

Def Sy 5/3/2

21 September 2011

MINUTES OF THE MEETING OF THE MOD POLICE COMMITTEE

TUES 13 SEPTEMBER 2011

MOD MAIN BUILDING, LONDON

[as approved in Committee on 6 Dec 2011]

Members

David Riddle	Independent	Chair
Sir Keith Povey	Police Adviser (England & Wales)	
Andrew Brown	Police Adviser (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	
Karen Feather	Clerk to MoD Police Committee	Secretary

Attendees

Steve Love	Chief Constable, MDP
Gerry McAuley	Deputy Chief Constable, MDP
Robert Chidley	ACC (Operational Support), MDP
Dave Allard	ACC (Divisional Operations), MDP
David King	Agency Secretary
T Ch Supt Dave Long	Head of Agency Business Services, MDPGA
David Wray	Head of Guarding Transition, DBR
Richard Clancy	Asst Head of PSPP, Def Sy
Supt Dave Pawley	Policing Pol 2, Def Sy
Dawn Wiggins	PS to DGHR&CS
Richard Kearns	Policing Pol Coord, Def Sy

Apologies

Mr Mark Preston	DBR
Mr Eamon Keating	Chair, Defence Police Federation

Chair's Opening Remarks

1. The Chair welcomed everyone to the meeting. David Wray was attending his first meeting in his capacity as DBR-Head of Guarding Transition, and representing Mark Preston.

2. Since the Committee last met, the force had reduced its ACC complement from three to two, as required of the HQ restructure programme and following the departure of Mr John Bligh in July. The Police Committee membership would also now reduce as Andrew Brown's appointment was due to end on 30 Sep 11. On behalf of the members, the Chair thanked Andrew for his contribution to the Committee since 2005 and said how much everyone had enjoyed working with him and how much they valued his insight and knowledge. Andrew Brown thanked him and said that he had thoroughly enjoyed his time on the Committee. For the time being Sir Keith Povey would act in a national Police Adviser role. Members of the Committee planned to meet with representatives of the

Scottish Government to establish direct links and discuss future arrangements for keeping the Committee abreast of policing developments in Scotland.

Agenda Item 1: Minutes of the last meeting

3. The minutes of the last meeting on 14 June (Def Sy 5/3/2 dated 27 June 2011) were agreed as an accurate record.

Agenda Item 2: Chief Constable's Report

Management report

4. The Chief Constable briefed that, while progress was being made against the Critical Path, there was now a further requirement for further savings to balance the CTLB books . There was also an expectation of more savings in PR12.

5. He had issued a Core Brief last week to provide as much clarity as possible to officers and staff, despite some of the issues being subject to ongoing formal consultation or Ministerial approval. Copies of the Core Brief were in the post to Police Committee members.

Operational report

6. The Committee was briefed about the assistance provided to Home Office forces by the MDP during the recent national disorder. The force's response had been proportionate to the UK threat while the ability to meet critical Defence requirements was retained. The forces assisted were the Met, Essex and North Yorks.

7. As the service personnel repatriation ceremonies had now moved from RAF Lyneham to Brize Norton, Mr McAuley paid tribute to the work undertaken by PC Jarra Brown who had personally been involved in 168 ceremonies for 345 fallen service personnel. MDP do not anticipate a role in the repatriations in the future. Marie Dickie asked to place on record how much she admired his commitment and the Committee agreed to write to thank PC Brown for his contribution. **Action: Chair**

Standards and Compliance

8. Mr Chidley explained that a recent examination of MDP's crime statistics had identified that many HDPFs were recording the majority of offences reported to them that occur on the Defence estate. The current review of the 2008 Defence Policing Protocol would give the Force an opportunity re-address the issue of crime recording with the Home Office's National Recording Steering Group.

Use of force

9. The Committee noted the statistics relating to the drawing of Taser and Batons.

Agenda Item 3: Update on Centre-led Reviews

PR11

10. On behalf of DBR, David Wray updated the Committee on PR11. He confirmed that the final response to the Consultation Document had been received from the DPF on 5 Sep. A submission taking account of the feedback will now be prepared for Min (DPWV). This should be sent by the end of September. Depending on the decision of the Minister, local implementation planning and staff and customer consultation will begin on matters of detail.

