

Def Sy 5/3/2

1 March 2010

**MINUTES OF THE MOD POLICE COMMITTEE**  
**THU 18 FEBRUARY 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 &<br>Corporate Services & Agency Owner |                  |
| Karen Feather     | Clerk to MOD Police Committee   | <b>Secretary</b> |

**Attendees**

|                    |   |
|--------------------|---|
| Mr Steve Love      | Chief Constable, MDP                    |
| Mr Robert Chidley  | ACC Operational Support                 |
| Mr John Bligh      | ACC Professional Development            |
| Ch Supt Rob Hoblin | Head of Agency Business Services, MDPGA |
| Mr David King      | Agency Secretary                        |
| Eamon Keating      | Chair, Defence Police Federation        |
| Rachel Cerfontyne  | Commissioner IPCC                       |
| Supt Dave Pawley   | DefSy-Policing Pol 2                    |
| Reesa Rajesh       | DefSy-Policing Pol Coord                |

**Apologies**

|                  |                              |
|------------------|------------------------------|
| Mark Preston     | Director Business Resilience |
| Mr Gerry McAuley | DCC, MDP                     |
| Mr Dave Allard   | ACC Divisional Operations    |

**Chair's Opening Remarks**

1. Chair opening the meeting by paying tribute to Dr Michael Clark who tragically died at the weekend. Michael was a huge supporter of this Committee, since its inception in 2007, in addition to being a critical friend of the MDP. He was a character of enormous ability and warmth. His knowledge and expertise would leave a big gap in MOD. The Committee members would miss him both personally and professionally.

2. Susan Scholefield apologised that she would need to leave the committee in order to attend another important meeting at 1500. The agenda was therefore re-ordered to ensure the key issues were discussed before Susan left.

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

3. The minutes (Def Sy 5/3/2 dated 14 Dec 09) were agreed subject to a small amendment at para 24 relating to the officer's rank. **Action: Clerk**

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

### Operational Report

4. The Chief Constable invited Mr Chidley, ACC OS, to present the Operational Report.
5. A small number of convoy movements were re-scheduled due to the adverse weather conditions in Dec and Jan; this had financial implications. Routine, regular small scale protests continued nationally.
6. The Committee were impressed that ACPO and the Home Office forces had asked MDP to lead on developing the tactical doctrine for the CNI sites. However, they noted that the Joint Risk Assessment project to develop joint working/briefing with the site operators and MDP had not been as well supported as anticipated. They asked MOD to address this on behalf of the force. Susan Scholefield suggested that this might be drawn to the attention of Home Office and DECC Ministers in the response from SofS. **Action: Agency Sec/Def Sy**
7. There were now 20 MDP officers in Afghanistan.
8. The Committee was presented with a wide ranging summary of CID and Fraud Squad Cases of interest. Officers were currently working at full stretch due to vacancies falling in the wrong positions which meant that the crime work had to be prioritised. Weaknesses in the Joint Personnel Administration system and the procurement process were providing significant challenges to CID. There were also several investigations into stolen kit, which was vital to operations in overseas theatre. Some individuals had gained employment with MOD through fraudulent means so weaknesses in the system needed to be identified.
9. Andrew Brown asked how MOD was informed of new examples of fraud and what it did to address these. CCMDP explained that there were fraud focal points throughout the department but accepted that there was room for improvement in the system. DG Commercial and DG Finance, as the main victims of defence crime, had commissioned a strategic assessment of crime which would include a mechanism to keep them informed. CCMDP thought this might be based around the NIM and hoped it would be a major deliverable for MDP this year. MDP also formally worked with the Defence Fraud Analysis Unit (DFAU) whose role was to gather and disseminate information on fraud to the focal points throughout MOD.

### Key Management Developments

10. CCMDP reported that the AMB was now fully complemented and the DPF had been invited to attend on a non-executive basis. There had also been recent constructive discussions between DPF and DCP to ensure the MDP's staff associations were automatically included in the MOD's consultation arrangements in order to improve staff relations.
11. Trevor Woolley's review of MDP Terms and Conditions of Service was well underway. The Committee would be briefed fully at the Away Day on 5 Mar.
12. Susan Scholefield and the Police Committee Chair had both accepted invitations to attend the major operational exercise and senior police officers' conference in March at HQ.

13. The Agency had now been operating under the PR09 restriction for 7 months. The recruitment freeze meant there were now 76 MDP vacancies. However, the Key Targets and customer requirements had not yet been re-adjusted which meant that MDP was unable to meet their 09/10 targets. There continued to be fewer retirements (4-6 per month) and while this was better for the customer taskings it was bad news for the in-year budget. From a target of 95%, MDP had now dropped from an average performance of 93.6% to 90%. This meant that they were not able to achieve 10% of their customer tasks, and this was now starting to impact on the more important ones.

