



Ministry
of Defence

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Eamon Keating
National Chairman
Defence Police Federation

8 July 2015

Dear Eamon,

MINISTRY OF DEFENCE POLICE TERMS AND CONDITIONS OF SERVICE REVIEW – FORMAL OFFER

1. The then Minister(DPWV) wrote to you before the General Election setting out the Government's position on effective pension age for the MDP. The Secretary of State has confirmed that the terms offered in that letter remain extant. To recap, the Government is offering an effective pension age which will be a maximum three year actuarial reduction from state pension age. This means that on a State pension age of 68, the normal MOD pension age, for those who do not have protected rights to an earlier pension age, will be 65. This will be funded in full by the Department provided it forms part of an overall agreement on revised terms and conditions of service for the MDP.

2. This letter sets out the changes that we propose to the MDP's terms and conditions of service (TACOS) as a condition of the proposed pension age change. The individual elements of this letter form a mutually dependent package, and cannot be accepted in isolation. I should make clear at the outset that in addition to having to meet the costs of a reduced effective pension age, the MDP, in common with the rest of MOD, faces extremely demanding savings targets over the 10 year costing period. The unavoidable financial reality is that the TACOS package must be affordable in the context of the available budget.

MDP OCCUPATIONAL FITNESS STANDARD

3. All MDP officers will be required, as a condition of service, to meet an MDP Occupational Fitness Standard that has been determined by the Institute of Naval Medicine (INM Report 2015.008 refers) and agreed by the College of Policing. All officers will be required to pass an annual fitness test that equates to Level 5.7 on the 15 metre version of the Multistage Fitness Test (INM Report 2015.009 refers). Implementation of the new MDP Occupational Fitness Standard will commence during 2015/16 through a programme of "no

consequence” fitness testing. “With consequence” fitness testing will begin during 2016/17. Implementation of fitness testing in the MDP will be based on the policy and process that has supported the introduction of job related fitness testing within Home Office Forces.

4. Detailed policy guidance on the implementation of the new MDP Occupational Fitness Standard (including the supporting annual fitness testing process) will be consulted upon. This will draw upon the recommendations made by the Institute of Naval Medicine and will detail the remedial support, advice and training that will be provided to officers who are unable to meet the agreed MDP Occupational Fitness Standard. The policy guidance will also detail the process for managing officers who are unable to meet the MDP Occupational Fitness Standard after remedial support, advice and training has been provided. This will be in accordance with the MDP Unsatisfactory Performance Procedures.

MANAGEMENT OF OFFICERS ON LIMITED DUTIES

5. Home Office Circular 10/2015 introduced changes to Police Regulations in regard to the management of officers on limited duties. We propose to implement these changes within the MDP through revised Force policy. The Police Advisory Board for England and Wales Officers has produced guidance to support the changes to the management of officers on limited duties and we intend to use this as the basis for developing MDP policy that will be the subject of separate consultation.

6. Under the changes to the management of officers on limited duties that were introduced by Home Office Forces in April 2015, officers who have been placed on Adjusted Duties for more than 12 months may be subject to the loss of the deployability element of the X-factor payment following a formal management review. This constitutes a deduction of pay to the value of 8%. In this context the term Adjusted Duties relates to officers who cannot be deployed on full duties, but who are able to attend for duty in a substantive policing role following a formal workplace adjustment (including a reasonable adjustment under the Equality Act 2010).

7. MDP officers who are currently in a post that has been the subject of a formal workplace assessment (including reasonable adjustments under the Equality Act 2010) will not have their salary reduced by 8% with immediate effect. If an officer is placed on Adjusted Duties as defined in the new policy on managing officers on limited duties their situation will be formally reviewed by management after 12 months. Any decision to remove the X-factor component of pay will be made on a case-by-case basis, and will be informed by the outcome of the formal management review process.

