

Def Sy 5/3/2

13 December 2011 (Rev)

MINUTES OF THE MOD POLICE COMMITTEE
TUES 6 DECEMBER 2011

Members

David Riddle	Independent	Chair
Sir Keith Povey	Police Adviser	
Dr Marie Dickie	Independent Member	
Caroline Mitchell	Independent Member	
Dr Parvaiz Ali	Independent Member	
Mark Preston	DBR	
Andy Gray	D-HR Transition	
Karen Feather	Clerk to MoD Police Committee	Secretary

Attendees

Steve Love	Chief Constable, MDP
Gerry McAuley	Deputy Chief Constable, MDP
Dave Allard	ACC (Divisional Operations), MDP
David King	Agency Secretary
T Ch Supt Dave Long	Head of Agency Business Services, MDPGA
Richard Clancy	Asst Head of PSPP, Def Sy
Supt Dave Pawley	Policing Pol 2, Def Sy
Richard Kearns	Policing Pol Coord, Def Sy

Chair's Opening Remarks

1. Apologies had been received from ACC Rob Chidley who was visiting MDP officers in Afghanistan. The Chair extended a welcome Andy Gray, Director HR Transition, who was attending his first meeting. Following Susan Scholefield's departure from post at the end of Oct, 2nd PUS Jon Day had become the new Agency Owner. DBR, Mark Preston was now the Secretary of State's representative on the Police Committee, and Andy Gray would be the lead on Corporate MOD HR issues.
2. Some of the Committee members, accompanied by the Chief Constable had visited the Scottish Government to meet with officials from departments with policing and defence interests. The meeting was chaired by Andrew Laing, HMIC Scotland. The main purpose of the Committee's visit was to ensure the lines of communication established by the Committee's Police Adviser, Andrew Brown, were able to continue as his appointment with the Committee had now ended. During the meeting Steve Love gave an overview of the MDP's future footprint, with an emphasis on bases in Scotland, while Andrew Laing provided an update on police reform in Scotland which was moving towards a single force.

Agenda Item 1: Minutes of the last meeting

3. The minutes of the last meeting (Def Sy 5/3/2 21 dated Sept 11) were agreed with all actions taken or due to be discussed during the meeting.

Agenda Item 2: DBR update

PR11 & 12

4. Min (DPWV) had met the DPF Chair on 1 Dec to discuss the PR11 measures which impacted on the MDP, but his final approval was awaited.

5. Other savings measures were now under consideration for PR12. This was across all spending areas and included further substantial proposed reductions to the MDP. Following discussion at 2nd PUS' Star Chamber on 14 Nov, these measures were due to go forward to the Defence Operating Board (Security) on 8 December. TLB representatives and CCMDP would be in attendance for full exposure to the options. These measures, if agreed, would again be subject to formal consultation.

6. While applauding 2nd PUS' determination to address some very difficult issues, the independent members regarded any further reductions to the MDP's CID as unpalatable. In their view the CID capability provided an important deterrent and there could be an adverse impact on the MOD's efforts to prevent and detect crime and recover stolen assets, which could far outweigh the immediate savings from the further reduction. The Chair agreed to write to 2nd PUS, before the DOB(Sy) to make these representations. The Chief Constable welcomed the Committee's support. **Action: Chair** [*Sec's Note: letter delivered 6 Dec 11*]

Future organisational location of the MDPGA

7. Mark Preston explained that of the Agency Owner 2nd PUS had recommended that Agency status should cease on 31 March 2012. This would result in some modest savings. The current thinking appeared to be that the MDP and the MGS would be part of the Strategic Head Office and Corporate Services TLB (the successor to the Central TLB) from 1 April 2012. Organisational arrangements from April 2013 are subject to review, but the working assumption at present was that the MDP would remain in the centre of MoD (but not in Head Office) in 2nd PUS' budget area. The Chair considered this was the constitutionally the right place for the MDP.

