



# Chief Constables' Council

## Minutes of the meeting held on Wednesday, 24 April 2013

### 1. ATTENDANCE

#### 1.1 Present

CC Sir Hugh Orde	President (Chair)
CC Nick Gargan	Avon and Somerset
CC Alfred Hitchcock	Bedfordshire
CC Simon Parr	Cambridgeshire
CC Dave Whatton	Cheshire
Asst. Commissioner Ian Dyson	City of London
CC Jacqui Cheer	Cleveland
T/CC Bernard Lawson	Cumbria
CC Mike Creedon	Derbyshire
ACC Paul Netherton	Devon and Cornwall
CC Debbie Simpson	Dorset
CC Michael Barton	Durham
CC Simon Prince	Dyfed Powys
CC Jim Barker McCardle	Essex
CC Suzette Davenport	Gloucestershire
DCC Ian Hopkins	Greater Manchester
CC Carmel Napier	Gwent
CC Andy Marsh	Hampshire
CC Andy Bliss	Hertfordshire
CC Justine Curran	Humberside
CC Ian Learmonth	Kent
CC Steve Finnigan	Lancashire
CC Simon Cole	Leicestershire
T/CC Neil Rhodes	Lincolnshire
CC Jon Murphy	Merseyside
Dep. Commissioner Craig Mackey	Metropolitan Police
AC Chris Allison	Metropolitan Police
CC Mark Polin	North Wales
CC Phil Gormley	Norfolk
CC Adrian Lee	Northamptonshire
DCC Steve Ashman	Northumbria
CC Tim Madgwick	North Yorkshire
CC Chris Eyre	Nottinghamshire
DCC Collette Paul	South Wales
CC David Crompton	South Yorkshire
CC Mike Cunningham	Staffordshire
CC Douglas Paxton	Suffolk
CC Lynne Owens	Surrey
CC Sara Thornton	Thames Valley
CC Andy Parker	Warwickshire
CC David Shaw	West Mercia
CC Mark Gilmore	West Yorkshire
ACO Nigel Brook	West Yorkshire

**1. ATTENDANCE (cont.)****1.1 Present**

CC Alex Marshall Chief Executive, College of Policing

**1.2 In attendance**

Jane Dench	ACPO Director of Policy
David Lewis	ACPO Chief of Staff
Oliver Cattermole	ACPO Director of Communications
Richard Hamlin	Staff Officer to the ACPO President
Richard Hampson	Programme Support Assistant
Rose de la Cuesta	Minutes Secretary

**1.3 In attendance for specific items**

DCC Francis Habgood Thames Valley

**OPEN SESSION****2. WELCOME AND APOLOGIES**

2.1 Apologies were received from: Mr Leppard, Sir Peter Fahy, Sir Bernard Hogan-Howe, Mr Mackey, Mr Rowley, Ms Dick, Mr Byrne, Ms Sim, Mr Baggott, Mr Pearce, Mr Love, Mr Griffiths, Mr Richards, Mr Sims, Mr Bristow, Mr Geenty, Mr Trotter and Mr Creedon.

**3. MINUTES OF THE PREVIOUS MEETING**

3.1 The Minutes of the meeting held on 7 March 2013 were agreed as a true record, subject to Mr Barton being reflected as a permanent Chief Constable.

**4. MATTERS ARISING****4.1 Action log: Status report**

4.1.1 Members noted and agreed the Council Action Log.

**5. STANDING ITEMS****5.1 Presidential Update**

5.1.1 The President welcomed Mr Gormley as an ACPO Vice President and congratulated those who had recently been appointed as Chief Constables. Among recent appointments, Stephen Kavanagh would be succeeding Mr Barker-McCardle as Chief Constable of Essex Police and Dave Jones would be taking over North Yorkshire Police, subject to the approval of North Yorkshire's Police and Crime Panel.

5.1.2 Following a meeting with Police and Crime Commissioners (PCCs) in March with regards to securing funding for the continued running of ACPO, a further meeting had taken place on 23 April, which focussed on budget reductions. In the absence of funding from PCCs, the Association would only be able to continue operating until September of this year.

5.1.3 Four PCCs, Jane Kennedy, Matthew Ellis, Martyn Underhill and Simon Duckworth, had been tasked to review ACPO functions and to determine what ACPO would be able to deliver in the context of different levels of funding. A further meeting was scheduled to take place on 23 May. Those present were asked for their views on what they considered essential ACPO Central Office functions.