PAY AND ALLOWANCES

Net Pay Deduction

8. The Department has applied a Net Pay Deduction (NPD) since 1982 to take account of the differences between the Principal Civil Service Pension Scheme (PCSPS) and the Police Pension Scheme (PPS) and to ensure that MDP take home pay remained at a relativity of 95%. However, we recognise that the current rate is out of date given changes that have been made in both PCSPS and PPS since it was last reviewed. We recognise too that it is unfair to apply one single rate of NPD given that MDP and HDPF officers are now on a range of different pension schemes. While differential rates could be calculated, this would introduce considerable additional complexity at a time when we are seeking to simplify pay. Provided that agreement of the overall TACOS package makes it affordable to do so, the Department proposes to abolish the NPD altogether from 1 April 2016.

Annual Salary

9. We propose to implement in full at a relativity of 95% the new pay scales that were introduced by Home Department Police Forces (HDPFs) in 2014, representing an average pay increase of 1%. This includes new pay scales for existing Constables and new entrants. Some changes have also been made for Superintendents, Chief Superintendents and Assistant Chief Constables. The proposed new pay scales are attached at Annex A. This pay increase will be backdated to 1 September 2014 and will be implemented at the earliest opportunity.

Working Hours

10. The conditioned working hours for MDP officers are currently set at 40 per week. We do not propose to change this for existing officers.

11. However, in order to contribute to the MDP's demanding savings targets the Department intends to increase conditioned hours for officers who join the Force after September 2015 from 40 to 42 hours per week. The relativity of 95% in terms of annual salary will continue to apply to these officers. It will not, however, apply to the hourly rate of pay. For clarity, there will be no change to the existing policy on Refreshment Periods that is detailed in the MDP Shift Working policy.

Freeze on pay progression

12. Following Winsor, HDPFs introduced a two year freeze on automatic progression up the pay scale for those officers not on their maximum of their pay scale, excluding the first three increments on the constables' pay scale who were exempt from this. MOD delayed doing the same pending the outcome of the TACOS Review. We now wish to implement such a freeze for officers who joined the Force before April 2012. We estimate that this will affect no more than 400 officers between the ranks of Constable and Chief Inspector. If we do not do so, these officers will be two incremental points higher up the pay scale than their HDPF counterparts, which will mean that their salary will exceed 95% of their HDPF counterparts. In order to restore the 95% relativity, therefore, we propose that all officers who have not yet

reached the top of their pay scale, and who joined the Force before April 2012, should be suspended at their current incremental point for a two year period commencing in April 2016. Officers at the top of their pay scale will not be affected. At the end of the two year suspension period the affected officers will move onto the new process for linking pay scale progression with performance that is detailed below.

Linking Pay Scale Progression to Performance

13. Winsor recommended that pay progression for officers in the Federated ranks should be subject to a Satisfactory box marking in their annual appraisal. We propose to introduce this for all officers in the MDP. With effect from 1 January 2016, pay scale progression will be linked to the conclusion of the annual PDR process (rather than the anniversary of joining the MDP as at present). Officers not on the maximum of their pay scale will progress to the next increment on the scale provided they achieve a PDR marking of Satisfactory. Those who do not achieve a marking of Satisfactory will remain on the same point on the pay scale until a marking of Satisfactory is achieved. The criteria for achieving a marking of Satisfactory will include:

- Remaining fully qualified for the officer's designated role by passing all mandatory qualification and requalification training required, including firearms.
- Meeting the agreed MDP Occupational Fitness Standard (and passing the associated annual fitness test).
- Being assessed as having reached acceptable levels of professional conduct.
- Sickness absence of no more than 8 days in one year.

The policy guidance required to implement linking pay scale progression to performance within the MDP will now be developed by the Force and consulted upon.