11. A number of new savings measures to help eliminate the residual MDPGA PR11 funding shortfall, arising because of the need to reduce total CTLB spending, have been identified and these will go forward to the DOB in October. In line with the MOD's Haddon-Cave responsibilities the new measures will be accompanied by a supporting paper to highlight the impact and possible risks based on advice from DBR and the TLBs. It was agreed that the Chair would be provided with a list of these measures. David King agreed to supplement this with a short financial summary linked to the savings schedule. **Action: DBR-PSSP AH and Agency Sec**

PR12

12. Mr Wray said there were currently no instructions on PR12, although more savings measures were clearly anticipated.

13. The Chair asked how the work around the use of armed force by the MPGS in public places was progressing. Richard Clancy first gave an assurance that MPGS do not routinely undertake armed patrols off the Defence estate, although they are able to do so with the agreement of the local Chief Constable at the highest counter terrorist response level. He was currently preparing an Armed Security Risk Assessment and Safety Case, which would be sent to the CCMDP shortly for comment.

CNC

14. Richard Clancy reported that the collaboration and interoperability work between the MDP and the CNC continued. The overseeing Steering Group was due to meet on 20 September to discuss whether to commission a study on a merger. The Chair questioned whether more could be done between the two forces to make best use of police personnel as the MDP reduced and the CNC embarked on a recruitment programme. Mr Love confirmed that he had discussed this with the CNC Chief Constable, and the force would be prepared to receive MDP officers on a level transfer provided they met the appropriate standards (including fitness and readiness to be employed under CNC's proposed new terms and conditions of service). Mr Love had also raised the issue with DCP but had been advised that any transfer process was not straightforward. While accepting this, the Chair urged the Chief Constable to pursue any possible avenues for this given the MOD's requirement to reduce the force numbers in order to mitigate redundancies.

Agenda Item 4: MDP Transition and Efficiency Plan

15. Mr Love presented a draft paper that was to be sent to the Agency Owner, on the MDPGA's implementation of the SDSR and Defence Reform outcomes which he asked the Committee to note.

16. An MDP Mandate was under preparation which would soon be issued to CCMDP by the Agency Owner. The Mandate would update the 2008 MDP Statement of Requirement

and would require the MDP to protect the Department from its most critical risks. The target date for issue was by the end of September.

17. Since the MDPGA no longer had its own dedicated HR department, an operational workforce strategy had been prepared in consultation with DCP and the DBSO. The key focus was to reduce sickness, reduce non-capability and to generate a process for re-deploying police officers who were displaced by the PR11 implementation.

18. The Chair noted that there was a significant amount of work to be done in this area in order to ensure MDP was fit for purpose for its future role and footprint. Much of the delivery was not within the gift of the MDP and would require a great deal of support from other HR focussed areas, such as DCP and DBSO. The members agreed it would be vital for the force to have HR partnerships in place that fully understood the force's requirements. Susan Scholefield explained that the re-organisation of the Department's HR function was expected to lead to more effort being expended on the MOD's Non-Standard Occupational Groups, which included the MDP.

19. The Chair suggested that it might be helpful if some members of the Committee met with CCMDP and Agency officials with HR responsibilities and relevant departments for a focussed discussion with the aim of deepening the Committee's understanding of the issues in order that they may provide maximum challenge and support. He asked Sir Keith Povey and Marie Dickie to assist him in this and requested that a meeting is arranged around mid November in order to report back at the next Police Committee meeting. **Action: Clerk (in consultation with the Agency Sec).**

Agenda Item 5: MDP future location – Options paper

20. The Levene Report on Defence Reform had recommended the disestablishment of the CTLB – the current home of the MDPGA. On behalf of DBR, David Wray presented a draft paper which examined options for the future organisation of guarding and civil policing. A submission was due to be sent to 2nd PUS, via the Agency Owner, on 19 Sep. David Riddle had an undertaking from Jon Day that the Police Committee would be consulted before a decision is taken on the future location of the MDP in order that the ramifications for constabulary independence were properly understood. The Chair asked that the final version of the paper is delivered to him at the earliest opportunity. **Action: DBR/DBR-Hd of Guarding Transition**

21. There were currently 3 options for consideration; to create a new unified provider of armed and unarmed guarding and civil policing (i.e. MDP, MGS, MPGS and NIGS); to place the MDPGA into a new TLB, or 2 separate TLBs; or to place the MDP into a new TLB but disperse the MGS amongst customer TLBs. Each variant clearly had pros and cons. It appeared from the draft paper that there would not be a preferred option sent to the 2nd PUS, and that he may need to have further discussions with TLB holders before reaching a final decision.