- 5.1.4 Mr Cunningham added that PCCs were keen on a re-design to the way ACPO functions were delivered. They required reassurance of this regardless of the level of funding provided.
- 5.1.5 The discussion that followed raised the following points:
- The review of ACPO functions should be an external and independent evaluation
  - There was a need to take into account the complexity of the current policing environment and to highlight the national implications of disbanding the Association
  - A unified voice of the Service would need to be maintained
  - A meeting with the Home Secretary would be taking place on 1 May and this was considered an opportune time to seek her views on ACPO's place in the national landscape
  - A paper on the Future of ACPO, had been previously agreed at Chief Constables' Council last year
  - It was also noted that the role of ACPO President was enshrined in legislation and that ACPO remained a statutory consultee
  - PCCs recognised that forces produced a significant amount of work at a national level; however, they queried whether this should be funded locally
  - ACPO's assistance in the coordination of Business Area support and other national work was regarded as invaluable
  - Delivery of the Strategic Policing Requirement was considered a key aspect of the operational coordination ACPO provides
  - Bodies such as the National Public Order Intelligence Unit (NPOIU) and National Police Coordination Centre (NPoCC) were dependent on ACPO
  - ACPO continued to provide guidance and expertise to PCCs and the Home Office when issues of national importance arise
  - ACPO was considered essential in ensuring the provision of operational policies for the benefit of public safety, without which could put the public at risk
  - It would be helpful to distinguish ACPO from CPOSA
  - There was a need to highlight the most critical aspects of what ACPO was delivering and to make the argument relevant to PCCs and the Home Office.
- 5.1.6 Members noted the update and the need to provide feedback to the President and/or Mr Gormley as soon as possible.

**Action: Members**

## 5.2 Professional Committee Update

- 5.2.1 Mr Marshall advised that Business Areas were now working with the College of Policing and should be referred to as Police Service Business Areas. PCCs were still in the process of understanding the role of the College and the scale of work being provided by forces. The development of the protocol was important in setting out the relationship between ACPO and the College. Mr Marshall had written to both Chief Constables and PCCs with respect to the National Policing Requirement (NPR) and showing how and why strategic threats were being addressed.
- 5.2.2 There had not been a Professional Committee meeting since the last meeting of Chief Constables' Council; however, agreement had been reached in principle that OSPRE II examinations would be replaced by Work Based Assessments. Equality issues were still being worked through with the Federation. Those present were urged to contact Mr Marshall if they had any concerns regarding the direction of travel.
- Action: Members**
- 5.2.3 All of the members of the College of Policing Board had now been nominated, but the Home Secretary was yet to make appointments.

5.2.4 Members noted the update.

## Items for information

### 6. NATIONAL POLICE COORDINATION CENTRE (NPOCC) LAUNCH

6.1 The President reported that NPoCC had been launched on 23 April 2013 and he thanked Mr Lewis for his significant contribution in pulling this together. NPoCC would now be centrally funded through the Home Office and would have extended capability.

6.2 Members noted the update.

### 7. IMPACT OF THE STATE PENSION CHANGES

7.1 Mr Brook introduced a paper which advised on the Government's proposed changes to the State Pension system that would come into effect in April 2016. The Chancellor in the March 2013/14 budget had announced the removal of the right to opt-out of paying additional National Insurance contributions for State Pensions. The Government was unlikely to reimburse forces for the additional costs this would entail and as such this would mean a budget cut of approximately £240m per year for all forces within England and Wales or a loss of at least 5,000 extra police officers. This had been raised in writing to the Home Office.

7.2 Those present suggested that this also be raised at the Chief Constables' meeting with the Home Secretary on 1 May 2013.

**Action: President**

7.3 Members queried whether Stage II transfers would lead to a transitional arrangement. Mr Brook confirmed he would seek clarity from the Home Office and write to Chief Constables.

**Action: Mr Brook**

7.4 Members noted the update.

### 8. VOLUNTEER POLICE CADET

8.1 Mr Sawyer reported that he would be writing to Police and Crime Commissioners in July 2013 about the development of the national framework for volunteer police cadets. Members asked that Mr Sawyer write to Chief Constables in the first instance, given it would be a decision for Council initially. Members were also requested to raise the introduction of the national framework to their PCCs.

**Action: Members**

8.2 Members noted the update.

### 9. NATIONAL POLICING REQUIREMENT

9.1 Ms Thornton referred to the National Policing Requirement (NPR), which was previously circulated and published on the ACPO intranet site. Ms Thornton clarified that paragraph 2.2.6 of the NPR document which referenced 'Capability Frameworks' was referring to toolkits. If their status needed to be raised, then they would need to be submitted for approval to Chief Constables' Council or the College of Policing.

- 9.2 Those present requested that the NPR document be re-circulated with a note that the toolkits were not standards that the HMIC would inspect against, but were intended to assist the forces by providing toolkits for excellence.

**Action: Mr Marshall**

- 9.3 Members noted the update.

