

---

## **Review of Substance Misuse and Testing regulations**

### **Background:**

Following an internal review in October 2009 ACPO submitted a paper to the Police Advisory Board Meeting requesting that the Substance Misuse and Testing Regulations be reviewed.

At its meeting in October 2010 PABEW agreed to recommend widening the list of safety critical posts to include all officers with access to firearms, explosives, Taser (or their supervisors) and to police officer members of air and marine units. The list of substances to be tested for in a "with cause" test will also be extended by one named group of drugs on the basis of intelligence. Three "with-cause" tests may be carried out over a period of 3 months where there is compelling evidence of longer term drug use. It was also agreed that regulations should be amended to make it absolutely clear that an officer may not be recalled to duty for the purposes of a drugs test. Hair testing of police recruits prior to appointment as officers will also be permitted although hair testing will not be permitted for in-service testing of police officers.

### **Current Status:**

Draft regulations were circulated by the Home Office in January 2011 and were approved at the PABEW meeting on January 20<sup>th</sup>.

## **Reform of Police Disciplinary Arrangements**

### **Background:**

A working party (now a sub-committee of the PABEW) was formed in October 2005 in order to implement the findings of the Taylor Review. The resulting conduct regulations and guidance came into force on 1 December 2008 (HOC 25/2008 HCC 26/2008). The sub-committee continues to undertake some oversight of the procedures to ensure they are meeting their objectives.

### **Current Status:**

The following matters were discussed at the last meeting:

- The reluctance of forces to invoke UPPs. Vic Marshall informed the meeting he had met with the Winsor review team to explain both UPP and Misconduct procedures.
- 62 misconduct cases remain to be dealt with under the 2004 Regulations. It was hoped these would be completed by the end of 2010.
- Concern remains about the number of gross misconduct proceedings initiated that do not result in dismissal. A survey of forces will be repeated to monitor the issue.
- It was noted that the likely reduction in police officer numbers generally could result in an increase in incidents of alleged misconduct.
- Sub-committee members approved draft questions for a review of the misconduct and unsatisfactory performance procedures. Responses to the initial consultation were requested by 10 January 2011.

## **Terms and Conditions for Seconded Officers**

### **Background:**

The PABEW Secondment Working Party was tasked with producing a guidance manual to replace the Central Services Guide. There were many difficulties surrounding the legal aspects of secondment. In particular, whether the Chief Constable of the host force should accept responsibility for the actions of all seconded officers? Consensus was reached to amend the Police Act so that Direction and Control passes to the Chief Constable of the receiving force and the draft guidance was approved by PABEW in January 2009.

### **Current Status:**

The guidance on secondment is still before the Police Staff Council for comment. The PABEW is also awaiting confirmation from the Home Office on the tax status of officers seconded for a period over 2 years before final sign-off.

## **National Recruitment Standards**

### **Background:**

Following agreement at the PABEW meeting in January 2006 a working party was formed to review recruitment standards and make recommendations on procedure and

---

practice relating to the recruitment process. The working party was re-constituted as a sub-committee of PABEW to monitor and review issues relating to recruitment standards over time.

At the October PABEW meeting the sub-committee submitted a report recommending that Regulation 10 be amended to allow chief officers to introduce pre-join requirements to the Police service. PFEW objected to this proposal on the basis that it was premature to discuss a matter that came within the remit of Tom Winsor and Peter Neyroud's reviews before the recommendations were known and also that the MPS proposal to recruit from the Special Constabulary was in conflict with their statutory duty to promote equality.

**Current Status:**

The PFEW declined to send a representative to the sub-committee meeting on 2<sup>nd</sup> December at which changes to Regulation 10 to allow pre-join programmes were discussed. The sub-committee meeting went ahead as planned. PFEW's concerns were effectively dismissed.

The sub-committees report to the January PABEW reiterated the recommendation to amend Regulation 10. Specifically it recommended.

1. That PABEW advises the Secretary of State that Regulation 10 should be amended to allow chief officers to set pre-join requirements for those seeking appointment to their police force.
2. That PABEW requests the Secretary of State to provide to PABEW a draft amendment to Regulation 10, for consultation in the usual way.
3. That PABEW advises the Secretary of State that the SEARCH assessment centre, now provided under Regulation 10 (f), should continue to be a part of all recruitment procedures.
4. That PABEW advises the Secretary of State that, in the event the recommended amendment to Regulation 10 is made, police forces are reminded of their responsibility to carry out an equalities impact assessment of any pre-join scheme which is introduced.

5. That NPIA should report on the use made and impact of the power to set pre-join requirements, 12 months after the coming in to force of the regulatory change.