22. The Chief Constable did not feel it was appropriate for him to express a preference on the options being put forward on the current draft paper. However, he assured the Committee that he was very much involved in the process as the Agency's Chief Executive and would press for a personal opportunity to meet with 2nd PUS before he makes a decision.

23. Susan Scholefield's view was that for the constitutional reasons of constabulary powers and independence, the MDP should remain under the Head Office. She explained the reasons why the Joint Services Command, the Defence Infrastructure Organisation, or the Defence Business Services Organisation did not appear to be a good fit. . She emphasised the view that it would be constitutionally wrong for CCMDP to be report to a military commander as his line manager.

24. Committee members shared the views expressed by Susan Scholefield, particularly as to the imperative that CCMDP should not report to a military commander.

25. The Chair stressed that wherever the MDP ends up within the organisation , the crucial issues would be governance and safeguards for constabulary independence; these would be the same for any option. The Committee was clear that there would be a significant risk of constitutional challenge in the event the police were perceived to be under military command, notwithstanding the governance arrangements in place. He was also of the view it would be more beneficial for the force to be in a location where it could proceed swiftly to downsize, re-shape and transform, without the additional distractions of being subsumed into a new and larger organisation.

26. The Chair agreed that he would write to 2nd PUS on behalf of the Committee, focussing on the importance of governance arrangements and the safeguarding of the constabulary powers wherever the force is located. He agreed to share a draft with Committee members if time allowed. **Action: Chair**

Agenda Item 6: Key Priorities – 1st Quarter performance for 11/12

27. The Committee noted the Agency's performance statistics.

Agenda Item 7: MOD Police Committee Work Programme 11/12

Review of MDP's use of Firearms (Lead Members: David Riddle and Sir Keith Povey)

28. Sir Keith Povey explained that the purpose of this work was to review the implementation of the recommendation made by the Committee following its initial report in March 2009. He noted that since their first report MDP had now achieved full NPIA firearms accreditation and had addressed the issue of firearms responsibilities (policy, training and operations) crossing 3 ACC portfolios. The force had also re-prioritised its Bronze Commander training and Dec 10 introduced Drugs and Alcohol testing in line with the Committee's recommendations.

29. The reporting line for Divisional Firearms Advisers was still under consideration and the Post Incident Management policy remained in draft. Sir Keith hoped the force would make early progress with these.

30. Although at the time of their work, the Committee reported that the force seemed to be making good progress with Marine Policing firearms tactics, members had recently received a copy of the DIA Corporate Manslaughter report which and proposed that a progress update on Marine Policing should be brought to the next meeting. **Action: ACC CO**

31. At the time the Committee's report was issued the members had not been provided with the documentation underpinning the Firearms Strategic Threat and Risk Assessment.

However, these were recently sent to the Committee and Sir Keith was therefore able to confirm that much work had been done across Divisions. David Riddle agreed with the positive thrust of Sir Keith's assessment.

32. It was agreed that the force should provide a progress update on all issues (except Marine Policing – see para 30) at the first meeting of 2012. **Action: ACC CO**

Constabulary Independence and Jurisdiction Scrutiny (Lead members: David Riddle and Andrew Brown)

33. The aim of this scrutiny was to provide an assurance on the MDP's constabulary independence, examine the use of policing powers and to ensure that the MDP was operating within the jurisdiction laid down in the MDP Act 1987. To explore the use of policing powers, the Committee looked at the role play by the MDP following the leak of a letter from the Secretary of State for Defence to the Prime Minister in Sep10.

