House of Commons
Northern Ireland Affairs Committee

The Functions of the Northern Ireland Policing Board

Seventh Report of Session 2004–05

Report, together with formal minutes, oral and written evidence

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The Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Northern Ireland Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel).

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Summary

The Northern Ireland Policing Board forms an important part of the new accountability framework for policing in Northern Ireland. This is the first occasion on which the Board has been the subject of scrutiny by this committee.

Our inquiry has shown that in its first four years the Board has made solid progress in establishing its role and putting in place mechanisms for holding the Chief Constable and the Police Service of Northern Ireland (PSNI) to account. It has done so despite difficult political circumstances.

While progress has been made, improvements are required in a number of areas:

- The effectiveness of the new framework for police accountability depends on full cooperation by all parties. The Policing Board and the Office of the Police Ombudsman need to improve communications.

- The Board must do everything possible to develop its relationship with the District Policing Partnerships (DPPs). It must settle DPPs budgets in a more timely manner; and also ensure that it provides them with all the financial support and practical guidance that they require.

- In order to function effectively and efficiently, the Board must ensure that all its members are fully aware of policing policy and practice.

- The cost of the appointment process for independent members of the DPPs in 2003 was high. The process must be comprehensively reviewed by the Board to ensure good value for money in the next round of appointments in 2005.

- Breaches of confidentiality have eroded the level of trust which the PSNI and the Police Ombudsman have in the Board. The importance of maintaining the confidentiality of information is crucial, and leadership and example must be shown to ensure that such breaches do not recur. The Secretary of State should consider making the full maintenance of confidentiality a formal condition of appointment to the Board.

- In order to ensure focussed oversight of the PSNI, the Board’s committee structure needs to reflect the corporate structure of the PSNI. Following the PSNI’s review of these structures, the Board should make any necessary changes.

- A clear appeals process against decisions of the Policing Board is required, and we expect the Board and the government to bring one forward without delay.
1 Introduction

1. The Northern Ireland Policing Board was set up on 4 November 2001 under the Police (Northern Ireland) Act 2000 (‘the 2000 Act’). Its main function is to secure an effective and efficient police service in Northern Ireland by holding the Chief Constable and the Police Service for Northern Ireland (PSNI) accountable for the performance of their functions. The Board forms an important part of the new accountability framework for policing in Northern Ireland, which includes the Office of the Police Ombudsman for Northern Ireland, District Policing Partnerships, and the Office of the Oversight Commissioner.1

2. On 22 July 2004, the committee announced the inquiry’s terms of reference which were to examine:
   - Progress towards developing the Board’s role since it was set up in November 2001
   - The performance of the Board in respect of its general functions, and
   - The efficiency and effectiveness of the structure, administration and expenditure of the Board, including its performance against key indicators and targets.

3. The new accountability framework for policing in Northern Ireland is designed to ensure the delivery of an excellent modern police service. Our report on The Functions of the Police Ombudsman for Northern Ireland was published on 23 February 2005,2 and while distinct from our scrutiny of the Policing Board, we hope that taken together these reports provide a helpful, complementary view of key aspects of policing in Northern Ireland.

4. We held hearings on two occasions and wish to thank those who provided evidence to us. We visited the Policing Board in October 2004, and we are grateful to Professor Sir Desmond Rea, the Policing Board, and staff, for their briefing and hospitality. We wish to thank Dr Keith Bryett, Specialist Advisor, for his assistance.

2 The Northern Ireland Policing Board

The Independent Commission on Policing for Northern Ireland

5. Prior to the establishment of the Policing Board in November 2001, oversight of the police in Northern Ireland was the responsibility of the Police Authority for Northern

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1 The Office of the Police Ombudsman was set up in November 2000 following a review of the police complaints system in Northern Ireland by Dr Maurice Hayes. The Office provides an independent and impartial complaints system for members of the public into the conduct of police officers in Northern Ireland. District Policing partnerships and the Office of the Oversight Commissioner were set up following the report of the Independent Commission on Policing for Northern Ireland (‘The Patten Report’), A New Beginning: Policing in Northern Ireland, September 1999. During 2003/04, District Policing Partnerships were set up in the 26 district council areas of Northern Ireland. Their role is to consult with local communities, establish policing priorities in conjunction with the district command units of the police, and to act as forums for discussion and consultation on matters affecting the policing of a district. The Office of the Oversight Commissioner was set up in May 2000 to oversee the implementation of the recommendations of the Patten Report.

Ireland (‘the Authority’) established under the Police (Northern Ireland) Act 1970 to secure the efficiency and effectiveness of the Royal Ulster Constabulary.\textsuperscript{3}

6. The Independent Commission on Policing for Northern Ireland was established as part of the 1998 Belfast Agreement. It was charged with examining policing in Northern Ireland and, on the basis of its findings, bringing forward “proposals for future policing structures and arrangements, including means of encouraging widespread community support for those arrangements”.\textsuperscript{4} The proposals were to be designed to ensure that the “police operate within a clear framework of accountability to the law and the community they serve”.\textsuperscript{5}

7. The Commission published its report in September 1999 (‘The Patten Report’) which emphasised the importance of securing police accountability and simplifying the legislative framework which governed the respective roles of the Secretary of State, the Authority and the Chief Constable in setting objectives, performance targets and policy plans for the police service. \textbf{The Patten Report recommended that a Policing Board be set up to replace the Police Authority for Northern Ireland.} The principal function of the Board would be to hold the Chief Constable and the police service publicly accountable. It would set medium-term objectives and priorities for the police, adopt an Annual Policing Plan, negotiate the annual policing budget with the Northern Ireland Office (NIO), and monitor crime trends and patterns, and police performance in maintaining public order.

8. The report of the Commission made clear, however, that the role of the Board would go beyond supervision of the police service and extend to wider issues of policing and in particular, “the contributions that people and organisations other than the police can make towards public safety”.\textsuperscript{6} It stressed that the Board would be vital to the new beginning for policing in Northern Ireland.

9. The report also identified weaknesses in the Community and Police Liaison Committees (CPLCs) which were intended to provide local forums for discussing policing matters;\textsuperscript{7} it noted that there remained several areas of Northern Ireland where it had not been possible to establish CPLCs; that there was a lack of participation in the committees by political parties; and that the public were not using them to convey their views on local policing matters.\textsuperscript{8}

10. The report recommended that District Policing Partnership Boards should be set up as committees of district councils, with a majority of elected members and with independent members added, selected by the council with the agreement of the Policing Board. The Boards would replace CLPCs operating at district level, but not those functioning in single

\begin{itemize}
\item \textsuperscript{3} The RUC was renamed the Police Service of Northern Ireland under Section 1 of the Police (Northern Ireland) Act 2000
\item \textsuperscript{4} A New Beginning: Policing in Northern Ireland, The Report of the Independent Commission on Policing for Northern Ireland, September 1999, Annex 1 p 123
\item \textsuperscript{5} Ibid p 123
\item \textsuperscript{6} A New Beginning: Policing in Northern Ireland, The Report of the Independent Commission on Policing for Northern Ireland, September 1999, para 6.10, p 29
\item \textsuperscript{7} Ev 15. The Committees have been formed in different ways, some consist of district councillors, others are made up of independent members and some are mixed. They are often based in a village or a distinct geographical area or estate within a larger town. There are currently over 100 CLPCs operating throughout Northern Ireland
\item \textsuperscript{8} A New Beginning: Policing in Northern Ireland, The Report of the Independent Commission on Policing for Northern Ireland, September 1999, p 34
\end{itemize}
estates and small neighbourhoods. The role of the Boards would be to voice the concerns of
the public, monitor the performance of the police in their districts, and to provide the focus
for public consultation about the annual policing plan.

11. The Commission’s recommendations to create a Policing Board and for district
policing partnership arrangements were accepted by the government and implemented in
the 2000 Act.

**The Police (Northern Ireland) Act 2000**

12. Part II of the 2000 Act, which came into force on 4 November 2001, establishes the
Northern Ireland Policing Board and sets out its statutory duties, powers and
responsibilities. The Board’s principal function is to secure the maintenance, efficiency and
effectiveness of the police in Northern Ireland. In discharging this function, the Board
must hold the Chief Constable and the PSNI accountable for the performance of their
duties.

13. The Board must also:

- Monitor the effectiveness of the PSNI in counteracting crime, and encourage the
  public’s co-operation with the police in the prevention of crime
- Monitor the performance of the police in carrying out its general duties, in
  complying with the Human Rights Act 1998, and implementing the Annual
  Policing Plan
- Keep itself informed about the workings of Part VII of the Police (Northern
  Ireland) Act 1998 (police complaints and disciplinary proceedings)
- Monitor the trends and patterns in complaints against the police, and recruitment
to the police and police support staff
- Oversee the manner in which public complaints against traffic wardens are dealt
  with by the Chief Constable
- Assess the effectiveness of measures taken to ensure that its membership and
  support staff is representative of the community, and to assess the level of public
  satisfaction with the performance of the police and District Policing Partnerships
  (DPPs)
- Assess the effectiveness of the DPPs and the measures taken by them to obtain the
  views of the public about policing matters.

14. In carrying out its functions, the Board must have regard to the principle that the
policing of Northern Ireland is to be conducted in an impartial manner. It must also

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9 Section 3(1) and (2)
10 Section 3(3)
11 Section 3 (3)(b) to (e)
consider the Annual Policing Plan, any code of practice issued by the Secretary of State, and the need to co-ordinate its activities, and co-operate with other statutory authorities.\textsuperscript{12}

The Northern Ireland Policing Board

15. The Board has nineteen members. In September 2001, ten members of the Northern Ireland Assembly were nominated to serve on the Board, and nine independent members were appointed by the Secretary of State for Northern Ireland, including Professor Sir Desmond Rea, Chairman, and Denis Bradley, Vice-Chairman.\textsuperscript{13} Following the suspension of the Northern Ireland Assembly in October 2002, the Secretary of State was required to reconstitute the Board.\textsuperscript{14} All 19 members were reappointed by the Secretary of State.\textsuperscript{15}

16. The Board is an executive non-departmental public body funded by grant-in-aid from the Northern Ireland Office (NIO), and is accountable to Parliament through the Secretary of State for Northern Ireland. The Board’s budget for 2003/04 was £7.96 million and it has a staff of 60.

17. The Board’s principal activities include:

- Consulting the community to obtain its views on policing and its co-operation with the police in preventing crime
- Setting objectives and performance targets for the PSNI
- Publishing objectives and targets for the PSNI as part of an annual policing plan
- Appointing all officers of the police service above the rank of Chief Superintendent
- Setting the budget for policing and monitoring expenditure
- Overseeing complaints against the police and conducting investigations into complaints against senior officers.\textsuperscript{16}

Finance

18. The Secretary of State is required to make annual grants to the Board for pension and other police purposes;\textsuperscript{17} and the Board is required to place these grants and any other amounts received, at the disposal of the Chief Constable.

\textsuperscript{12} Section 3(4)
\textsuperscript{13} The political members were nominated by the nominating officer of their political party. The political membership reflects the balance of the parties at the June 1998 Assembly elections: 4 Ulster Unionist Party (UUP) members, 3 Social Democratic and Labour Party (SDLP) members and 3 Democratic Unionist Party (DUP) members. Sinn Fein have chosen not to take up seats on the Board: See PB 2
\textsuperscript{14} Para 2, Part I of Schedule 1 to the Police (Northern Ireland) Act 2000 provides that after a change from devolved government to direct rule or vice versa, members of the Board cease to hold office, but may be re-appointed. Para 3, Part II of Schedule 1 to the 2000 Act sets out the arrangements for appointments to the Board by the Secretary of State during direct rule; and Part III sets out the arrangements during devolved government
\textsuperscript{15} PB 3
\textsuperscript{16} Annual Report of the Work of the Northern Ireland Policing Board 1 April 2003-31 March 2004, p 49
\textsuperscript{17} Section 9(1) (as amended by Section 6 of the Police (Northern Ireland Act 2003) Pension purposes means the purposes of the pension scheme established by regulations under section 25 of the Police (Northern Ireland) Act 1998
**District Policing Partnerships**

19. District councils are required to establish a district policing partnership for their council area.\(^{18}\) Partnerships must submit, at the Board’s request, a report on any matter connected with their functions.\(^{19}\) The Board is required, with the approval of the Secretary of State and after consulting the district councils and the Chief Constable, to issue and publish a code of practice which provides advice to the partnerships on the performance of their functions.\(^{20}\) Partnerships must contain fifteen, seventeen or nineteen members, including a majority of political members,\(^{21}\) and the Board must appoint independent persons from among those nominated by the district council.\(^{22}\)

**Policing objectives and the policing plan**

20. The Board must establish objectives for the policing of Northern Ireland.\(^{23}\) Before doing so, it must consult the Chief Constable, the district policing partnerships, and consider any reports by the partnerships, views raised by members of the community, and the long term objectives for policing set by the Secretary of State.\(^{24}\)

21. The Board must issue a policing plan before April each year.\(^{25}\) A draft of the plan must be submitted to the Board by the Chief Constable.\(^{26}\) The Board can either adopt the draft submitted by the Chief Constable or amend it after consultation with the Chief Constable.\(^{27}\) It must also consult with the Secretary of State before publishing the plan.\(^{28}\)

**Economy, efficiency and effectiveness**

22. The Board is required to make arrangements to secure continuous improvement in the way in which its functions, and those of the Chief Constable, are exercised.\(^{29}\) It must review its performance and publish a performance plan, providing details about how its arrangements for continuous improvement will be implemented.\(^{30}\) The Board must also prepare and publish an annual performance summary which assesses the Board’s and the Chief Constable’s performance.\(^{31}\) Before publishing the performance plan, the Board is

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\(^{18}\) Section 14. The Secretary of State is able, after consulting the Board, to direct the council to establish a partnership where it fails to do so: Section 15(1). Where the council does not comply with the direction, the Secretary of State can declare the council to be in default and make an order for the Board to exercise the powers of the council to establish a partnership

\(^{19}\) Section18(1)

\(^{20}\) Section 19

\(^{21}\) Para 2, Schedule 3

\(^{22}\) Para 4, Schedule 3

\(^{23}\) Section 25(1) and (2). The Board is able to revise the objectives

\(^{24}\) Section 25 (3) (as amended by Section 3 of the Police (Northern Ireland) Act 2003)

\(^{25}\) Section 26(1)

\(^{26}\) Section 26(4)

\(^{27}\) Section 26(5)

\(^{28}\) Section 26(7)

\(^{29}\) Section 28(1)

\(^{30}\) Section 28(2) and (4)

\(^{31}\) Section 28 (SA) (as amended by Section 8 of the Police (Northern Ireland) Act 2003)
required to consult the Secretary of State and the Chief Constable. Both the performance plan and summary are audited by the Comptroller and Auditor General who is also able to examine the Board’s compliance with its arrangements for continuous improvement.

**Appointment of senior officers**

23. The Board must appoint the Chief Constable, Deputy Chief Constable, and Assistant Chief Constables, subject to the approval of the Secretary of State. The Board is able to call on any senior officer to retire in the interests of efficiency and effectiveness and, if required by the Secretary of State, to call on the Chief Constable to retire.

**Other staff**

24. The Board is required to prepare an action plan for monitoring the number of women in the PSNI, the police support staff and the Board’s staff, and, if they are underrepresented, for increasing that number. If requested to do so by the Board, the Chief Constable must prepare and submit to the Board a draft plan for monitoring the number of women in the police.

**Code of ethics**

25. The Board is required to issue a code of ethics, laying down standards of conduct and practice for police officers, making them aware of the rights and obligations in the European Convention for the Protection of Human Rights and Fundamental Freedoms. The code is prepared in draft by the Chief Constable, which the Board can either adopt or amend after consulting the Chief Constable.

**Reports and inquiries**

26. The Board must submit an annual report, which includes an assessment of its general functions, to the Secretary of State; and he must lay it before Parliament. The Chief Constable is required to produce an annual report on the policing of Northern Ireland and submit it to the Board and to the Secretary of State. The Chief Constable must also report on any matter connected with the policing of Northern Ireland to the Board on demand.

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32 Section 28(6)
33 Sections 29 and 30 (Section 29 was amended by Section 9 of the Police (Northern Ireland) Act 2003)
34 Section 35(1) and (2). Senior officer means an officer above the rank of superintendent: see Section 77
35 Section 35(3). When appointing senior officers, the Board must take steps to encourage applications from suitably qualified external candidates: Section 45(1)
36 Section 48(1)
37 Section 48(2)
38 Section 52(1)
39 Section 52(4)
40 Section 57
41 Section 59(1).
27. The Board can hold an inquiry into any matter which is the subject of a report if it considers the issue is grave, or there are exceptional circumstances. If the Board decides to hold an inquiry, it must inform the Chief Constable, the Police Ombudsman and the Secretary of State. The Secretary of State is able in certain circumstances to overrule the decision of the Board within 30 days. The Board can ask a specified statutory agency or any other person to conduct the inquiry.

3 Progress by the Northern Ireland Policing Board

Progress of the Board

Police name and badge

28. Professor Sir Desmond Rea, Chairman of the Policing Board, told us that in spite of the difficult political context, the Board’s achievements in its first four years had been considerable. He explained that the Board had agreed a new badge and emblem for the PSNI, delivered three annual policing plans, established “a rigorous performance management regime”, appointed over 207 independent members to the DPPs, and published a code of ethics for the PSNI. Mr Al Hutchinson, the Oversight Commissioner, confirmed that reaching agreement on a new name and badge for the PSNI was a “difficult and contentious” issue which the Board had dealt with effectively.