The PABEW was unable to reach consensus, with PFEW alone in refusing to endorse the proposal. It was agreed that PABEW would write to the Minister outlining the opposing arguments. The PFEW will also write to Minister separately to articulate its concerns.

## **National Police Promotions framework (Work Based Assessments):**

### **Background**

In April 2006 the Police Minister approved the trial of Work-Based Assessment for Promotion within seven forces. The Police Promotion Examination Board opted in January 2008 for an extension of the trial followed by a phased roll-out of the scheme from 1 April 2009. The Minister deferred his decision to authorise rollout until improvements were made. PFEW and PSAEW later withdrew their support and the rollout did not occur. The original trial was closed and a new 2 year trial, to include 3 additional forces, began in April 2009. While the trial is taking place the NPIA College of Police Leadership was tasked to undertake a review to find a holistic approach for the Police Service in the areas of leadership, qualifications, accreditation and promotion.

### **Current Status:**

The NPIA is working on possible amendments to the scheme but no changes will be made until the results of Peter Neyroud's review are made known. The Home Office expects this to be within the next few weeks. The holistic review has been subsumed into the review by Peter Neyroud.

## **Delegation of Functions**

### **Background:**

At the February 2008 PABEW meeting the Home Office put forward a proposal to amend legislation to make functions specifically requiring Chief Officer decision delegable to less senior police officers and police staff equivalents. Under existing

---

interpretation of the law most but not all functions may already be delegated. A PABEW working party was set up to discuss the issues in more detail. PFEW raised concerns about the need for an appeals process and ongoing scrutiny of delegated decisions in individual forces. At the April 2008 PABEW the proposal to allow delegation to a minimum of Chief Inspector or staff equivalent was approved. Decisions which materially affect the lives of officers will be retained at ACPO equivalent or Chief Constable level. The working party was asked to come up with guidance on the definition of police staff equivalents. The guidance was approved by PABEW on 30<sup>th</sup> October 2008 subject to a review of its effectiveness after 12 months.

## **Current Status:**

Draft regulations and guidance were circulated in October 2010. The PFEW provided comments in November 2010 and amended regulations are awaited. It is hoped that the matter can then be concluded via correspondence.

## **Insight Programme**

### **Background**

Insight is the name NPIA gives to its longer term workforce planning programme. A number of toolkits have been developed to assist with Resource Planning, Workforce Modernisation and Resilience. The in-force trials of the Insight workforce planning tools are being evaluated by the NPIA via its Research Analysis and Information unit.

### **Current Status**

The first phase of Insight related to the workforce planning elements. A second phase – looking at the employment model and terms and conditions for officers and staff - has been put on hold pending the outcome of the Winsor review.

## **PABEW Fitness Working Group**

### **Background**

The National Recruitment Standards sub-committee endorsed the suggestion from the Fitness Working Group that external consultants research the physical requirements for officers in all specialist roles. The report was presented to PABEW on 22 January 2010 for approval of its recommendations. The new fitness standards were approved

---

by the PABEW in April 2010. The Police Minister chose not to mandate the guidelines as he feels it is an operational policing matter lying within the remit of ACPO. PFEW wrote to the Minister expressing concern that the government was ignoring its responsibility to promote equality of opportunity. In his response he stood by his initial decision.

## **Current Status**

On 7 January 2011 RJW wrote to the Minister requesting more detail about his deliberations in reaching a decision not to mandate the tests. There is a possibility that the Minister has failed in his duty to eliminate inequality on the grounds of sex. If so it is possible a judicial review of the decision could be sought.

In the interests of circulating the standards to forces as soon as possible it was agreed that ACPO should begin the process of publishing the standards directly. It was agreed that any action taken by the PFEW should continue independently.

## **Biometric Vetting**

### **Background**

The PABEW recommended, at its meeting on 19 July 2007, that additional vetting checks should be made on applicants' suitability for joining the police service. Subsequently, Ministers accepted the Board's recommendation. At the October 2008 PABEW meeting a technical working group was set up to support the drafting of relevant guidance. The PFEW supports the necessary changes in legislation but we have stated that any changes in procedure should apply to police staff as well as officers. The progress of the technical working group stalled over whether it is legal to take DNA samples from potential recruits and cross-match them with the police national computer if the samples are not collected under PACE. The Information Commissioner has clarified this is acceptable provided the candidate is fully informed, preferably in writing. The Information Commissioner also stated the DNA sample should not be taken before a "firm" job offer is made. ACPO is seeking further clarification on this from the Information Commissioner as it could be impossible to put into practice.

# PABEW UPDATE



---

## **Current Status**

ACPO now indicate a solution has been reached with the Information Commissioner. Paul West is in the process of trying to reconvene the technical working party.

**Date of next PABEW meeting – 14 April 2011**

**Ian Rennie**