34. Andrew Brown said that the scrutiny had been both timely and worthwhile. Some of the information the Committee received had raised concerns over the use of constabulary powers and therefore the operational independence of the force. However, the Committee members were reassured that the learning from the recent events had been well understood. They were content that with a little adjustment the guidance and processes available to the force were sufficient for police officers to conduct their duties impartially and to resist inappropriate pressures.

35. David Riddle added that any concerns expressed were about the constitutional and legal proprieties. There was no suggestion whatsoever that anyone in MOD had, or had attempted to influence the leak investigation inappropriately. Furthermore there was no doubt that the investigation team was fully and appropriately supported by the MOD at the highest levels and given every encouragement to operate independently and effectively. He passed on thanks to all the officers and officials who assisted this scrutiny.

36. The Chief Constable welcomed the Committee's focus on this subject noting it was an integral part of their annual assurance to the Defence Secretary. He confirmed that he intended to accept the Committee's recommendations but the force would provide a formal response to the Committee's report at the next meeting. **Action: CCMDP**

Review of HMIC's Public Order inspection of MDP (Lead members: David Riddle and Sir Keith Povey)

37. This review was included on the Work Programme to enable Committee members to examine in depth the force's implementation of the HMIC Action Plan and recommendations.

38. David Riddle confirmed that overall he was assured that the recommendations were being addressed with energy and commitment, even though the force still awaited some direction from the MOD. Relevant policy frameworks were now in place, and there was evidence of cultural and attitude changes in the intelligence area. The appointment of officers as Public Order Senior Officer (POSO) and Public Order Liaison Officer (POLO) had helped to demonstrate effective leadership of the public order functions.

39. Progress against the HMIC Public Order Action Plan should continue to be routinely reported to Police Committee meetings. **Action: ACC CO**

Agenda Item 8: Agency Risk Register

40. The Police Committee then conducted their 6 monthly review of the Agency Risk Register. (Comments redacted).

Agenda Item 9: Diversity

44. Mr Love had reported to the last meeting that the Agency's diversity responsibilities had been subsumed into the MOD and that he had been invited onto the CTLB Diversity Board. However, recent developments indicated that the CTLB will be disestablished by April 2012, and the Agency's future location in the MOD organisational structure had yet to be agreed. The Chief Constable had decided to re-instate his own Diversity Board and undertook to provide a new Diversity Action Plan at the next Police Committee meeting. Marie Dickie was reassured to hear this and agreed to attend the next Agency Diversity Board meeting on 5 Oct 11. **Action: CCMDP**

45. In the meantime, the CCMDP had a seat at the MOD Diversity Board in order to contribute to the MOD's wider efforts. Susan Scholefield stated that the Department's overall aim was to ensure corporacy across the 3 Services, the Civil Service and the MOD Police, rather than work and engagement being taken forward by the 5 different organisations.

Agenda Item 10: Professional Standards

46. Mr McAuley presented the quarterly PSD report and stated that steady progress was being maintained.

47. Sir Keith Povey had visited PSD for the quarterly audit prior to this meeting. His attendance coincided with a visit from IPCC Case Managers who were very complimentary about the PSD, noting their good record on appeals decisions.

48. The Chair questioned the number of complaint allegations recorded against officers in the Western Division for this quarter. Mr McAuley explained this was due to one complainant making 14 allegations.

49. The Committee also noted the assessment that female officers appeared to be slightly over-represented in conduct cases (12.3% against a Force strength of 9.8%). Although the actual numbers were small the DCC assured the Committee that this was taken seriously.

50. At the last meeting the Committee had agreed that as a result of HR responsibilities moving from HQ to the DBS, Susan Scholefield as the senior officer responsible for HR in the MOD should in future receive notice of any police appeals. The Chair noted that in view of the Defence Reform restructuring this would need to be reviewed again. **Action: Clerk**

51. Ms Feather thanked the CPOA for comments following the consultation on the policy explaining how the MOD Police Committee would handle any complaints made against Chief Officers. The final version had now been approved by the Sub Committee for

Misconduct and Complaints and would be placed on the Defence internet in the next few days. **Action: Clerk**

Agenda Item 11: Any other business

52. No items were raised.

Agenda Item 12: Date of the next meeting

53. Tues 6 December 2011 at 14:00.

[signed]

KAREN FEATHER
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