

Ministry of Defence Police Committee

Annual Report 2016-17

Chair of the MOD Police Committee

18 July 2017

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MOD POLICE COMMITTEE ANNUAL REPORT 2016-17

Tribute to Chief Constable Alf Hitchcock QPM CBE

Chief Constable Alf Hitchcock QPM CBE died suddenly after a short illness while this report was being finalised. Our thoughts are with his wife and family at this time. His passing is a great loss to all of us who knew and admired him. It is a blow to the force and to the wider police community in which Alf played such a large part. One Chief Constable who sent me a message of sympathy on hearing the sad news, recalled that Alf "has been consistently at the forefront of developing UK policing for the better with wisdom and energy – he will be sorely missed." I am sure that Chief speaks for many officers of all ranks who have experienced Alf's leadership.

The Police Committee valued his courtesy, openness, and approachability as well as his boundless energy. We will miss him above all for his vision for policing, and his belief in the police officers under his command who do amazing things day in and day out to deliver security.

In his four years as Chief Constable of MDP, Alf led the force with distinction. He had a care for officers, a commitment to secure the future of the force by delivering the best possible service to customers, and a determination that MDP should play an increasing part in the security of defence, as well as in the national counter terrorism programme. I am confident that Alf's vision for MDP will be carried forward by the Senior Leadership Team, supported by the Police Committee and MOD.

Introduction

This is my final report to the Secretary of State before stepping down as Chairman. It has been a privilege to have been associated with the Ministry of Defence Police for a decade and to have had the opportunity, through our governance role, to contribute to the improvement of the dedicated police service for Defence.

The MOD Police Act (MDPA) 1987 requires the Secretary of State for Defence to appoint a committee to advise him on matters relating to the MOD Police (MDP). The Act requires the MOD Police Committee to provide the Secretary of State with an assurance that the 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, effectiveness and performance of the force. Details of our work over 2016-17 is summarised at **Annex A**.

Assurance Opinion

From our work in 2016-17, we can give assurance to the Secretary of State that MDP continues to deliver policing services in accordance with The MDPA1987, that police powers are exercised lawfully, responsibly and proportionately and that MDP meet the standards required of a UK police force.

In our last annual report we highlighted some critical uncertainties for the force. We can report that progress has been made by the Department to address them.

A decision has been made not to replace MDP by military personnel at the Atomic Weapons Establishment (AWE). The delay in decision making did result in resignations from the highly trained armed specialists, and the capability will take time to restore. As yet, it is not confirmed that the budget will be restored to cover the costs of MDP at AWE: until that is confirmed there is a risk to the continuity of service.

The relocation of MDP HQ is planned now for 2020; the location of the new HQ is not yet decided and one of the options in play could give rise to substantial numbers of HQ personnel deciding not to relocate, a critical risk to operational stability.

The Home Office led review of Infrastructure Policing did not produce a definite outcome but the case for creating an armed infrastructure police force was reflected in a manifesto commitment of the newly elected government. The work done on the review demonstrated how lean and effective MDP has become, and the Department should be in no doubt about the strength of MDP's contribution to a new national force. This was demonstrated very recently in the speed and flexibility of MDP's deployment of officers under Operation Temperer in May 2017.

The Police Committee has endorsed the case for a new Service Delivery and Funding Model for MDP that will require disaggregation of the funding from the centre to TLB's. Once implemented this should secure clearer alignment between needs as determined by departmental security risk owners and resources available to the Chief Constable to deliver policing services. It is too early to be confident that this process will achieve its objectives, not least because the spending cuts imposed by the centre mean there is a large gap between resources currently available and the established level of customer requirements.

The gap equates to about 200 posts, which is the current level of unfilled vacancies. The force will shortly embark on critical negotiations with customers to reset the complement, station by station, to match the available resources.

In the meantime, MDP has mitigated the reductions by new operational policing methods and by agreeing temporarily adjusted targets with local

customers. Ministers should be aware that this creditable performance nonetheless represents a significant challenge to customers in managing the security risk at some establishments.

