

Def Sy/5/3/2

21 September 2010

**MINUTES OF THE MOD POLICE COMMITTEE**  
**TUES 14 SEPTEMBER 2010**  
***[approved on 16 November 2010]***

**Members**

David Riddle	Independent	<b>Chair</b>
Sir Keith Povey	Police Adviser (England & Wales)	
Andrew Brown	Police Advisor (Scotland)	
Dr Marie Dickie	Independent Member	
Caroline Mitchell	Independent Member	
Dr Parvaiz Ali	Independent Member	
Susan Scholefield	Director General Human Resources & Corporate Services & Agency Owner	
Mark Preston	Director Business Resilience	
Karen Feather	Clerk to MOD Police Committee	<b>Secretary</b>

**Attendees**

Mr Steve Love	Chief Constable, MDP
Mr Gerry McAuley	DCC, MDP
Mr Robert Chidley	ACC Operational Support
Mr John Bligh	ACC Professional Development
Mr Dave Allard	ACC Divisional Operations
T/Ch Supt Dave Long	Head of Agency Business Services, MDPGA
Mr David King	Agency Secretary
David Reynolds	Head of Defence Security
Mr Richard Clancy	DefSy-Physical Security & Policing Policy Assistant Head
Supt Dave Pawley	DefSy-Policing Pol 2
Mr Martin Fuller	DGHRCS-DG MDPST 1
Mr Alun Ferguson	Defence Police Federation
Mrs Dawn Wiggins	APS/DGHRCS
Reesa Rajesh	DefSy-Policing Pol Coord

**Apologies**

Eamon Keating	Chair, Defence Police Federation
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**Chair's Opening Remarks**

1. The Chair welcomed Mr Alun Ferguson, who was attending on behalf of the DPF Chair and Martin Fuller, who would brief the Committee on the progress on the MDP Terms and Conditions of Service Review.
2. The Chair reported that he had attended a very constructive meeting with Ursula Brennan, the 2<sup>nd</sup> PUS, last month to discuss the Committee's Annual Report to MOD Ministers. 2<sup>nd</sup> PUS was very engaged with the issues currently affecting MDP, the Committee's work and their concerns over resourcing. 2<sup>nd</sup> PUS understood the urgency of resolving the funding issue, but said this could not be determined until the SDSR reported.
3. The Committee noted the MOD's announcement today that 2<sup>nd</sup> PUS was to succeed Sir Bill Jeffrey as the Permanent Secretary when he retires at the end of October.

## **Agenda Item 1: Minutes of the last meeting**

4. The minutes of the last meeting (Def Sy 5/3/2 dated 16 June 2010) were approved. All actions had been dealt with or were due to be addressed in the course of this meeting.

## **Agenda Item 2: Chief Constable's report**

### **Operational Report**

5. The DCC, Mr McAuley briefed on recent arrests following protestor activity at AWE, and a selection of the crime cases. This included the case of an ex-serviceman who was convicted for handling stolen military equipment. The case had attracted national media attention which had then led to more cases being referred to the Department.

### **Management Report**

6. Mr Love reminded the Committee that the MDP had now been under the PR09 measures (freezing recruitment and overtime) for 13 months. At present the MDP was carrying an underbearing of 219 posts, with the shortfall very unevenly distributed.

7. He confirmed that the Agency Management Board (AMB) continued to work closely with DBR on the various reviews that will re-set the force's footprint. He continued to maintain a dialogue with the DPF. The MDP's contribution to Afghanistan now stands at 23 officers. The MDP continued to be the only civilian police force able and willing to operate in this environment. Sgt Isabel McManus recently received a leadership award from the International Association for Women in Policing for her work in Afghanistan last year.

8. Mr Love reported that the first Defence Crime Board had met under the chairmanship of DG Finance, Jon Thompson. Key stakeholders had attended and it appeared to go well.

9. Despite the current budgetary pressures, work continues to develop MDP's specialist niche capabilities.

10. Mr Love reported that he had recently become a member of the new ACPO Operational Interoperability Board, which will develop the ability of police forces to operate together and across their borders. The Chair welcomed this, as cooperation between forces would clearly be a key theme over the next few years.

### **Standards and Compliance**

#### **Firearms**

11. The NPJA re-visited MDP to assess progress against the 2 remaining work strands. A further visit will be made in December 2010. The force continues to retain its full license status.

