PSNI MUTUAL AID

WELLFARE DOCUMENT
Introduction
PFEW were officially notified during the morning of Saturday 6 July 203 of a ‘scoping exercise’ taking place by ACPO Public Order and Public Safety in relation to an anticipated request from PSNI for Mutual Aid assistance from GB forces. (Operation Solentina)

The purpose of this document is to provide members with details of the considerations for the welfare of officers if deployed on mutual aid during July 2013.

The Police Federation of England and Wales acknowledge the importance of supporting our police colleagues in Northern Ireland, but recognise that this deployment is significantly different to the recent policing of G8 and are mindful of the potential risks that will be faced.

We will engage to assist those members who have volunteered and will be attending. It is part of PFEW’s general duty to have regard to welfare and efficiency.

Deployment
We understand the scoping exercise is for an initial bid of 30 PSU’s to be deployed for 7 days as a minimum and this period may be extended should there be any incidents arising. The PSU will be formed of one inspector, four sergeants and sixteen constables, thus a total of 630 officers will be required.

It is also noted that ACPOPOPS have asked for volunteers who attended the familiarisation training in Catterick or Longmoor.

Forces have provided ACPOPOPS with their numbers available for deployment. It is noted Region 3 and Region 8 have advised they are unable to provide Mutual Aid deployment on this occasion.

See Appendix A for details of forces deployment.

Pre Deployment
Loose Talk Costs Lives: Please be circumspect when discussing the deployment plans both pre-deployment and during deployment. The threat to officers on deployment and particularly PSNI officers during day to day policing is still very real.

Media awareness: The scrutiny, media and camera density will be considerable. It is essential there is no inappropriate use of mobile devices and/or social networking sites. Officers found to be using social media may face misconduct proceedings.

Insurance arrangements: PFEW Group Insurances will provide cover whilst deployed in Northern Ireland.

Officers deployed to Northern Ireland under Mutual Aid arrangements will benefit from the protection offered by the Northern Ireland Compensation Agency, which exists as an agency of the Northern Ireland Department of Justice.

Pension and death in service provisions are unchanged.

Pre Deployment Advice: The G8 Gold Group has been extended to cover this deployment and PFEW regional single points of contact remain in place.

The mutualaid@polfed.org mail box can be used to resolve any queries.
Transportation

Outward Travel: Officers will muster in force as per their local force arrangements. Officers are advised to travel with the relevant photographic identification and need to check with their own force what is deemed acceptable by their carrier. Passports are recommended but may not be essential. NHS medical cards and/or details of their doctor as well as warrant cards should be taken.

Deployed officers will on the main be flown in, with the exception of 8 PSUs travelling in their own PSU vehicles via ferry. Officers will be met on arrival by PSNI armed officers and transported to their accommodation site where they will remain for their deployment. Any PSU carriers will be parked on disembarkation and not deployed within NI.

Officers are expected to travel in full uniform.

There are limits on baggage allowances and officers are only able to take a maximum 30kg. (First aiders will have an additional allowance to reflect the additional kit required). All officers are advised to ensure their kit comprises of essential items only.

No officer is permitted to remain in Northern Ireland on personal business and must leave with their unit as directed.

Kit

Officers should take their Operation Sponsor I baseball caps. Body armour was fitted at G8 training and will be issued at the muster and briefing on arrival in Northern Ireland.

Accommodation

Standard of accommodation: There are three separate accommodation sites and there will be security arrangements, laundry and recreational facilities at each site

Duty

Officers will have a standard duty of a 12 hour shift daily. This excludes muster and travel time estimated to be around one hour.

Officers will be entitled to payment for rest days cancelled in accordance with Regulations. Officers are encouraged to maintain a record of any unsocial hours worked during the deployment so that these can be verified against the duty hours recorded on the Duty Management System when they return to force.

Recompense

There is a Memorandum of Understanding (MoU), which Chiefs will be required to sign up to and that any local agreements outside of this MoU will not be recoverable from the deployment budget.

Please also refer to the General Secretary’s email circulated on 9 July 2013.

Health and Safety and Welfare Considerations

Policing generally in Northern Ireland remains a high threat. PSNI will be responsible for officers’ health and safety under the Health and Safety at Work (NI) Order 1978. GB Chief Constables will remain responsible for officers’ welfare under section 2 and section 3 of the Health Safety and Welfare Act 1974. The Health Safety and Welfare Act 1974 places duty on the employer to ensure the health, safety and welfare of employees as far as is reasonably practicable. It also requires employers to consult with trade union safety reps on matters affecting Health and Safety
**Mutual Aid Liaison Officers:** Mutual Aid Liaison Officers from GB superintending and inspecting ranks will be available to assist with resolution of minor discipline issues.

**PFEW Cover:** There will be 4 Post Incident Procedure trained representatives available for immediate deployment to Northern Ireland to deal with any incidents involving GB officers. The 24 hour helpline will be in operation throughout the deployment period.