MDP recruitment activity in 2016-17 has produced a small net gain in posts filled in the year. The establishment gap is exacerbated by rising levels of sickness absence and officers unfit to perform the full range of duties. The age profile of the force is still heavily weighted towards over 50's. In the longer term, the effect of recruitment of new officers, the roll out of fitness standards to satisfy the College of Policing requirements for armed officers, and the introduction of annual medical checks for officers should result in improved attendance. In the short term, the problems are likely to get worse during 2017-18 because of the number of officers who may fail the fitness standard or health check.

Recruitment activity is slowly lowering the age profile of the force. Disappointingly, it is not making a noticeable impact on the diversity of the workforce. Women and BAME's are still under represented.

The key issue we highlight concerns resourcing. The Chief Constable's ability to plan the development of the force, and to prioritise and allocate resources in the most effective fashion to meet customer requirements is impaired by the difficulty that the Department has in providing a coherent medium term financial allocation for policing. The year on year reductions, exacerbated by in year reductions, that have characterised recent financial years, inhibit the force from working with customers in a planned way to build sustainable security effect.

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/mod-police-committee-independent-members-and-guidance-documents.
- 2. 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

- 3. In last year's report we assessed that MDP would need to become more efficient in the way they deliver specialist armed policing services and capabilities during 2016-17 and beyond.
- 4. The demand for the Force's specialist services over the year has continued to grow from inside MOD and from other government agencies. At the same time, the budgetary pressures in MOD have required clear prioritisation of effort, and close cooperation between MOD customers and the MDP, to ensure that security tasking aligns with resources and capabilities. This can be challenging, but it is also driving innovation and new models of delivery.
- 5. A key feature is the wider introduction and implementation of the new operational policing model, with MDP leading on innovative ways of meeting their customers' requirements.
- 6. As well as its strong focus on defence security, the force is ready to play its part in the national counter terrorism response to an armed incident, demonstrated to good effect recently in the deployment of officers under Operation Temperer in May 2017.
- 7. The MDP is under-borne by 200 officers because of in-year cost reductions that were imposed by the Centre in 2015-16. The Chief Constable is embarking on a complement reset to reach agreement with customers about permanently reduced service levels in order to bring complement and resources in line with the Department's financial allocation. This reset is most likely to mean that customers at some sites will have to meet the resulting challenge in managing their security risk.

Funding and Service Delivery Model

8. The Police Committee has endorsed the Chief Constable's proposals for a new funding and service delivery model for the MDP. Their major customers – Navy Command and Defence Equipment and Support - have expressed

their full support for the new model which is intended to disaggregate most MDP funding to customers to secure better alignment between resources, customer service requirements and MDP service delivery. Implementation will start in 2017-18.

<u>Infrastructure Policing Review</u>

9. The Strategic Defence and Security Review in 2015 commissioned a review of the non-Home Office police forces in order to consider options to further integrate infrastructure policing. That work has resulted in a decision not to proceed with a formal merger of police forces at this time, but further work to consider ways of improving interoperability and collaboration between forces, including options for improving operational effectiveness and efficiency, will be taken forward in 2017-18. The Committee will encourage the MDP to look for opportunities to build upon existing inter-operability with their colleagues in the British Transport Police and the Civil Nuclear Constabulary in preparation for further action towards an infrastructure policing organisation.

Recruitment

- 10. During 2016-17, the MDP recruited 265 officers against a target of 240. Over the same period 257 officers left the MDP, resulting in a net increase of 8 officers. The recruitment figures for women and BAME continue to be very low; 25 and 5 respectively for the year.
- 11. 41% of the officers who left the force were in their 50s which is to be expected. It was also interesting, but disappointing to note that 51 leavers (22%) had completed less than 2 years' service. Exit survey data showed that at least 21 officers (11%) left to join another police force or government department, and suggests that a significant number of leavers mentioned lack of job satisfaction or feeling undervalued.
- 12. The need for the MDP to maintain at least the current level of annual recruitment and to improve its recruitment profile is crucial given the challenges it also faces in implementing mandatory fitness tests and moving to the College of Policing standards.