#### **Surveillance**

12. The Surveillance Commissioner had visited Wethersfield on 25 August. The outcome would be reported at the next meeting but initial feedback was positive. **Action: ACC(OS)**

## Drugs and Alcohol Testing

13. Caroline Mitchell welcomed the new drugs and alcohol testing policy which would now cover with cause and random testing in addition to pre-employment testing. The specified tolerance levels were in line with the HDPF policy published in HO circular 45/2005. ACC PD, Mr Bligh explained that PSD would be responsible for monitoring the random testing programme and confirmed that although the policy was presently with the DPF for consultation, if residual DPF concerns were resolved, he anticipated the implementation of the “with cause” testing by early 2011 with “random testing” by June 2011. Martin Fuller confirmed that TACOS Study Team recommended Drugs and Alcohol Testing should go to HQ for implementation. He hoped the policy could be completed and implemented as quickly as possible given the force’s vulnerability while this was not in place. Mr Ferguson also hoped that the DPF would be able to agree but that they had concerns about ‘cherry-picking’ from the TACOS Study. The Committee urged the Chief Constable to progress as speedily as possible towards adoption of the policy in view of past delays, and the Chair asked for a further progress report to be tabled at the next meeting. Sir Keith Povey suggested that this might also usefully include the cost of the programme. **Action: ACC PD**

## Section 44 Stop and Search

14. ACC DO, Mr Allard confirmed that the MDP’s use of Section 44 of the Terrorism Act 2000 has stopped. The Metropolitan Police Service did not seek to renew its authorisation to use the power when the previous one expired on Thursday 8 July. This followed a statement by the Home Secretary in relation to new guidelines around the use of s44 Stop and Search. This meant that the MDP no longer carry out s44 operations in the Government Security Zone, although the police continue to have the power to stop and search anyone who they reasonably suspect to be a terrorist under s43 of the Act. The Chair noted that the Chief Constable MDP had his own power to apply for s44 authorisation. In the event that an application to the Home Secretary was made the Police Committee would wish to be informed.

15. It was known that several police forces had used s44 Stop and Search powers without the proper authority in place several years ago. This included the MPS, North Yorks and Hants constabularies, where the MDP carried out s44 stops under the local Chief Constable’s authorisation. The Chair had contacted ACC DO and asked him whether MDP had conducted any unauthorised searches in these areas. Mr Allard confirmed they had. Initially, the forces involved were trying to make contact with persons stopped unlawfully but it was later decided that this was impractical given the lapsed time. Mr Allard said that MDP had adopted the same approach but gave an undertaking to take seriously any complaint that might be received from the individuals concerned.

## Absence Reporting

16. Following a request from the Committee at the last meeting, Mr Love presented the first data showing MDP sickness levels over a 12 month period. This demonstrated that levels were fairly consistent at about 12 days per officer from Apr 09, until Nov 09 when the PR09 measures began to take effect. Since then the levels had steadily risen each month and by Jul 10 stood at just over 14 days per officer. Parvaiz Ali believed this was very high. Mr Love explained that the HRMS reporting system does not have the ability to discount rest days (which may represent about one third of the reported days), The Chief Constable was also concerned that a larger percentage of sickness was now reported as stress related and thought this was linked to the current uncertainties over the future of

posts and stations. The force was pursuing this robustly to ensure that HR policies were applied correctly, using the MoD's occupational health contractors and benchmarking with other forces. A Tiger Team involving all relevant subject matter experts is to be formed to address these issues.

17. The Chair asked whether the direction of travel was consistent across the department. Susan Scholefield confirmed that there was a similar pattern but the MDPGA had traditionally had higher than average sickness levels. It would be helpful if the Tiger Team could examine how the sickness was reported.

18. Martin Fuller explained that the TACOS Study Team had looked at this in some detail. HDPFs account differently for sickness and many forces have the advantage of access to dedicated occupational health providers, while MDP apply civilian policies and rely on MOD civilian resources without recognition that police requirements may be different. MDP investment in occupational health is modest in comparison with other forces, such as the MPS or British Transport Police.

19. Parvaiz Ali wondered whether the regular communication from HQ about the future of the force, while widely welcomed, may also be having an adverse effect on officers stress levels. Sir Keith Povey noted that officers who are on Long Term Sick have a dramatic impact on the figures particularly when medical retirement was not an option.

20. The Police Committee shared the Chief Constable's concerns and supported his views on the action to be taken. The members hoped that MoD experts could be mobilised to assist with this work. The Chair suggested it may be helpful to have an external policing perspective on the Tiger Team, with a representative from another force, and offered assistance from the Committee if required. He asked to be kept informed of developments.

### **Agenda Item 3: Update on Planning Round options and Reviews**

21. Susan Scholefield confirmed that the Comprehensive Spending Review and the SDSR announcements were due at the end of October and would establish the strategic level and direction of defence requirements.