Overtime

14. Following Winsor, the HDPFs have introduced changes in the entitlements to compensation for overtime working via Home Office Circular 010/2012. MOD proposes to introduce the same rules, which will be incorporated into Force policy:

| Type of overtime | Eligibility | Rate per hour |
|-------------------------|---|---|
| Casual | Remaining on duty after a tour of duty ends | Time and a third (but there is no payment for the first 15 or 30 minutes worked depending on the notice given) |
| | Working on a Z day | Time and a third |
| | Recalled between two rostered tours of duty | Time and a third plus travelling time (the |

| | | |
|---------|----------------|--|
| | | minimum of four hours' pay is abolished) |
| Planned | Rest Day | Time and a half when fewer than 15 days' notice of a requirement to work is given. Existing policy on managing requirements to work on a rest day when more than 15 days notice is given remains unchanged. |
| | Public Holiday | Double time applies to 25 December and seven other days chosen by the officer to be treated as public holidays |

Maternity Pay

15. Following Winsor, HDPF officers' maternity pay was increased to 18 weeks at full pay. We propose similarly to increase MDP officers' maternity pay to 18 weeks with effect from 1 August 2015.

Competency Related Threshold Payment (CRTP)

16. CRTP was introduced into the MDP following a decision by the HDPFs to introduce a similar payment. Following the Winsor report, the HDPFs began phasing CRTP out in April 2013 and will withdraw it altogether in April 2016. MOD similarly proposes to withdraw CRTP in April 2016.

Special Priority Payment (SPP)

17. Following the Winsor report, HDPFs have abolished Special Priority Payments. MOD similarly proposes to abolish the MDP SPP Scheme and no further payments will be made beyond those already agreed for 2014.

18. The Chief Constable is now considering the introduction of a new MDP Priority Post Allowance that would provide additional financial reward to officers who take up posts that are particularly difficult to fill, or who have particular skills and training. The associated policy for an MDP Priority Post Allowance will be the subject of separate consultation.

Attendance Management

19. MDP officers who report sick when they have been rostered to work on a Rest Day will have their absence counted for the purposes of attendance management.

Allowances

20. Following Winsor, the Home Office introduced an Unsocial Hours Allowance for hours worked between 20.00 and 06.00 hours. As stated above, the future MDP TACOS proposition must be affordable within the Force's budget allocation over the next 10 years. The introduction of a new Unsocial Hours Allowance would make this package of proposals unaffordable and as a result this will not be introduced within the MDP.

21. When the Home Office introduces new allowances within the police service the MOD will discuss with the Defence Police Federation (DPF) whether similar allowances should be introduced in the MDP. This applies also to allowances which have already been introduced. MOD's decisions will be based on the merits of each case, the operational role of the MDP and on affordability.

VARIABLE SHIFT ARRANGEMENTS

22. Winsor recommended that Chief Officers be required to consult, rather than agree, with the Police Federation and individual officers on changes to variable shift rosters. This change was implemented by Home Office Circular 010/2012. In this light, the MOD proposes that the Chief Constable of the MDP should also be able to consult, rather than agree, with the DPF and individual officers on changes to existing variable shift arrangements. The procedures to be followed for such consultation are set out in the protocol attached at Annex B. It is the Force's intention to remove Z days as soon as is reasonably practicable.

DRUG AND ALCOHOL TESTING

23. The MDP, by virtue of its exceptional role and consequent widespread carriage of firearms, is in a unique position of risk in respect of impaired judgment or performance of an armed officer. The very highest professional standards are expected of all officers who are required to bear firearms.

24. We wish to extend the power to conduct tests for alcohol or drugs with cause to all officers in the MDP. All MDP officers will also be liable to random testing for alcohol or drugs whilst on duty. For officers deployed in firearms roles random testing may be undertaken prior to the issue of firearms during that duty, or at any time when the officer has firearms issued to them.

25. The penalty for refusal to take a test for alcohol or drugs will be no less than the penalty for failing a test. Any officer who fails or refuses a test will be referred to the Professional Standards Department for further action.

