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POLICE ADVISORY BOARD FOR ENGLAND AND WALES

FIFTEENTH ANNUAL REPORT OF THE INDEPENDENT CHAIR

APRIL 2015 - MARCH 2016

2015-2016

Foreword

The Police Advisory Board for England and Wales (PABEW) was established as a non-departmental public body under section 46 of the Police Act 1964. Its membership and functions are set out in its constitution, which was revised and agreed in January 2015 and can be found at Annex C. It is tasked to;

- advise the Secretary of State on general questions affecting the police in England and Wales, and
- consider draft regulations which the Secretary of State proposes to make under section 50 or section 52 of the Police Act 1996 with respect to matters other than hours of duty, leave, pay and allowances, or the issue, use and return of police clothing, personal equipment and accoutrements, or the ranks to be held by members of police forces, or the qualifications for appointment and promotion of members of police forces, or periods of service on probation, or the maintenance of personal records of members of police forces and to make such representations to the Secretary of State as it thinks fit;
- consider draft regulations which the Secretary of State proposes to make under section 37, 39, 81 or 83 of the Police Act 1997, and to make such representations to the Secretary of State as it thinks fit;
- consider draft regulations which the Secretary of State proposes to make under Part 2 of the Police Reform Act 2002, and to make such representations to the Secretary of State as it thinks fit;
- consider draft regulations which the Secretary of State proposes to make under section 1 of the Police Pensions Act 1976.
- establish the Scheme Advisory Board for the Police Pension Schemes, in accordance with the requirements of s7 of the Public Service Pensions Act 2013.
- it may also consider any matter relating to conditions of service (excluding those matters listed in section 2b above), and any other matter affecting the police which has been referred to it by the Secretary of State, and it will advise the Secretary of State on such matters within any time limit specified by the Secretary of State.

Following a Triennial Review, published in March 2016, the PABEW has been reclassified as a Stakeholder Group.

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1. Introduction

- 1.1 This is the fifteenth Annual Report on the work of the Police Advisory Board for England and Wales (PABEW and the first to cover the work of the police pensions Scheme Advisory Board (SAB)). It covers the work of the Board from the 1 April 2015 to the 31 March 2016.

What we do

- 1.2 The Board was established by statute to advise the Home Secretary on general questions affecting the police in England and Wales. It fulfils a role comparable to that of consultative bodies found in other fields of employment, and shares with them the objectives of engaging the expertise and experience of managers and staff alike in addressing the challenges of change and reform, and of providing a forum for the resolution of difficulties.
- 1.3 There is a separate Policing Advisory Group for Northern Ireland and a consultative forum for the police service in Scotland; both has its own pensions Scheme Advisory Board.
- 1.4 To ensure a flow of information and ideas in relation to pensions a Police Pension Consultative Forum meets quarterly with membership drawn from England, Wales, Scotland and Northern Ireland.

2. Working Methods

Working methods

- 2.1 Much of the substantive work of the Board is undertaken through expert working parties, which give detailed consideration to issues, and make recommendations for decision by the full Board. Board meetings deal directly with straightforward issues, refer matters to expert working parties following initial discussion, and receive and consider reports from working parties. This approach to business enables full meetings to be completed efficiently.
- 2.2 Working parties often include representatives of organisations able to provide specialist knowledge, in addition to representatives of the parties represented on the PABEW. In the period under review, working parties have had the benefit of input from, amongst others, the Disabled Police Association as well as experts drawn from within organisations represented on the PABEW.
- 2.3 Our webpage has been updated and quarterly minutes are now regularly uploaded.
- 2.4 This has been the first year of operation of the Scheme Advisory Board. It has become clear that this role will require development of a

different approach to our work to ensure that we have capacity, not only to seek the information we need, but to analyse it and provide best practice advice to Schemes. This is discussed further at paragraph {5}

3. Issues and recommendations

Limited Duty Regulations

- 3.1 Following the PABEW's advice to the Home Secretary, the new arrangements for Limited Duties were announced in the Home Office Circular 010/2015. Limited Duties reflect the ways in which forces categorise and manage officers who are not fully deployable for a range of reasons, the three categories defining these arrangements are recuperative duties; adjusted duties; and management restricted duties.
- 3.2 In the July 2015 meeting it was confirmed that guidance on these new arrangements had been circulated to all forces. The Home Office committed to review the regulations in September 2016 and members collectively agreed that limited duties should remain as a rolling item on the PABEW agenda for continued monitoring and discussion.

