

Chairman of the Police Committee
Douglas Barrow



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Date 07 October 2016

Dear *Sam*,

I am writing to you with regard to the insurance provisions that subsist in many of the national collaboration agreements that have been circulated since the establishment of the National Police Chiefs' Council.

In particular, I have a serious concern that the clauses found in many of the agreements require significant revision as the existing drafting is overly complex, in some cases conflicting and lacks coherence. As drafted, many of the clauses are unclear as to what risks and liabilities the host force wants to be indemnified for and what risks, if any, they are taking on themselves. There also remain uninsurable liabilities, which exist purely by virtue of the agreement and that all forces would have to meet from their own budgets. This issue alone, creates an increasing and serious risk for the service.

Our proposed solution would be to have simple, common clauses whereby the host force effects liability insurance and splits this cost across all forces. Where liabilities are uninsured or uninsurable for the host force, only then should they look for indemnity from the other signatory forces and then, not in circumstances where liability arises because the host force is itself negligent.

I appreciate that while not all collaboration agreements derive from the NPCC, I believe this body is in the best position to require national collaboration agreements to adhere to a common agreed position on insurance.

I would also add, that while there was some urgency to signing earlier agreements to ensure that functions previously carried out by ACPO could continue, I think it appropriate now to review these clauses, especially if a common wording could be agreed (with insurance brokers) for what can and cannot be insured, which could then be used in all agreements going forward. I strongly believe the risk of leaving this until an event triggers these clauses and addressing the issue then is too great to accept.

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While this might not be an 'easy fix', the problem is not insurmountable and I believe one that could benefit from involving the few brokers who provide insurance for the police service, to ensure we deliver something that is ultimately workable and fair to all concerned.

I am copying this letter to Sir Tom Winsor, Nazir Afzal and Ian Dyson QPM.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a long horizontal stroke that ends in a small loop.

Doug Barrow
Chairman of the City of London Police Committee