IMPLEMENTATION

26. It is proposed that all elements of the package with a financial effect will come into force on 1 April 2016.

Yours sincerely

(signed on dii)

Daniel Applegate

MDP PAY SCALES – AS AT 1 SEPTEMBER 2014

CONSTABLES WHO JOINED THE MDP PRIOR TO 1 APRIL 2013

| | (A) | (B) | (C) | (D) |
|-----------------------------------|-------------------------|---|--|------------------------------------|
| Pay Point | Home Office Rate | MoD Rate for Overtime & Pensions Purposes (95% of A) | Actual Rate of Pay (91.5% of A) | MDP Net Pay Deduction (B-C) |
| | £ | £ | £ | £ |
| On commencing service | 23,727 | 22,541 | 21,710 | 831 |
| On completion of initial training | 26,484 | 25,160 | 24,233 | 927 |
| 2 | 28,023 | 26,622 | 25,641 | 981 |
| 3 | 29,733 | 28,246 | 27,206 | 1,040 |
| 4 | 30,669 | 29,136 | 28,062 | 1,074 |
| 5 | 31,653 | 30,070 | 28,962 | 1,108 |
| 6 (a) | 33,360 | 31,692 | 30,524 | 1,168 |
| 7 | 34,434 | 32,712 | 31,507 | 1,205 |
| 8 (a) | 36,516 | 34,690 | 33,412 | 1,278 |
| 9 (b) | 37,254 | 35,391 | 34,087 | 1,304 |

(a) As a result of the agreement reached at the PNB, the constables' pay scale shown above will be reduced by a further 2 pay points by 1 April 2016:

- Current pay point 6 will be removed with effect from 1 April 2015
- Current pay point 8 will be removed with effect from 1 April 2016

The assimilation procedure to enable transition to the new pay scale will be the subject of separate consultation with the Defence Police Federation.

(b) Officers who have been on this pay point for a year will have access to the MDP Competence Related Threshold Payment of £1,152 a year, which will be removed with effect from 1 April 2016.

CONSTABLES WHO JOINED THE MDP ON OR AFTER 1 APRIL 2013

| | (A) | (B) | (C) | (D) |
|-----------|------------------|--|---------------------------------|-----------------------------|
| Pay Point | Home Office Rate | MoD Rate for Overtime & Pensions Purposes (95% of A) | Actual Rate of Pay (91.5% of A) | MDP Net Pay Deduction (B-C) |
| | £ | £ | £ | £ |
| 0 (a) (b) | 19,383 | 18,414 | 17,735 | 678 |
| 1 (c) | 22,443 | 21,321 | 20,535 | 786 |
| 2 (d) | 23,460 | 22,287 | 21,466 | 821 |
| 3 | 24,483 | 23,259 | 22,402 | 857 |
| 4 | 25,503 | 24,228 | 23,335 | 893 |
| 5 | 27,543 | 26,166 | 25,202 | 964 |
| 6 | 31,653 | 30,070 | 28,962 | 1,108 |
| 7 | 37,254 | 35,391 | 34,087 | 1,304 |

(a) Entry point for a member appointed in the rank of constable, however:

- (i) The Chief Constable MDP may, after consultation with the MOD Police Committee, assign any member to pay point 1 on the basis of local recruitment needs or the possession of a policing qualification or relevant experience other than those specified in sub-paragraph (ii) of this note; and
- (ii) The Chief Constable MDP shall assign to pay point 1 any member who:
 - 1. Possesses a Policing Qualification as defined by the chief officer after consultation with the MOD Police Committee;

2. Was, prior to appointment, serving as a Special Constable who has been assessed and has achieved 'Safe and Lawful' attainment to National Standards, or the equivalent as specified by the Chief Constable MDP;

3. Was, prior to appointment, serving as a Police Community Support Officer who has been signed off as competent to perform independent patrol and who has served a minimum of 18 months in the role.

(b) The salary paid to a member at pay point 0 shall be between £17385 and £20,534 as determined by the Chief Constable MDP, after consultation with the MOD Police Committee, based on local recruitment needs or the possession of a policing qualification or relevant experience other than those specified in sub-paragraph (ii) of note (a) above

(c) On completion of initial training, a member who entered at pay point 0 will move to pay point 1.

(d) All members will move to pay point 2 after 12 months at pay point 1.