14. CCMDP reported that the Defence Board did not consider the PR10 options because neither option delivered the necessary savings. There would now be further policy work, led by DBR, that will present options for PR11. This will require further engagement with the Agency, the TLBs and the MPGS.

15. The Chair observed that the average number of sick days per MDP officer had increased steadily each month since Sep 09, when the PR09 measures started to take effect. The DPF Chair, Eamon Keating, explained that morale in the force was now extremely low, particularly at sites graded L2 and below because officers were uncertain if they would have a job in the future or where it would be. There was little opportunity for recruitment to other police forces, and MOD was not in a position to offer redundancy packages. This may lead to stress-related absence from work. David King, the new Agency Secretary, agreed with the view expressed by the DPF Chair. He recently made his first assessment of the Agency's financial situation. His view was that the MDPGA currently looked incoherent and needed to re-structure its workforce as quickly as possible to taking account of the financial climate. This needed to include managing and moving officers to the most important sites, and then if necessary, to have a targeted recruitment drive to fill any remaining vacancies in order to ensure that customer requirements could be met.

#### **Agenda Item 6: PR10 update and Defence Board outcome**

16. At this stage, the Chair brought forward Agenda Item 6, so that Susan Scholefield could brief the committee before leaving for an urgent and unexpected appointment.

17. She explained that the main PR09 objective was to identify savings for a £25m shortfall. The intention had been to present the Defence Board with two options for funding security requirements: one which recruited more MGS and the other which would result in more MPGS. However both options failed to identify the required savings. The Defence Board has therefore asked Mark Preston to work on a new strategy overall that would address PR09, 10 and 11 with cohesion. A further report is due to the Defence Operating Board by 31 March which will include policy proposals for armed guarding and defensive armed policing. This means that the £25m gap will remain and measures were being addressed across the department to close this.

18. Susan Scholefield also explained that the imminence of the General Election had an impact on strategic decision making. However, the Green Paper and Bernard Gray's paper on Acquisition had recommended some preparatory work in advance of the post-election Strategic Defence Review. There were several work strands underway which included, Smarter Government White Paper (which looked to reduce the Senior Civil Service across Government and deliver savings of £100m in 3 years); the Grimstone Review (to examine the use of civilians in defence, with an interim report by 31 Mar 10); a

report led by Admiral Alan Richards on the efficient use of service personnel, and the MOD Business Model to manage more stringent budgets for TLBs and Process Owners. However, she acknowledged that it was difficult to make concrete progress until such time that the Strategic Defence Review led by the next Government had decided on its future defence requirements and budget.

19. The Chair thanked her for the candid response. MDP was a force undergoing attrition and he noted David King's view, which was to acknowledge the position and move towards the restructuring. He asked for an indication of timescales towards re-shaping the MDP for the future.

20. Susan Scholefield explained that Ministers would not sign up to this formally before the General Election, and that this was constitutionally correct. However, this did not stop work being done to achieve coherence, while accepting there would be no definitive answer from this Government.

21. Sir Keith Povey recognised that this a particularly challenging situation for the force; there was no clarity on the future structure and in the meantime resources were in the wrong locations. Susan Scholefield accepted this, while acknowledging that the Chief Constable was doing his best in difficult circumstances. The issue needed to be addressed across the whole of Defence, as it was not just relevant for the Agency and the MDP.

22. The Chair said the Committee would spend more time discussing this at the Away Day, and hoped to use its assurance work to assist both the MDP and MOD. The Committee resolved as follows:-

The Committee places on record its concern that PR10 process was preventing MDP moving away from the chaos of its current situation towards a strategic rationalisation to meet required budget reductions. The Committee urges the MOD to move with all speed to address and resolve these issues. The Committee authorised the Chair to call a special meeting of the committee if necessary before the next scheduled meeting to consider the position.

23. [Susan Scholefield then left the meeting]

CCMP asked the Chair to consider whether the section of the meeting that was to take place in her absence would be quorate, given that there would be no MOD official in membership of the committee present. The Chair stated that advice would be obtained outside the meeting on the quorum. He proposed that the meeting should continue and that if the absence of MOD officials made the committee inquorate then any decisions by the committee would require formal ratification at the next meeting. This was agreed. [Note MOD Legal Advice is that the statute and regulations are silent as to quorum. A majority of members was present and so the meeting was to be regarded as quorate].

