

Minutes of a meeting of the Board of the College of Policing**held on 23 November 2022 at 10:30****The Mothers' Union, Princess Victoria Room,****24 Tufton Street, London, SW1P 3RB****Board Members**

Nick Herbert	Chair
Neil Basu	Non-Executive Director
David Bamber	Non-Executive Director
Lyn Carpenter	Non-Executive Director
Suzanne McCarthy	Non-Executive Director
Andy Marsh	Chief Executive Officer
Alexis Poole	Non-Executive Director
Rosemary Scully (Teams)	Non-Executive Director

Executive in attendance

Nick Bayley	Director, Enabling Services
Jo Noakes	Director, Leadership and Workforce Development Portfolio
Bernie O'Reilly	Deputy Chief Executive Officer
Iain Raphael	Director, Public Safety and Risk Portfolio
Rachel Tuffin	Director of Professional Communities and Diversity Portfolio

Staff members in attendance

Kate Fromant (Teams)	Head of Corporate Governance
Thomas Grove	Staff Officer
James Strugnell	Governance Manager
Martin Tunstall	Executive Policy Adviser

Apologies

Jaspal Dhillon	Non-Executive Director
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Part one – Preliminary items

- 01-COP-NOV22 **Welcome and administration**
- 1.1 Apologies were received from Jaspal Dhillon.
 - 1.2 In Jaspal Dhillon's absence Oliver Cattermole would present the Finance and Performance Committee update.
 - 1.3 No conflicts of interest were declared.
 - 1.4 No item of any other business was received.
- 02-COP-NOV22 **Approval of Minutes of previous meetings**
- 2.1 The minutes of the meeting on 12 October 2022 were approved.
- Decision:** The Board resolved to:
- (i) Approve** the minutes of 12 October 2022.
- 03-COP-NOV22 **Action Points**
- 3.1 03-COP-JUL22 (item 1) - rewrite the action to remove the wording 'recently appointed'.
 - 3.2 03-COP-JUL22 (item 2) – finalise dates for the Non-Executive Directors' development workshops by the January Board meeting. Action status to be raised to a 'red' if not complete.
- ACTION: James Strugnell**
Rewrite action 03-COP-JUL22 (item 1) and create two, distinct, actions from it.
- ACTION: Kate Fromant**
In respect of action 03-COP-JUL22 (item 2), finalise dates by the January Board meeting.
- Decision:** The Board resolved to:
- (i) Note** the 'Action Points' template.
- 04-COP-NOV22 **Chair's report**
- 4.1 Nick Herbert (NH) thanked Neil Basu for his service and support at his final meeting and wished him good luck for the future.
 - 4.2 NH informed the Board that the College's proposed candidates for the Board seats reserved for Superintendent Ranks and a Police, Fire and Crime Commissioner were still awaiting approval by the Home Secretary.
 - 4.3 The College had received high-quality candidates to fill the Board seat reserved for a Chief Police Officer. Interviews would be held on 12 December 2022.
 - 4.4 Thought was being given to how the Metropolitan Police Service (MPS) could be represented at Board, if the Chief Police Officer seat was filled by an officer from outside of the MPS.

- 4.5 NH informed the Board that he and Andy Marsh (AM) had met with the Home Secretary on 8 November 2022.
- 4.6 NH provided the Board with a briefing on his attendance of the NPCC & APCC Partnership Summit, which was held on 9 and 10 November 2022.
- 4.7 NH stated the need for there to be a stronger College representation at summits such as this.
- 4.8 NH desired the College to be the third partner with the NPCC and APCC at future summits.
- 4.9 NH informed the Board that the all-party parliamentary group on policing had been well attended. Critics of the College were in attendance but had not raised issues. NH noted that the College needed more parliamentary engagement.
- 4.10 Two actions were raised:
 - 4.10.1 A calendar of upcoming events, summits and conferences that could be attended by Board members on behalf of the College to be produced and circulated
 - 4.10.2 Source smart, official College badges that could be worn by Board members attending events on behalf of the College.
- 4.11 Suzanne McCarthy asked that, when attending an event, Board members be briefed beforehand.

ACTION: Kate Fromant / Martin Tunstall

Create and distribute a calendar of upcoming events, summits and conferences that Board members might attend on behalf of the College.

ACTION: Kate Fromant / James Strugnell

Source smart, official College badges that Board members can wear when attending events on behalf of the College.

Decision: The Board resolved to:

- (i) **Note** the Chair's report.