## Items for decision

### 10. ACPO UPDATE ON PROFESSIONAL STANDARDS AND INTEGRITY ISSUES

- 10.1 Mr Cunningham introduced a paper which reported that following on from the Home Secretary's announcement on 12 February 2013, a group had since been established to oversee the recommendations from the Home Secretary's speech. Instances of police officers resigning and retiring when facing misconduct hearings were being examined, but on this issue it had been pointed out that police officers might expect the same conditions as other public sector employees. Emily Miles had been requested to provide feedback on progress of the consultation.
- 10.2 It had been agreed that the Professional Ethics and Professional Standards portfolios would remain separate but within the umbrella of the Workforce Development Business Area to improve coordination. Mr Cunningham and Mr Lee were both anticipated to handover their portfolios in the near future.
- 10.3 Proposals to develop a Police Code of Conduct would need to be raised with the Home Secretary. Members commented that there was still an opportunity to develop this towards a PSNI style Code of Ethics which acted as a disciplinary code.
- 10.4 Members noted the Home Secretary's announcement and endorsed the migration of the Professional Ethics Portfolio to the Workforce Development Business Area.

### 11. R (CATT) V THE COMMISSIONER OF THE MPS AND ACPO

- 11.1 Mr Barton introduced a paper which advised on the progress of a litigation case between John Catt and the Commissioner of the MPS and ACPO. Mr Readhead had been progressing this case on behalf of ACRO. The attached paper sought the support of Council in making an application to the Supreme Court.
- 11.2 A discussion developed which raised the following points:
- The issue of proportionality in retention of personal data raised by the ruling needed further clarification. The circumstances of the case were unique and it was unclear what approach police forces should apply generally in this area. The two court judgments to date were at odds with each other.
  - This was an operational matter for Chief Constables but the funding that would be required for a further submission would be substantial
  - There was a need to ensure that the police service fully complied with the Management of Police Information (MoPI) particularly in the light of learning from the Savile case
  - Given the lack of clarity, it might be necessary to accept the current decision, but require further direction before altering the policies currently in place within forces.
- 11.3 Members decided that further work was required. The President and Mr Barton agreed to discuss next steps outside the meeting.

**Action: President/Mr Barton**

## **12. INFORMATION SHARING AGREEMENT**

- 12.1 Mr Barton introduced a paper which requested Members' approval for an Information Sharing Agreement (ISA) between ACPO and the Insurance Fraud Bureau (IFB).
- 12.2 Those present were requested to notify Mr Barton or Mr Readhead of any existing ISAs or MoU documents between ACPO and the IFB to ensure consistency.

### **Action: Members**

- 12.3 Members agreed the document for adoption and circulation.

## **13. NATIONAL DRIVER OFFENDER RETRAINING SCHEME**

- 13.1 Ms Davenport introduced a paper which advised on the planned changes to the National Driving Offender Retraining Scheme (NDORS) that would involve establishing a new entity limited by guarantee and with a charitable status.
- 13.2 NDORS was an important course which provided an alternative to prosecution or paying a penalty or fine. The scheme also provided support to roads policing across the country as well as to Business Areas. Chief officers would continue to be represented on the Board of the new entity.
- 13.3 Members noted the progress and endorsed the direction of travel.

## **14. VEHICLE STANDARDISATION – DEMAND MANAGEMENT MODEL**

- 14.1 Ms Davenport introduced a paper which proposed a new demand management model for vehicle standardisation.
- 14.2 The existing national contract for purchasing vehicles would come to an end in October 2014. It was proposed that a pilot be developed and for vehicle specifications to be based on need, reduced spend and diversifications.
- 14.3 Ms Davenport advocated the need to reduce any increase to the number of local specifications as having a high volume of specifications could risk not meeting the October 2013 deadline. Ms Davenport further clarified that the paper acknowledged legitimate departures from the proposed model based on local operational need.
- 14.4 Members supported the new demand management model for vehicle standardisation.

## **15. SCRUTINY OF OUT-OF-COURT DISPOSALS**

- 15.1 Mr Eyre introduced a paper which provided an update on the arrangements for forces to invite local scrutiny of their use of out-of-court disposals.
- 15.2 Members were requested to:
- i. Note the paper
  - ii. Use the information provided to develop the concept of scrutiny panels in their own forces at the earliest opportunity, in order to support the recent Legal Aid Sentencing and Punishment of Offenders (LASPO) changes and assist in providing transparency and consistency of use around the out-of-court disposals framework.

- 15.3 Mr Eyre commented that explaining to the public how we manage this would ensure a degree of transparency at a local level and help build confidence about the way in which out of court disposals were used. :
- 15.4 Cheshire Constabulary had been following the model used in Hampshire, which had gained support from other agencies in the area.
- 15.5 Members agreed the recommendations outlined at paragraph 5.1 of the paper and at 15.2 above.