Human resource strategy

29. Sir Desmond Rea also pointed out that in October 2002, the Board and the PSNI had agreed a Human Resource Planning Strategy “aimed at securing more police officers on the ground delivering policing through the district command structure”. He said that the strategy had delivered more than 1,000 man days than had previously been available for operational policing duties. A revised human resources strategy by the PSNI was presented to the Board in November 2004. The Board’s Human Resources Committee has also recently prepared a draft list of key performance indicators which the Board will use to monitor the PSNI’s Training, Education and Development Strategy.

42 Section 60(1)
43 Section 60(2)
44 Section 60(4)
45 Section 60(6). The specified agencies are: the Comptroller and Auditor General, the Police Ombudsman and the Inspector of Constabulary for Northern Ireland: Section 60(8)
46 Ev 2
47 Ev 2
48 Ev 63
49 Ev 4
50 Ev 4
51 Ev 4
**Accountability**

30. The Board explained the accountability mechanisms which it had put in place. Mr Hugh Orde, Chief Constable of the PSNI, provides the Board with quarterly briefings, during which he explains how the PSNI is performing against targets set out in the Annual Policing Plan. Sir Desmond Rea explained that this gives the Board the opportunity to pose questions about police performance, particularly “tackling crime, the monitoring of general crime trends and other key organisational issues”.

31. Mrs Nuala O’Loan, the Police Ombudsman, was concerned that Board members were having difficulties in holding the Chief Constable accountable because, in her view, members are not always “conversant with a lot of the detail of policing policy and practice, local and national matters.” However, Sir Desmond Rea was emphatic that the Board had “demonstrated amply its developing knowledge of policing and its awareness of the nuances”. Mr Paul Leighton, Deputy Chief Constable of the PSNI, told us that where the PSNI believes that Board members lack knowledge of a particular issue, the police “take steps to educate and to bring them on board”.

**Human rights**

32. We heard evidence about the Board’s progress in monitoring PSNI’s compliance with the Human Rights Act 1998. In February 2003, the Board published a Code of Ethics for police officers, setting out standards of conduct and practice for officers, and their rights and obligations under the 1998 Act. It also appointed two human rights advisers who developed a “comprehensive framework” for monitoring PSNI’s compliance with the 1998 Act. The advisers are currently in the final stages of producing a report which evaluates PSNI’s performance against the monitoring framework.

33. Mr Denis Bradley, Vice-Chairman of the Northern Ireland Policing Board, was confident that the advisers’ report would put the Board in a “very strong position” and that it would be “very thorough, very scholarly and very transforming”. Mr Leighton told us that the PSNI had been “extremely happy” with the rigour of the advisers’ “intrusive questioning” of PSNI officers. The view of Mr Orde was that the advisers had made “good progress” in “gathering the information required to make an informed and valid assessment of the service’s compliance with the [Human Rights] Act”. While the Northern Ireland Human Rights Commission (NIHRC) welcomed the Board’s decision to appoint human rights advisers, its view was that this would “not address the need to train all Board and DPP members in human rights”, and that the Board’s Human Rights and
Professional standards Committee would be “the obvious vehicle for advancing this agenda”.61

**Political context**

34. Many respondents acknowledged the difficult political context in which the Board operates. The NIHRC acknowledged that the Board had implemented “entirely new arrangements within a relatively short period of time and during a period of considerable political instability”.62 The view of Mrs O’Loan was that despite “the uncertainties and complexities of the environment” in which the Board was established, it “was striving to fulfil the responsibilities conferred on it by Parliament”.63

**Relations with the Police Service of Northern Ireland**

35. According to Sir Desmond Rea, a constructive working relationship had developed between the Board and the PSNI. He told us that the Board had regular contact with the PSNI, including monthly meetings with the Chief Constable and his senior management team, both in public and private.64

36. Mr Hugh Orde considered that, generally, there was a “healthy tension” between the Board and the “senior command” of the PSNI.65 He felt that as the Board had developed a “greater knowledge, awareness and understanding of policing”, there had been an increase in “the quality and level of interaction” between it and the PSNI. Mr Leighton thought that the PSNI suffered at times from “mild frustration” because of the “political to-ing and fro-ing between the various sides of the political spectrum on the Board” which he believed prevented the Board from “actually getting to the nub of the question about policing”.66 This view was shared by the Chief Constable.67 Mrs O’Loan felt that the political members of the Board are “forceful and vociferous in articulating their party views on policing, but that, in spite of this, the Board had managed to reach agreement on some important issues.68 Sir Desmond Rea was confident that regardless of “vicissitudes of the politics”, the Board was getting “on with the business”.69

**Relations with the Police Ombudsman for Northern Ireland**

37. Sir Desmond Rea told us that the work of the Board had “regular and informal” contact with the Ombudsman and that meetings at various levels took place, including “Board, Committee and Vice-Chairman, and official level”.70 However, Mrs O’Loan felt that there

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61 Ev 70  
62 Ev 68  
63 Ev 64  
64 Ev 6  
65 Ev 34  
66 Q 63  
67 Ev 34  
68 Ev 64  
69 Q 9  
70 Ev 7
was a need for more frequent contact given the complementary nature of the accountability functions performed by the Board and her Office. Her view was that this would ensure that “the police are efficient and effective” and would be “in the interests of policing generally”.71 We have set out in our report on the Police Ombudsman the vital necessity for excellent relations between the Ombudsman and the Policing Board to exist at all times, and that action must be taken at once to resolve this difference of opinion over communication.72

The government’s view

38. Mr Ian Pearson, Parliamentary Under-Secretary of State at the Northern Ireland Office with responsibility for security and policing, thought that the Policing Board had been “an undoubted success”, that it had demonstrated its ability to “take difficult decisions, and “has continued to work well, despite the ongoing political difficulties”.73

39. The Northern Ireland Policing Board has made solid progress in establishing and developing its role, and its achievements since 2001 in establishing a framework of accountability for policing in Northern Ireland have been significant. The Board has put in place mechanisms to monitor and assess the performance of the Chief Constable and the PSNI, including a human rights monitoring framework, human resource and training strategies, and a code of ethics for police officers. It has made difficult decisions successfully in a complex political environment.

40. We welcome the constructive relationship that has developed between the Policing Board and the senior management of the PSNI.

41. We believe that in order to be effective, the Policing Board must cooperate fully with the Office of the Police Ombudsman. We have already noted the difference of opinion between the Board and the Ombudsman over what constitutes appropriate frequency of contact.74 We call on both organisations to put in place a structure for communication acceptable to both without delay.

42. We were told that Policing Board members were not always aware of the detail of policing policy and practice. This is of concern as a sound understanding of the police and its role is fundamental to the effective operation of the Board’s oversight function. We do not doubt that most Board members are well informed and conscientious. However, the Board collectively must take full responsibility for ensuring that all its members are equipped with the information and expertise necessary to fulfil their statutory functions. We hope not to hear such complaints repeated when we next scrutinise the Board.

71 Ev 65
72 HC 344, para 28
73 Q 119
Structure of the Board

43. The Board’s committee structure covers seven main areas: corporate policy; community involvement; press and public relations; human resources; human rights and professional standards; audit and best value; and finances and general purposes. The Chief Constable expressed concern that the structure did not reflect the current operational and departmental structure within the PSNI. He told us that there is no committee to examine crime operations, or serious and organised crime generally, and that, as a result, “very sensitive issues” were being discussed at monthly public meetings. His view was that realigning the committee structure would “enhance the Board’s ability to hold the service to account” and generate “clearer lines of communication and understanding between both organisations”. Mr Denis Bradley, Vice-Chairman, told us that the Board’s corporate policy committee dealt with crime operations.

44. Mr Trevor Reaney, Chief Executive of the Policing Board, explained that both the PSNI and the Board are currently reviewing their corporate governance arrangements and that this would involve examining how the Board and PSNI organise their committees. He said that once the PSNI completed its review, the Board would be advised about changes to its internal structure. If there was a better way of organising the Board’s committees, Mr Reaney would present recommendations to that effect to the Board. Mr Leighton, Deputy Chief Constable, told us that the PSNI’s review of corporate governance would provide the Board with the opportunity to consider aligning its committee structure with the model adopted by the PSNI. Mr Ian Pearson, the Minister, acknowledged that there was “scope” for the Board to realign their committee structures, but that this was a matter for the Board.

45. It is important to the effective functioning of the Board that its committee structure permits a targeted oversight of the activities of the PSNI. The existing structure does not have a committee focused solely on crime operations, a highly significant area of PSNI activity. We recommend that the Board considers its present committee system carefully in the light of the PSNI’s review of its own corporate governance arrangements to ensure their structure is wholly appropriate.

Confidentiality

46. Mr Orde told us that there had been a small number of instances where sensitive information was discussed in private sessions with the Board “under a clear understanding of confidentiality” but that the information was subsequently “divulged to third parties, including members of the press”. He argued that “such indiscretions and inappropriate breaches of trust” were detrimental to the PSNI’s relationship with the Board.
O’Loan told us that the risk of a breach of confidentiality affected the level of communication between her Office and the Board. She explained that there had been breaches of confidentiality on “a number of occasions” and that this had “the effect of diminishing trust” in the Board.82 She suggested that a code of ethics for Board members might help improve confidentiality.

47. Sir Desmond Rea explained that while members have generally respected confidentiality, there have been “some unfortunate leaks”, although there have been none in the recent past.83 He thought that some Board members consider that it is their duty to place information in the public domain, but that they were learning and the “overall position” had improved”.84 He also told us that the Board had adopted a voluntary Code of Conduct for members which included provisions on confidentiality.85

48. Mr Ian Pearson, the Minister, told us that breaches of confidentiality were “clearly not satisfactory” and that the Board should “rightly expect that confidentiality matters should be kept confidential”.86

49. We were pleased to learn that there have been no recent ‘leaks’ from the Policing Board of sensitive information. The importance of maintaining the confidentiality of sensitive information provided by the PSNI to the Board cannot be overestimated. Both the PSNI and the Police Ombudsman told us that past breaches of confidentiality have eroded their trust and confidence in the Board. We expect the Board, and its staff, to act at all times in a fully professional manner. This means that sensitive information provided to the Board in the course of its work must never be divulged to third parties. Such gross breaches of trust are entirely unacceptable and must not be repeated if the reputation of the Board is to be maintained. At present, the Board has a voluntary Code of Conduct which includes a confidentiality provision. In addition, Board members’ terms of appointment letters state that members should respect the sensitivity of “some of the issues” they will be dealing with. We invite the Secretary of State to consider whether, in the light of past breaches, this is sufficient, or whether maintaining strict confidentiality about all information received by the Board should be a formal condition of appointment.

Public accountability

50. The Board is required to hold at least eight meetings in public, but, during 2003/04, held ten public meetings.87 Sir Desmond Rea told us that during the meetings, the Chief Constable provides the Board with a report on key policing issues and the Board asks the Chief Constable and his senior management team questions about the PSNI’s performance. Mr Orde explained that the meetings are conducted in an “open and
transparent manner” and “allow the public to see the accountability mechanisms working”.88

51. The NIHRC argued, however, that too few meetings were held outside of Belfast, that the public were not encouraged to participate in the meetings and pose questions, and “virtually no decisions” were being made in “public sessions”.89 The Community Relations Council (CRC) felt that there was a need for the Chief Constable to report more fully on issues of public concern and on the PSNI’s progress in meeting its targets in the Annual Policing Plan.90 Sir Desmond Rea refuted the claim that the public meetings were “Belfast centric”, and argued that during 2004 the Board had held meetings in Omagh and Armagh and were planning to hold meetings in Newry and Derry during 2005.91

52. We commend the Board for holding more than the minimum number of public meetings in 2003/04. These are opportunities to promote public confidence in the work of the Board, facilitate greater transparency, and engender a more inclusive approach to policing, as envisaged by the Independent Commission on Policing for Northern Ireland. More needs to be done to encourage public participation and develop a genuine exchange between the Board and the public. This is not a simple matter, and progress will be incremental. However, we are convinced of the usefulness of this aspect of the Board’s operations and we expect it to take the lead in creating all reasonable opportunities for public participation.

Performance against targets

53. The Board’s 2002-03 Annual Report contained explanations of the progress made by the Board in meeting its corporate objectives.92 However, these explanations were omitted in the 2003-04 Annual Report. When we asked the reason for this inconsistency, we were told that the Board was currently revising its corporate plan and was “seeking to develop a more structured performance management regime”.93 Sir Desmond Rea also acknowledged the need for the Board to move towards “a more disciplined approach” to measuring the Board’s progress against its objectives.94

54. Mrs O’Loan considered that the Board’s Annual Report tended to focus “more on the assessment of the achievements of the PSNI and other organisations” and less on the “corporate activities of the Board”.95 She held the view that the public’s understanding of the Board’s role would improve if the annual report provided more information about the Board’s corporate activities.96 Mr Trevor Reaney told us that the Board places “a high value
on performance management and monitoring" of the PSNI and would wish to bring the same level of discipline into monitoring the Board’s own affairs.97

55. It is our experience of the organisations we scrutinise that the annual reporting exercise is sometimes approached as a necessary chore. While we accept that achieving excellence is time consuming and difficult, the creation of a fully comprehensive and transparent annual report is a vital part of the presentation of any organisation’s activities to the public and must be taken seriously. The presentation of the Board’s performance data in the annual report is insufficiently transparent and comprehensive. The annual report must set out clearly the Board’s progress on key objectives in a simple, attractive and consistent format, year on year. This level of presentational excellence has yet to be achieved by the Board. We appreciate that while the Board must report on the PSNI’s performance in its annual report, the major focus must rest clearly on the Board’s own performance and its principal activities. We welcome the willingness of the Chief Executive to consider improvements, and we are confident that the Board will take immediate steps to improve the presentation of its annual report.

4 Other Issues

District policing partnerships

56. In March 2003, DPPs were set up in 25 of the 26 district council areas of Northern Ireland.98 Their role is to provide views to the district commander on any matter concerning the policing of a district, monitor the performance of the police in carrying out the local policing plan, and to discuss and consult on matters affecting the policing of a district.

57. The Board has responsibility for appointing independent members of the DPPs from among persons nominated by the district councils.99 It also has responsibility for assessing the effectiveness of the DPPs, the level of public satisfaction with their performance, and the measures taken by them to obtain the views of the public on policing matters.100 Mr Denis Bradley, Vice Chairman of the Board, told us that the DPPs have helped “transform the culture of policing in Northern Ireland”, and that the level of public engagement with DPPs was increasing.101 Mr Paul Leighton, Deputy Chief Constable of the PSNI, believed that the DPPs were “a tremendous leap forward” because “people are now questioning the police about local policing issues”.102 Mr Ken Williams, Her Majesty’s Inspector of Constabulary for the North of England and Northern Ireland, felt that the manner in which the Board had supported the introduction of the DPPs demonstrated that the “Board is determined to deliver the services that are wanted”.103

97 Q 23
98 The DPP for Dungannon and South Tyrone was not set up until December 2004
99 See para 19 above
100 See para 14
101 Qq 28, 29
102 Q 69
103 Q 99
Appointment of independent members

58. The Board told us that in March 2003, it appointed 207 independent members to 25 DPPs at a cost of £920,000.\(^{104}\) We were also told that the next round of appointments would be held in 2005 at a “marginally higher” projected cost of £950,000, for which the Board had no provision in its base budget.\(^{105}\) Funding for the 2005 appointments process had been sought, and a business case submitted to the NIO.\(^{106}\) The Department told us that it had recently notified the Board of its funding settlement which will cover the costs of the 2005 appointments.\(^{107}\)

59. When we asked the Board about the reason for the high cost of the 2003 process, Sir Desmond Rea explained that the cost reflected the “complexity of the task” and that while it had organised a “unified appointment competition”, 26 individual competitions “were run under the one umbrella”.\(^{108}\) He also explained that the Board had received advice from the Central Purchasing Unit of the NIO about how best value could be established “throughout the appointment project”.\(^{109}\) A total of £386,000 was spent on advertising and Sir Desmond Rea told us that this was because the DPPs were new “and the political environment was not totally supportive”.\(^{110}\)

60. Mr Ian Pearson, the Minister, told us that it was important to bear in mind that the appointments process “was the biggest appointment exercise across all 26 district councils in Northern Ireland”.\(^{111}\) His view was that the scale of the process and the advertising that took place had helped “establish the DPPs in the mind of the public”.\(^{112}\) He was satisfied that value for money had been achieved and that “normal methods of sanctioning public expenditure” had been followed “quite rigorously in this case”.\(^{113}\) He also informed us that the Board had decided to review its approach to the recruitment process and that this “should have a resultant lower cost”. He said that projected figures were not yet available, but that the Board would be submitting a revised business case which he would “carefully scrutinise to ensure that it provides value for money”.\(^{114}\)

61. While we appreciate fully the scale and complexity of the appointments process for independent members of the District Policing Partnerships (DPPs), we were alarmed by the extremely high cost of the 2003 process and, in particular, by the projected higher cost for 2005. There will be approximately 226 independent members of DPPs appointed in 2005 at an estimated cost of £950,000. We were assured by the Minister that value for money had been achieved in 2003, and that the normal rigorous checks

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\(^{104}\) Ev 5  
\(^{105}\) Ev 5  
\(^{106}\) Ev 14  
\(^{107}\) Ev 90  
\(^{108}\) Ev 14  
\(^{109}\) Ev 90  
\(^{110}\) Ev 90  
\(^{111}\) Q 126  
\(^{112}\) Q 126  
\(^{113}\) Qq 126, 127  
\(^{114}\) Ev 90
on public expenditure had been followed. However, we welcome the Board’s decision to review its approach to the recruitment process, and expect that now the DPPs are established, membership appointment costs will fall. We expect the government to support the Board in achieving this good value for money goal.