05-COP-NOV22

Chief Executive's report

- 5.1 Andy Marsh (AM) thanked Neil Basu for being a "generational" talent and for his immense help on the leadership work.
- 5.2 AM provided the Board with an update on College activities since the last Board meeting.
 - 5.2.1 The Executive had held discussions around improving stakeholder management.
 - 5.2.2 Communications around the leadership work had been published.
 - 5.2.3 International engagement work had continued.
- 5.3 AM informed the Board that Greater Manchester Police had come out of special measures, whilst Devon and Cornwall Police had been moved into special measures.

- 5.4 Since the last Board meeting, AM had been interviewed by *The Guardian*. The interview included discussion of the replacement for DASH and a potential code of practice for VAWG.
- 5.5 AM had attended the National Problem Solving and Crime Prevention Conference in October 2022, discussing leadership development within policing.
- 5.6 The College was helping to support Chief selection processes in Bedfordshire and Thames Valley.
- 5.7 The Board was informed that the College's business plan had been signed off by the Home Office.
- 5.8 The Home Office did not intend to present the College's corporate strategy to the Home Secretary for approval.
- 5.9 AM informed the Board that CC Gavin Stephens would be succeeding CC Martin Hewitt as Chair of the NPCC in April 2023.
- 5.10 Nick Herbert noted that Marc Jones, outgoing Chair of the APCC, spoke positively of the College in his 'valedictory' speech.

Decision: The Board resolved to:

- (i) **Note** the Chief Executive's report.

06-COP-NOV22

Current issues in policing

- 6.1 Iain Raphael (IR) provided the Board with an update on the current issues in policing. The Board was informed that the accompanying paper now contained hyperlinks, within its text, to further reading on the topics.
- 6.2 IR drew the Board's attention to aspects of the report.

Public order policing

- 6.3 Since the last Board meeting the action by *Just Stop Oil* had put the policing of protest into the spotlight. The College had continued to engage and work with key stakeholders to ensure that guidance and training remained relevant and connected to the operating context. Regular bulletins were going out to forces and a knowledge sharing event had been organised for November 2022.
- 6.4 In addition, the College had made significant changes to its protestor removal training; a new, quicker training had been developed.
- 6.5 A national event would be held on 9 December 2022 to discuss coordination of a national response to public order policing.

Response to inquiries and investigations

- 6.6 Two reports of note had been published since the last meeting of the Board.
- 6.7 The second volume of the report into the Manchester Arena terrorist attack had been published. A multi-agency response

would be needed, with c. 40 recommendations requiring the College's support.

- 6.8 The HMICFRS report on vetting had been published, with 29 of its recommendations requiring the College's support.

VAWG

- 6.9 The College had received £1.7m funding from the Cabinet Office's Evaluation Acceleration Fund to test up to six interventions to tackle VAWG. These interventions had now been identified.
- 6.10 The business case to enable long-term commitment to the VAWG work, had been revised. The outlining business case for 2023/24 for a National Policing's VAWG Coordination Centre, which was previously submitted to the Home Office for £2.5m, had been reduced to £2.0m. The reduction meant that VAWG would focus primarily on three key areas.

Hate Crime APP

- 6.11 The Board discussed the Hate Crime APP.
- 6.12 Nick Herbert informed the Board that ministers had committed to publishing statutory guidance on hate crime, with the College's guidance not expected to be accepted by ministers and the Home Secretary.
- 6.13 The guidance was now with government and not the College. Although, IR noted that the College was still part of the team developing it.
- 6.14 IR informed the Board that due to the political uncertainty of the past months clarity was still awaited about whether the Home Office would use its power to issue a code of practice. Until a code was issued, the current APP remained valid.
- 6.15 Andy Marsh informed the Board of the issues around forces' use of and recording of data relating to hate crime. This related to the broader problem of National Crime Recording Standards.
- 6.16 Nick Herbert agreed that the service required a briefing on the recording of non-crime hate incidents.
- 6.17 Suzanne McCarthy requested to be informed, further, of the process used by the College to implement best practice, and what the risks were to the College in doing this. It was agreed that this would be provided at the January Board meeting.

ACTION: Iain Raphael / Rachel Tuffin

Produce a paper, for January's Board meeting, on the College's process for implement best practice.

Decision: The Board resolved to:

- (i) **Note** the current issues in policing.