Workforce Planning

13. The Committee continues to support the work the force is now doing to examine shift patterns to further improve operational effectiveness and consider officer safety and welfare factors. However, we are aware following a series of visits undertaken over the year that this will be challenging to implement at many stations.

Fitness

14. As a result of changes made to the MDP's Terms and Conditions of Service last year, 2016-17 saw serving MDP officers begin to take a "without

consequence" fitness test to the 5.7 level sanctioned for MDP by the Institute of Naval Medicine.

- 15. To retain the College of Policing licence for Firearms Training, the force will move towards regularising fitness standards across armed policing in the UK by 2020 at the College standard of 7.6 which is higher than the MDP standard of 5.7 (although new recruits are tested to the higher 7.6 standard). At the time of writing this report negotiations are ongoing with the College of Policing over fitness standards and other issues in their purview as the Firearms Training Licensing Authority.
- 16. There is no doubt the fitness standards this will enhance the health and fitness of the organisation as a whole and more importantly of individual officers. The Police Committee supports the direction of travel. However, there is a risk that implementation could initially produce more officers judged non-capable of carrying out armed duties (by reason of fitness or health). The senior officer team will need to monitor this closely to assess risks to operational service delivery and be ready to take timely and appropriate action.
- 17. Despite the MDP running "without consequence" fitness testing since 1 June 2016, over 600 officers (around 25% of the force) have not yet come forward to test themselves to the 5.7 level in advance of compulsory testing.
- 18. This is an on-going process but the position in the force as on 10 Apr 2017 was as follows:

Position of 10 April 2017 based on a roll of 2575					
No of officers who have passed 7.6 new recruits	326	12.66%			
No of officers who have passed 7.6 serving officers	39	1.52%			
No of officers who have passed 5.7	1307	50.75%			
No of officers who have taken fitness test and not yet passed 5.7 (Lapsed also)	77	2.99%			
No of officers prevented from taking fitness test for health reasons	126	4.89%			
Total % of the force to have taken the test	1723	66.91%			
Still to take the MSFT (No engagement)	645	25.04%			

Long Term Sickness and Capability

18. 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 since these officers reduce the capacity of the Force to meet its customer requirements. The target was to reduce this to levels that were comparable across the wider UK policing service. 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.

19. The latest data to end of March 2017 shows:

Category		Actual Dec 15		Mar 17
Long Term Sick (LTS) as recorded on HRMS Officers absent 28 days/more	66	79	63	60
Temporarily 'Non-Capable' Officers with shorter term conditions, illness, injury		84	81	152
Permanent 'Non-Capable' Officers with long term medical conditions		17	15	19
Total		180	159	231
% of MDP current strength	5.2%	7.1%	6.2%	8.9%

20. 9% of the workforce is currently assessed as not being capable to carry a firearm or on Long Term Sick leave. The increase in temporary non-capability is linked to the introduction of fitness testing and is expected to worsen as the Force introduces "with consequence" testing from next year. The number of "temporary non-capable" officers has almost doubled this year. This is an area of concern.

Pension Age

21. The Committee has placed on record its disappointment in the Treasury's decision to decline the MOD's proposal for an Enhanced Effective Pension Age of 60 for MDP officers. We remain firmly of the view that this decision should be re-visited at an appropriate stage in the future.

Efficiency and Effectiveness of the MDP

22. It is the role of the Committee to advise the Secretary of State, through the 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 which meets quarterly and through providing a written assessment to DGHOCS after each meeting.