SERGEANTS

| | (A) | (B) | (C) | (D) |
|------------------|-------------------------|---|--|------------------------------------|
| Pay Point | Home Office Rate | MoD Rate for Overtime & Pensions Purposes (95% of A) | Actual Rate of Pay (91.5% of A) | MDP Net Pay Deduction (B-C) |
| | £ | £ | £ | £ |
| 1(a) | 38,526 | 36,600 | 35,251 | 1,349 |
| 2 | 39,819 | 37,828 | 36,434 | 1,394 |
| 3 | 40,668 | 38,635 | 37,211 | 1,424 |
| 4 (b) | 41,865 | 39,772 | 38,306 | 1,466 |

- (a) Entry point for officers promoted from Constable.
- (b) Officers who have been on this pay point for a year will have access to the MDP Competence Related Threshold Payment of £1,152 a year, which will be removed with effect from 1 April 2016.

INSPECTORS

| | (A) | (B) | (C) | (D) |
|-----------|------------------|--|---------------------------------|-------------------------|
| Pay Point | Home Office Rate | MoD Rate for Overtime & Pensions Purposes (95% of A) | Actual Rate of Pay (92.1% of A) | Net Pay Deduction (B-C) |
| | £ | £ | £ | £ |
| 0 | 47,730 | 45,344 | 43,959 | 1,385 |
| 1 | 49,074 | 46,620 | 45,197 | 1,423 |
| 2 | 50,421 | 47,900 | 46,438 | 1,462 |
| 3 (a) | 51,771 | 49,182 | 47,681 | 1,501 |

- (a) Entry point for officers appointed to the rank.
- (b) Officers who have been on this pay point for a year will have access to the MDP Competence Related Threshold Payment of £1,152 a year, which will be removed with effect from 1 April 2016.

CHIEF INSPECTORS

| | (A) | (B) | (C) | (D) |
|------------------|-------------------------|---|--|--------------------------------|
| Pay Point | Home Office Rate | MoD Rate for Overtime & Pensions Purposes (95% of A) | Actual Rate of Pay (92.1% of A) | Net Pay Deduction (B-C) |
| | £ | £ | £ | £ |
| 1 (a) | 52,830 | 50,189 | 48,656 | 1,533 |
| 2 | 53,892 | 51,197 | 49,635 | 1,562 |
| 3 | 55,005 | 52,255 | 50,660 | 1,595 |

(a) Entry point for officers appointed to the rank.

(b) Officers who have been on this pay point for a year will have access to the MDP Competence Related Threshold Payment of £1,152 a year, which will be removed with effect from 1 April 2016.

CHIEF INSPECTORS IN POST AT 31 AUGUST 1994

| | (A) | (B) | (C) | (D) |
|------------------|-------------------------|---|--|--------------------------------|
| Pay Point | Home Office Rate | MoD Rate for Overtime & Pensions Purposes (95% of A) | Actual Rate of Pay (92.1% of A) | Net Pay Deduction (B-C) |
| | £ | £ | £ | £ |
| 1 | 55,905 | 53,110 | 51,489 | 1,621 |

SUPERINTENDENTS

| | (A) | (B) | (C) | (D) |
|-----------|------------------|--|---------------------------------|-------------------------|
| Pay Point | Home Office Rate | MoD Rate for Overtime & Pensions Purposes (95% of A) | Actual Rate of Pay (92.1% of A) | Net Pay Deduction (B-C) |
| | £ | £ | £ | £ |
| 1 (a) | 63,552 | 60,374 | 58,531 | 1,843 |
| 2 | 66,873 | 63,529 | 61,590 | 1,939 |
| 3 | 70,365 | 66,847 | 64,806 | 2,041 |
| 4 | 75,066 | 71,313 | 69,136 | 2,177 |

(a) Entry point for officers appointed to the rank.

The assimilation arrangements that will enable transition to the above pay scale will be the subject of separate consultation with the Defence Police Federation.