Part two – Items for discussion

07-COP-NOV22

New Entry Routes

- 7.1 Jo Noakes (JN) provided the Board with a summary of the Home Secretary's speech of 9 November 2022 and how this impacted planned entry routes into policing.
- 7.2 The Home Secretary announced that she would like the College to consider a fourth entry route that did not involve the acquisition of a degree as a consequence of the training.
- 7.3 This followed lobbying by 16 PCCs who called on the Home Secretary to take this action. Additionally, it was known that some Chief Constables had expressed concerns about the PEQF route.
- 7.4 The College would be taking a paper, the draft of which had been circulated to the Board, to PCCs on 29 November and Chiefs on 7 and 8 December. The paper presented the facts about the new entry routes, the rationale for their development, the problems with the IPLDP route and the work the College was doing on optimisation (presented at the October Board).
- 7.5 IPLDP was intended to stop on 31 March 2023. In light of the announcement, there would need to be a review of the proposed regulatory change; this would need to be approved by the College Board. It was being recommended that, rather than revoke or withdraw the regulatory change in its entirety, the College requested that the previously approved determination came into force on 1 April 2024. This position would be reviewed as the option for a fourth (non-degree) entry route was progressed as part of the optimisation of the existing framework. *[As the New Entry Route discussion related to draft documents which would published at a later stage, the details of the discussion have been removed from this version.]*

Decision: The Board resolved to:

- (i) **Provisionally approve** seeking an extension to the IPLDP regulatory changes to 31 March 2024, dependent on the outcome of Jo Noakes's conversation with officials.

08-COP-NOV22

Committee Membership update

- 8.1 Kate Fromant (KF) provided the Board with an update on committee membership.
- 8.2 Only one expression of interest had been received in response to the request to sit on the Finance and Performance Committee (FPC).
- 8.3 The College's proposed candidates for the Board seats reserved for Superintendent Ranks and a Police, Fire and Crime Commissioner were still awaiting approval by the Home Secretary. It was hoped that one these new Board members would take a seat at FPC.

- 8.4 An action was taken for Nick Herbert and KF to discuss the quoracy of FPC, further, outside of the meeting.

ACTION: Nick Herbert / Kate Fromant

To hold further discussion on the quoracy of FPC, outside of the meeting.

Decision: The Board resolved to:

- (i) **Note** the update on committee membership.

09-COP-NOV22

Finance and Performance Committee Update

- 9.1 In the absence of the FPC Chair, Jaspal Dhillon, Oliver Cattermole provided an update to the Board on the meeting of the FPC held on 16 November 2022.
- 9.2 The meeting was not quorate but was used in an exploratory capacity to plan future meeting.
- 9.3 It was noted that performance data would be presented at the Executive Committee before going to FPC.

Decision: The Board resolved to:

- (i) **Note** the Finance and Performance Committee update.

10-COP-NOV22

Finance Update

- 10.1 Nick Bayley (NB) provided the Board with a financial update.
[As the details discussed are commercially sensitive, they have been removed from this version.]
- 10.2 Nick Herbert (NH) requested that a summary, showing the financial variance over the FY, be included at the beginning of the paper each time it came to the Board.
- 10.3 NH requested that a financial update be presented at every Board meeting.
- 10.4 Kate Fromant took an action to map the request for a finance update to be brought to every Board meeting (bi-monthly) against the quarterly meeting of the FPC.

ACTION: Nick Bayley

For future finance updates, a summary, showing the financial variance, to date, over the FY, to be included at the beginning of the paper.

ACTION: Nick Bayley

Financial update be submitted to every Board meeting.

ACTION: Kate Fromant

To map the request for a finance update to be brought to every Board meeting (bi-monthly) against the quarterly meeting of the FPC.

Decision: The Board resolved to:

- (i) **Agree** that a financial update be brought to every Board meeting.
- (ii) **Note** the Finance Update.

11-COP-NOV22

Performance and Risk Update

- 11.1 Oliver Cattermole (OC) presented the Board with the six-monthly update on performance and risk.
- 11.2 This included an Executive Summary of performance in Q1 and Q2 against the College's strategic ambitions. In addition, impact data against each of the five strategic ambitions was presented.
- 11.3 The results of the assessment of Q1 and Q2 would allow the business plan to be updated to accurately reflect ongoing work for the College and recent new demand.
- 11.4 The assessment, by tracking the extent to which delivery across the business was on track, showed that nine of the eleven deliverables due for completion had been delivered.
- 11.5 The Board was also presented with the Strategic Risk Register, which had been updated, since being presented at September's Audit and Risk Committee (ARC), to include the new risk SR8 around resource planning, prioritisation and delivery work.