Capability Dismissal

- 3.3 In the January meeting members discussed how the new arrangements did not address the way forces should manage officers who exit on grounds of capability. At this meeting the Home Office confirmed there was no legislation in place for capability dismissal.
- 3.4 On the 24 March the former Home Secretary agreed to the PABEW's proposals to amend legislation to include provisions for capability dismissal.
- 3.5 As the employer the National Police Chief's Council (NPCC) are responsible for progressing draft legislation to encompass this change. However, to achieve the best possible outcome, in the October meeting members agreed to establish a technical working group to address the complexities in relation to capability dismissal and to propose draft guidance.
- 3.6 The proposed process is now at a stage where Home Office drafting can begin on the enabling legislation. Although there are some issues outstanding, members accept that there will be further opportunity to comments and to provide advice during the formal consultation on the draft regulations.
- 3.7 The measures taken on Limited Duties and capability dismissal highlight the value of the PABEW and the benefit from having an independent chair which focuses discussion to ensure members overcome their difference in interests to reach a consensus. This progress also identifies the importance in devolving technical complexities to a sub working group for them to unlock and report back

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to wider membership. Insofar, this has been an effective model in progressing complex legislation it provides an exemplar for future work.

4. PABEW Discipline Sub-Committee

- 4.1 The PABEW Discipline Sub-Committee has continued its work on Police Disciplinary Arrangements.
- 4.2 Policing and Crime Bill— At all the meetings members have been updated on the progress of the discipline provisions within the Policing and Crime Bill by the Home Office. Members have been consulted on the following key areas: resign and retire, the disapproved register, investigation of complaints against chief officers (and the involvement of IPPC, IPCC presenting their own cases and the replacing of retired police officers by lay members on Police Appeals Tribunals.
- 4.3 Home Office have estimated that Royal Assent will be achieved around the end of the year and that following this there will be an implementation stage which will focus on introducing supporting regulations. It was agreed that additional meetings will be scheduled to ensure the committee is consulted on these regulations.
- 4.4 Legally Qualified Chairs and Public Hearings —Circular 12/2015 set out changes to police disciplinary hearings with the intention of making them fairer. The main changes included holding the hearings in public (from 1 May 2015) and ensuring that the chair of these hearings is legally-qualified (from January 2016). Members have kept abreast on how these changes have progressed, including the recruitment and training of the chairs and holding hearings in public. In the October meeting Home Office announced that insofar advancing this change had been successful and 25 legally qualified Chairs had been recruited, with the College of Policing confirming that all Chairs should be trained by January.
- 4.5 The Sub-Committee remains an effective medium to explore how new arrangements relating to policing disciplinary procedures will affect the sector and this role will continue as members will be consulted on new regulations relating to the disciplinary provisions within the Policing and Crime Bill.

5. Scheme Advisory Board

- 5.1 The Police Pensions Scheme Advisory Board (SAB) is part of the required governance structure for the reformed public service pension schemes under section 7 of the Public Service Pensions Act 2013. Schedule 2 of the Act provides that the Home Secretary is the responsible authority who can make and amend the scheme regulations. Under section 7 of the Act there must be a scheme advisory board to advise the responsible authority, at the responsible authority's request, on the desirability of changes to the scheme. The governance arrangements also cover the Police Pension Scheme 1987 and the Police Pension Scheme 2006.

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- 5.2 The SAB can provide advice (on request or otherwise) to a scheme manager or to a police pension board in relation to the effective and efficient administration and management of the scheme.
- 5.3 Funding Arrangements: Members have explored potential funding sources that might be available to the Board to ensure they have adequate resource to administer their functions effectively. Lessons were sought from the Fire-fighters Pension Scheme Advisory Board, which receives funding through a levy paid by Fire and Rescue Authorities.
- 5.4 Scheme Managers: The Chair wrote to Chief Constables on issues regarding members annual allowance statements, the threshold for 'scheme pays' and application of the Scheme Sanction Charge associated with unauthorised payments.
- 5.5 Police Pension Boards: The Chair wrote to police pension authorities requesting base line data regarding their pension board arrangements.
- 5.6 Summary: The three SAB meetings accounted for in this reporting period demonstrate that the Board has taken considerable action to gather relevant information which will enable them to effectively administer their functions in the future. However, the question of funding and resource arrangements remains outstanding. This has limited the capacity the SAB has to analyse and interpret the data it has collected. In the coming reporting year the Board aims to achieve more clarity on this issue.

6. UK Police Pensions Consultative Forum

- 6.1 Covering UK-wide interests in police pensions related matters the UKPPCF in contrast to the SAB has a more discursive informal role, which facilitates the exchange of ideas and encourages broad discussion amongst members. Substantive proposals are then progressed to the SAB, the PAB main meeting, or the equivalent bodies in Northern Ireland and Scotland, as appropriate, for formal action.
- 6.2 Topics Discussed: Within this reporting period the Forum discussed the following- the Police Pension Scheme 2015, Governance Arrangements, changes to the 1987 Pensions Regulations, Injury Awards Review, restrictions on commutation limits in the 1987 police pension scheme, Contracting Out Arrangements, Buy Back of Unpaid Leave and Taxation Issues.
- 6.3 Papers Presented: tax issues relating to double accrual in the 1987 police pension scheme, Scheme Sanction Charges and Unauthorised Payments.