### **Agenda Item 2 (Cont'd) Chief Constable Report**

24. The Standards and Compliance section of the CC's report was then reviewed but no issues were raised.

### **Agenda Item 3: Key Targets – 3<sup>rd</sup> Quarter**

25. Key Target 5 (to have agreed with the TLBs new Joint Business Agreements by 31 Mar 2010), had been reported as a minor deviation in Qtr 2, but was now highlighted as a serious weakness. This was a matter for concern especially for DE&S establishments, but was not able to be progressed due to the unconfirmed MDP footprint for the future.

26. Key Target 7 (to deliver specified outputs within 1% of the authorised outturn) continued to be met, which all agreed was a remarkable achievement given the financial situation.

27. The Chair also mentioned that the Committee members had considered the draft Key Targets for 10/11 and provided comments. It was anticipated that there would be difficulties in agreeing some of the targets with Agency's customers due to the future uncertainty of the footprint.

#### **Agenda Item 4: MOD Police Committee Work Plan**

##### **Drugs and Alcohol**

28. ACC PD, Mr John Bligh, presented the force's response to the Police Committee's report and recommendations on a drugs and alcohol. The AMB had approved a Drugs, Alcohol and Substance Misuse Testing Policy on 25 Jan 10. The main elements were that 10% of officers carrying firearms would be randomly tested on an annual basis; the testing regime would be supervised by PSD and carried out by an independent company, and a "with cause" policy would be enforced. Flowcharts detailing the process of With Cause or Random Testing, Recruit/Transferee screening and self declared problems were presented to the Committee.

29. Mr Bligh stated that some of the Police Committee's recommendations would need to be considered as part of Trevor Woolley's terms and conditions of service review. The policy would be sent to the DPF for formal consultation, following which the tender process for an independent contractor would begin.

30. On behalf of the Committee, Caroline Mitchell welcomed this response, which moved the force away from a welfare based policy. Sir Keith Povey asked whether there was a process for an MDP officer refusing to company. Mr Bligh confirmed there was and explained this was dealt with under misconduct procedures as a breach of the Standards of Professional Behaviour – Orders and Instructions.

31. Mr Bligh agreed to send the Committee members a copy of the policy for consideration once the DPF comments had been taken into consideration. He expected that the policy would be implemented during 2010. The cost was expected to be in the region of £80K. The Chair requested an update on developments at the next meeting.

**Action: ACC PD**

##### **Section 44 Stop and Search**

32. The force response to the MOD Police Committee report on S44 Stop and Search was not available for the meeting due to staff changes. The Chair asked that the response be provided by no later than 31 Mar 10 when it would be circulated outside Committee. The report will then appear on the Agenda of the meeting in June in order that either side could then follow up on any issues. It would also be an opportunity to take stock of the general

uncertainty on Stop and Search nationally, following the recent European Court declaration that it was unlawful and the Government's intention to appeal that decision. **Action: ACC DO**

### **Agenda Item 5: Defence Information Infrastructure**

33. Following the request from Andrew Brown, CCMDP presented a paper which considered MDP future IT options. The force had not been funded for the MOD's DII(F) system and needed to decide to what extent the force needed to communicate with other police forces and organisations, as well as MOD-wide. Although he had considered 4 options, he recognised that only 2 (which would link MDP with MOD and with the Criminal Justice Extranet, or alternatively limited Police National Database contact) would be viable. An already complex issue is further complicated by the uncertainty over the changes to the MDP footprint over the next 5 years. The next step therefore was to provide a full evaluation of the remaining 2 options in order to make a judgement. CCMDP stressed that this decision was extremely important to MDP's viability as a police force and may possibly need to be decided by a Gold Command group led by him.

34. Andrew Brown thanked Mr Love for sharing this with the Committee as he considered it was important that the members were fully sighted and wanted to help the MDP make the best decision. The Chair suggested that one or more of the members might be able to work with the force as it takes forward the more detail work forward in order to consider the best solution for MDPs needs. **Action: Chair/CCMDP**

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

35. The Committee welcomed sight of the draft Diversity Strategy 2010-2013 and Diversity Action Plan 10/11.

36. CCMDP said that this strategy was a shift in the way the Agency would manage diversity in the future. The challenges for the next few years would be different and required the status quo to be maintained in the force while a recruitment freeze was in place. This strategy would be more concerned with re-shaping the organisation; fitness, moving personnel (including their home and families), into different locations, home working opportunities, and managing disability.

37. Marie Dickie recognised that the new strategy was strong and pragmatic and Parvaiz Ali noted that while the document was very positive, implementation would be vital.