MDP/CNC potential merger study

8. Mark Preston briefed that the scoping study into the possible merger of the MDP and CNC continued with an ongoing analysis of costs, risk and benefits. MOD and DECC Ministers were due to meet shortly to discuss the interim report of the study, which would help to inform further work. The Chair suggested that the Committee be briefed on the progress with operational interoperability and collaborative achievements, and asked the Chief Constable to prepare a paper for the next meeting. **Action: CCMDP**

Agenda Item 3: Chief Constable's Report

Management Report

9. The Chief Constable briefed that significant progress was now being made on the Critical Path. The Chair noted that an implementation plan was needed to drive the changes once the force's new footprint was generated, in order to see how the force was to address important fundamental changes such as reductions in numbers, capability and

mobility. Sir Keith Povey noted that these issues could create barriers to progress, and the Committee was currently unsighted on how the force intended to address them.

10. The Chair suggested that the Committee's next meeting in March should concentrate on the HR Operational Workforce Strategy Programme that had been presented in draft at the last meeting. Andy Gray would play an important role in engaging with the force and driving forward the HR policies.

11. David King reported that he had recently attended a meeting to address the capability issue with colleagues from Central Legal Services and HR staff, and anticipated an early solution to this ongoing problem. The Chair asked him to follow this up with Andy Gray's assistance. Action: **Agency Sec**

12. Parvaiz Ali asked how many officers in the force were currently classed as non-capable. Steve Love estimated about 180 (which was also the position 4 years ago). He explained it was very difficult to obtain accurate data at present but the Agency Secretary was addressing the issue. This highlighted the importance of being able to discharge these officers as soon as possible to help the force generate its new footprint of highly capable armed force.

13. The Chief Constable reported that he was due to meet with 2nd PUS on 16 Dec to discuss how he would fulfil his newly acquired role as the Agency Owner, in order to ensure this was discharged in the most effective but least disruptive manner given his considerable Departmental workload. He also intended to ask 2nd PUS to re-start the work on the MDP's Terms and Conditions of Service Review which had been stalled for a number of months pending the publication of the Winsor Report Part 2. Mr Keating said the DPF was concerned that some of the Winsor Part 1 had not been fully assessed by the Department, for example the proposal that firearms officers and shift workers should receive additional allowances. Given the nature of the MDP's task, applying those proposals could potentially add significant costs for the MDP. Mark Preston confirmed that Martin Fuller remained engaged with this and would now report direct to him as a result of Susan Scholefield's departure.

Operational Role

14. Mr McAuley highlighted various entries from the operational report, including community safety and policing awards received by MDP officers, some crime cases of interest and other significant offences. The Committee noted with interest that the performance of the CID so far this year has resulted in the disruption of conspiracies that, if continued, would have cost the Department an estimated £4m which was the proposed saving measure for the CID in PR12. They had also recovered stolen assets to the value of £430K.

15. The Committee was interested to learn about the role played by the MDP to cover for striking staff at the UKBA on the public sector Trades Unions industrial action day on 30 November. Mr Allard stated that the request for MDP assistance had come from the Secretary of State's office late on the Friday afternoon of 25 Nov. In addition to providing support for the day of action, officers were required to attend 2 days training in advance. Officers from the OSU and DSGs were deployed to several airports and seaports throughout the UK. All costs were being met by the Home Office.

16. There was a detailed discussion on whether it was an appropriate use of police officers to cover for staff taking industrial action outside of the Defence requirement.

17. The Chief Constable confirmed he had taken the operational decision to deploy the officers. The officers were deployed in uniform but without personal protection equipment, as it was not judged necessary. The officers were acting as MOD civil servants but were deployed in uniform without personal protection equipment. In the event that policing powers were needed, it was his view that the appropriate jurisdiction was contained MDP Act – emergency powers. He considered it important that officers could be identified as police officers and able to use such powers lawfully in the event they were needed.

18. The Chair commended the management team for their speedy response to the request for assistance and the successful operation and all the officers who participated outside their normal duties. However, the independent members remained exercised about the deployment of officers in this role regarding their right to exercise policing powers. This was a matter within the Chief Constable's operational responsibility, but the Chair asked MDP to develop a document for operational policy and process in the event any similar requests for assistance are received from other Government Departments in the future, since a precedent had now been set. **Action: CCMDP**

Agenda Item 4: MDPGA Key Priorities 2011-12 2nd Quarter Performance

19. The Committee noted the Agency's performance. At the mid year point 3 of the 8 Key Priorities were reported as a serious weakness with a further 2 indicating a major deviation. No Key Priorities were fully on target.

