

MOD POLICE (PERFORMANCE) REGULATIONS 2012

Background

The MOD Police is a national civilian police force and its police officers are attested constables. MOD Police officers are also MOD civil servants and have been subject to the same informal procedures as other civil servants within the MOD.

In 2008, following a review of the police disciplinary system carried out by William Taylor (a former HM Chief Inspector of Constabulary in Scotland), Home Department Police Forces introduced new police conduct and performances regulations, underpinned by a new set of police standards of professional behaviour.

In order to adopt similar procedures for MOD police officers, the Secretary of State for Defence introduced new MOD Police (Conduct) Regulations in 2009 after powers to make regulations relating to disciplinary matters were included in the MOD Police Act 1987 through the Criminal Justice and Immigration Act 2008. However, those powers did not extend to matters of efficiency and effectiveness and any matters of unsatisfactory performance and attendance by MOD Police officers continued to be dealt with using the MOD's non-statutory civilian Restoring Efficiency procedures.

The Armed Forces Act 2011 made further changes to the MDP Act 1987 to enable the Secretary of State for Defence to make regulations to cover efficiency and effectiveness, allowing the MOD Police to move away from the current MOD civilian arrangement to statutory police performance regulations.

The intention is for the MOD police to move to the new statutory regime with effect from 6 April 2012, through the introduction of the Ministry of Defence Police (Performance) Regulations 2012.

The Ministry of Defence Police (Performance) Regulations 2012 mirror the Police (Performance) Regulation 2008, with the following exceptions:

- a) the regulations will apply nationally since MOD Police officers are also based in Scotland and Northern Ireland;
- b) there are no "police staff" within the MOD Police force as MOD Police officers are supported by MOD Civil Servants;
- c) there are no special constables within the MOD Police force;
- d) provisions such as regulation 36, which introduces the attendance of the IPCC at the third stage meeting, see to mirror relevant proposed amendments already consulted upon by the Home Office to the Police (Performance) Regulations 2008;
- e) the regulations make consequential amendments to the Ministry of Defence Police (Conduct) Regulations 2009 and Ministry of Defence Police Appeals Tribunals Regulations 2009.

Governance

Governance is exercised through the independently chaired MOD Police Committee, which provides scrutiny and assurance to Defence Ministers that the MDP is exercising its powers and authority lawfully, and is meeting the standards required of a police force. The MOD will not appoint a directly-elected Police and Crime Commissioner in November 2012, so the MOD Police Committee will continue to perform its current role.

Consultation

This consultation invites comments on the draft Ministry of Defence Police (Performance) Regulations 2012. For your views to be considered we invite you to respond by 15 February 2012. **Please send your responses via e-mail to: DBR-DefSy-Policing Pol 1**

Responses, Confidentiality and Disclaimer

The information you send us may be passed to colleagues with the MOD, the Government or related agencies.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want other information that you provide to be treated as confidential, please be aware that under the FOIA there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generation by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean your personal data will not be disclosed to third parties.