Concerns of DPPs

Budgets

62. A number of the DPPs expressed concerns that the Board had not settled their budgets in a timely manner. Limavady DPP told us in October 2004 that its budget for 2004 had not yet been agreed and that budget decisions “change regularly with information disseminated ad hoc”. Ballymoney DPP was concerned that the Board had not agreed budgets “in a timely fashion”, but acknowledged that the Board had taken steps to address this.

63. Mr Trevor Reaney accepted that DPPs’ budgets had been problematic and in particular, that the Board had difficulties in establishing what constituted a reasonable level of funding that would allow DPPs to carry out their functions effectively. He also explained that changes to the Board’s staffing had delayed the process, but that it had also taken district councils “some months” to confirm their acceptance of funding offers. He said that the Board had committed itself to agreeing the budgets more speedily in 2005. Mr Ian Pearson’s “understanding” was that the problem was unlikely to recur in the future.

Training

64. Concerns were also expressed by DPPs about the lack of training which the Board provided their members. Cookstown DPP told us that its members “required more focused training on their role and what they are expected to achieve during their term in office”. They believed that members should receive training in the Police (Northern Ireland) Act 2000, “PSNI structures, community safety and the context in which policing currently operates”. Limavady DPP shared this view. Mr Reaney was satisfied that the Board had provided DPPs with support and “a range of training” in strategic planning, PSNI’s human resources strategy, and local policing plans. Mr Leighton believed that members of DPPs were “becoming more knowledgeable by the day” and that the PSNI had participated in joint training activities with them.
65. The DPPs are an integral part of local policing accountability structures and it is particularly important at this early stage that the Board provides them with full support. We were concerned to learn about the delay by the Board in settling DPPs’ budgets, and the perception among some DPPs that the training provided by the Board was inadequate. We hope that these problems are ‘teething difficulties’ only, but, in any case, we expect the Board to ensure that there is no recurrence. We therefore welcome the Board’s commitment to ensuring that the DPPs’ budgets for 2005 are settled in a more efficient manner, and we shall follow this up to monitor any increases in efficiency.

**Community Safety Partnerships**

66. In March 2003, Community Safety Partnerships (CSP) were set up in each council area in Northern Ireland to tackle crime, the fear of crime, and anti-social behaviour. The partnerships bring together representatives from local bodies, including the Housing Executive, the PSNI, health organisations, Education and Library Boards, and voluntary and community bodies.

67. Mr Bradley told us that the existence of both CSPs and DPPs was “wasteful” and confusing. Sir Desmond Rea believed that having both structures resulted in duplication of work and inefficient use of resources. He argued for the functions of DPPs and CSPs “to be rationalised into one structure or at the very least to have a common secretariat”. Mr Leighton argued that there was a need for a more “cohesive structure” at the local level to deal with crime and disorder and community safety, “working in one direction with one funding and one membership”. The view of the NIHRC was that the “demarcation of work” between CSPs and DPPs was unclear, and having both structures had led to a “fracturing of communication and fatigue for community representatives”.

68. The Minister appeared not to be persuaded by these arguments. Mr Pearson’s view was that DPPs and CSPs perform distinct and separate roles:

“It is important to recognise that DPP’s role is very much one of holding the local police commander to account. That is essentially a different role from that of the Community Safety Partnerships, which is about a broad-based partnership which involved the police, but a range of other organisations on issues of improving community safety”.

69. There is significant overlap between the functions of CSPs and DPPs which has led to a duplication of work and wasted resources. This may be because the roles of the two networks are insufficiently defined, or because there has been a failure to publicise their roles clearly. There must be no confusion in this area. The government needs to give further consideration to the functions of CSPs and DPPs, whether there is scope for

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124 Qq 38, 40
125 Ev 6, Q 39
126 Q 69
127 Ev 71
128 Q 141
rationalisation, and, if not, how best to ensure that the roles of these organisations are presented effectively to dispel perceived duplication.

The Criminal Justice Inspectorate

70. The Review of the Criminal Justice System in Northern Ireland (2000) recommended that an independent Criminal Justice Inspectorate should be set up in Northern Ireland. In August 2003, a Chief Inspector of Criminal Justice was appointed by the government. The aim of the Inspectorate is to contribute to the government’s overall aim for peace and stability in Northern Ireland by helping to improve confidence in the criminal justice system. The Chief Inspector has power to conduct inspections into a range of agencies, including the PSNI, the Northern Ireland Prison Service, the Police Ombudsman for Northern Ireland and the Northern Ireland Tourist Board. However, his remit does not extend to the Policing Board.

71. The Minister told us that the Policing Board did not come within the Inspector’s remit because “it does not have an executive function in the criminal justice system” and that it neither had an investigatory nor prosecution function. He explained that the Chief Inspector is able to inspect the Board where it forms part of a cross-cutting “thematic inspection”.

72. We were surprised that the remit of the Chief Inspector of Criminal Justice does not extend to cover the Policing Board. The Policing Board is the disciplinary authority for senior officers of the PSNI and, as a result, examines public complaints against such officers. This appears to us to be an executive function, and we recommend, therefore, that the government gives further consideration to extending the Chief Inspector’s remit to include the Policing Board.

Complaints against the Policing Board

73. We queried whether there was any formal provision within the Policing Board’s Complaints Policy for appeals from the Board. The Chief Executive gave us his view that complainants did have the opportunity to appeal to the Secretary of State. However, the Minister clarified later that there is no formal right of appeal set out in the Board’s policy.

74. It is important that individuals who have a complaint against the Policing Board, and remain dissatisfied with remedies arising from approaches to the Board itself, understand clearly what further scope for appeal exists. There is a formal structure in place for appeals from the Police Ombudsman and, in our view, there should be similar arrangements for appeals from Policing Board decisions. We recommend that the government and the Board bring forward appropriate proposals quickly.

129 Q 166
130 Q 168
131 Q 55
132 Ev 90
5 Conclusions

75. The Northern Ireland Policing Board was set up to secure the efficiency and effectiveness of the PSNI, and to hold the Chief Constable and the police accountable for the performance of their functions. Our inquiry has shown that, despite the difficult political environment in which the Board operates, it has made solid progress in establishing its role and has developed sound mechanisms for holding the police service accountable and we congratulate the Board and its staff.

76. A co-operative and constructive relationship has developed between the Board and the PSNI. This has not been an easy task and the relationship has suffered setbacks because of leaks of sensitive information provided to the Board by the PSNI. Breaches of confidentiality have eroded the trust and confidence which both the PSNI and the Office of the Police Ombudsman have in the Board. Everything possible must be done by the Board to ensure that such breaches do not recur and that the full trust of the PSNI and the Police Ombudsman is regained.

77. The Board and the Ombudsman must work hard to ensure that their relationship is excellent at all levels, and we expect to see a mutually acceptable structure of communications established without delay.

78. We are concerned by the high cost of the appointment process for independent members of DPPs, and we expect the Board’s review of its approach to the process to result in much lower costs in the future. It is crucial that the Board provides the DPPs with the support and guidance which they require to carry out their important functions effectively. We are also concerned by the Board’s delay in agreeing DPP’s budgets. However, we are pleased that the Board has committed itself to settling the 2005 budgets in a more efficient manner.

79. There is evidence which suggests that there may be an overlap of functions and duplication of work between the DPPs and CSPs. The government should consider further whether the functions of these bodies could be rationalised.

80. We call on the government to consider whether the remit of the Criminal Justice Inspectorate should be extended to cover the Board given its important disciplinary role for senior officers of the PSNI.

81. There should be a clear appeals process set up for complainants who remain dissatisfied with decisions of the Board.
Conclusions and recommendations

1. The Northern Ireland Policing Board has made solid progress in establishing and developing its role, and its achievements since 2001 in establishing a framework of accountability for policing in Northern Ireland have been significant. The Board has put in place mechanisms to monitor and assess the performance of the Chief Constable and the PSNI, including a human rights monitoring framework, human resource and training strategies, and a code of ethics for police officers. It has made difficult decisions successfully in a complex political environment. (Paragraph 39)

2. We welcome the constructive relationship that has developed between the Policing Board and the senior management of the PSNI. (Paragraph 40)

3. We believe that in order to be effective, the Policing Board must cooperate fully with the Office of the Police Ombudsman. We have already noted the difference of opinion between the Board and the Ombudsman over what constitutes appropriate frequency of contact. We call on both organisations to put in place a structure for communication acceptable to both without delay. (Paragraph 41)

4. We were told that Policing Board members were not always aware of the detail of policing policy and practice. This is of concern as a sound understanding of the police and its role is fundamental to the effective operation of the Board's oversight function. We do not doubt that most Board members are well informed and conscientious. However, the Board collectively must take full responsibility for ensuring that all its members are equipped with the information and expertise necessary to fulfil their statutory functions. We hope not to hear such complaints repeated when we next scrutinise the Board. (Paragraph 42)

5. It is important to the effective functioning of the Board that its committee structure permits a targeted oversight of the activities of the PSNI. The existing structure does not have a committee focused solely on crime operations, a highly significant area of PSNI activity. We recommend that the Board considers its present committee system carefully in the light of the PSNI's review of its own corporate governance arrangements to ensure their structure is wholly appropriate. (Paragraph 45)

6. We were pleased to learn that there have been no recent 'leaks' from the Policing Board of sensitive information. The importance of maintaining the confidentiality of sensitive information provided by the PSNI to the Board cannot be overestimated. Both the PSNI and the Police Ombudsman told us that past breaches of confidentiality have eroded their trust and confidence in the Board. We expect the Board, and its staff, to act at all times in a fully professional manner. This means that sensitive information provided to the Board in the course of its work must never be divulged to third parties. Such gross breaches of trust are entirely unacceptable and must not be repeated if the reputation of the Board is to be maintained. At present, the Board has a voluntary Code of Conduct which includes a confidentiality provision. In addition, Board members' terms of appointment letters state that members should respect the sensitivity of “some of the issues” they will be dealing with. We invite the Secretary of State to consider whether, in the light of past
breaches, this is sufficient, or whether maintaining strict confidentiality about all information received by the Board should be a formal condition of appointment. (Paragraph 49)

7. We commend the Board for holding more than the minimum number of public meetings in 2003/04. These are opportunities to promote public confidence in the work of the Board, facilitate greater transparency, and engender a more inclusive approach to policing, as envisaged by the Independent Commission on Policing for Northern Ireland. More needs to be done to encourage public participation and develop a genuine exchange between the Board and the public. This is not a simple matter, and progress will be incremental. However, we are convinced of the usefulness of this aspect of the Board’s operations and we expect it to take the lead in creating all reasonable opportunities for public participation. (Paragraph 52)

8. It is our experience of the organisations we scrutinise that the annual reporting exercise is sometimes approached as a necessary chore. While we accept that achieving excellence is time consuming and difficult, the creation of a fully comprehensive and transparent annual report is a vital part of the presentation of any organisation’s activities to the public and must be taken seriously. The presentation of the Board’s performance data in the annual report is insufficiently transparent and comprehensive. The annual report must set out clearly the Board’s progress on key objectives in a simple, attractive and consistent format, year on year. This level of presentational excellence has yet to be achieved by the Board. We appreciate that while the Board must report on the PSNI’s performance in its annual report, the major focus must rest clearly on the Board’s own performance and its principal activities. We welcome the willingness of the Chief Executive to consider improvements, and we are confident that the Board will take immediate steps to improve the presentation of its annual report. (Paragraph 55)

9. While we appreciate fully the scale and complexity of the appointments process for independent members of the District Policing Partnerships (DPPs), we were alarmed by the extremely high cost of the 2003 process and, in particular, by the projected higher cost for 2005. There will be approximately 226 independent members of DPPs appointed in 2005 at an estimated cost of £950,000. We were assured by the Minister that value for money had been achieved in 2003, and that the normal rigorous checks on public expenditure had been followed. However, we welcome the Board’s decision to review its approach to the recruitment process, and expect that now the DPPs are established, membership appointment costs will fall. We expect the government to support the Board in achieving this good value for money goal. (Paragraph 61)

10. The DPPs are an integral part of local policing accountability structures and it is particularly important at this early stage that the Board provides them with full support. We were concerned to learn about the delay by the Board in settling DPPs’ budgets, and the perception among some DPPs that the training provided by the Board was inadequate. We hope that these problems are ‘teething difficulties’ only, but, in any case, we expect the Board to ensure that there is no recurrence. We therefore welcome the Board’s commitment to ensuring that the DPPs’ budgets for
2005 are settled in a more efficient manner, and we shall follow this up to monitor any increases in efficiency. (Paragraph 65)

11. There is significant overlap between the functions of CSPs and DPPs which has led to a duplication of work and wasted resources. This may be because the roles of the two networks are insufficiently defined, or because there has been a failure to publicise their roles clearly. There must be no confusion in this area. The government needs to give further consideration to the functions of CSPs and DPPs, whether there is scope for rationalisation, and, if not, how best to ensure that the roles of these organisations are presented effectively to dispel perceived duplication. (Paragraph 69)

12. We were surprised that the remit of the Chief Inspector of Criminal Justice does not extend to cover the Policing Board. The Policing Board is the disciplinary authority for senior officers of the PSNI and, as a result, examines public complaints against such officers. This appears to us to be an executive function, and we recommend, therefore, that the government gives further consideration to extending the Chief Inspector’s remit to include the Policing Board. (Paragraph 72)

13. We queried whether there was any formal provision within the Policing Board’s Complaints Policy for appeals from the Board. The Chief Executive gave us his view that complainants did have the opportunity to appeal to the Secretary of State. However, the Minister clarified later that there is no formal right of appeal set out in the Board’s policy. (Paragraph 73)

14. It is important that individuals who have a complaint against the Policing Board, and remain dissatisfied with remedies arising from approaches to the Board itself, understand clearly what further scope for appeal exists. There is a formal structure in place for appeals from the Police Ombudsman and, in our view, there should be similar arrangements for appeals from Policing Board decisions. We recommend that the government and the Board bring forward appropriate proposals quickly. (Paragraph 74)
Formal minutes

Wednesday 2 March 2005

Members present:

Mr Michael Mates, in the Chair
Mr Roy Beggs
Mr Tony Clarke
Mr Iain Luke
Mr Stephen Pound
Reverend Martin Smyth
Mr Hugo Swire
Mr Mark Tami
Mr Bill Tynan

The Committee deliberated.

Draft Report (The Functions of the Northern Ireland Policing Board), proposed by the Chairman, brought up and read.

Ordered, That the Chairman’s draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 81 read and agreed to.

Resolved, That the Report be the Seventh Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Ordered, That the provisions of Standing Order No. 134 (Select Committees (reports)) be applied to the Report.—(The Chairman.)

Ordered, That the Appendices to the Report be reported to the House.—(The Chairman.)

[Adjourned till Wednesday 9 March at 4.50 pm.]
## Witnesses

### Wednesday 8 December 2004

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Oral evidence

Taken before the Northern Ireland Affairs Committee

on Wednesday 8 December 2004

Members present:

Mr Michael Mates, in the Chair
Mr Roy Beggs Mr Stephen Pound
Mr Tony Clarke The Reverend Martin Smyth
Mr Iain Luke Mark Tami
Mr Eddie McGrady Mr Bill Tynan

Memorandum submitted by Northern Ireland Policing Board

PART 1—PROGRESS IN DEVELOPING THE BOARD’S ROLE

1.1 The Northern Ireland Policing Board (hereafter referred to as the Board) was established on 4 November 2001 by Section 2 of the Police (Northern Ireland) Act 2000 (the 2000 Act). This in turn arose from a recommendation from the Independent Commission on Policing in Northern Ireland (often referred to simply as “Patten” after the Commission’s Chairman, Chris Patten). The Board comprises 19 Members—10 political Members and nine Independent Members.

1.2 During devolved government the 10 political Members are appointed to the Board using the d’Hondt principles (paragraphs 3–8 of Schedule 1 of the 2000 Act refer). On its establishment, the political members represented the balance of the parties at the 1998 elections, namely four Ulster Unionist Party (UUP), three Social Democratic and Labour Party (SDLP) and three Democratic Unionist Party (DUP). Sinn Fein has chosen not to take up its seats on the Board. The Board would wish to see this impasse resolved. If the 2003 election results were applied, then the political membership would shift to four seats for the DUP, and two each for the UUP, SDLP and Sinn Fein. If the 2003 election results were applied, but without Sinn Fein taking up their seats, then the political membership would comprise five seats for the DUP, three for the UUP and two for the SDLP.

1.3 The nine Independent Members are appointed by the Secretary of State through a public competition, and in line with the Nolan Principles on public appointments. As devolved government is currently suspended in Northern Ireland all 19 Members of the Board were reappointed by the Secretary of State in October 2002.

1.4 The main statutory duty of the Board (Section 3 of the 2000 Act) is to secure the maintenance of the police service for Northern Ireland and to hold the Chief Constable to account for the delivery of an effective and efficient police service. Implicit in the legislation—and as expressed clearly by the Prime Minister—is the duty for the Board to support the PSNI in delivering these goals. How the Board fulfils this statutory duty is explained in more detail in Part 2 of this submission.