23. The MDP's performance on their Key Objectives is reported direct to the Defence Board each quarter with our independent assessment. The key points of our assessment for 2016-17 are as follows:

a) Operational Service Delivery Performance

At the final quarter of 2016-17 the MDP reported 95% of the agreed service level was being achieved at 37 sites out of their 54 sites. This is because effective strength (discounting for sickness, officers who cannot carry a firearm and detached duties) is not yet improving across the Force. It should be noted that agreed service standards were reduced during the year to reflect budget reductions placed on MDP and represent a change in security risk negotiated with customers.

The Chief Constable is leading an unavoidable exercise with the MDP's customers to bring complement and resources into line. This will involve challenging conversations with customers who will be asked to accept long term reductions in complement taskings or to pay for uplifts. In the meantime, local security risk owners must focus with MDP on getting optimum security effect from the officers available.

b) Finance

MDP had a budget of £129.5M for 2016-17 including external customer funded services; after third party income and allowable overspends the net outturn was £130.6M. This was £1.1M over budget. The overspend is due to measures beyond the Force's control including the legal ruling on statutory holiday pay for shift workers, increased employer pension contributions and the continuation of a no funding provision for MDP tasking at Longtown.

In-year budget reductions of £15M (or 11%) were imposed on the MDP by Head Office which were delivered at the expense of policing and security services to the Department.

Significant savings were made on overtime resulting in a reduction from £16.1M to £10.2M over two years due to the more effective utilisation of overtime.

c) Risk

Last year we agreed a new structure for the corporate risk register with risks defined in better alignment to MDP strategic business objectives for 2016-17.

The most significant risks are currently:

 Financial risk since further reductions in the MDP's budget would diminish operational capability. Health and capability is gaining in prominence due to the roll out of mandatory fitness testing and the undertaking to reach the Home Office fitness level by 2020.

The Committee considered that the Strategic Risk Register should also cover the risks associated with the new Emergency Services Network in relation to delays in the national roll-out, and system coverage in MDP operational areas.

d) Inspections and Audits

a) HM Inspector of Constabulary review of MDP Firearms Command and Control

Two recommendations arising from the 2013 HMIC Inspection of MDP's Firearms Command and Control were dependent on decisions made by the National Police Chiefs Council and the outcome Government's Infrastructure Policing Review.

At our most recent meeting we accepted the Chief Constable's assessment that the recommendations have been implemented following further engagement with Home Office police forces. We have also taken into account the changing policing landscape which makes some of the recommendations made in 2013 difficult to take forward some four years later. I will write separately to the Defence Secretary to confirm this position in order the HMIC can be notified.

e) Surveillance Commissioner's Review

The MDP is subject to an annual inspection by the Surveillance Commissioner. It became apparent from the 2016 visit that the 2015 report had not been tabled at the relevant Committee meeting but the Surveillance Commissioner was now satisfied that the recommendations and action arising from the 2015 visit had been discharged.

f) Defence Internal Audit

The Police Committee does not have an audit committee role and therefore looks to Defence Internal Audit's (DIA) reports and findings to assist our assurance to the Defence Secretary. DIA reports are tabled at our Sub-Committee meetings.

The DIA audits for 2016-17 were as follows:

i) Governance

DIA reported that the MDP had produced a Governance Structure document which set out the new governance arrangements for the Strategic Chief Officer Group and its sub-committees with effect



from September 2015.

There were a number of areas for improvement identified to ensure compliance with or strengthen the governance framework. These included; regular review of the Corporate Risk Register, clearer TOR's, more detailed records of meetings and the timely provision of information.

DIA gave a substantial assurance and made six recommendations which have now been fully discharged.

ii) Security and Business Continuity



DIA reported that the MDP had established an effective Security and Business Continuity process and encouraged a positive culture within the business as a whole. There was clear direction from the Business Continuity leads in the organisation and general compliance of the requirements within its policy, rules and guidance. However, there were some minor weaknesses in the system. MDPHQ had not undertaken any recent testing of its BC plan or Site Recovery Plan (SRP) compared to the rest of the MDP force at the time of the audit.