#### **PR11 Options**

22. Mark Preston said that the Policing and Guarding savings options that would be submitted as part of the PR11 process were set against a background of providing maximum operational capability and reducing spending on running/support costs. The target was a 33% saving on security and policing costs. The work was policy led with a considered approach to risk which would need to be approved at Defence Board level. DBR had ongoing dialogues with the AMB, TLBs and the DPF and TUs. The options would be issued to MOD Centre shortly, following which each measure would be formally costed and then translated into spending decisions (the stage at which the reduction in posts or stations would be made). The options papers would be circulated to the Police Committee for comments. **Action: DBR/PSSP-AH**

23. Home Office Security Minister, Baroness Neville-Jones was interested in closer working between MDP and the CNC.

24. Richard Clancy had briefed the independent members earlier about the PR11 Options taking account of the reviews on the future requirements for defence-wide MDP capabilities and defensive armed policing. The Chair noted that there were many ongoing reviews and a potential risk of some overlap. The Committee was also concerned that the

reviews of the MDP may be overly prescriptive as to police organisation and numbers. This could be contrary to the operational independence of the Chief Constable. The Committee stressed that the MoD should provide the level of resourcing and suggest options, but these should not be directive and the Chief Constable needed to decide how the available resources made available to him and best be utilised in order for this force to meet the future defence requirements. Mark Preston accepted this, while David King said that implementation would be key.

#### MDP Terms and Conditions of Service Review

25. Martin Fuller updated the Committee on the TACOS Review. The work had been delayed following the Home Secretary's announcement of a similar review into the HDPF. This report was not expected until January. However, the team has continued to examine the MDP fitness standards and assessments in relation to firearms, as well as pensions and retirements. The advice from the Government's Actuary's Department had also been held up awaiting John Hutton's report on public sector pensions. Mr Love thanked the team and recognised that a lot of progress had been made despite the unavoidable delays.

#### **Agenda Item 4: 1<sup>st</sup> Quarter + July performance report**

26. The Committee noted the performance statistics.

27. Mr Love reported that two Key Priorities (KP) were marked as a serious weakness. This included the requirement for MDP services to be matched with resources (which will not be resolved until the PR11 options have been agreed) and KP8 to deliver outputs with the Resource Control Totals. The current Agency overspend is forecast at £19M.

28. KP2a - the delivery of MDP customer tasks was reported as a minor deviation at 90.74%. However, the gap between L1 and Repayment sites (94.15%) and non priority sites (82.5%) continues to widen.

#### **Agenda Item 5: MOD Police Committee Work Plan 10/11**

##### State of the Force visit report

29. The Committee confirmed that the Clerk's report reflected their findings following their respective visits around the force. Sir Keith Povey expressed his thanks to the Clerk for her work in arranging and supporting the visits, and for being able to brief them on the overarching issues.

30. The Chair invited comments from the members following their visits. Marie Dickie, who had visited Longtown, thought the officers working there were stoic, and were trying hard not to be distracted by concerns about their long term future, which was contrary to the picture that was painted following discussion of the possible reasons for the increase in sickness absences under Agenda Item 2. Caroline Mitchell confirmed that spirits were good at Portsmouth, despite the understandable concerns expressed by the SPO. She stressed the requirements for constabulary powers at this base and hoped there would be some forward thinking before making final decisions given the proposed infrastructure changes at Portsmouth. Parvaiz Ali had visited Yeovilton, and found that while the Commanding Officer was very supportive of the MDP services, he was not in a position to offer any assurances for the future. Andrew Brown said that he found the officers at Coulport very upbeat as they felt their future was secure. However, it was clear that they were unlikely to accept promotions or postings that required them to re-locate , or live away from home.

31. The Chief Constable welcomed the report and the work carried out by the Committee. It was important feedback and confirmed his own impressions following reports from the chief officer visits around the force. Susan Scholefield also found the report useful and said she would be interested in how the report translates into the next "Your Say" survey which is due to be published in December.

32. It was agreed that the Committee would undertake a second round of visits in early 2011. Proposals would be discussed with the Chief Constable and ACC DO. The report should now be circulated for information to the 2<sup>nd</sup> PUS and to the members of the MDPGA OAB. **Action: Clerk**

#### Defence Crime Coordination Board

33. Andrew Brown reported that he accompanied the Chief Constable to the first Defence Crime Co-ordination Board on 15 July. A working group was established with an action plan to address enforcement, prevention and intelligence. The Board would meet at twice a year. There was no requirement for routine Police Committee representation, but it was agreed that Andrew would attend the next meeting in January in order to see how the Working Group had developed and to gauge whether the initial level of support for the Board was being sustained.

#### Restricted Duties

34. The Committee received a paper which outlined the issues around officers who were currently undertaking temporary Recuperative Duties (RD) or in a post where a Reasonable Adjustment (RA) had been made as a result of a long term medical condition or disability.