20. The Chair asked when the Committee would have sight of the draft Key Priorities for 2012-13 and whether they would be changed in order to reflect the reality of the Agency's resource position. The Chief Constable said that these would be discussed at the AMB Strategic Seminar next week, but the percentages were expected to remain the same. The document would be circulated out of committee for comment. **Action: Ag Sec/Clerk**

21. The Chair suggested that in the current circumstances, a different approach to priority setting might present a more balanced picture of what the force was achieving.

22. Mark Preston noted that if Agency status was dropped on 31 March, there would be no requirement to publish the Key Priorities. He added that the thrust of Defence Reform was for realistic performance agreements to be set and the management team may wish to consider signing up to less and achieving the agreed performance.

MOD Police Committee Work Programme 11-12

Use of intelligence

23. Sir Keith Povey provided a short summary of his findings following engagement with CID officers in November at the Force HQ. His overall impression was that the MDP was driven by security risk rather than being an intelligence driven organisation. The input was therefore at a tactical, rather than strategic, level, but he accepted that this was outside the force's influence. Their handling of CT and Public Order intelligence was good. The HMIC inspection on public order had resulted in various improvements to the collection of intelligence and established several partnerships between the MDP and other agencies which appeared to be working effectively. Again it was recorded that the MOD needed to

consider whether an ongoing investment in police intelligence, the deterrence factor and an investigative capability can actually provide more savings to the Defence budget in the longer term, than the savings from a further reduction to the MDP's CID complement.

Constabulary Independence

24. The Chief Constable welcomed the Committee's report and recommendations at the last meeting. He reported that action had been taken to draft a joint policy statement, but this was still subject to discussion and agreement with DBR. The Chair asked that the final version be tabled at the next meeting. **Action: CCMDP/DBR**

25. A new CID Instruction had been drafted to confirm the MDP's role in the investigation of any Official Secret Act matters. **Action: CCMDP**

Agenda Item 6: Diversity

26. The Committee applauded the Chief Constable's initiative to re-invigorate the Agency's Diversity Strategy, given the expectation that this responsibility would be led by the CTLB. Marie Dickie had attended the Diversity Board on 5 Oct and was pleased to note that the targets included in the Action Plan were realistic, affordable and achievable within the Agency's existing resources; she was therefore content with this approach. The Chair asked that the Committee should be updated on progress at the next meeting.

Action: CCMDP

Professional Standards

Quarterly Report

27. Mr McAuley presented the Quarterly Report. Caroline Mitchell reported that she had carried out the pre-Committee meeting PSD audit and noted the proactive approach by the department. This has led to the identification of 4 incorrect T&S claims and also highlighted an inconsistency about what could be claimed in different Divisions. Four officers faced management action for failing to be on foot patrol at a station, and PSIU had identified a Facebook group where the force crest was being used without authority.

Proposed changes to MOD Police (Conduct) Regulations 2009

28. The Home Office is required to amend the Police (Conduct) Regulations 2008 to prepare for the introduction of directly elected Police and Crime Commissioners to replace Police Authorities in November 2012. One of the amendments needs to change the composition of panels for misconduct meetings and hearings for Chief Officers, where the Police Authority representative will be replaced with an independent member.

29. The MDP has routinely taken the stance that it wishes to mirror HDPF legislation where possible, and Chief Officers had indicated that they wanted to adopt the new procedures for dealing with any chief officer conduct. However, the Police Committee felt this was inappropriate on this occasion since the MOD was not appointing a Police and Crime Commissioner, and the current arrangements would remain workable. Marie Dickie noted that Home Office amendments for the introduction of PCCs would impact on complaint handling, appointments and other matters. It was proposed that Committee

should have a wider discussion on this next year. Karen Feather offered to contact CNC and BTP Authorities, who will also not appoint a PCC to find out their intentions. A further report should be provided to the next meeting. **Action: Clerk**

Agenda Item 8: Any other business

30. No items were raised.

Agenda Item 9: Date of the next meeting

31. Monday 12 March 2012.

[signed]

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