1.5 The Board is a Non-Departmental Public Body which receives its funding [£1.7 million in the last five months of 2001–02, £5.09 million in 2002–03 and £7.96 million in 2003–04] from the Secretary of State. The Board is governed by government accounting rules and regulations and the Chief Executive is the Accounting Officer for the Board’s expenditure.

1.6 Prior to the establishment of the Board the Police Authority for Northern Ireland was the statutory body charged with securing the maintenance of an effective and efficient police service.

1.7 The Board has an enhanced level of responsibilities in comparison to English and Welsh police authorities. The Board is a member of the Association of Police Authorities, and seeks to learn from best practice.

1.8 In order to appreciate the role performed by the Board (and consequently the resources devoted to it) it is necessary to consider the political environment in Northern Ireland; the centrality of policing issues in the Belfast Agreement and the implications of having a Board representative of the community it serves.

1.9 “The participants [in the multi-party negotiations] believe it essential that policing structures and arrangements are such that the police service is professional, effective and efficient, fair and impartial, free from partisan political control; accountable; both under the law for its actions and to the community it serves; representative of the society it polices, and operates within a coherent and co-operative criminal justice system, which conforms with human rights norms.” [Policing and Justice: The Belfast Agreement: 1998]
Therefore it is central that the Board carries out its statutory duties in an open, transparent and inclusive manner and is seen as doing so. At its monthly meeting the Board meets the Chief Constable and his team in private and in public, and its meeting in public is an important vehicle by which to achieve this end.

The Board has achieved much in its first three years against a backdrop of political instability and being “the only show in town”. Many thought the Board would not survive the first challenge it faced let alone its first year in office. The Board:

- agreed on a new badge and emblem for the Police Service of Northern Ireland (PSNI);
- took control of the public debate over the “Omagh Reports” and agreed a plan of action which would restore confidence in policing and the policing architecture as well as—most importantly—in the police investigation to apprehend and bring to justice the perpetrators of the Omagh atrocity;
- monitored (and continues to monitor) the implementation of the Omagh recommendations, most notably the review of Special Branch (carried out by Sir Dan Crompton, when one of Her Majesty’s Inspectors of Constabulary), the review of murder investigations carried out by Her Majesty’s Inspector Blakey and the associated third report by Sir John Stevens. The recommendations flowing from these three reports have led to significant changes in the way PSNI undertakes murder investigations, and most notably the establishment of the new Crime Operations Department (the details of which were recently presented to the Board in public session by Assistant Chief Constable Sam Kinkaid);
- liaised with the Security Service;
- is developing a new Police College with PSNI, including the securing of a site at Cookstown;
- appointed 1 Chief Constable, one Deputy Chief Constable and four Assistant Chief Constables;
- has delivered three Annual Policing Plans and adopted a more strategic and inclusive approach to the planning process by which priorities are set, as well as establishing a rigorous performance management regime;
- has carried out the largest public appointments process ever in Northern Ireland when the Board appointed 207 Independent Members to 25 of the 26 District Policing Partnerships. This process has been validated by the Office of the Commissioners for Public Appointments;
- approved and monitored the PSNI’s annual budgets;
- has begun implementing Best Value Reviews;
- has monitored implementation of the PSNI Human Resource Planning Strategy and is currently working with PSNI to help develop a revised strategy which takes account of the changing policing environment;
- has monitored implementation of the PSNI Training, Education and Development Strategy and is currently working with PSNI to develop a monitoring framework which will enable us to carry out this task robustly;
- has published a Code of Ethics for PSNI;
- has appointed two human rights advisors and through them developed a Human Rights Monitoring Framework which will enable us to deliver on a key statutory duty;
- has encouraged PSNI to develop a Greater Action Plan (Section 48 of the 2000 Act refers) which will be launched in November 2004;
- has held three policing conferences with international visitors, and met with various worldwide interested audiences, including delegations from Canada and the USA;
- has reviewed and implemented the senior officer remuneration structures and has begun a performance appraisal regime;
- has, through the various Board Committees monitored, and reported to the Office of the Oversight Commissioner, on a wide range of recommendations from the Independent Commission on Policing.

The Board has achieved these successes despite some Board Members facing intimidation and attack.

PART 2—PERFORMANCE IN RESPECT OF GENERAL FUNCTIONS

Monitoring the Performance of the PSNI

The Board’s main statutory duty is to secure and maintain an effective and efficient policing service for the Northern Ireland community and to hold the Chief Constable and the PSNI to account for the performance of their functions. One of the main ways that the Board does this is through the Annual Policing Plan, which contains the objectives, performance indicators and targets set for PSNI by the Board.
and the Secretary of State. Sections 25 and 26 of the Police (Northern Ireland) Act 2000 allow for the Board to issue an Annual Policing Plan—and section 21 of the subsequent 2003 Act requires the Chief Constable to have regard to the Annual Policing Plan in the discharge of his duties.

2.2 The Board receives quarterly briefings from the Chief Constable on performance against the Annual Policing Plan and Members use this opportunity to question the Chief Constable about aspects of PSNI performance, particularly on tackling crime, the monitoring of general crime trends in Northern Ireland and other key organisational issues.

2.3 The Board recognises the vital role that District Policing Partnerships have in the development not only of local policing plans, but also the Annual Policing Plan. An important function of these partnerships is to seek the views of local people on policing and crime in their areas and it is important for the Board to take account of these local views when developing the Annual Policing Plan. In order to improve the process of developing an Annual Policing Plan, which takes account of the views of District Policing Partnerships, senior PSNI personnel and Board Members participated in a Strategy Event in April 2004. Key recommendations which came from this Strategy Event are currently being taken forward by the Board and centre around improving the process to enable District Policing Partnerships to better inform the Annual Policing Plan objective setting process. This ensures that objectives set meet the needs of the community.

Assessing Public Satisfaction with the PSNI

2.4 Section 3(3)(d)(ii) of the 2000 Act requires the Board to assess the level of public satisfaction with PSNI and District Policing Partnerships. The Board discharges this duty by undertaking public survey/research work and copies of all survey work undertaken since the Board’s establishment in November 2001 is enclosed. The Board uses the results of these surveys and research to inform many aspects of its work such as setting priorities for the Annual Policing Plan or input into PSNI policies on, for example, policing of young people or policing of racist crime.

2.5 The Board plans to undertake further substantial research work in 2004–05 some of which has been driven by the outcome of Equality Impact Assessments undertaken by the Board in the last 18 months.

Delivering Continuous Improvement

2.6 Sections 28–31 of the 2000 Act state that the Board shall make arrangements to secure continuous improvement in the way in which its functions and those of the Chief Constable, are exercised, having regard to a combination of economy, efficiency and effectiveness. PSNI, in conjunction with the Board, have developed and put in place processes and procedures to deliver this requirement. Each Annual Policing Plan includes an agreed Best Value Review Programme. The Board has begun its own Best Value review programme, with work currently underway on the review in the functions and operation of Police Administration Branch.

2.7 The Board’s Audit and Best Value Committee meets quarterly and provides the oversight mechanism for both the Policing Board Best Value Review arrangements and the PSNI Best Value Review arrangements. The remit of this committee is to evaluate and review the arrangements put in place by the Board and PSNI and thereby to contribute to the delivery of an effective and efficient police service for all the people of Northern Ireland.

Monitoring PSNI Recruitment

2.8 The Board has a statutory duty under section 3(3)(c) and 3(3)(d) of the 2000 Act to keep itself informed as to:

— trends and patterns in recruitment to the police and police staff;
— the extent to which the membership of the police and the police support staff is representative of the community in Northern Ireland;
— assess the effectiveness of measures taken to secure that the membership of the police and the police support staff is representative of the community.

2.9 Responsibility for these legislative functions lies with the Board’s Human Resources Committee which receives information on each recruitment competition and as part of its monitoring of the overall Human Resource Planning Strategy (see paragraph 2.13). Members assess and discuss with PSNI the progress that is being made towards achieving a more representative police service and have noted that, since 2002 the seven recruitment campaigns independently run by the Consensia Partnership, with appointments being made on 50:50 basis, have led to the changes to the composition of the service as detailed in Figures 1 and 2 in Annex 1.

2.10 Much progress has been made in terms of religious and gender representation within PSNI and the target of 30% Roman Catholic by 2010 is likely to be met. The Board is particularly pleased with the number of women applying to join PSNI and hopes that the Gender Action Plan recently developed by PSNI and agreed with the Board, will tackle any recruitment and retention issues that exist.
2.11 Implementation of Training, Education and Development within PSNI is fundamental to making sure that police officers and civilian staff have the necessary skills to do the jobs the community needs them to do. The Board’s Human Resources Committee is responsible for establishing a framework of key performance indicators which enable progress in the implementation of the PSNI’s Training, Education and Development strategy to be robustly monitored. These indicators focus on the efficiency and effectiveness of training, the role of training in driving the change management programme and the need for a human rights based policing approach to be at the heart of all training and development activity. A draft list of key performance indicators is currently with PSNI for consideration.

2.12 In October 2002 the Board agreed a Human Resource Planning Strategy with PSNI aimed at securing more police officers on the ground delivering policing through the District Command structure. The Strategy ensures that officers are allocated to meet operational policing priorities and the achievement of the Annual Policing Plan objectives. The strategy includes a detailed action plan with targets and timeframes and progress against these is monitored by the Board’s Human Resources Committee. Progress is also monitored by an independent advisor appointed by the Chief Constable, who reports to the Board every four months. In its first 14 months, the plan delivered over 1,000 officers a day more than had previously been available for operational policing duties. This was achieved by redeploying officers from Headquarters to District Command Units; significant improvements in sickness absence; civilianising police posts; reducing secondments and reducing the number of officers on restricted duties. A revised and updated strategy, which will reflect changing policing priorities, is currently being developed by PSNI, and will be presented to the Board in November 2004.

2.13 Section 3(3)(b)(ii) of the 2000 Act requires the Board to “monitor the performance of the police in complying with the Human Rights Act 1988”. Responsibility for this legislative function lies with the Board’s Human Rights and Professional Standards Committee. As a first step, and in compliance with section 52 of the 2000 Act, the Board published a Code of Ethics in February 2003. This Code lays down the standards of conduct and practice for police officers and sets out their rights and obligations under the Human Rights Act 1998. The Board monitors the PSNI’s compliance with the Human Rights Act 1998 according to the standards set out in the Code of Ethics and a more detailed set of criteria which was developed by the Board’s Human Rights advisors, Keir Starmer QC and Jane Gordon. The framework [copy attached in enclosure 1.10], which encompasses a set of criteria which could be monitored and measured independently, was published in December 2003. The first annual report on PSNI compliance with the Human Rights Act will be published by the Board in early 2005.

2.14 Custody visiting was placed on a statutory basis in Northern Ireland in April 2001 under Section 73 of the 2000 Act. Appointed and managed by the Board, Custody Visitors are volunteers from the community, who make unannounced visits to police custody suites to report on the welfare and treatment of people being held in custody. They look, listen and report back to the Board on what they find. Any issues of concern are brought to the attention of the local District Commander. The work of the Custody Visitors is reported monthly to the Board’s Community Involvement Committee. In the last year 973 visits were carried out across 22 Custody Suites.

2.15 In September 1999 the Report of the Independent Commission on Policing recommended that police recruitment should be contracted out to an independent agency and that there should be community involvement in the process. In 2001 the Board appointed volunteers from the community as Independent Community Observers, to observe key aspects of the recruitment process and report back to the Board. Their role includes observation of the initial selection test and the assessment centre stages of police trainee recruitment and since its inception the Independent Community Observers have observed seven recruitment campaigns. In April 2002 the role was extended to include observing and reporting on the recruitment of part-time police officers and in March 2003, was further extended to include civilian recruitment (where 50:50 applies). The role of the Independent Community Observers is monitored by the Board’s Community Involvement Committee which receives reports on each recruitment campaign. In last year’s recruitment competitions for police officers 185 visits were carried out and 18 civilian competitions have been observed.
Monitoring Complaints Against PSNI

2.16 The Board has a statutory duty under Section 3(3)(c) of the 2000 Act to keep itself informed as to trends and patterns of complaints against PSNI. This duty is carried out at the quarterly meetings of the Human Rights and Professional Standards Committee.

Information routinely monitored by the committee covers:

- reports on police officers on suspension;
- compensation claims paid out in respect of settled civil actions;
- quarterly and monthly reports on complaints and allegations against PSNI submitted by the Office of the Police Ombudsman;
- reports from Police Ombudsman under section 55(4) of the Police (Northern Ireland) Act 1998 (the 1998 Act) (on discharge of baton rounds, the discharge of personal protections weapons etc).
- complaints against traffic wardens.

Appointment of Senior Police Officers

2.17 Under section 35(1) of the 2000 Act the Board has a responsibility subject to the approval of the Secretary of State, to appoint PSNI senior officers. Senior officers are defined as those at Assistant Chief Constable rank and above, and civilian staff who are included as part of the Senior Command Team. The Board has in filling six senior officer vacancies sought as far as practical to make these appointments open to applicants from An Garda Siochana. Also relevant to this section and the Board’s administrative casework is the representation of the Board at the Police Negotiating Board thus ensuring that nationally negotiated agreements (on pay and conditions of service) are translated into regulations for PSNI.

Establishment of District Policing Partnerships (DPPs)

2.18 In March 2003, the Board established in conjunction with local Councils, DDPs in each Council area (except Dungannon and South Tyrone, which is now in the process of appointment). The role of DPPs is to consult the public and provide views to the police District Commander and the Policing Board, as well as to monitor the performance of police locally in carrying out the local Policing Plan and the wider Annual Policing Plan. The Board developed a Code of Practice on Functions and Responsibilities for DPPs, provides 75% funding, and supports DPPs through training and advice. Regular meetings and events are held with DPP Members, DPP Managers and Council Chief Executives.

District Policing Partnerships—Re-appointment of Independent members

2.19 In March 2003 the Board appointed 207 Independent members to 25 DPPs. This was the largest single round of public appointments ever undertaken in Northern Ireland and was validated by the Office of the Commissioner for Public Appointments. District Policing Partnerships are appointed to serve for the duration of the council term of office and District Policing Partnership members will cease to hold office at the date of the next local government general election scheduled for June 2005. In light of this the Board is about to commence the process to select consultants to manage a re-run of this important process on our behalf. As the Board has a duty to ensure that District Policing Partnerships are appointed so as to be representative of the community, over the next few months the Board will be contacting groups who are currently under-represented on the District Policing Partnerships to raise their awareness and encourage them to seek appointment. In particular the Board will be focusing on young people, people from different ethnic backgrounds and women. The cost of appointing the independent members to DPPs in 2003 was £920k and the budget for the next round of recruitment is likely to be marginally higher, approximately £950k (for which the Board does not have ongoing provision in its base budget).

Assessment of the level of public satisfaction with the performance of the District Policing Partnerships

2.20 The Board assesses the level of public awareness and satisfaction with the work of District Policing Partnerships by means of public surveys. The Board regularly commissions questions in Omnibus Surveys. The findings of the latest survey undertaken in April 2004 indicate that 66% of people had heard of District Policing Partnerships; of these 67% believed that they would help to address local policing problems; and 54% said they were prepared to contact the District Policing Partnership with regard to local policing issues.
Assessment of the effectiveness of the District Policing Partnerships in performing their functions

2.21 In addition to measuring public perceptions of the work of the District Policing Partnerships the Board has put in place a process by which to gauge their overall effectiveness. When the District Policing Partnerships were established in 2003 the Board published a Performance Monitoring Framework so that DPPs would be aware as to how their performance would be assessed. In light of this the Board is now undertaking a wide-ranging review of the work of the District Policing Partnerships [see enclosure 3.4] during their first year in office. It is planned that the review will be completed in early 2005.

2.22 It is a significant achievement that in the face of political opposition and sustained intimidation District Policing Partnerships have been set up and are fulfilling their statutory duties. As well as the general threat to all DPP members there have been 39 individual incidents of intimidation occurring in 13 DPP areas. The incidents have included intimidatory statements painted on walls near the member’s home or place of work; cars being destroyed in arson attacks; paint, petrol and blast bombs thrown at peoples’ homes; bullets with intimidatory messages sent through the post; envelopes containing powder sent through the post; and a number of viable letter/parcel bombs. Despite this sustained attack the DPPs have survived and have been successful. The most overt evidence of this success is that in the first 12 months of their existence District Policing Partnerships held 138 meetings in public nad were involved in the development of two successive years’ local policing plans.

Interface between District Policing Partnerships and Community Safety Partnerships

2.23 Promoting Community Safety and bringing local accountability to bear on policing through the routine monitoring of police performance is organised through two separate but parallel organisations, namely the Community Safety Partnerships and the District Policing Partnerships. These twin structures have as their central point the local council which services both organisations. The Board strongly argued for these two functions to be rationalised into one structure or at the very least to have a common secretariat. In taking this view the Board were supported by the councils and by PSNI. Unfortunately the Board was unsuccessful in seeking to bring about this change and the parallel structures remain. While considering that the current structure results in duplication, confusion and inefficient use of resources the Board continues to work with the NIO and District Councils in an attempt to minimise this.

Relationships with Other Bodies

2.24 The Board interacts with a wide range of bodies in discharging its duties but some detail on the key bodies is set out below.

PSNI

2.25 The Board has a unique relationship with PSNI, on the one hand being required to “secure the maintenance of the police in Northern Ireland” indicating the existence of, and need for, a degree of support for the service, while also required to “hold the Chief Constable to account for the exercise of his functions and those of the police, the police support staff and traffic wardens [Section 3(1) and 3(3)(a) of the 2000 Act refer], indicating a challenge function. The two are not incompatible but the Board works hard to achieve an appropriate balance between the two—a balance which can, when properly struck, help the delivery of effective and efficient policing.