- 6.4 Summary: The varied nature of discussion within the forum demonstrates that it is effectively carrying out its role as a safe medium in which ideas can be explored and tested. At the end of the reporting year there remain outstanding issues which require further discussion including: practical steps relating to the commutation limit, the buy back of unpaid family leave and the deduction of Employment Support Allowance (ESA) from Injury Awards. In relation to this members have an obligation to ensure discussion within the Forum is time appropriate and focused so that ideas where applicable can continue to be progressed and substantiated

7. Triennial Review

- 7.1 The Triennial Review of the PABEW which was announced by the Home Secretary on 5 February 2015 was published as the reporting year came to a close, on 23 March 2016.
- 7.2 We were pleased that the Review concluded that the PABEW was an effective forum that helps ensure effective policies and regulations are adopted.
- 7.3 It went on to make six recommendations about the PABEW:
- it should be reclassified as a Stakeholder Group;
 - consideration should be given by the Home Office and PABEW to formalising arrangements which would enable PABEW to conduct business in the temporary absence of the Chair. Any decision on who will act on behalf of the Chair in her absence must be set out in the published constitution;
 - the Home Office should consider how funding could be made available to the PABEW to allow it to commission independent research;
 - the sponsor team should explore whether there is potential to use telephone or video conferencing at quarterly board meetings;
 - the secretariat should ensure that minutes of board meetings are published within five days of their approval at the subsequent meeting; and,
 - consideration should be given to establishing a quorum for each full board meeting. Any quorum must specify the number of bodies that are represented rather than the number of people that must attend.
- 7.4 We shall consider and formally respond to the points made.

8. Conclusion

- 8.1 Establishing the SAB has been our principle achievement this year. We are still learning what is required and are acutely aware of the need to look at ways of resourcing what needs to be done without relying on the informal goodwill of member organisations.
- 8.2 Relaunching our website, within the Home Office pages of www.gov.uk will help us to share what we do but I have noted during the year the need to raise our profile within as well as outside the Home Office to ensure that when measures not being developed within the policing

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policy teams, but with an impact on policing and police regulations, are brought to PABEW attention in a timely manner.

- 8.3 As last year, I remain impressed by the constructive nature of the debate and the determination of all to provide sound advice which reflects the experience of those who would manage or be impacted by proposed changes. I am grateful to Members and to those who have contributed on an ad hoc basis for the quality of their contributions.

Elizabeth France
Independent Chair
Police Advisory Board of England and Wales

July 2016

Annex A - Members of the Board, 2014-15

Independent Chair

Elizabeth France

Association of Chief Police Officers of England and Wales (ACPO)

Francis Habgood

Metropolitan Police Service (MPS)

Clare Davies

Fiona Taylor (from January 2015)

Association of Police and Crime Commissioners (APCC)

Ian Johnston

Martyn Underhill

Mayor's Office for Policing and Crime (MOPAC)

Mike Wadham

Chief Police Officers' Staff Association (CPOSA)

Rob Price

Home Office

Peter Spreadbury

Police Federation of England and Wales (PFEW)

Andy Fittes

Andy Ward

Geoff Stuttford

Calum Macleod

Police Superintendents' Association of England and Wales (PSAEW)

Tim Jackson

Metropolitan Police Service – Trade Union Side

Valerie Harris

Police Staff Council – Trade Union Side

Ben Priestley

Secretariat

Bill Blase (until Oct 2014 secretariat provided by the Office of Manpower Economics)

Hannah Scarr (From Apr 2016 secretariat provided by the Home Office)

Annex B – Attendance at Board Meetings, 2014-15

Four quarterly Board meetings were held over the period covered by this Report. No extraordinary meetings of the Board were called. As well as the members listed in Annex A, meetings were attended by Home Office officials, advisers to constituent organisations, members of the secretariat and observers.