CHIEF SUPERINTENDENTS

| | (A) | (B) | (C) | (D) |
|-----------|------------------|--|---------------------------------|-------------------------|
| Pay Point | Home Office Rate | MoD Rate for Overtime & Pensions Purposes (95% of A) | Actual Rate of Pay (92.1% of A) | Net Pay Deduction (B-C) |
| | £ | £ | £ | £ |
| 1 | 78,768 | 74,830 | 72,545 | 2,285 |
| 2 | 81,435 | 77,363 | 75,002 | 2,361 |
| 3 | 83,094 | 78,939 | 76,530 | 2,409 |

The assimilation arrangements that will enable transition to the above pay scale will be the subject of separate consultation with the Defence Police Federation.

ASSISTANT CHIEF CONSTABLES

| | (A) | (B) | (C) | (D) |
|-----------|------------------|--|---------------------------------|-------------------------|
| Pay Point | Home Office Rate | MoD Rate for Overtime & Pensions Purposes (95% of A) | Actual Rate of Pay (92.1% of A) | Net Pay Deduction (B-C) |
| | £ | £ | £ | £ |
| 1 (a) | 95,640 | 90,858 | 88,084 | 2,774 |
| 2 | 98,727 | 93,791 | 90,928 | 2,863 |
| 3 | 101,805 | 96,715 | 93,762 | 2,953 |
| 4 | 104,895 | 99,650 | 96,608 | 3,042 |
| 5 | 107,976 | 102,577 | 99,446 | 3,131 |

(a) Entry point for officers appointed to the rank.

**CONSULTATION PROTOCOL FOR PROPOSED CHANGES TO MDP
VARIABLE SHIFT ARRANGEMENTS**

1. This Protocol has been agreed by the Chief Constable and the Defence Police Federation (DPF) and will apply to the consultation process for proposed changes to existing MDP Variable Shift Arrangements (VSA). It is a binding document and will be incorporated into the Force policy on Shift Working.

2. The consultation process on any proposals to alter an existing VSA will be meaningful and in accordance with agreed Departmental consultation policy and the law. This requires the need for a change to be set out, for comments and alternatives to be provided and for these to be considered with care before a final decision is taken. Consultation will address the operational needs for change, across the whole Force or by station or group of stations, as needed.

3. When the pattern has been agreed individual officers may ask that their particular circumstances and needs are taken into account, given the potential impact on the officers concerned. This Protocol therefore sets out an overarching consultation framework that will be initiated when proposed changes to an existing VSA are being considered by the Force.

4. If the Chief Constable reasonably believes that an existing VSA is no longer delivering the customer requirement for MDP services and capabilities in the most efficient and/or cost effective way, or does not comply with recognised good practice in the wider UK police service, he may seek change. The following process will then apply:

- **The requirement** – The Force will provide the DPF with the case for change to an existing VSA. This will set out the customer and/or MDP reasons for the proposed change, and in particular why the existing shift pattern is not delivering the operational requirement in the most efficient and cost effective way.
- **The proposed VSA change** – The consultation proposal will include details of the alternative shift pattern that is proposed by the Force, how this would operate in practice and why this would be a better option to meet the operational requirement than the current VSA.
- **Equality and Diversity Impact** – This assessment will provide an assurance that the proposed alternative shift pattern will comply with the relevant Employment legislation and that the circumstances of individual officers have been considered in the specific context of Equality and Diversity concerns.
- **Response** – The DPF will be given the opportunity to address the issues of concern that have been identified by the Force.
- **Consultation approach and timetable** – The DPF will be asked to respond as swiftly as possible, within 30 days, to the Force proposal.

- **Engagement of the Chief Constable** – If the DPF believe that meaningful consultation and due process has not been followed, as detailed above, they may, at any time, engage directly with the Chief Constable
- **Decision** – The Chief Constable will make the decision in the best interests of the force taking account of the operational priorities and needs of the customer.
- **Implementation** – The new arrangements will be brought into operation not less than 30 days after the announcement by the Chief Constable.

4. Individual officers affected by proposed changes to a VSA may, at any time, seek an alternative working pattern. The Force will consider all such cases with due care and will look to accommodate exceptional circumstances where possible.