEW)**

Andy Fittes

Andy Ward

Geoff Stuttaford

Dave Bamber

Alex Duncan

### **Police Superintendents' Association of England and Wales (PSAEW)**

Tim Jackson

Dan Murphy (from January 2017)

### **National Police Chief's Council (NPCC)**

Francis Habgood

James Hurley

### **Metropolitan Police Service (MPS)**

Sarah Murphy-Brookman (April 2015 to December 2016)

Mark Pomroy (October 2016 to March 2017)

### **Metropolitan Police Service – Trade Union Side**

Valerie Harris

### **Police Staff Council – Trade Union Side**

Ben Priestley

Note: Members are regularly represented by alternates, the names of whom appear in the relevant quarterly minutes. We also extend a regular invitation to: The College of Policing, the IPPC, and the Association of Special Constabulary Chief Officers.

## **Annex B - Members of the SAB, 2016-17**

### **Independent Chair**

Elizabeth France

### **Association of Police and Crime Commissioners (APCC)**

Andrew Tremayne

Geoff Petty

### **Chief Police Officers' Staff Association (CPOSA)**

Gareth Wilson

(Shabir Hussain)

### **Police Federation of England and Wales (PFEW)**

Andy Fittes

Andy Ward

### **Police Superintendents' Association of England and Wales (PSAEW)**

Tim Jackson

Dan Murphy (from January 2017)

### **National Police Chief's Council (NPCC)**

Francis Habgood

James Hurley

### **National Association of Retired Police Officers (NARPO)**

Steve Edwards

Note: Members are regularly represented by alternates, the names of whom appear in the relevant quarterly minutes. We also extend a regular invitation to: The Scottish Government, The Police Federation of Northern Ireland, the Department of Justice, Northern Ireland, Police Scotland, the Scottish Police Federation and the Northern Ireland Policing Board.

## **Annex C – Attendance at PABEW Meetings, 2016-17**

Four quarterly Board meetings were held over the period covered by this Report. No extraordinary meetings of the Board were called. As well as the members listed in Annex A, meetings were attended by Home Office officials, advisers to constituent organisations, members of the secretariat and observers.

Representation at meetings was as follows:

### **22 April 2016**

Chair

The London Mayor's Office for Policing and Crime - 0

Metropolitan Police Service - 1

Association of Police and Crime Commissioners – 2

Police Federation of England and Wales – 3

Police Superintendents' Association of England and Wales – 2

Chief Police Officers' Staff Association – 1

Police Staff Council Trade Union Side – 0

National Police Chief's Council - 2

Metropolitan Police Service Trade Union Side – 1

Home Office – 4

Secretariat – 2

Observers/in attendance – 6

TOTAL - 22

### **28 July 2016**

Chair

The London Mayor's Office for Policing and Crime - 0

Metropolitan Police Service – 0

Association of Police and Crime Commissioners – 2

Police Federation of England and Wales – 2

Police Superintendents' Association of England and Wales – 2

Chief Police Officers' Staff Association – 2

Police Staff Council Trade Union Side – 0

Metropolitan Police Service Trade Union Side – 1

Home Office – 2

Secretariat – 2

Observers/in attendance – 6

TOTAL – 20

## **26 October 2016**

Chair

The London Mayor's Office for Policing and Crime - 0

Metropolitan Police Service – 2

Association of Police and Crime Commissioners – 2

Police Federation of England and Wales – 2

Police Superintendents' Association of England and Wales – 2

Chief Police Officers' Staff Association – 1

Police Staff Council Trade Union Side – 0

Metropolitan Police Service Trade Union Side – 1

Home Office – 2

Secretariat – 1

Observers/in attendance – 4

TOTAL – 16

## **30 January 2017**

Chair

The London Mayor's Office for Policing and Crime - 0

Metropolitan Police Service - 1

Association of Police and Crime Commissioners - 1

Police Federation of England and Wales – 3

Police Superintendents' Association of England and Wales - 3

Chief Police Officers' Staff Association – 2

Home Office - 2

Police Staff Council Trade Union Side - 0

Metropolitan Police – Trade Union Side - 1

Secretariat – 1

Observers/in attendance – 5

TOTAL - 19

## **Annex D - Attendance at SAB Meetings, 2016-17**

Four quarterly Board meetings were held over the period covered by this Report. No extraordinary meetings of the Board were called. As well as the members listed in Annex B, meetings were attended by Home Office officials, advisers to constituent organisations, members of the secretariat and observers.