Discussion

- 11.6 Nick Herbert (NH) requested that documents were labelled so that 'Annex A' and 'Annex B' was printed in the header of all corresponding pages.
- 11.7 NH noted that the data was lacking Jaspal Dhillon's direction as to which areas the Board / College should be concerned about. This should be included in future.
- 11.8 Alexis Poole (AP) noted that the metrics presented in Annex B were for officers. AP suggested that these should account for police staff as well.
- 11.9 AP questioned the data relating to the Barred List presented in Annex B; it felt wrong and did not show staff numbers.
- 11.10 Andy Marsh (AM) suggested that the Barred List graphics should show year-on-year accumulation.
- 11.11 An action was taken for OC to circulate an updated version of the Barred List metrics.
- 11.12 Suzanne McCarthy (SM) questioned whether future datasets would focus on the College's impact on these areas. It was important to see how the College impacted the data.
- 11.13 David Bamber liked the data and long-term outlook, but also believed that it needed to demonstrate the impacts made by the College in the short term.
- 11.14 NH noted that both types of data were required. Systemic data would inform what the College worked on, whilst there was a requirement to be able to measure the impact of this work.
- 11.15 AM agreed that the College needed to prove that it was focusing resource in the right areas.

- 11.16 NH stated that the current data seemed to be presented in a quite 'busy' fashion, with some 'risks' seemingly reported, repeatedly, in several places. NH stated that the data being presented to the Board needed to be simplified.
- 11.17 FPC was actioned with finding a way to draw the data together for reporting to the Board with a narrative.
- 11.18 SM suggested that at the end of each FPC meeting there was a standing item to decide what should be taken to the Board.
- 11.19 NH requested that the 'FPC Update' paper be taken out of 'Items for noting' and be distributed in the main bundle in future.
- 11.20 NH acknowledge the need to examine the sequencing of reporting this information at the FPC, ARC and People (Nomination and Remuneration) Committee (P(NR)C), before it came to the Board, and noted that dates for these committee would be appropriately arranged once the Board dates had been set.
- 11.21 Kate Fromant informed the Board that FPC, ARC and P(NR)C were held quarterly, so would not be on the agenda at every Board meeting.
- 11.22 NH reiterated that a finance update should come to every Board meeting.

ACTION: Oliver Cattermole

Inclusion of 'Annex' designation to be added in the header of all corresponding pages.

ACTION: Oliver Cattermole / Jaspal Dhillon

Jaspal Dhillon's direction as to which areas of the data the Board / College should be concerned about, to be included in future reports.

ACTION: Oliver Cattermole

To circulate, to Board members, outside of the meeting, an updated version of the Barred List metrics.

ACTION: Oliver Cattermole / Jaspal Dhillon

To discuss adding a standing item to the FPC agenda to decide what should be taken to the Board and what overarching narrative presented by the data was.

ACTION: Kate Fromant / James Strugnell

In future, distribute 'FPC Update' within the main paper bundle, rather than the 'Items for noting' bundle.

Decision: The Board resolved to:

- (i) **Note** the Performance and Risk update.

Part three – Items for decision

12-COP-NOV22 **Pre-Charge Bail**

- 12.1 Iain Raphael (IR) requested that the Board approve submission of the Pre-charge Bail (PCB) Statutory Guidance to the Home Office for Parliamentary approval.
- 12.2 As a result of the Police, Crime Sentencing and Courts Act 2022 (PCSC), the regime for managing PCB changed on 28 October 2022. The authority levels for granting PCB and the length of bail periods changed. Under the Act, the College was granted a power to issue statutory guidance.
- 12.3 The College had written statutory guidance to assist forces to operationalise the new legislative position
- 12.4 The College had conducted public consultation on a draft of the Statutory Guidance. Consultation events had been held to address specific audiences such as those with particular interest in children's interests and the legal defence community. Four knowledge sharing events had been conducted with forces to assist them to prepare for the changes. Three preparation packs had been sent to forces.
- 12.5 Because of late submission of the guidance to the Board, the College team would be pleased to hear views until close of play on Friday, 25 November 2022. If approved by the Board, the Statutory Guidance would be submitted immediately to the Home Office so that it was available to support forces as soon as possible.
- 12.6 IR made the Board aware of one outstanding issue, which was awaiting feedback from the Home Office. This related to whether the periods of bail were 'paused/suspended' when case papers had been submitted to the CPS for charging decisions. The legislation was unclear on the point. The College, operational colleagues and the Justices' Clerks' Society believed that periods of bail were 'paused/suspended' when case papers had been submitted to the CPS for charging decisions. The copy of the Statutory Guidance being presented to the Board set this position out at paragraph 4.34. If the Home Office held a contrary view, a revised paragraph setting out the new position would be written and inserted.
- 12.7 PCSC was subject to an EDI and other assessments as part of the legal process. The College had created an EIA for the Statutory Guidance, primarily with the intention of supporting forces to conduct their own EIAs to underpin implementation of the new provisions.