Representation at meetings was as follows:

1 May 2014

Chair

Deputy Chair

Association of Chief Police Officers of England and Wales – 2

Metropolitan Police Service - 1

Association of Police and Crime Commissioners – 3

Mayor's Office for Policing and Crime – 0

Police Federation of England and Wales – 5

Police Superintendents' Association of England and Wales – 2

Chief Police Officers' Staff Association – 1

Police Staff Council Trade Union Side – 1

Metropolitan Police Service Trade Union Side – 1

Home Office – 3

Secretariat – 1

Observers/in attendance – 11

TOTAL - 33

23 July 2014

Chair

Deputy Chair

Association of Chief Police Officers of England and Wales – 2

Metropolitan Police Service – 1

Association of Police and Crime Commissioners – 1

Mayor's Office for Policing and Crime – 0

Police Federation of England and Wales – 5

Police Superintendents' Association of England and Wales – 1

Chief Police Officers' Staff Association – 1

Police Staff Council Trade Union Side – 1

Metropolitan Police Service Trade Union Side – 1

Home Office – 2

Secretariat – 1

Observers/in attendance – 7

TOTAL – 25

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23 October 2014

Chair

Association of Chief Police Officers of England and Wales – 1

Metropolitan Police Service – 0

Association of Police and Crime Commissioners – 2

Mayor's Office for Policing and Crime – 0

Police Federation of England and Wales – 3

Police Superintendents' Association of England and Wales – 2

Chief Police Officers' Staff Association – 1

Police Staff Council Trade Union Side – 0

Metropolitan Police Service Trade Union Side – 1

Home Office – 4

Secretariat – 1

Observers/in attendance – 12

TOTAL – 28

27 January 2015

Chair

Association of Chief Police Officers in England and Wales - 1

Metropolitan Police Service - 1

Association of Police and Crime Commissioners - 1

Mayor's Office for Policing and Crime - 0

Police Federation of England and Wales – 4

Police Superintendents' Association of England and Wales - 1

Chief Police Officers' Staff Association – 1

Home Office - 2

Police Staff Council Trade Union Side - 0

Metropolitan Police – Trade Union Side - 1

Secretariat – 1

Observers/in attendance – 6

TOTAL - 20

Annex C – Constitution

1. The Police Advisory Board for England and Wales ("the Board") will be established in accordance with this constitution. This constitution takes effect from 27 January 2015 all previous constitutions are revoked from that date.

Functions

2. In accordance with section 63 of the Police Act 1996, the Board will: -
 - advise the Secretary of State on general questions affecting the police in England and Wales, and
 - consider draft regulations which the Secretary of State proposes to make under section 50 or section 52 of the Police Act 1996 with respect to matters other than hours of duty, leave, pay and allowances, or the issue, use and return of police clothing, personal equipment and accoutrements, or the ranks to be held by members of police forces, or the qualifications for appointment and promotion of members of police forces, or periods of service on probation, or the maintenance of personal records of members of police forces and to make such representations to the Secretary of State as it thinks fit;
 - consider draft regulations which the Secretary of State proposes to make under section 37, 39, 81 or 83 of the Police Act 1997, and to make such representations to the Secretary of State as it thinks fit;
 - consider draft regulations which the Secretary of State proposes to make under Part 2 of the Police Reform Act 2002, and to make such representations to the Secretary of State as it thinks fit;
 - consider draft regulations which the Secretary of State proposes to make under section 1 of the Police Pensions Act 1976.
3. The Board will establish the Scheme Advisory Board for the Police Pension Schemes, in accordance with the requirements of s7 of the Public Service Pensions Act 2013.
4. The Board may also consider any matter relating to conditions of service (excluding those matters listed in section 2b above), and any other matter affecting the police which has been referred to it by the Secretary of State, and it will advise the Secretary of State on such matters within any time limit specified by the Secretary of State.

The Secretary of State

5. The Secretary of State may attend any meetings of the Board.

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6. The Secretary of State may in a matter of serious national importance to the police service direct the Board to consider and seek to reach agreement on such matters as he or she may specify.
7. The Secretary of State may in a matter of serious national importance to the police service set a deadline for the Board to complete consideration of such matters as he or she may specify
8. The Chair of the Board will submit an annual report on the work of the Board to the Secretary of State. Before doing so the Chair will consult the constituent parts of the Board about the proposed report.

Membership

9. The Board will consist of: -
 - A Chair appointed by the Secretary of State;
 - Members nominated by the Secretary of State;
 - Three representatives of the Association of Police and Crime Commissioners;
 - One representative of the London Mayor's Office for Policing and Crime;
 - Two representatives of the Association of Chief Police Officers of England & Wales (to include the Metropolitan Police Commissioner);
 - One representative of the Chief Police Officers' Staff Association;
 - Two representatives of the Police Superintendents' Association of England & Wales;
 - Five representatives of the Police Federation of England & Wales;
 - One representative from the Trade Union Side of the Police Staff Council;
 - One representative from the Trade Union Side of the Metropolitan Police Whitley Council.

Others may be invited to attend and contribute as appropriate.

Meetings

10. All meetings of the Board will be called by the Chair with appropriate notice to the members concerned.
11. The Board will normally meet four times a year.
12. The Board may establish working parties to address specific issues as it thinks fit.
13. A member of the Board may request the consideration by a meeting of the Board of any matter specified by them and may submit to the Chair papers relating to that or any other matter covered by the remit of the Board as defined in paragraphs 2 and 3.