2.26 The range of contact between PSNI and the Board is significant. The Chief Constable and his senior team meet with the Board every month (both in private and in public) reporting on performance in dealing with a wide range of policing issues and dealing with questions from Committees or individual Members; Senior Officers report to individual Committees on implementation of the change programme; Members and officers also participate in various working groups set up to deal with specific issues.

2.27 Correspondence and other ad hoc communications are exchanged on a regular basis. The Board is reliant upon PSNI to supply regular information on a wide range of policing issues and to enable the Board to deal with letters from members of the public.

Northern Ireland Office

2.28 The Board receives its funding from the Northern Ireland Office. The Secretary of State also makes to the Board, for each financial year, a grant for police purposes, which the Board then puts at the disposal of the Chief Constable. The Board therefore has regular contact with the Northern Ireland Office both in bidding and accounting for expenditure. Along with senior police officers the Board sits on a range of tripartite groupings with the Northern Ireland Office. For example, in connection with buildings, estate, finance, recruitment, alternatives to baton rounds and other groups established to drive forward recommendations arising from the Independent Commission on Policing.
Police Ombudsman for Northern Ireland

2.29 The work of the Board interfaces with the Police Ombudsman on a number of levels. The Board’s Human Rights and Professional Standards Committee monitors trends and patterns in complaints and receives quarterly information from the Police Ombudsman to enable it to carry out this function. The Committee also receives copies of other reports from the Ombudsman (for example into the discharge of baton rounds or firearms) the recommendations of which are considered by the Committee alongside the PSNI response to them. Both the statistics and the reports from the Police Ombudsman provide the Board with information on how effectively PSNI is carrying out its duties and how that is perceived by the public. Police Ombudsman investigations into police policy and practice will be a further valuable source of information in the future. There are regular formal and informal contacts between the Policing Board and the Police Ombudsman with meetings at Board, Committee, Chairman and Vice-Chairman, and official level.

The Office of the Oversight Commissioner

2.30 The Board provides the Oversight Commissioner with an update report on Patten recommendations that the Board has a role in delivering; progress made against the Government’s Implementation Plan for each recommendation and any major achievements or challenges. The Oversight Commissioner’s subsequent reports comments that “the Policing Board had diligently performed [its] role” and had been “pivotal in supporting change and as an important institution of governance and accountability”.

District Councils/District Policing Partnerships

2.31 In supporting the District Policing Partnerships the Board has developed working relationships with the 26 District Councils across Northern Ireland. The nature of this relationship ranges from the routine agreeing of protocols for establishing budgets and the exchange of information undertaken on a day-to-day basis between Board and council officials to the more strategic overview. Into this latter area fall the meetings which the Board has with the Executive of the Society of Local Authority Chief Executives (SOLACE) at which issues relating to the operation of DPPs; funding; intimidation of DPP members; the impact of the political environment on the DPPs; and the timetable for re-appointing DPP Independent Members have all been discussed. The Board recognises that in supporting the work of the Partnerships, success can only be sustained if the Board and the Councils are working together towards common goals.

Other Statutory Bodies and Non-Statutory Groups

2.32 There are a range of other statutory and non-statutory bodies with which the Board interfaces on a less frequent basis, such as the Equality Commission (in relation to the Board’s equality work and our implementation of Section 75 of the Northern Ireland Act 1998) and the Human Rights Commission (mainly in relation to the implementation of the Board’s Human Rights Monitoring Framework. Non-statutory bodies with whom the Board is in contact include community, voluntary and pressure groups such as the Committee for the Administration of Justice, British Irish Rights Watch, groups concerned with issues facing the elderly, and human rights bodies. Implementation of our Section 75 duties has led to contact with groups including the Coalition on Sexual Orientation, the National Society for Prevention of Cruelty to Children, and the Northern Ireland Council for Ethnic Minorities.

2.33 The Board operates in an open and transparent way, holding monthly public meetings and placing the minutes of all Board and Committee meetings on the Board’s website. When producing documents or issuing news releases a range of statutory and non-statutory bodies are consulted, receiving copies of same and copies of news releases. The issues that the Board has dealt with over the last three years have dictated the extent of our contact with non-statutory bodies. Reports are produced where appropriate, for example on Policing, Accountability and Young People (July 2003, enclosure 4.1) and Public Order in the Summer of 2003.

PART 3—POLICING BOARD STRUCTURE, ADMINISTRATION AND EXPENDITURE

Board/Committees/Working Groups

3.1 Schedule 1—Part VI (para 19(2)) of the 2000 Act requires the Board to have 10 public meetings per year. A change was made by the Police (Northern Ireland) Act 2003 reducing the requirement to holding eight public meetings per year, although in practice the Board still holds 10 meetings per year. However, the change in legislation gives the Board a degree of flexibility in arranging meetings around exceptional periods for members, eg election periods, which was not available in the previous legislation.

3.2 A full list of current Board Members is attached at Annex 2. In addition to the full Board there are seven main committees made up from Board members covering the various work areas of the Board. The Board undertook a review and reorganisation of its committee structure in 2003, and made some changes to better reflect the Board’s work. Detail on the Committees can be found at Annex 3.
3.3 Outside of the main committees there are a number of other working groups, sub-committees and tripartite groups covering particularly large or contentious areas of business. Examples of some of these groupings and their purpose is at Annex 4. Some of these groups, although not all, have representatives from Board, PSNI and Northern Ireland Office and are referred to as “Tripartite” groupings.

3.4 The Board and each committee has official minutes recorded for each meeting, which are signed by the chairman as a true reflection of the business undertaken at the following meeting. The minutes of each committee are brought before the full Board meeting for ratification, and to inform all Members of the business undertaken across the Board. The minutes are then placed on the website in line with our obligations under the Freedom of Information Act 2000.

**Executive structure, roles and functions**

3.5 The Board’s executive structure consists of five directorates covering the various areas of Board business. There are five directors, one covering each of the directorates, and the Chief Executive has oversight of all areas of business. The directorates are Communications, Community Affairs, Corporate Services, Planning and Policy [see Annex 5].

3.6 In January 2003 the Board contracted the Business Development Service to carry out a review of the staffing levels within the Board. The review identified 60 posts, and then following discussions it was agreed that a further 6 posts be included due to anticipated workload and future initiatives (eg Freedom of Information). The Board was therefore considerably understaffed at the period of the Business Development Service review and in November 2003, 23 of the 66 posts remained unfilled. An extensive recruitment campaign has since been undertaken and in August 2004 there remained only five permanent available posts to be filled.

3.7 Currently the proportion of Protestants to Roman Catholics on the Board’s permanent staff is approximately 62% to 36% (with 2% non-determined).

**Budget Projections**

3.8 The Board has produced three years financial accounts from November 2001 to date. There are two distinct areas of spend, one relating to the core costs of the Board (salaries, running costs), with the other relating to District Policing Partnerships. The split between the two areas for the periods of accounts are shown in Annex 6.

3.9 In summary, in 2001–02 there was an under spend of 13% (£225k). In 2002–03 there was an overspend of 5.5% (£285k) which was due to the high costs associated with the recruitment of independent District Policing Partnership members, and also the inclusion of a provision for transferring the pension costs of Direct Recruits across to the Principal Civil Service Pension Scheme (under a Government directive), the costs of this provision were not budgeted for. In 2003–04 there was an underspend of 17% (£1.3 million), this consists of slippage in training and salary costs, some District Policing Partnerships were not established (ie Dungannon and South Tyrone), there were amounts included in the budget for these areas. In relation to other costs the significant number of staff vacancies and the increase in the pension provision accounts for the majority of the difference between budget and actual.

3.10 In looking to the future the baseline figures for the future periods taking into account Spending Review 2004 are:

<table>
<thead>
<tr>
<th>Core Spend</th>
<th>District Policing Partnership Spend</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>£’000</td>
<td>£’000</td>
<td>£’000</td>
</tr>
<tr>
<td>2004–05</td>
<td>4,470</td>
<td>2,230</td>
</tr>
<tr>
<td>2005–06</td>
<td>4,730</td>
<td>2,343</td>
</tr>
<tr>
<td>2006–07</td>
<td>4,848</td>
<td>2,402</td>
</tr>
</tbody>
</table>

In the present circumstances the baseline is seen as sufficient to allow the Board to fulfil its requirements. There are a number of uncertainties that may impact on the funding requirement—such as the pending Review of Public Administration Structures and PSNI’s wish to rationalise their District Command Unit structure in parallel. The Gershon efficiency reviews will also impact on finance. A funding need has been highlighted to Northern Ireland Office in relation to the re-appointment process for District Policing Partnership independent members, for which provision is not made in the Board’s base budget.

**Administration/casework**

3.11 The Human Resources Committee discharges the Board’s duties under the 1998 and 2000 Police Acts and Auxiliary Legislation including the Police Pension Regulations 1998 and Police Pay & Conditions of Service Regulations. The Board processes all medical retirements/injury on duties cases for both serving and ex-police officers. In addition the Board has responsibility for the reviews of injury on duty awarded
and this is completed in accordance with Home Office guidance. In the year ended December 2002, 350 cases were referred to the Board’s Selected Medical Practitioner, BMI Health Services. In the year ended December 2003 the number of cases had increased to 550. In a normal 12-month period approximately 40 appeals against the Board’s decisions in relation to medical retirements/injury on duty are received. In the last 12-month period the number of appeal cases has increased to over 100.

**PART 4—CONCLUSION—LOOKING TO THE FUTURE**

4.1 The strategic challenge for the Board in forthcoming months and years is to continue to ensure that PSNI provides effective and efficient policing—delivering on the outstanding recommendations from the Independent Commission on Policing, whilst preserving and enhancing cross-party and cross-community participation and confidence in the process. Particular elements include:

**Gaining cross-community support**

4.2 The Board faces the challenge of gaining the support of the entire nationalist community. There is a challenge also in addressing concerns of the unionist community, some of whose confidence in policing has been dented.

**Building public confidence**

4.3 Continuing to focus on the composition of the Service through closely monitoring the effects of 50:50 recruitment until a self-supporting critical mass of approximately 30% Roman Catholics is reached by 2010; managing the Patten recommendations in relation to Full Time and Part Time Reserve, and related Human Resource Strategy Action Plans; and monitoring the number of women officers in PSNI and assessing the impact of the PSNI Gender Action Plan on retention and promotion.

4.4 The Board has published a Framework Document for monitoring the PSNI’s compliance with the Human Rights Act, and a full report from its Human Rights advisers will be considered by the Board in coming months. Future monitoring of the PSNI compliance with the Human Rights Act 1998 will represent a significant part of the Board’s work.

4.5 A topical element of community interest and tension in policing is in the availability and introduction of less-lethal alternative equipment, and the Board will continue to oversee the PSNI’s introduction of CS Incapacitant Spray, as well as its use of Baton Rounds. Every individual use of both CS Spray and Baton Rounds is reported to and investigated by the Police Ombudsman for Northern Ireland, and the Board will continue to work closely with the Ombudsman, considering her reports in full detail on a regular basis.

4.6 Promoting and instilling community confidence in the structure and focus of policing structures remains a key issue amongst many communities (including issues around Special Branch arrangements), and the Board continues to support the PSNI in its internal re-organisation, with the creation of its Crime Operations department, addressing various recommendations arising from Patten, and also the Crompton, Blakey, and [latest] Stevens reports. The Board will also consider any strategic implications arising from the range of other public inquiries underway.

**Planning, monitoring and accountability**

4.7 The Board will continue its role in negotiating the most appropriate level of funding for the PSNI. The Board is currently working with the PSNI to develop a revised Human Resource Planning Strategy which will meet the needs of the Service now and in the coming years, taking account of issues impacting on PSNI such as the Review of Public Administration, changes as a result of the Criminal Justice Review etc. In its drive to help reducing police bureaucracy, the development of the PSNI’s Information Technology strategy is an issue of focus for the Board. With its specific remit on policing property, the Board will continue to oversee the strategic shift towards more open and accessible police stations, and away from fortress-like structures. The Board will continue to seek to ensure that PSNI is properly funded to address the legacy of unsolved murder cases.

4.8 The Board drives the delivery of Best Value both within PSNI, as well as within its own structures and this will continue to pose a particular challenge in the coming years.

**PSNI effectiveness**

4.9 The prevalence of serious organised crime in Northern Ireland remains a serious issue of public concern, and therefore a focus for the Board in overseeing the relevant work of PSNI along with its partner agencies.

4.10 The Board monitors and engages in issues of community interest in policing common to other parts of the UK, ranging at present in Northern Ireland from an increase in the number of racist incidents, to public concern about domestic burglaries, drug supply, and safety of the elderly.
4.11 The major longer-term strategic challenge facing Northern Ireland, and therefore driving the work of the Board, is to manage the shift towards the “normalisation” of policing—where the historic focus on Northern Ireland’s unique challenges shifts towards the ever-present policing challenges common to English, Welsh and Scottish forces. The current police reform agenda will be of interest in this regard.

Community participation

4.12 Public involvement in overseeing policing at a local level revolves around the District Policing Partnership arrangement led by the Board, which faces real challenges in a context of sporadic intimidation of District Policing Partnership members.

Roles of District Policing Partnerships and Community Safety Partnerships

4.13 There is a need to address and resolve the respective and sometimes overlapping roles of District Policing Partnerships and Community Safety Partnerships.

Northern Ireland Policing Board Effectiveness

4.14 A particular challenge as applicable to the Board as to the rest of the public sector is to deliver locally on the Gershon recommendations, contributing to the NIO’s requirement to find efficiency savings of 7.5% over the next three years. As a support function, the Board will be aiming to offer at least this figure, so as to allow funds to be directed to front-line services.

Conclusion

4.15 The range of issues set out in this paper give an indication of the challenges facing the Board. However, the ongoing political settlement remains more fundamental an influence on the Board’s future than any individual legislative, organisational, or resource issue.

Annex 1

Figure 1

RELIGIOUS AND GENDER SNAPSHOT

<table>
<thead>
<tr>
<th></th>
<th>% Roman Catholic</th>
<th>NI Population</th>
<th>% Female</th>
<th>NI Population</th>
</tr>
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<tbody>
<tr>
<td>Pre-Patten</td>
<td>11.9%²</td>
<td>44%³</td>
<td>12.6%¹</td>
<td>16.5%²</td>
</tr>
<tr>
<td>Present</td>
<td>8%¹</td>
<td>2001</td>
<td>Pre-Patten</td>
<td>Present</td>
</tr>
</tbody>
</table>

2. Equal Opportunities Branch—PSNI

Figure 2

PERCEIVED RELIGIOUS AFFILIATION

<table>
<thead>
<tr>
<th>Employee Group</th>
<th>Perceived Protestant</th>
<th>Perceived Roman Catholic</th>
<th>Not Known</th>
<th>Total</th>
<th>% Perceived Protestant</th>
<th>% Perceived Roman Catholic</th>
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<tr>
<td>PSNI</td>
<td>6,118</td>
<td>6,088</td>
<td>841</td>
<td>1,018</td>
<td>236</td>
<td>226</td>
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<tr>
<td>FT Reserve</td>
<td>1,616</td>
<td>1,426</td>
<td>122</td>
<td>106</td>
<td>120</td>
<td>109</td>
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<tr>
<td>PT Reserve</td>
<td>888</td>
<td>805</td>
<td>49</td>
<td>44</td>
<td>13</td>
<td>12</td>
</tr>
<tr>
<td>Sub-total</td>
<td>8,622</td>
<td>8,319</td>
<td>1,012</td>
<td>1,168</td>
<td>369</td>
<td>347</td>
</tr>
<tr>
<td>Civilian</td>
<td>1,324</td>
<td>1,372</td>
<td>250</td>
<td>296</td>
<td>74</td>
<td>81</td>
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<tr>
<td>Direct Recruits</td>
<td>1,513</td>
<td>1,424</td>
<td>207</td>
<td>185</td>
<td>80</td>
<td>59</td>
</tr>
<tr>
<td>NICS* staff on secondment</td>
<td>2,837</td>
<td>2,796</td>
<td>457</td>
<td>481</td>
<td>154</td>
<td>140</td>
</tr>
<tr>
<td>Sub-total</td>
<td>11,459</td>
<td>11,115</td>
<td>1,469</td>
<td>1,649</td>
<td>523</td>
<td>487</td>
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</table>

September 2004
**Annex 2**

<table>
<thead>
<tr>
<th>Political Members</th>
<th>Independent Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Attwood (SDLP)</td>
<td>Professor D Rea (Chairman)</td>
</tr>
<tr>
<td>J Byrne (SDLP)</td>
<td>D Bradley (Vice-Chairman)</td>
</tr>
<tr>
<td>F Cobain (UUP)</td>
<td>Viscount Brookeborough</td>
</tr>
<tr>
<td>S Foster (UUP)</td>
<td>B Dougherty</td>
</tr>
<tr>
<td>W Hay (DUP)</td>
<td>B Gilligan</td>
</tr>
<tr>
<td>Lord Kilclooney (UUP)</td>
<td>T Kelly</td>
</tr>
<tr>
<td>A McFarland (UUP)</td>
<td>P McCabe</td>
</tr>
<tr>
<td>E McGrady (SDLP)</td>
<td>R Moore</td>
</tr>
<tr>
<td>I Paisley Jnr (DUP)</td>
<td>S Sharma</td>
</tr>
<tr>
<td>S Wilson (DUP)</td>
<td></td>
</tr>
</tbody>
</table>