38. The Chair welcomed and endorsed the strategy, which he considered realistic in the current circumstances. The Committee should review progress over the next 12 months. He also suggested that MDP looked took account of other police forces' diversity strategies.

### **Agenda Item 8 – Professional Standards Department**

39. In the absence of Mr McAuley, and Ch Supt Geoff Nichols , Mr Bligh presented the new style quarterly report which was still under development.

40. It was acknowledged that there no pattern emerging yet on the new conduct regulations introduced in the force on 1 Dec 09. The statistics however highlighted a rise in misconduct cases in the 3<sup>rd</sup> Quarter which may have been as a result of Line Managers

waiting for the new regulations to take effect so that they could deal with cases in a more proportionate manner. There were still a number of hearings outstanding under the former regulations and these are presently being reviewed by Mr McAuley in order to see whether they could be dealt with in the spirit of the Taylor Reforms.

41. NE Div accounted for the highest percentage of complaints (69%). Mr Bligh thought this might be attributable to the CNI sites in that divisions, which required officers to operate outside the wire and therefore come into contact with the public more frequently. If that was the case the situation might need to be addressed through training. The Committee recognised that overall the total number of complaints were extremely low. Caroline Mitchell recognised that PSD had taken onboard some of Committee's suggestions that were made during the Quarterly Audit. No gross misconduct cases had been reported at this stage.

42. Sir Keith Povey welcomed the PSD report, and reminded those involved that the Committee needed to be aware of how cases were being dealt with under the Taylor reforms and to track those to ensure the standards were being applied across the divisions and HQ. He was also aware that some large forces had noticed the drop in gross misconduct so this might be a national trend.

43. The Chair stressed that it was critical that the use of Management Action was monitored and therefore asked the Sub Committee for Complaints and Conduct to keep this under review.

#### **Agenda Item 9: Independent Police Complaints Commissioner**

44. The Chair welcomed Rachel Cerfontyne to her first MOD Police Committee meeting. He invited her to give the IPCC's view of the Taylor Reforms after 15 months in operation, and also a brief overview of the new IPCC Statutory Guidance which underpins these reforms.

45. Ms Cerfontyne explained her previous work and background before she was appointed as an IPCC Commissioner last year with responsibility for MDP.

46. Since HDPFs introduced new conduct and performance regulations on 1 Dec 08, there had been an increase in small investigations, rather than local resolutions. Some of the larger forces had experienced a fall in Gross Misconduct cases. The IPCC did not anticipate this as the Taylor reforms recognised that officers certainly needed to continue to be called to account for serious offences, so this would need to be monitored. She admitted it was difficult to compare MDP with the other forces under her portfolio, particularly due to the age profile of MDP officers. She confirmed that the PSD report provided to the Police Committee was in a very similar format to data provided by other forces and was therefore consistent.

47. The new IPCC Statutory Guidance to support the Taylor Reforms will come into effect on 1 Apr 10 following a wide consultation process. For the first time, the guidance was designed to be published as a web-based product, which allowed users to drill down into the level of detail and explanation some responders had asked for.

48. She explained the IPCC's aim was to move away from a culture of blame towards lessons learned. Complaints needed to be dealt with proportionally, quickly and at the lowest level. A new category had been introduced which upheld a complaint from a

member of the public, but did not recognise the incident as misconduct by the officer concerned.

49. Investigations needed to be proportionate to the type of complaint and the IPCC guidance laid down the minimum standards required. It was also important to let the complainant know what was happening and to provide a written record.

50. There should also be more flexibility and creativity in dealing with complaints; apologies and explanations should be considered if it was expected to be a satisfactory outcome.

51. Sir Keith Povey agreed this would require a cultural change but was pleased to note that complaints would not be recorded when they could be dealt with in an alternative and quicker way.

52. The Chair thanked the Commissioner for attending the meeting and hope she would accept another invitation next year.

#### **Agenda Item 10: MOD Police Committee Away Day**

53. The Committee suggested the inclusion of an update on PR10 and PR11 . CCMDP suggested that the Agency Secretary might address this during his input to the AMB key issues. **Action: Clerk**

54. The Chair said that the Police Committee's Work Plan for 10/11 should take account of MDP's Risk Register and the members should consider how to effectively use their resources to assist the force in addressing some of the high level risks.

#### **Agenda Item 11: Any other business**

55. No issues were raised.

#### **Agenda Item 12: Date of the next meeting**

56. The next meeting will be held on Thursday 10 June at 1400.

[signed]

**KAREN FEATHER**  
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