**Officers can ring 01372352110 to gain access to a rep for assistance and advice.**

**Misconduct**

The complexities of two different legislative and political systems mean the situation is complex. A criminal investigation is simple in the sense that it will be conducted by the PSNI under the legislation of Northern Ireland.

The Police Reform Act 2002 which sets out the procedures for handling complaints will not apply to cases in Northern Ireland. Likewise the Independent Police Complaints Commission do not have jurisdiction to deal with cases in Northern Ireland. The Police Ombudsman of Northern Ireland (PONI) is an independent non departmental government body established under the Police (Northern Ireland) Act 1998 (as amended). Its role is like that of the Independent Police Complaints Commission in England and Wales.

It appears that by virtue of Section 60 of the Police (Northern Ireland) Act 1998 (as amended) the Ombudsman may (with the permission of the Department of Justice) enter an agreement with an authority maintaining a body of constables outside of PSNI to make those constables subject to the complaint procedures which exist for PSNI officers. The body maintaining those constables in England and Wales is the Police and Crime Commissioner for each area.

The Police (Northern Ireland) Act 1998 (as amended) sets out the procedures for the handling of other matters in relation to officers serving in the PSNI. The most difficult and insurmountable problem is that all public complaints in Northern Ireland MUST go to the Police Ombudsman Northern Ireland (PONI) and so even minor issues cannot be swiftly dealt with by a senior officer and moved on. It is indeed likely that in many instances a GB officer will have completed their deployment and be back in their own force potentially ignorant that such a complaint exists. The next issue comes as to who has the authority to investigate the complaint as PONI has no authority over GB mainland officers so any investigation undertaken by them would have to be sent to the home force to deal with. What we are both certain and adamant about is that mainland officers can only be investigated under the 2012 Conduct regulations with the safeguards it provides.

The difficulty of how the actual investigation is conducted and by who are essentially issues for ACPO to work out but we will assist in any way we can as it is in the interests of our officers. These difficulties notwithstanding we are certain we have sufficient resources available or on standby to ensure our members get the representation they deserve.

A purely inward facing matter i.e. one without Public complaint will be dealt with on site if it is of sufficient low level. If it requires formal proceedings then the officer will be returned to force for them to deal with under the 2012 regulations. GB officers are covered by Standards of Professional Behaviour both on and off duty worldwide and are subject to the Police Conduct Regulations 2012. Likewise the Police (Performance) Regulations 2012 will also apply. Police officers from England and Wales will be providing mutual aid to the Police Service of Northern Ireland (PSNI) by virtue of section 98 of the Police Act 1996. In providing that mutual aid the officers will be under the direction and control of the chief constable of PSNI by virtue of section...
24hr helpline: 01372 352110

98(5)(a) of the Police Act 1996. Although the officers will be working in the PSNI area they continue to be members of their own forces and therefore the Regulations apply.

Police officers serving on mutual aid for the G8 summit in Northern Ireland will be subject to the Police (Conduct) Regulations 2012 and the Police (Performance) Regulations 2012. The Police Ombudsman of Northern Ireland with the agreement of the Department of Justice could enter an agreement with Police and Crime Commissioners for officers to come under the jurisdiction of the complaint system in Northern Ireland. Any disciplinary or performance issues identified from any matter dealt with in Northern Ireland would fall to be dealt with under the Police (Conduct) Regulations 2012 or the Police (Performance) Regulations 2012.

A section 60 agreement is being drafted to enable the direction and control of officers serving under mutual aid to pass to the Chief Constable of PSNI for the period that each officer is deployed in NI. As a result, whilst serving in NI, the home force Chief Constables will cease to be the appropriate authority for the purpose of the police complaints legislation and thus will have no primary authority to deal with the complaints. The s60 Police (Northern Ireland) Act agreement gives the Ombudsman the authority to handle complaints and conduct issues arising whilst mutual aid officers are serving in NI. It is currently in draft form and is nearing completion. By statute, the agreement is between the policing body and the Ombudsman. Each policing body (PCC) will therefore have to sign an individual agreement.

The Memorandum of Understanding provides that whilst deployed for Operation Solentina there will be a protocol for any misconduct allegations. Following an assessment of conduct under regulation 12 it is decided whether or not there is a case to answer and to what level it is to be answered. If it is deemed an instance of Gross Misconduct then the officer should be returned to home force pending the result of the investigation. If the conduct is assessed as misconduct, but not gross, there are two options. If the matter is considered serious enough to merit an investigation which may require a meeting to be called then the officer should again be returned to their own force. If, however, it is decided that the matter is one of misconduct it can still be dealt with there and then by the appropriate level of supervision by way of management action. This is catered for under Regulation 12 (3)(b). As with all points around these Regulations it is the Severity Assessment which is key. It is the duty of the appropriate authority to make this assessment and the final decision is always theirs but best practice shows that this may be best done in consultation with the Federation representative. Any allegations of misconduct must be investigated under GB regulations.

Please remember you should endeavour to speak to a Federation Rep prior to making any statement and will be able to do so by using our 24hr helpline (01372 352110)