**Annex 3**

**POLICING BOARD COMMITTEES**

(REVISED SEPTEMBER 2004)

<table>
<thead>
<tr>
<th>Community Involvement (10)</th>
<th>Press and Public Relations (7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr D Bradley (Chairman)</td>
<td>Mr T Kelly (Chairman)</td>
</tr>
<tr>
<td>Viscount Brookeborough (Vice-Chairman)</td>
<td>Mr S Sharma (Vice Chairman)</td>
</tr>
<tr>
<td>Mr B Dougherty</td>
<td>Mr B Dougherty</td>
</tr>
<tr>
<td>Mr A Attwood</td>
<td>Lord Kilclooney</td>
</tr>
<tr>
<td>Mr J Byrne</td>
<td>Mr I Paisley</td>
</tr>
<tr>
<td>Mr T Kelly</td>
<td>Mr A Attwood</td>
</tr>
<tr>
<td>Mr Sam Foster</td>
<td>Mr J Byrne</td>
</tr>
<tr>
<td>Mr I Paisley</td>
<td></td>
</tr>
<tr>
<td>Mr S Sharma</td>
<td></td>
</tr>
<tr>
<td>Mr W Hay</td>
<td></td>
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<table>
<thead>
<tr>
<th>Human Resources (7)</th>
<th>Human Rights and Professional Standards (7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mrs P McCabe (Chairman)</td>
<td>Mr E McGrady (Chairman)</td>
</tr>
<tr>
<td>Viscount Brookeborough</td>
<td>Mr W Hay (Vice-Chairman)</td>
</tr>
<tr>
<td>Mr S Foster</td>
<td>Mrs P McCabe</td>
</tr>
<tr>
<td>Mr B C Gilligan</td>
<td>Mr A McFarland</td>
</tr>
<tr>
<td>Mr W Hay</td>
<td>Mrs R Moore</td>
</tr>
<tr>
<td>Mr E McGrady</td>
<td>Mr I Paisley Jnr</td>
</tr>
<tr>
<td>Mrs R Moore</td>
<td>Mr I S Sharma</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Finance and General Purposes (6)</th>
<th>Audit and Best Value (6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr S Wilson (Chairman)</td>
<td>Mr F Cobain (Chairman)</td>
</tr>
<tr>
<td>Mr B Gilligan (Vice-Chairman)</td>
<td>Mr J Byrne (Vice-Chairman)</td>
</tr>
<tr>
<td>Mr A Attwood</td>
<td>Mr B Gilligan</td>
</tr>
<tr>
<td>Mr F Cobain</td>
<td>Lord Kilclooney</td>
</tr>
<tr>
<td>Mr A McFarland</td>
<td>Mr S Wilson</td>
</tr>
<tr>
<td>Mrs R Moore</td>
<td>Viscount Brookeborough</td>
</tr>
</tbody>
</table>

**Corporate Policy (9)**

- Professor D Rea (Chairman)
- Mr D Bradley (Vice-Chairman)
- Mr F Cobain
- Mrs P McCabe
- Mr E McGrady
- Mr S Wilson
- Mr T Kelly

Viscount Brookeborough (floating member wef 3 December 2003)*

Mr B Gilligan (floating member wef 3 December 2003)*

* Floating members to serve to 31 October 2004.
TRIPARTITE POLICE BUILDINGS STEERING COMMITTEE
To oversee implementation of Patten recommendations in relation to the Police Estate.

SECTION 59 AND 60 WORKING GROUP
To consider Northern Ireland Office Codes of Practice on the Board’s powers to call for a report from the Chief Constable or to initiate an inquiry.

POLICE TRAINING COLLEGE WORKING GROUP
To progress provision of a Police Training College.

TRIPARTITE PRESS GROUP
To share information on issues of common interest and co-ordinate communications strategies.

TRIPARTITE PATTEN CO-ORDINATING GROUP
To secure delivery of Patten recommendations at a strategic level.

LATERAL ENTRY SUB-GROUP
To work with PSNI to meet the Chief Constable’s need for experienced Detective Constables.

TENURE OF POST POLICY WORKING GROUP
To work with PSNI to develop a Tenure of Post Policy.

PART-TIME RESERVE SUB-GROUP
To work with PSNI to secure implementation of the Patten recommendation in relation to the recruitment of Part-time Reserve Officers.
The budget received by the Board from the NIO increased from its original baseline by almost £2 million in 2003–04 as this was the first full year of operation of the District Policing Partnerships (DPPs). The previous year included part year costs for DPPs as the process to establish DPPs only commenced in September 2002 and the DPPs were only established in March 2003.

As the appointment of Independent Members of DPPs takes place once every four years it is not included in the Board’s baseline budget but is subject to a separate Business Case build to the NIO. The NIO have been kept informed of this requirement throughout various Spending Reviews and budgetary monitoring exercises. Confirmation of approval of the Business Case for the appointment of Independent Members in 2005 is awaited.

The attached Annex A provides a detailed breakdown of the costs of £913k which were incurred in the appointment of Independent Members of the DPPs during 2002–03.

The level of cost incurred is a reflection of the complexity of the task. While the Board organised one unified appointment competition it was in effect 26 individual competitions run under the one umbrella. Appointments were being made to each of the 26 DPPs and each district, while operating within an overall process, had to be given its own identity and profile. The fact that the DPPs were new and that the political environment was not totally supportive is reflected in the scale of the advertising campaign that was undertaken.

The success of the appointment process, which was the largest public appointments exercise ever undertaken in Northern Ireland, is reflected in the positive assessment that was received from Office of the Commissioner for Public Appointments (OCPA). In subsequent training events OCPA have quoted the DPP appointment exercise as an example of best practice.

The Board has no budgetary pressures at this time. However, the allocation to the Board under SR2004 has not yet been notified and the financial position for 2005–06 onwards is as yet unclear.

Supplementary memorandum submitted by the Northern Ireland Policing Board

RESPONSES AND INFORMATION IN RESPONSE TO QUESTIONS FROM THE COMMITTEE

SUPPLEMENTARY QUESTION 1—EXPENDITURE

The process of devolution to DCU Commanders is one which the Board has encouraged and has monitored since its formation. The question raised in relation to the development of a policy on DCU Commanders’ authority over the deployment of officers and civilian staff arose from the Oversight Commissioner’s 11th Report dated September 2004.

The Oversight Commissioner published his 12th report on 14 December 2004 and has reported good progress on the issue of devolution. He acknowledges under Progress and Accomplishments (OCC Report 12—December 2004—page 36) that the PSNI issued a General Order 35/2004—Policy on Devolution. This General Order has addressed the points raised in the Oversight Commissioners previous report and it is no longer highlighted as an area of concern.
Supplementary Question 3—Forensic Support Services

At the Hearing on 8 December the Board representatives were unclear as to which HMIC report the question on forensic support service referred to. Your letter confirms our subsequent checking that it was the HMIC Baseline Assessment Report dated April 2004 but which was not published until August 2004. The Board read with concern the comments made in the HMIC Baseline Assessment report about the forensic support service.

The HMIC, Mr Ken Williams, presented his report to the Board’s Corporate Policy Committee on 16 December 2004, and the Chief Constable made a response on behalf of the PSNI. The Chief Constable was questioned on the concerns regarding the forensic support service.

The Board would not accept that there is a very serious inadequacy in the PSNI’s operational performance. The PSNI’s improving performance figures, particularly on volume crime, are impressive. There were some 14,000 fewer victims of crime last year as compared to the previous year.

The PSNI is taking steps to improve its own internal handling of forensics and the inadequacies of the Forensic Science Agency, which is outwith the Board’s responsibility, have been highlighted to government. The planned inspection in 2005 of forensic support services by the Criminal Justice Inspectorate, assisted by HMIC, will help identify further issues for improvement and the Board will oversee the implementation of any recommendations in respect of the PSNI.

Supplementary Question 4—Community Safety Partnerships

Community Police Liaison Committees (CPLCs) do still exist. They are voluntary bodies and operate at a local level. The Board provides basic funding to enable CPLCs to hire a room for a meeting and provide tea/coffee for those attending.

The rationale for the CPLCs is that they provide a local forum for discussion of policing issues. The local nature of these committees means that they are often based in a village or a distinct geographical area or estate within a larger town. They are recognised by the PSNI as an important interface with the community and, in addition, contribute to the Patten recommendation that the police should have some form of consultative process at beat level.

The link from the CPLC to the DPP and CSP is that issues raised at a local level can be progressed to the DPP if a more strategic input is required. The Board encourages DPP members to engage with the CPLCs. A number of DPPs interact on a regular basis to support CPLCs through DPP members attending CPLC meetings and then raising issues with the DPP and PSNI Commander as needed.

Supplementary Question 5—Confidentiality

The Board has adopted a Code of Conduct for Members which includes a section on confidentiality. A copy of the relevant section of the Code is attached at Annex B.

The Chairman and Vice-Chairman are by agreement occasionally offered private briefings on sensitive issues by PSNI. The Chairman then agrees with PSNI which elements of the briefing can properly be made more widely available to other Board Members, and to the wider public. For example, the private briefings on the development of the PSNI Crime Operations Department were in large part subsequently presented to the Board both in private and public sessions.

Some Board Members feel it is their duty to their electorate to put information into public domain. Although they do generally respect confidentiality—there have been some unfortunate leaks, although none within the recent past.

In addition, Board officials are regularly briefed in confidence on various issues, and the Board employs normal data security measures, classifications and vetting procedures.

Additional Information 1—Chief Executive Post

The Board’s first Chief Executive was appointed by the NIO on an interim basis to facilitate the establishment of the Board and to allow the Board time to appoint its own Chief Executive. Mr Ivan Wilson served in this interim capacity from 3 December 2001 to 30 September 2002.
The Board appointed Mr Bob McCann as its first permanent Chief Executive on 2 September 2002. Mr McCann resigned on 29 August 2003 to pursue other interests.

During the resulting period of vacancy Mr Alastair McDowell, the Board’s then Head of Corporate Services, acted up into the Chief Executive role from 1 August 2003 until our current Chief Executive, Mr Trevor Reaney took up post on 1 January 2004.

These staffing changes have not affected the performance of the Board.

**Additional Information 2—Training for District Policing Partnerships (DPPs)**

Training events organised by the Board for DPPs since their establishment have been as follows:

- Team Development/Group Dynamics (76%)—March 2003
- Introduction to Strategic Planning (71%)—September 2003
- DPP Roles/Responsibilities (79%)—November 2003
- Policing Overview/DCU Structure (74%)—January 2004
- PSNI Human Resources Strategy (69%)—January/February 2004
- Working Together to Prevent Crime (74%)—February/March 2004
- Policing with the Community—the Boston Experience (71%)—May 2004
- Development of Local Policing Plans (76%)—October 2004

The review of DPPs currently being undertaken by the Board includes surveys of DPP Members, DPP Managers, Council Chief Executives and DCU Commanders, in addition to focus groups and consultation events. Feedback has been sought on training needs for DPP Members and the level of satisfaction with training already provided. The satisfaction levels of DPP Members in respect of the above training events are shown in brackets.

**Additional Information 3—PSNI Sickness Absence**

Reference was made during the Hearing to the PSNI having a sickness absence level double that of forces in England and Wales. The Deputy Chief Constable clarified the position during his evidence before the Committee, but I would confirm that the level of absence among regular officers in the PSNI during 2003–04 was 14.5 days per annum, compared to an average in England and Wales of 9.4 days per annum.

The Board is working with the PSNI, through the PSNI Human Resources Planning Strategy, to reduce the level of sickness absence. The revised target set in the new Human Resources Planning Strategy, endorsed by the Board on 16 December 2004, is to achieve 10 days per annum for Regular officers by 2007–08.

Significant progress has been made and efforts will continue to be made to reduce it even further.

**Additional Information 4—Complaints Procedure**

The Board’s Complaints Procedure has recently been revised and a copy of the procedure is attached for your information at Annex C.
### COSTS ARISING FROM THE APPOINTMENT OF INDEPENDENT MEMBERS TO DISTRICT POLICING PARTNERSHIPS 2002–03

<table>
<thead>
<tr>
<th>Advertising and Media Strategy</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awareness &amp; Recruitment Advertising</td>
<td>133,000</td>
</tr>
<tr>
<td>Production of TV &amp; Radio commercials</td>
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<td>Media advertising</td>
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<td>Focus groups</td>
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<tr>
<td>Additional Press production</td>
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<tr>
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<td>Additional TV advertising</td>
<td>20,000</td>
</tr>
<tr>
<td>Fixed costs consultants—project initiation and management</td>
<td>48,000</td>
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</tbody>
</table>

**Variable Consulting Costs**

| Administration & handling 3,500 enquiries                          | 20,000 |
| Processing returned applications                                   | 27,000  |
| Eligibility sift on returned applications                          | 24,000  |
| Shortlisting support                                               | 42,000  |
| Interview support                                                  | 152,000 |
| Training of Independent Panel Members                             | 9,000   |
| Production of Applicant Pack                                       | 19,000  |
| Consultation on draft application forms                            | 1,000   |
| DPP Recruitment Website Development                               | 15,000  |
| Targeting Campaign for hard to reach groups                        | 2,000   |
| NIO Code Requirements                                              | 2,000   |
| Awareness Campaign                                                 | 22,000  |
| Process requirements                                               | 4,000   |

**Training Costs**

| Training venues                                                    | 5,000   |
| Travel costs                                                       | 15,000  |
| Photocopying expenses                                              | 3,000   |
| Communication with candidates                                      | 2,000   |
| Training design                                                    | 9,000   |
| Delivery of training                                               | 11,000  |

**Consultation & Reporting**

| Process design                                                     | 4,000   |
| Reporting                                                          | 23,000  |
| Provision of information                                           | 4,000   |
| Consultation                                                       | 3,000   |
| Consultation with councillors to arrange shortlisting/interviews    | 2,000   |
| Consultation with impartial assessor auditing PWC files             | 6,000   |
| Preparation of shortlisting files for audit by impartial Assessor   | 9,000   |
| Preparation of interview files for audit by impartial assessor      | 9,000   |
| Liaison Call Centre for 6 week period                              | 17,000  |
| Feedback from candidates on sifting out before interview            | 4,000   |
| Work on handling candidate feedback on appointments                | 39,000  |
| Payments to independent assessors                                  | 23,000  |
| Total                                                              | 913,000 |
CONFIDENTIALITY

25. (a) No Member shall disclose to any person, other than another Member or an authorised Board official, any information, whether written or verbal or electronically recorded, generated or received by the Member in his or her capacity as such which would be injurious to the interests of the Board or unfairly prejudicial to any other body or person without the authorisation of the Chairman or the Board.

(b) No Member shall disclose to any person, other than another Member or an authorised Board official, the contents of any document or any part thereof or any electronic record bearing any of the protective markings listed in the Northern Ireland Office “Guide to Protective Markings” annexed hereto without the authorisation of the Chairman or of the Board.

(c) It is the duty of Members to safeguard all documents (including copies thereof) furnished to them by Board officials either by retaining the same at the Board offices or by placing them in the secure cabinets provided to all Members. It is also the duty of Members to take appropriate steps to safeguard equivalent electronic records.

(d) Where information relating to the Board’s functions is proffered to the Chairman on the basis that it is confidential and is not to be disclosed to the Board he may receive that information and withhold it from the Board only if it is agreed between the Chairman and the Vice-Chairman that it is in the best interests of the Board that the information be received and not disclosed to the Board.

Note. “An authorised Board official” means a Board official duly authorised by the Chief Executive.

Annex C

NORTHERN IRELAND POLICING BOARD

INFORMATION ABOUT OUR COMPLAINTS POLICY

How do I make a complaint?

If you are not satisfied with any aspect of the Policing Board’s services or actions, you have the right to have your concerns addressed or to make a formal complaint. You can raise your concerns verbally (by telephone or by calling at our office between 9.00 am and 5.00 pm on week-days—in order to ensure that the most appropriate person is available to deal with your issues it is advisable to call in advance and arrange an appointment) or in writing (by letter, fax or e-mail).

Contact Name: Chief Executive
Address: Northern Ireland Policing Board
Waterside Tower, 31
Clarendon Road,
Clarendon Dock,
Belfast BT1 3BG
Phone: 02890 408555
Fax: 02890 408525
E-mail: chief.executive@nipolicingboard.org.uk

When you contact us to raise issues of concern or make a complaint it is important that you provide as much information as you can, and please be aware that we may contact you later if we think you might be able to provide further information.

Depending on the nature of the issues you raise the Chief Executive may nominate the relevant Branch Director to deal with them and act as your main point of contact.

If you wish to make a formal complaint about the Board you must put into writing the specific issues you wish to complain about. These should be addressed to the Chief Executive of the Board.

Depending on the nature of the formal complaint the Chief Executive may nominate the relevant Branch Director to deal with the complaint and act as the main point of contact for the complainant.
**How will you deal with the issues I raise?**

Every effort will be made to deal with the issues you raise in a sensitive and impartial way with a view to resolving the issues to the satisfaction of all concerned.

**How Will You Investigate my Formal Complaint?**

If your complaint is about a member staff, it will be investigated by the person’s Branch manager, who will then report to the appropriate Branch Director.

If your complaint is about one of our policies, processes or procedure it will be investigated by the appropriate Branch Director.

We will treat formal complaints impartially and with sensitivity with a view to resolving the complaint to the satisfaction of all concerned.

**When Will I Hear From You?**

The Branch Director will register and acknowledge your complaint within three working days of receiving it, and at the same time will provide you with a copy of our policy on how we investigate complaints.