DIA gave the MDP a substantial assurance and the findings that required management action have now been discharged.

DIA audits for 2015-16:

There are still 2 recommendations from the Capability Handling and Sickness Management audit out of the 7 to be completed and 3 out of 3 recommendations arising from the Procurement Coherence audit remain outstanding.

MOD POLICE COMMITTEE - WORK PROGRAMME 2016-17

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

Diversity and Inclusivity

- 2. The MDP continues to work hard to embed diversity and inclusion issues into the mainstream activities of the Force particularly by giving more focus and support to its network of D&I ambassadors and allies and by restructuring its corporate services functions. However the challenges facing the MDP in terms of changing its officer profile remains significant particularly given the continuing financial uncertainty in the MOD as a whole and the increasing retirement age for officers.
- 3. Whilst fast tracking women and BAME candidates for the first training cohort in 2016-17 gave a welcome message to the ambition in the Service, it resulted in the depletion in the diversity of the recruitment pool. During the year 265 officers were recruited of which 25 (10%) were women and 5 (2%) were BAME officers. However at 31 March 2017 the recruitment pool included 297 candidates of which 28 (9%) were women and 13 (4%) were BAME candidates. Whilst the MDP continues to try and improve the diversity of the pool, the Police Committee remains concerned that little progress is being made on this issue and wait with interest to see the results of the actions being taken by the Service to improve both the size and diversity of the recruitment pool.
- 4. The need for the MDP to maintain a significant level of annual recruitment and to improve its recruitment profile is crucial given the challenges it also faces in implementing mandatory fitness tests and moving to the College of Policing standards.

Professional Standards

- 5. The Professional Standards Department has performed well this year with timeliness continuing to improve and case files comprehensively completed. The evidence from complaints and internal conduct cases indicates that overall there is a fair level of compliance with the ethical and behavioural standards for police officers.
- 6. The complaint and conduct statistics are provided at Appendix 1.
 - a) <u>Public complaints</u> Cases are in line with previous years and remain low, reflecting limited public interface by MDP officers. None of the complaint categories give us particular cause for concern.

- b) <u>Conduct Cases</u> (i.e. those generated from within the Force itself) show a year on year increase of some 22% (up to 149 from 122 in the previous year). We do have some concerns here, particularly as discreditable conduct allegations are a significant factor with over 100 cases.
- 7. Random drug and alcohol testing is now in operation through all ranks in the force.

Review of Misconduct Outcomes

8. We found significant improvements in the handling of officer misconduct matters with much being done to meet the recommendations of the Committee's earlier review in 2013 but recognised that there was still room for further improvement. Our recommendations included training for newly recruited Chief Inspectors who will be required to chair misconduct meetings; the re-introduction of local Lesson Learned bulletins; better coordination between PSD and HR to ensure awareness of officers who have various actions recorded. We also recommended that a system should be developed to ensure that SPOs who receive officers transferring between sites are made aware of any misconduct findings in order to ensure that PSD are not the sole owners of these matters and that proper supervision can take place with all of the necessary information in place.

Review of MDP's preparedness for policing and guarding the Queen Elizabeth Carriers

9. We found evidence of a good grip on the programme to deliver MDP services for the QEC, with officers actively engaged in training. Relations between the local MDP command team and the Royal Navy customers were positive and effective. Similarly, relations with Hants Police appear to be good, with evidence of co-operation and a shared appreciation of the risks.

State of the Force visits

10. We carried out a series of station visits across the force between May and September. The objectives for each visit were to consider Operational effectiveness, Leadership and use of resources, the relationship with customer and achievement of tasking, maintaining standards, and morale and motivation.

Review of the Operational Capability Centre

11. The Review Team was pleased with the progress made by the OCC since the 2015-16 review and found evidence of improvements in working relations and collaboration at the most senior level of OCC. The OCC was now much better placed to meet the challenges it faces. However, the risk being carried by the OCC should not be underestimated by Chief Office

Group who need do all they can to maintain stability, as far as is practical, for the approved OCC programmes and priorities.