35. Andrew Brown explained that last year the Police Committee had planned to look at the area of Restricted Duties and the impact on MDP's operational effectiveness, but postponed this work when they became aware that the Agency was addressing this issue.

36. The Committee welcomed the report as work in progress and supported ACC PD's recommendations for further consideration, including being able to differentiate between those on RD and RA. The Chair asked for an update at the meeting on 15 March 2011.

**Action: ACC PD**

#### Agenda Item 6: HMIC Report on Public Order

37. The Chair invited the Chief Constable to take the Committee through his response to the HMIC Report on Public Order. Although the report identified many areas of good practice, it also highlighted some areas where significant improvement was required. Mr Chidley explained that MDP felt that much of the HMIC report was out of context with the MDP's role in public order. A meeting was taking place between HMIC and MDP officers at Wethersfield to discuss the Action Plan requirements and to respond to the issues raised in the Chief's paper, including the divergence of roles between HDPFs and MDP.

38. The Police Advisers felt that the HMIC would be well aware of the differences in MDP public order requirements and those of HDPFs, but notwithstanding this, several serious issues had still been flagged up in the report. Intelligence, CBRN capability and Marine capability for the Olympics were marked as significant concerns and risks for the force and it was clearly important to address these. Andrew Brown thought the force had misinterpreted the issue about intelligence (5.12) because this was about the capability to share intelligence rather than the capabilities of the MDP Special Branch. Mr Love accepted this.

39. Susan Scholefield referred to the HMIC comments at 5.10 about the requirement to access skills profiles through Command and Control. She confirmed that HRMS could accommodate this and suggested that MDP contact Rob Gibbons, Programme Manager of the Afghanistan Main Effort – Civilians for assistance with this. **Action: ACC OS**

40. Mr Chidley accepted these comments recognising that there were serious issues to address and confirmed that work was ongoing. An Action Plan would be produced following the meeting with HMIC today. The Committee members would consider how they could add value by progressing the public order element of their work plan. The chair asked to be informed of any significant amendments and that progress should be reported to the next meeting in November, which Bernard Hogan Howe is expected to attend.

**Action: ACC OS**

### **Agenda Item 7: Diversity**

41. Mr Love presented the MDPGA Diversity Dashboard. There was discussion about the declaration rates for ethnic origin, disability, religion and sexual preference. The Chief Constable was still gently trying to encourage staff to complete this as the Civil Service Diversity Strategy requires the MoD to achieve a 90% declaration rate. Marie Dickie said that the general impression was that people worry that this might in some way influence their career prospects, especially for a police officer to report a disability. Also, in the current climate there would be no incentive to make a declaration because it could not lead to improvements or initiatives for a particular group of people.

42. Mr Bligh reported on progress on the Diversity Action Plan at the end of the first quarter. Only 2 targets were reported as “red”; the revised MDP Harassment Complaint procedure could not be distributed on 30 June because a grievance had highlighted an issue around the appeals process which would then require consultation with the DPF. The other issue concerned work to determine which MDP posts were suitable for Reasonable Adjustment by 30 June. The Committee should be updated at the next meeting. **Action: ACC PD**

### **Agenda Item 8: Professional Standards**

43. Mr McAuley presented the PSD Report. Following the introduction of the new Conduct Regulations on 1 Dec 10, there was an upward trend in the number of Conduct cases being recorded, which seemed to reflect higher levels of confidence in the new system by Line Managers. A total of 21 cases have been handled as Management Action as a result of low level misconduct. Some of these included performance issues. Six conduct allegations were finalised with a range of outcomes and within the specified 30 day timeline.

44. In line with the new conduct regulations, he reported that many conduct cases have been dealt with by Line Managers in local meetings resulting in a broad range of outcomes. PSD were exercising quality assurance to ensure common standards and approaches were being applied across the force.

45. Sir Keith Povey reported no concerns following his recent quarterly PSD audit. He was pleased to note that the issue regarding the potential for different standards being applied across the divisions was being addressed. He was concerned about the gapped senior posts in PSD at Ch Supt and Supt level. Mr McAuley explained that T/Ch Supt Dave Long would be shortly taking up responsibility for PSD and this would enable a link with Operational Assurance for the first time.

46. The members complimented the PSD on this very clear and informative report.

**Agenda Item 9: Wider Policing issues**

47. No items were raised.

**Agenda Item 10: Any other business**

48. No items were raised.

**Agenda Item 11: Date of the next meeting**

49. Tues 16 November.

***[signed]***

**KAREN FEATHER**

**Clerk to the MOD Police Committee**

**MB: 01.I.48 Tel: 9621-78245**