The Branch Director investigating your complaint will respond to you within 20 working days of receiving your complaint. If there are any delays in the investigation of your complaint the Branch Director will inform you of this and provide you with another date for a response.

**What Happens if I am Not Satisfied With the Response?**

If after you receive the response from the Branch Director you are not satisfied, you may complain in writing directly to the Board’s Human Rights and Professional Standards Committee. If you decide to do this you must do so within thirty days of the date of the Branch Director’s response.

You can complain to the Board’s Human Rights and Professional Standards Committee in writing (by letter, or fax).

**Contacts:**

Name: Chair of Human Rights and Professional Standards Committee, Northern Ireland Policing Board, Waterside Tower, 31 Clarendon Road, Clarendon Dock, Belfast BT1 3BG. Fax 02890 408526.

Again, you should provide as much information as possible and explain why you remain dissatisfied with the original response.

**What Will Happen Then?**

Within 20 working days of receiving your complaint, we will tell you the date on which the Human Rights and Professional Standards Committee will consider your complaint. We will provide you with a minimum of 14 days notice of this date in case you wish to make any further written representation to the Committee. If so, you should make sure that any further written representations are with the Board seven days in advance of the Meeting.

The Branch Director who supports the Human Rights and Professional Standards Committee will be responsible for preparing a paper for the Committee, analysing the complaint, setting out the process, procedure or action that has given rise to the complaint, and including any written representations you wish to make.

The Human Rights and Professional Standards Committee will make a recommendation on how the complaint should be dealt with to the Corporate Policy Committee of the Board. This is in accordance with the Board’s Standing Orders.

**How Soon Will I Know the Outcome?**

We will advise you of the outcome and what remedial action, if any, has been agreed by the Corporate Policy Committee within ten working days of the Committee meeting.

If there are any delays in the investigation of your complaint we will inform you of this and provide you with a further date for a response.
POLICY FOR DEALING WITH COMPLAINTS AGAINST THE BOARD

PART ONE

Raising a Concern

1. Anyone who is not satisfied with any aspect of the Policing Board’s services or actions has the right to have their concerns addressed. This can be done either by contacting the Chief Executive of the Board verbally (by telephone, text phone, or by calling in to the Board’s offices—complainants are advised to call to make an appointment in order to ensure that they get to speak to the most appropriate person) or in writing (by letter, fax or e-mail) to the Chief Executive of the Board.

Depending on the nature of the concerns raised the Chief Executive may then nominate the relevant Branch Director to deal with the concerns and act as the main point of contact.

Every effort will be made to deal with concerns raised in an informal way to the satisfaction of all concerned. If it is not possible to do this, the complainant can subsequently, or in the first instance, request that the formal complaints procedure be invoked. This is detailed in Parts 2 and 3 below.

PART TWO

Making a Formal Complaint to the Chief Executive

2. In order to effectively deal with a formal complaint, the complainant must put into writing the specific issues they wish to complain about.

In the first instance, all complaints should be addressed to the Chief Executive of the Northern Ireland Policing Board. Depending on the nature of the complaint the Chief Executive may then nominate the relevant Branch Director to deal with the complaint and act as the main point of contact for the complainant.

Registering and acknowledging a complaint

3. The nominated Branch Director will be responsible for registering and acknowledging the complaint within three working days and should ensure that the complainant is provided with a copy of the Board’s complaints policy. We will treat complaints impartially and with appropriate sensitivity.

4. If the complaint is against a specific member of staff, it will be investigated by the person’s Branch Manager, who will report to the appropriate Branch Director.

5. If the complaint is about a general service, policy or procedure of the Board, it will be investigated by the appropriate Branch Director.

Responding to the complainant

6. In either case, the Branch Director will respond to the complainant within 20 working days of receiving the complaint. If there are any delays in the investigation of the complaint, the complainant will be informed of this and provided with a further date for a response.

If the complainant remains dissatisfied

7. If, after receiving the response to their complaint from the Branch Director, the complainant remains dissatisfied they may complain, in writing, directly to the Board’s Human Rights and Professional Standards Committee, in accordance with the procedures set out in part three of this policy.

PART THREE

Making a formal complaint to the Human Rights and Professional Standards Committee

8. A complaint to the Human Rights and Professional Standards Committee must be made in writing (by letter, fax or e-mail). The complaint must be made within 30 days of the date of the Branch Director’s response to the original complaint and must explain why the complainant remains dissatisfied with the original response.
Procedure for dealing with the complaint

9. Officials who support the Human Rights and Professional Standards Committee will:
   — make sure that the complaint is registered and acknowledged within three working days;
   — make sure that all relevant paperwork is put together by the appropriate Branch;
   — bearing in mind the date of the next meeting of the Committee, if necessary liaise with Secretariat to convene a special meeting to consider the complaint;
   — within 20 working days of the date of receiving the complaint, inform the complainant when their complaint will be looked at by the Committee;
   — prepare a paper for the Committee analysing the nature of the complaint and setting out the process, procedure or action that has given rise to the complaint;
   — suggest remedial action, if any, that needs to be taken to make sure that the Board’s processes, procedures or actions do not give rise to similar complaints.

10. Members of the Human Rights and Professional Standards Committee will consider the complaint and agree how best it can be dealt with. For example, it may be that:
   — the policy, process or procedure complained about has been analysed and found to be appropriate and/or in line with existing legislation and/or best practice;
   — the policy, process or procedure complained about has been analysed and is flawed in some way, or could be improved, and consideration should be given to changing it accordingly;
   — the complaint is about the way in which an officer of the Board has administered a policy, process or procedure and as a result a management or training issue has been identified and needs to be addressed.

11. The Committee’s recommendations regarding the complaint should be referred to the Corporate Policy Committee in accordance with the Board’s Standing Orders.

12. Within 10 working days of the Corporate Policy Committee, the complainant should be advised of the considerations of that Committee in respect of their complaint.

Remedial action

13. Where it is concluded that a flawed policy, process or procedure has given rise to the complaint, the Human Rights and Professional Standards Committee should bring this to the attention of the Civil Executive of the Board, and/or the Chair of the Committee responsible for the policy, process or procedure.

14. The Human Rights and Professional Standards Committee will monitor all complaints received by the Board, both those dealt with informally in accordance with Part One of this document and those dealt with either of the formal routes in accordance with Parts two and three of this document. The Chief Executive of the Board will supply the Committee with a six-monthly report on the issues raised/complaints made; how these have been addressed or progress being made in dealing with them. This report will include details of, where appropriate, how, and within what time-scale, the flawed policy, process or procedure will be changed.

15. It will be the responsibility of the Human Rights and Professional Standards Committee to make sure that the policy, process or procedure is satisfactorily changed.

16. All Branch Directors should establish adequate processes within their Directorates to ensure that their staff are fully aware of the details of this policy and that the Chief Executive is provided with the information to enable him to provide comprehensive reports to the Human Rights and Professional Standards Committee.

Compensation/financial recompense

17. The Board and its committees do not have any power to pay compensation or make any other financial recompense in respect of any complaint which is upheld, instead, effort needs to go into rectifying the processes or procedures at fault to make sure they do not give rise to any future complaints.

Conflict of interest

18. Complaints about the Board are likely to be about policies, processes and procedures, or about Board staff, and as such it is unlikely that conflict of interest issues will arise. However, should any Member feel that there is a conflict of interest, they should advise the Chair of the Human Rights and Professional Standards Committee, explaining why. The Members will then be asked to exempt themselves from any involvement in considering the complaint.
19. Where a number of Members from the Committee are exempt from considering a complaint (as defined above) so that less than three Members remain, the Chair of the Committee must make arrangements for one or more Board Members, who are able to consider the complaint, to attend the Committee for the purposes of considering the complaint only.

**Responding to the complainant**

20. It is very important that complainants are kept informed of the progress of their complaint through the Human Rights and Professional Standards Committee. Official supporting the Human Rights and Professional Standards Committee must:

- make sure that the formal complaint is registered and acknowledged within three working days of receiving the complaint, and that the complaint is provided with the Board’s complaints policy;
- within 20 working days of receiving the complaint, inform the complainant of the date on which their complaint will be considered by the Human Rights and Professional Standards Committee. They should make sure that the complainant has a minimum of 14 days notice of the date of the meeting in case they wish to make any further written representations. If so, the complainant must do so at least seven days in advance of the meeting.
- within 10 working days of the meeting inform the complainant of the outcome and what remedial action if any, the Committee has recommended.

**Review of this policy:**

21. This policy will be reviewed every 12 months alongside a summary of the concerns raised/complaints made arising in the 12 months, the outcomes and the remedial action taken.

**Screening the policy for section 75 issues**

22. This policy has been screened in relation to section 75 issues, and it was concluded that an equality impact assessment was not required. This will be reviewed as above in the light of complaints received.

*January 2005*

Witnesses: **Professor Desmond Rea**, Chairman, **Mr Denis Bradley**, Vice-Chairman, and **Mr Trevor Reaney**, Chief Executive, Northern Ireland Policing Board, examined.

Chairman: Good afternoon and thank you very much for coming. We have been in fairly regular contact with you. Mr McGrady wants to make a statement, which is entirely proper.

Mr McGrady: I declare that I am a member of the Northern Ireland Policing Board and therefore have an interest in the proceedings and for that reason I intend not to participate in the questioning.

Q1 Chairman: I apologise to Mr McGrady who surprised at that and I do not think that I would warn him he wanted to say that and of course quite properly he will sit and listen, as he has every right to do. One of the things that we have been told in the course of taking our evidence is that Board members lack understanding of policing policy and practice. If this was so of course it would undermine the Board’s ability to hold the Chief Constable to account. What would you say to that criticism?

Professor Rea: I am surprised at the criticism, Chairman. I would have thought that the Chief Constable would certainly not agree with it. I would be very surprised if he did. Let’s take a very good example of what the Board has done, the example of the Omagh report of the Ombudsman and the recommendations that flowed from that. The Board decided to establish three inquiries at that time and you are well aware from the previous inquiry in terms of the Ombudsman of the way in which the matter was approached. There was a series of recommendations that flowed from those inquiries and the Board has sought to ensure the implementation of those recommendations. So I think that in respect of that the Board has demonstrated amply its developing knowledge of policing and its awareness also of the nuances. There are certainly two or three members of the Board who would have been very much aware of the detail of policing long before this Board was set up and I think other members have gained from that, so I am surprised at that and I do not think that I would accept it.

Q2 Chairman: What do you do to make sure that your members are all up-to-date and current with, for example, some of the details of policing policy and practice, both at a local and national level?

Professor Rea: There would not be a report that comes past my desk that I would not be suggesting or saying, “Look, that report should be circulated to each and every Board member.” For example, all members have been aware of the recent White Paper and its recommendations, which applies, as you know, to England and Wales, and therefore we would through our links with the IPA be on top of the detail and draw it to the attention of Board members.
Q3 Mr Clarke: I wonder if I can ask some general questions around the structure of the Board. I was interested to read in your submission that during 2003 the Board undertook a review and reorganisation of its committee structure. We have received comments from the Chief Constable expressing concerns that the Board’s current structure is not aligned with operational and departmental structures within the Police Service and suggesting that there needs to be a realignment that would facilitate clearer lines of communication between the Board and those parts of the Police Service. Could you comment on both on what your 2003 review told you and whether or not the Chief Constable is correct in his criticism of the misalignment between your structure and that of the service?

Professor Rea: Flowing from an examination of our standing orders and committee structure, we will be bringing a full report to the Board in the next month or so. I should say that no formal consultation has been transmitted to us as a Board about the point that you have just made but if there were suggestions coming from the Chief Constable and his colleagues in respect of that then we would certainly take it on board and seek to meet what has been suggested. I should say to you that we have argued not from that precise point of view but from the point of view of what is the most effective and efficient structure of committees, and it is important in whatever was decided that we ensure that the committees are balanced in all aspects, in terms of political parties, in terms of independence, et cetera, and so that constrains us to some extent, but what I am saying to you is if the Chief Constable were to come to us with a suggestion in a particular area, then we would handle it appropriately. I should also say—and I think I said this to some of you when you came to Belfast—it is important to understand how this Board works. You have got the political parties and you have got the independents. As it stands at the moment there are four political parties and you have got the independents. You will not be surprised to hear that we understand how this Board works. You have got the us that first of all there are only two female Board members when you came to Belfast—it is important to have received representations that have suggested to us that if the Chief Constable is correct in his criticism of the misalignment between your structure and that of the service?

Q4 Mr Clarke: Given the gender and age breakdown of the current House of Commons, I apologise in asking this question but I feel we must, and that is we have received representations that have suggested to us that first of all there are only two female Board members. You will not be surprised to hear that we have taken evidence from the voluntary sector, from the trade union group, all of which say that the Board at the moment is not reflective of Northern Ireland society because it does not include a voice from those particular groups. Taking into account how difficult it can be to be reflective of all groups, the gender one is serious because 50% of the population are of course women. Can you tell us what the Board is doing to try to ensure that as it develops it is more conscious of those issues other than faith, which of course it takes into account, in making sure that the Board is reflective? We will listen with interest because, as I say we are in no position to preach.

Mr Bradley: There is a specific reference within that point that crime operations did not really have a reportage point. That is probably true but crime operations was not in existence for a terribly long period of time and as it was set up operationally it was reporting to one of our committees called Corporate Affairs, which was under the Board itself. There was a decision at the last Community Affairs Committee meeting that it would report to the Community Affairs Committee on a three-monthly basis but more importantly at the last Community Affairs Committee, at which there was something like six Board members present, there was an hour and a half’s debate on six serious crimes that had taken place in the North West—two murders and four highjackings—because that particular committee was annoyed and upset about some of the issues that were happening. I would say that it was probably one of the most pertinent and the most manifesting of changes both within the Board and within the police itself. First of all, the debate was incredibly honest, open, pertinent, to the point, and received well by both groups. That type of engagement was felt to be important in that having gone through a lot of the external changes and the changes that take place within the structure, we were now into the hard issues that affected people perhaps more on the streets.

Mr Reaney: If I might add in respect of corporate governance arrangements, which ties in with the point that has just been made, both PSNI internally and the Board internally have been looking at our corporate governance arrangements. One of the aspects of that is how we organise our committees and our business and decision-making processes. The Deputy Chief Constable and I have had discussions in recent times and when they have concluded their work they will be advising us on how they are going to organise themselves internally. If at that point in time there is a better way of organising our committees I will be going to the Board with recommendations and taking that forward. We already have commenced some discussion in respect of that.
wisdom came up with the composition that it came up with. The only thing I am aware of, and you have referred to it in terms of identity, some minister is quoted as saying on the record that they were picked where the balance was “greener” rather than “orange” in order to balance the seven unionists, with a small u, on the political side. And it was quite an interesting balancing exercise because overall that has worked, in my view. Despite the composition of the independents, they have overall, in my view, been genuine independents and they have been a corrective when there has been, on one or two occasions, excess on the political side. My own personal view is that of course it should be representative, not least in terms of gender, of the community of which we are a part, and in so far as possible as it could meet the other titles that you have put forward, then it should do so. I would say this to you, and this it seems to me justifies the stance that I have taken, you will find if you look at the DPPs that were set up—and we are talking about 26 DPPs across the province (the last one, Dungannon, is about to come into place in the new year) that that selection exercise came up with a composition across the Board that is probably the fairest in these islands, if not in Europe. You will find that each and every one of those bodies is representative of the community, not simply the wider community but the local community in terms of gender, in terms of age, in terms of disability, in terms of ethnicity. Indeed, there is one I could take you to where the council came back and said to the Board, “Why did you send us nine women?” We pointed out to them they had sent us 10 politicians who were male. So if that gives you a feel for where this Board is coming from in terms of the point that you have made, your point is well made.

Q5 Chairman: The quick answer to this is that selection of members of the Board is nothing to do with you?
Professor Rea: Correct.

Q6 Mr Clarke: It is encouraging that we have members in the DPPs who could come forward to sit on the Board who come from the widest cross-section.
Professor Rea: That is correct.

Q7 Mr Clarke: I wonder if I might cover one more point and that is the criticism that will always be levelled, and sometimes rightly so, that committees within Northern Ireland can be very Belfast-centric and the Board has not met outside of Belfast to date. Is it something of which we as a Committee are conscious?
Professor Rea: That is inaccurate.

Q8 Mr Clarke: In your plans are you looking to do that?
Professor Rea: We have already had two meetings in the past year outside Belfast. We had one in Omagh and we went deliberately to Omagh because of the history of Omagh and that was a very well-received meeting. A month or so ago we were in Armagh and we are scheduled in the new year to go to Newry and Londonderry, so I would say to you that that is part of our policy and we will be adhering to it. If we could increase the number—because there are constraints on it, size of rooms, et cetera we will, but nevertheless it is something that this Board is very concerned about and we have tried to do it and we are doing it.

Mr Clarke: That is very encouraging to hear. Thank you.