Representation at meetings was as follows:

### **11 April 2016**

Chair

National Police Chief's Council – 1

Association of Police and Crime Commissioners – 1

Police Federation of England and Wales – 1

Police Federation of Northern Ireland - 1

Police Superintendents' Association of England and Wales – 1

Chief Police Officers' Staff Association – 1

Northern Ireland Policing Board – 1

Scottish Government – 1

Department of Justice, Northern Ireland – 1

Police Scotland - 0

National Association of Retired Police Officers - 0

Home Office – 1

Secretariat – 2

Observers/in attendance – 2

TOTAL - 14

### **8 July 2016**

Chair

National Police Chief's Council – 1

Association of Police and Crime Commissioners – 2

Police Federation of England and Wales – 1

Police Federation of Northern Ireland - 1

Police Superintendents' Association of England and Wales – 1

Chief Police Officers' Staff Association – 1

Northern Ireland Policing Board – 1

Scottish Government – 1

Department of Justice, Northern Ireland – 1

Police Scotland – 0

National Association of Retired Police Officers - 0

Home Office – 1

Secretariat – 1

Observers/in attendance – 2

TOTAL – 15



## **10 October 2016**

Chair

National Police Chief's Council – 1

Association of Police and Crime Commissioners – 2

Police Federation of England and Wales – 1

Police Federation of Northern Ireland - 1

Police Superintendents' Association of England and Wales – 1

Chief Police Officers' Staff Association – 1

Northern Ireland Policing Board – 1

Scottish Government – 1

Department of Justice, Northern Ireland – 1

Police Scotland – 0

National Association of Retired Police Officers - 1

Home Office – 2

Secretariat – 1

Observers/in attendance – 2

TOTAL – 17

## **9 January 2017**

Chair

National Police Chief's Council – 2

Association of Police and Crime Commissioners – 1

Police Federation of England and Wales – 3

Police Federation of Northern Ireland - 1

Police Superintendents' Association of England and Wales – 2

Chief Police Officers' Staff Association – 1

Northern Ireland Policing Board – 1

Scottish Government – 1

Department of Justice, Northern Ireland – 1

Police Scotland – 0

Police Federation of Northern Ireland - 0

National Association of Retired Police Officers - 0

Home Office – 1

Secretariat – 1

Observers/in attendance – 3

TOTAL - 19

## **Annex E – Constitution (PABEW)**

1. The Police Advisory Board for England and Wales ("the Board") will be established in accordance with this constitution. This constitution takes effect from 27 January 2015 all previous constitutions are revoked from that date.

### **Functions**

2. In accordance with section 63 of the Police Act 1996, the Board will: -
  - h. advise the Secretary of State on general questions affecting the police in England and Wales, and
  - i. consider draft regulations which the Secretary of State proposes to make under section 50 or section 52 of the Police Act 1996 with respect to matters other than hours of duty, leave, pay and allowances, or the issue, use and return of police clothing, personal equipment and accoutrements, or the ranks to be held by members of police forces, or the qualifications for appointment and promotion of members of police forces, or periods of service on probation, or the maintenance of personal records of members of police forces and to make such representations to the Secretary of State as it thinks fit;
  - j. consider draft regulations which the Secretary of State proposes to make under section 37, 39, 81 or 83 of the Police Act 1997, and to make such representations to the Secretary of State as it thinks fit;
  - k. consider draft regulations which the Secretary of State proposes to make under Part 2 of the Police Reform Act 2002, and to make such representations to the Secretary of State as it thinks fit;
  - l. consider draft regulations which the Secretary of State proposes to make under section 1 of the Police Pensions Act 1976.
3. The Board will establish the Scheme Advisory Board for the Police Pension Schemes, in accordance with the requirements of s7 of the Public Service Pensions Act 2013.
4. The Board may also consider any matter relating to conditions of service (excluding those matters listed in section b above) and any other matter affecting the police which has been referred to it by the Secretary of State, and it will advise the Secretary of State on such matters within any time limit specified by the Secretary of State.

### **The Secretary of State**

5. The Secretary of State may attend any meetings of the Board.

6. The Secretary of State may in a matter of serious national importance to the police service direct the Board to consider and seek to reach agreement on such matters as he or she may specify.
7. The Secretary of State may in a matter of serious national importance to the police service set a deadline for the Board to complete consideration of such matters as he or she may specify
8. The Chair of the Board will submit an annual report on the work of the Board to the Secretary of State. Before doing so the Chair will consult the constituent parts of the Board about the proposed report.