Discussion

- 12.8 In response to Nick Herbert's enquiry, IR explained the Statutory Guidance was being issued after the legislation, in this instance, due to clarity being required around certain points of the legislation. Andy Marsh continued, that the College had mitigated the risk of there being no guidance, by sending the guidance to forces ahead of it being made statutory.

- 12.9 Alexis Poole responded to Lyn Carpenter that the role of the Board in response to statutory guidance and APP was to approve them.
- 12.10 The Board approved submission of the Statutory Guidance to the Home Office for Parliamentary approval.

Decision: The Board resolved to:

- (i) **Approve** submission of the Pre-charge Bail Statutory Guidance to the Home Office for Parliamentary approval.

13-COP-NOV22

Terms of Reference

- 13.1 Bernie O'Reilly (BR) presented the Board with Terms of Reference (ToR) for the Board, ARC, P(NR)C and FPC for approval.
- 13.2 The ToR for the FPC had been adjusted following its approval at the October Board to ensure it mapped with those of the other committees.
- 13.3 The ToR for the Board, ARC and P(NR)C had been reviewed to ensure alignment with the new reporting lines.
- 13.4 The updating exercise had allowed the opportunity for a general review of the ToR and their alignment with the recently published Governance Functional Standards and the Cabinet Office's *Arm's Length Body Boards: Guidance on Reviews and Appraisals*.

Discussion

- 13.5 Suzanne McCarthy (SM) requested that the ToR for ARC (paragraph 2.25), rather than using the term 'reporting concerns', used the term 'whistleblowing'. Kate Fromant (KF) agreed to action this amendment.
- 13.6 KF answered SM's question about the necessity of the chair of ARC having 'recent and relevant financial experience', noting that this reiterated the Government guidelines.
- 13.7 The Board approved the ToR for the Board, ARC, P(NR)C and FPC.

ACTION: Kate Fromant

Amend wording in the ToR for ARC, paragraph 2.25, from 'reporting concerns' to 'whistleblowing'.

Decision: The Board resolved to:

- (i) **Approve** revised Terms of Reference for the Board, the Audit and Risk Committee, the People (Nominations and Remunerations) Committee and the Finance and Performance Committee.

Part three – Conclusion of business

14-COP-NOV22 **Items for noting**

- 14.1 Items for noting circulated consisted of: ToR for the Board, ARC, P(NR)C and FPC inclusive of tracked changes; Committee updates for the Senior Leadership Team and FPC.
- 14.2 As previously discussed, and noted for action, the FPC update would be included in the main bundle of Board papers.
- 14.3 Items were noted without issue.

Decision: The Board resolved to:

- (ii) **Note** the 'Items for noting' bundle.

15-COP-NOV22 **Any Other Business**

- 15.1 There was no item of any other business

16-COP-NOV22 **Review of meeting**

- 16.1 David Bamber (DB) had found the meeting very interesting and had appreciated the open discussion around PEQF.
- 16.2 DB, referencing the Performance and Risk paper, noted that the data was good but confusing, and required some clarity and the addition of a summary to focus the Board's attention.
- 16.3 Nick Hebert (NH) agreed with DB that the Performance and Risk paper, and the Finance paper, required starting with concise summaries of the key points.
- 16.4 NH and DB thought that the venue's hybrid technology had functioned well.
- 16.5 Kate Fromant agreed to book the venue for future Board meetings – availability permitting.

ACTION: Kate Fromant / James Strugnell

Book The Mothers' Union venue for future Board meetings.

Decision: The Board resolved to:

- (i) **Note** the review of the meeting.

James Strugnell, Governance Manager

Signed by the Chair as a true record of the meeting

The Rt Hon. the Lord Herbert of South Downs CBE PC (Nick Herbert)

Date: 25 January 2023