Culture Review

- 12. The Committee continues to oversee the implementation of its recommendations made during the 2014 Culture Review of the MDP.
- 13. The review highlighted 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 has continued throughout 2016-17 with 52 out of 58 MDP locations now using the single Dii system.
- 14. Two other remained outstanding; provision of MDP Occupational Health services and the delivery of training and development expectations listed in officers Performance Appraisal Reports. The Committee has agreed to transfer these items into the Chief Constable's Strategic Report in order to ensure continued oversight but we are satisfied that the rest of our recommendations have now been addressed.

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Appendix 1 to Annex A

MOD POLICE – COMPLAINT & CONDUCT ALLEGATIONS RECORDED

2016-17					
COMPLAINT ALLEGATION TYPE	NO	CONDUCT ALLEGATION TYPE	NO		
Serious non-sexual assault	0	Honesty and Integrity	15		
Sexual assault	0	Authority, Respect and Courtesy	5		
Other assault	5	Equality and Diversity	0		
Oppressive conduct or harassment	5	Use of Force	1		
Unlawful/unnecessary arrest or detention	1	Orders and Instructions	26		
Discriminatory Behaviour	1	Duties and Responsibilities	32		
Irregularity in evidence/perjury	13	Confidentiality	3		
Corrupt practice	4	Fitness for Duty	0		
Mishandling of property	5	Discreditable Conduct	105		
Breach Code A PACE (Stop & Search)	9	Challenging and Reporting Improper Conduct	1		
Breach Code B PACE	3				
(Search of premises/seizure of property)					
Breach Code C PACE (Detention, Treatment & Questioning)	4				
Breach Code D PACE (Identification)	0				
Breach Code E PACE (Audio Recording – interviews with suspects)	1				
Multiple or unspecified breaches of PACE	0				
Other neglect or failure in duty	25				
Other irregularity in procedure	7				
Incivility, impoliteness and intolerance	6				
Traffic irregularity	0				
Other	5				
Lack of fairness and impartiality	3				
Improper disclosure of information	0				
Other sexual conduct	0				
Corrupt practice	0				
General policing standards	0				
Operational policing policies	0				
Organisational decisions	1				
Total Allegations	98		188		
Total Cases	16		149		

HISTORICAL STATISTICS OF COMPLAINT & CONDUCT ALLEGATIONS/CASES RECORDED						
2014–15 2015-16 2014-15 2015-16						
Complaint Allegations	34	26	Conduct Allegations	154	154	
Complaint Cases	21	13	Conduct Cases	103	122	

- The 98 complaint allegations recorded during 2016-17 originated from 18 separate complaint cases, some of which were recorded during previous reporting years.
- A total of 16 new complaint cases were recorded during 2016 2017.
- The 188 conduct allegations recorded during 2016-17 originated from 156 separate conduct cases, some of which were recorded during previous reporting years.
- A total of 149 new conduct cases were recorded during As above.

REMUNERATION AND EXPENSES OF THE INDEPENDENT MEMBERS OF THE MOD POLICE COMMITTEE FY 2016-17

Name	Position	Fees	Expenses	Total
David Riddle	Chair	14,700.00	1,557.83	16,257.83
Sir Hugh Orde	Police Adviser	6,600.00	467.10	7,067.10
Len Jackson	Independent Member	7,700.00	982.10	8,682.10
Miss Anne McMeel	Independent Member	9,350.00	264.68	9,614.68
TOTAL		38,350.00	3,271.71	41,621.71

Other Costs		Travel & Subsistence	Total
Clerk to the MOD Police Committee (60% of time)	37,182.71	263.15	37,445.86
Association of Police & Crime Commissioners (associate membership)	9,000.00		9,000.00
TOTAL			46,445.86

OVERALL TOTAL: £88,067.57