### **Membership**

9. The Board will consist of: -
  - A Chair appointed by the Secretary of State;
  - Members nominated by the Secretary of State;
  - Three representatives of the Association of Police and Crime Commissioners;
  - One representative of the London Mayor's Office for Policing and Crime;
  - Two representatives of the National Police Chiefs' Council of England & Wales (to include the Metropolitan Police Commissioner);
  - One representative of the Chief Police Officers' Staff Association;
  - Two representatives of the Police Superintendents' Association of England & Wales;
  - Five representatives of the Police Federation of England & Wales;
  - One representative from the Trade Union Side of the Police Staff Council;
  - One representative from the Trade Union Side of the Metropolitan Police Whitley Council.

### **Others may be invited to attend and contribute as appropriate.**

### **Meetings**

10. All meetings of the Board will be called by the Chair with appropriate notice to the members concerned.
11. The Board will normally meet four times a year.
12. The Board may establish working parties to address specific issues as it thinks fit.
13. A member of the Board may request the consideration by a meeting of the Board of any matter specified by them and may submit to the Chair papers relating to that or any other matter covered by the remit of the Board as defined in paragraphs 2 and 3.

## **Annex F – Constitution (SAB)**

### **Remit**

The remit of the SAB is:

- To provide advice, on request, to the Secretary of State for the Home Department on the desirability of changes to the police pension schemes.
- To provide advice, on request or otherwise, to police pension scheme managers and pension boards in relation to the effective and efficient administration and management of the police pension scheme 2015 and any statutory pension scheme that is connected with it.

The SAB will fulfil the above remit by appropriate means, including:

- Monitoring performance against the cost cap for the police pension schemes
- Benchmarking performance information as appropriate
- Identifying and sharing good practice

### **Purpose**

The purpose of the SAB is to be both reactive and proactive. It will seek to encourage best practice, increase transparency and coordinate technical and standards issues.

It will consider items passed to it from the Home Office, the SAB's sub-committees and other stakeholders as well as items formulated within the SAB. Recommendations may be passed to the Home Office or other bodies. It will have a liaison role with the Pensions Regulator. Guidance and standards may be formulated for local scheme managers and pension boards.

### **Accountability**

The SAB is accountable to the Secretary of State for the Home Department as the responsible authority for the Police Pension Schemes.

### **Chair**

The Chair of the Board shall be independent and appointed as described in the membership table below. Where the Chair is not in attendance at a Board meeting, the Board shall appoint an acting Chair from the present members for the meeting in question. At all Board meetings, it shall be the duty of the Chair to ensure that all Board members show respect to the process and are provided with equal access to the floor. The Chair shall also determine when

consensus has been reached and how to record the conclusion of discussion where consensus was not achieved.

### **Co-optees**

The SAB may at its discretion co-opt persons in order to assist with the effective operation of the Board. Such persons would not be members of the Board. Where co-optees are invited they would need to sign up to a confidentiality agreement and statement agreeing to act in the interests of the police pension schemes as a whole and not in the interests of any organisation they may represent.

### **Sub-Committees and Working Groups**

The SAB may establish sub-committees and working groups as and when required, whether short-term or otherwise. The SAB will be responsible for developing and agreeing the terms of reference and membership of any sub-committees. The SAB will also be responsible for outlining the purpose of any working group, its membership and detailing when and how that working group should report back to the SAB.

### **Secretariat**

The secretariat shall be provided by the same secretariat that supports the Police Advisory Board for England and Wales.

### **Meetings**

The SAB will meet no less than three times a year and may meet more frequently at the request of either the Chair or on the joint request of two or more SAB members. Except in situations to consider matters of urgency, all meeting dates will be communicated at least one month in advance.

### **Quorum**

The SAB shall require there to be a minimum of 2 employer and 2 employee side representatives in attendance for a meeting to be quorate. Member substitutes will count towards the quorum.

### **Decision Making Process**

The Scheme Advisory Board will achieve agreed and acceptable resolutions through consensus decision making, thereby seeking the consent of all parties. It is therefore inappropriate to establish any voting rights of members. In the event of failing to reach a consensus the Scheme Manager will be informed accordingly and individual or collective submissions may be made.

### **Review**

These terms of reference were reviewed in October 2015, following the initial six months of the SAB's existence and periodically thereafter.

### **Membership**

The membership of the SAB is set out below. Other advisors and observers may be invited to attend meetings as agreed by the Chair and members.

<b>Seat</b>	<b>Representing</b>	<b>Appointment/Nominee</b>
Chair	Independent	Secretary of State
Scheme Employers	National Police Chief's Council	
	Association of Police and Crime Commissioners	Nominated by the individual associations.
Scheme Members	Police Federation of England and Wales	
	Police Superintendents' Association of England and Wales	
	Chief Police Officers' Staff Association	
	National Association of Retired Police Officers	
Advisors	Actuarial/legal as required.	
	Home Office	