## **16. A NATIONAL RANK STRUCTURE AND INSIGNIA FOR THE SPECIAL CONSTABULARY**

- 16.1 Mr Cunningham introduced a paper which requested Members' support on issues surrounding the rank structure and insignia for the Special Constabulary.
- 16.2 Members were requested to:
- i. Support the continuation of a Special Constable Rank structure
  - ii. Endorse the adoption of the same rank titles as the regular officer structure, e.g. S/Sgt., S/Insp., etc
  - iii. Support the adoption of the 'Bar' insignia for the Special Constabulary to denote SC ranks.
- 16.3 Mr Cunningham acknowledged that not all ranks could be used, but a commonality across forces was required.

- 16.4 Members agreed to the proposals outlined at paragraph 5.1 of the paper and at 16.2 above.

## **17. UPDATE ON THE MENTAL HEALTH AND DISABILITY PORTFOLIO**

- 17.1 Mr Cole introduced a paper which provided a summary of the current position in relation to the work being progressed within the Mental Health and Disability Portfolio.
- 17.2 Members were requested to:
- i. Note the progress in relation to ongoing portfolio work
  - ii. Support the progress and direction of the mental health work stream
  - iii. Ensure forces had an identified ACPO lead on Mental Health who would engage in regional group meetings and to identify a regional representative to attend national meetings
  - iv. Forward on any identified areas of good practice in relation to dementia.
- 17.3 Mr Cole drew attention to the emergence of the Senior Officials' Meetings, which consisted of senior officials from the Home Office and Department of Health and advised that the Government had been made aware of the good work that forces had been doing with regards to dementia. Those present were also advised of the Disability Hate Crime Action Plan 'Take Stock' Event which would be taking place at Ryton-on-Dunsmore on 30 October 2013.
- 17.4 It was acknowledged that this was about the management of those with mental health issues; however, there were also issues around the wider impact on policing demand.
- 17.5 Mr Cole confirmed that forces had been consulted on the development of the joint action plan.

17.6 Members agreed the recommendations outlined at paragraph 5.1 of the paper and at 17.2 above.

**18. CONFIDENTIAL UPDATE ON OUTSTANDING WINSOR RECOMMENDATIONS – SEE SEPARATE RESTRICTED AND NON-FOI DISCLOSABLE MINUTES ATTACHED**

**19. NATIONAL CHILD SEX ABUSE UPDATE – SEE SEPARATE RESTRICTED AND NON-FOI DISCLOSABLE MINUTES ATTACHED**

**20. COMMUNITY TENSION INTELLIGENCE PROCESS – FROM LOCAL TO NATIONAL – SEE SEPARATE RESTRICTED AND NON-FOI DISCLOSABLE MINUTES ATTACHED**

**21. ANY OTHER BUSINESS**

21.1 OSPRE

21.1.1 Mr Marshall advised that OSPRE Part 1 had been extended and any views should be forwarded to him.

**Action: Members**

21.2 Chief Officers' Professional Indemnity Insurance

21.2.1 Mr Polin advised that CPOSA Professional Indemnity Insurance would be discussed at the forthcoming CPOSA meeting on 23 May. Further work was being done to check on the accuracy of the Membership information. It was also noted that some PCCs were not keen to cover the CPOSA insurance for Chief Officers and Mr Polin left it to those present to agree on who should fund the insurance at a local level.

21.2.2 Legal advice was currently being sought on issues surrounding contracts of employment, particularly with regards to clarifying whether the onus for setting the terms and conditions for chief officer teams lay with PCCs or Chief Constables.

21.3 Police Mutual Assurance Society (PMAS)

21.3.1 The President advised that a letter would be circulated to Chief Constables in the near future requesting support for PMAS.

**Action: President**

21.4 Ballots

21.4.1 The President urged those present to respond to the ballots that were currently in circulation with respect to the proposed changes to the Articles of the Association and terms of the ACPO Presidency.

**Action: Members**

21.5 Weeks of Action: Cutting Crime/Protecting the Public

21.5.1 The President advised that Sir Peter Fahy was seeking support from forces in taking this work forward to ensure a coordinated approach on the proposed themed 'weeks of action'.

21.5.2 Members queried whether a proper debate would be held prior to them taking place and Mr Bristow requested that he be included in any forthcoming discussions in order to ensure the NCA contributed to the suggested programme. Members were informed that a calendar of campaigns would be developed that forces could opt-into.

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21.5.3 It was agreed that the proposed events calendar would be brought back to the next Council meeting.

**Action: Sir Peter Fahy**

21.6 Meeting with the Home Secretary

21.6.1 The President asked that any agenda items be forwarded to his staff officer in good time.

**Action: Members**

21.7 Congratulations

21.7.1 The President congratulated Mr Hitchcock on his recent appointment as Chief Constable of the MOD, which was effective from 10 June 2013, and Mr Barker-McCardle on his imminent retirement.

**22. DATE OF NEXT MEETING – SEE SEPARATE RESTRICTED AND NON-FOI DISCLOSABLE MINUTES ATTACHED**