Q9 Reverend Smyth: Professor Rae, you made reference earlier in your submission to us to the uncertainty in the province. Could you share with the Committee how you feel what has been perceived as political deadlock is hindering the work of the Board?
Professor Rea: Could I say to you, Chairman, that regardless of the vicissitudes of the politics this Board has got on with the business. We have been determined to do the business regardless and I say on the media with respect to Sinn Fein, “You are welcome on this Board.” If they were to come on this Board tomorrow they would have two places. “You are welcome on this Board yesterday once the politics have been sorted out, but if you are not here we are getting on with the agenda,” and on each and every item of the recommendations that flowed from Patten—and the vast majority of those recommendations are not contentious, they are to do with good, contemporary policing—we have implemented each and every one of them. Let me give you an example, an example that would be of concern I know to, for example, Sinn Fein. Flowing from the recommendations that have already been alluded to in respect of Omagh to do with special branch and the problem there was to do with the transfer of information between special branch and the criminal side, there was in principle the recommendation that we should be moving forward on a crime operations department. The Board decided that the Vice Chairman and the Chairman would monitor the recommendations. We called upon HMIC—and I know that you are going to be speaking to Ken Williams later and he will confirm this—to assist us in ensuring that the recommendations were implemented. We met on a continuous basis with ACC Kinkaid. We were monitoring the implementation of the recommendations and we were confirming those implementations through the HMIC. We then said to ACC Kinkaid, “We would suggest to you that 80% of what you have told us you could say to the full Board.” and we said think about it. He came to the Board and he presented those recommendations. At the last meeting that we had we suggested to him, “Why don’t you discuss with the Chief Constable coming and presenting to the Board almost all of what you have told us today? This could be done in public.” And they took that on board and they came to the Board. I believe that there is no other police authority in England and Wales that has such openness and transparency and that is a
demonstration of delivery even in the hard areas. We have got on with the business and we will go on doing so regardless of the politics.

Q10 Reverend Smyth: In other words, your answer simply is that there has been no impact of the political deadlock, you have got on with your work?

Professor Rea: We are saying we will get on with it.

Q11 Reverend Smyth: Can I press you a little. The Chief Constable in his submission, as I understand it, has stated that the PSNI could have more constructive and meaningful meetings with the Board if the members of the Board were not coming to them with a political and partisan approach, in other words, if they were more open in their work as members of the Board.

Mr Bradley: I want to respond to the first one and can I take some of that on board. I think there is a misunderstanding at times—and it is a debate that is happening here as well as it is with us—as to where politics and policing sit. I think it is a much clearer and much more precise definition to say that the police should be outside and free of politics, but policing is one of the big political issues and should always remain a large political issue because they are not one and the same. Policing is a bigger issue than police. Policing involves the totality of the community, as the White Paper that has come from Home Office has homed in on, and has tried to develop over the last period of time. I think that one of the advantages that we have is that we have had two years of experience of that and in some ways some of our structures are further down the road or at least in some ways are foreshadowing and prophesising perhaps what will happen in the White Paper here if it goes into a Bill or goes into legislation. It would be unrealistic to think that the lack of politics and the lack of government, the lack of an Assembly, the lack of a voice and a forum where normal politics take place do not impact upon policing. Of course they do, at a number of levels. First of all, the normal politics of economics and business and tourism and health are not in discussion apart from the constitutional issue and so do not have their place, and therefore policing stands out as going on with its life and on with its business and gets undue attention. It also gets undue passion in that some of the bigger political issues are involved and surrounded and debated through policing, so it has been a difficult period of time but I also think that the politicians outside of the public gaze have been quite capable of distinguishing their public positions from the role of actually bringing policing forward and making it accountable within the structures of the Policing Board and the Police Service itself. So I think that people are quite capable of being complex within their thinking and complex within their behaviour.

Professor Rea: Could I just add, if you would not mind, this Chief Constable Hugh Orde is very good at dealing with this Board, very competent indeed, but I think in the context of that could I say that that point is a bit precious. He is good at it but politicians are politicians and they will avail themselves of the opportunities but they are also quite capable of reacting to each other, and the balance comes in the reacting to each other and then in the reacting to him, and I think that he and his team are very good at handling them and they deserve a lot of credit for it.

Q12 Reverend Smyth: In other words, you are saying that the Chief Constable is a good politician as well?

Professor Rea: Yes, not bad at it.

Q13 Reverend Smyth: Can I ask you since you do recognise there is a problem, although you accept it, have you done anything to address it because it is apparently not a procedural problem, it is a real problem?

Professor Rea: I think one of the areas that has in the past caused him a bit of concern is confidentiality. I was saying something at the Board about six months ago about confidentiality. I think he thought that in part I was having a go at him. He said, “When was the last time that there was a breach of confidentiality?” and we went back and we checked, and it was some time before that. I think the overall position has improved. In terms of responsibility it has improved. There was one unfortunate incident early on in the Board’s life of a breach of confidentiality where the Board held up its hand and indeed the politicians who were involved held up their hands as well and said, “We got that wrong and we apologise.” I think overall there has been learning and I can give you an instance of a recent report on the Ardoyne over the 12th and that in terms of confidentiality was observed right up to the presentation in public of the report. So I think politicians are politicians. I think they, like the independents, have been learning, and they, like this Chairman, have been learning as well and I think that the picture is an improving picture.

Q14 Mr Luke: Since the Board has been formed I believe it has had four Chief Executive Officers. I was just wondering whether it has hampered the stability of the support services to the Board because of that high turnover? How have things settled down now?

Professor Rea: I think it is three. We had someone who assisted us in the beginning who was put in by the NIO. Basically I would say that it has not affected us overall.

Q15 Chairman: There have been for four: Ivan Wilson, Bob McCann, Alastair McDowell and now Trevor Reaney.

Professor Rea: Alastair McDowell was acting up.

Q16 Chairman: There have been four guys in charge.

Professor Rea: I am sorry but it was only for those months to put—I apologise for that, yes.

Q17 Mr Luke: Even three in two years is a fairly high turnover.

Professor Rea: I would accept that. Do not push me any more. All I would say is I think overall we got on with the business and we are developing.
Q18 Mr Luke: Mr Reaney has no plans to leave?  
Mr Reaney: Chairman, all I can say is I hope I am before you the next time you have an inquiry into the functions of the Board!  
Professor Rea: And I hope he is too.

Q19 Mr Luke: Can I move on to the question I have on the human rights function. Your human rights advisers are currently evaluating the PSNI’s human rights performance and that is to result in a monitoring report. Given that it has been on the go for some time, are you able to share with us at this stage any of the emerging conclusions. Given the monitoring report was to be finalised by the summer of 2004 but now it seems it is not going to be until next year, why the delay?  
Professor Rea: Can I say in respect of that that one of the things that caused a degree of delay in that is, as you know or you may not know, there was a degree of contention over the Ardoyne. It happened that one of the areas that they were looking at was the parades area and there were some members who were very concerned about what happened at Ardoyne. Knowing that Ardoyne was part and parcel of the framework and the investigation in terms of Keir Starmer and Jane Gordon I said, “Look, we will ask them to isolate that particular one, give us a report on that,” and they did that but it did necessitate a delay because it became an issue.  
We can give your secretariat a full summary of the index of their report. The best person to ask about this is Eddy McGrady (but he is a silent Member) because he chairs that particular committee, but I think if he were not speechless today he could say that in terms of progress here we are now back on schedule and we can give you the index of the report that they are going to present to us. Indeed, they are coming to his committee next week to give us an update so we would be able to supply you with that full report early in the new year.

Q20 Chairman: Mr McGrady’s silence indicates assent. I am going make this a permanent arrangement!  
Mr Bradley: Can I just say that one of the core themes of Patten was human rights policing. We have not seen the full report from our human rights monitors at this moment in time but my best guess is that the report they will bring forward and that will go through the Board will probably put human rights policing at the forefront perhaps internationally because I think the thoroughness of the work that has been done up to now (and I would not worry about the delay in all of this) and what I would be very acknowledging that it was one of the core issues we were tasked with under the Patten issues and I think it is going to put us in a very strong position as regards all of that because my prediction of the structures that are being put in place is that they are going to be very thorough, very scholarly and very transforming.

Q21 Mr Luke: In your recent annual report there was mention of the Custody Visiting Scheme where in most of the visits the custody visitors found an unsatisfactory level of meals and poor drinking water. I just wondered what did they mean by poor drinking water and how has that situation been addressed?  
Mr Bradley: It has been addressed mostly at the individual station level. We have inherited a rather poor estate and I think that sometimes the reference to poor drinking water is the state of the taps from which it comes out. I do not doubt that water is water in Northern Ireland and it depends on the locality but I think that some of facilities and toilets and so forth in some of our stations are not particularly good. We are engaged in the transformation of that but that is going to be a long, hard, uphill battle to transform the estate. There is a whole new estates policy coming into being. I would observe this: I am not too sure if every Police Service in the world has the oversight or the accessibility of the monitoring groups, but I think it is one of the best things that we do. We have 60 volunteers in five groups of five who have access to every station and now under the Patten recommendations to terrorist holding stations, as well as the normal criminal situation, and I think it is one of the most reassuring aspects because they can visit at any time of the day or night and their reports are thorough, their reports are insightful. It is reassuring that the most critical, with the odd exception, is that the standard is bad in the stations with regards to objects that stick out which could cut people, sometimes bad drinking water and sometimes the food. I think, however, that the food has actually improved over the last couple of years.

Q22 Mr Luke: So there are procedures in place?  
Professor Rea: There are very, very clear procedures.

Q23 Mr Pound: Gentlemen, of all the modern plagues few are as pernicious as performance indicators; however, they have become a necessary evil. I apologise most sincerely for having to raise the subject with you. In your latest annual report 2003-04 you set out corporate objectives but if you look for performance detail you are referred to the web site. Do you think it would be advantageous and transparent for you to put performance detail and attainment information in the main body of the report?  
Mr Reaney: Chairman, yes indeed, we as an organisation put a high value on performance management and monitoring in the PSNI and we want to bring the same discipline into monitoring and managing our own affairs. We are currently revising our corporate plan to cover the next three-year period and we will be looking to build into that clearer performance indicators. From our point of view the best indicator that we have is the delivery of an efficient and effective Police Service, and that is our primary focus, but we do have other indicators related to our own internal performance, whether they be budget management, sickness levels and so on. I agree with your point and we are seeking to develop a more structured performance management regime.
Q24 Mr Pound: I am delighted to hear that. I am sure it will not come as a surprise to you to know that there are those of us who read your annual reports and contrast and compare. I am sorry, but I have trouble getting to sleep sometimes! In the 2002–03 annual report you provide an explanation of progress towards meeting the corporate objectives you have talked about and 2003–04 did not; was there a reason for that?

Mr Reaney: Chairman, no particular reason. We do report through to our Corporate Policy Committee on a regular basis on our performance. We have increased the frequency of that reporting and that information is available.

Q25 Mr Pound: So do you intend to present it in future reports?

Mr Reaney: Yes.

Professor Rea: Certainly after your question we will!

Mr Reaney: If I can add in relation to trying to develop a greater performance management regime, it will be part of that process of building that detail in, so yes.

Q26 Mr Pound: My final question (because the other points that I was going to raise have already been addressed by Professor Rae, for which I am grateful) is it has been said by other witnesses that your annual report tends to focus rather more on PSNI achievements than your own corporate activities. I would like to give you an opportunity to respond to that if not accusation at least statement?

Professor Rea: Well, the most important body is the PSNI and we exist as a Board to support them towards the ends of effective and efficient policing and, secondly, to hold them to account for the delivery of those ends. I was interested that we have just received the Oversight Commissioner’s report and he makes a comment that “It leaves with me no doubt that the desired fundamental transformation of policing is taking place,” and I believe that that is what is happening, but that does not mean that we should not have a discipline within our own organisation. It is a relatively small organisation and, as I think has been alluded to by the Chief Executive, we are keen to move towards a more disciplined approach to measuring our progress against our own Board’s plan to ensure that we are effective and efficient as a Board. All I would say to you is this: this has been an enormously busy area, not least because of the dynamic changes being demanded of the PSNI. Let there be no doubt there has been a tanker turned. There have been times when one has been nervous of what has been demanded of the PSNI but it has happened and I think that the justification of that statement is seen from the surveys in terms of the communities.

Mr Pound: I am grateful for the answer and I admire you for your modesty but could I just say as a candid friend, if you will forgive me, reading your report I do get the impression that much more of the PSNI’s achievements are stressed and much less of yours. I think there may be occasions for you to differentiate and it would be to your corporate advantage to differentiate. That is not a point of criticism, that is a comment.

Q27 Mark Tami: I know you have touched on the DPPs already but I think I am correct in saying that a recent survey which was carried out in April showed that only 2% of people have total confidence in their actual operation. What are you doing to address that factor?

Professor Rea: Could I say one thing and then pass over to Denis because it is Denis’s area as the Vice Chairman because they report to his committee. I should say that they have been up and running for a year and six or seven months. This is relatively early, but we are in the process of analysing the results of a survey of all of the members of the DPPs, of the district commanders, of the chief executives of the DPPs, and also the chief executives of the district councils, so we will now have a much more informed view of the overall position with respect to DPPs and in terms of the wider community.

Q28 Mark Tami: That is the point I am making. It is the general public’s view rather than the people on the DPPs’ view of how they are working or not.

Mr Bradley: Well, public surveys are a little by like PIs, if I may say so, they are very valuable at times but they are not the whole story. I think in the short term the district policing partnerships have existed they have helped to transform the culture of policing in Northern Ireland. It is too early yet, unfortunately, to discontinue the acknowledgement that policing is a disputed territory in Northern Ireland. We have about 50% of our population who are very uncomfortable about taking part in policing. That has been changed and transformed by people like the SDLP but there is still a strong lobby that does not want to have anything to do with policing, up to these last few weeks at least. We then have a strong group of people who are very uncomfortable with the changes in policing because they did not want necessarily changes to take place. Everywhere you look you have a strong disengagement and the natural position would be to disengage. The 2% is only one statistic in many statistics.

Q29 Mark Tami: I accept that.

Mr Bradley: There are actually about 58% of people who know that district policing partnerships exist, which is not bad given the level of disengagement we are involved in. There is also quite a reasonable number of people who would contact the district policing partnership member to engage themselves within a contentious or difficult dispute that they might have with the police, so there is a transform position there. There is also a transforming position as regards the police acknowledging that policing is a bigger issue than police, which is one point I made earlier on, and the reintegration of police into the policing issue and into the normal community is actually in my opinion being led by district policing partnerships. The training that was available to people over the last couple of years was limited to a
degree in the sense that it was about how to run committees, how to engage, how to run public meetings and so forth, and the evolving engagement with the police. I think took a little bit of time because there was also legislation and people were very conscious of the legislation. Sometimes there was a formality in some of the procedures which is only beginning to dissipate now in that people are getting more comfortable and so the engagement is getting more natural and getting more vital, in that some of the harder questions are engaged in and some of the harder topics are engaged in and again, I think that that has been good for the community and good for policing and what has been achieved over a short period of time has been relatively good but not perfect.

Q30 Mark Tami: The review of the DPPs is going to be early next year?  
Mr Bradley: It has already started but it will be published then.

Q31 Mark Tami: Are you able to tell us some of the areas that you have already identified that you need to address as a result of that review?  
Mr Bradley: There are a number of areas. One is that they wanted greater engagement with the police in the sense that they want the meetings to be more natural, they want more informal meetings, they want the issues to be more pertinent and not as formal. On the other hand, they are a bit annoyed about the legislation narrowing DPPs away from community safety. They feel that is an uncomfortable position to put them into because they have the monitoring role but none of the proactive role that community safety gives, and they would be very keen that that issue be revisited and the legislation pertinent to that be re-examined. Whether that is possible or not is a bigger issue but that is one of the issues. A third issue they have is that the independent members were sometimes annoyed that they could not hold the chair or vice chair to account, which again was in the legislation, and that they had to remain distant from the chair or the vice chair of the committees. I think that they were also critical that sometimes a local council-type atmosphere was brought into those committees rather than creating their own flavour, but that was because a lot of the people were local councillors and also some of them appreciated that gave them a cover and a knowledge and an experience base that should not be ignored too quickly. They were also at times critical of us on the Board because they wanted more support and more engagement particularly with Board members. There is a strong desire that people like Eddy McGrady do even more work and go out and meet even more district policing partnerships and have a greater engagement! However, there are only 19 of us and it is a reasonably busy schedule. If the Government happens to appoint us part-time for three days a month or whatever it is, that is the basis of the appointment procedure. I think a lot of our members are already over-stretched but there is a desire for engagement. I think we are getting better at holding more public by engaging them in more issues. I think it is an interesting and a healthy debate.

Q32 Mark Tami: Has dividing Belfast into effectively four sub-groups worked, do you think? What are the problems or has that worked generally?  
Mr Bradley: No, I do not think that has particularly worked. I think that is one of the more difficult areas which would be addressed under the new legislation if implemented. I think Belfast is probably too big for one DPP but that is my own opinion rather than anything else. I think that has been addressed under some of the new legislation and will be sorted out in the future. I hope anyway.

Q33 Mark Tami: You said in the new year the Dungannon/South Tyrone one will actually be set up. I know it is a bit of a catch-all question but are you confident that that will work satisfactorily?  
Professor Rea: I spoke yesterday with the Chief Executive of Dungannon District Council and he informed me that they were having a training session in the first or second week of January for the members of the DPP. A list of the independents have been sent to them, at least the people to be informed, and then they will move forward. We hope that they are on course and indeed we as a Board have sent them their first item of business in the sense we have a recommendation from the Police Service of Northern Ireland to close three police stations in their area and we have asked them for their views on that.  
Mr Bradley: That is why we are so anxious to get them set up! That was a joke!

Q34 Mark Tami: For the record why was there the delay that there was?  
Professor Rea: There was a dispute. Our Board members took a view that the group of people that they were given was not totally reflective of the community and that it would be inappropriate to set it up. That was disputed and that got into a larger dispute between the local council, some of the local politicians and our members, but it has now been resolved.

Q35 Bill Tynan: There have been some concerns raised by the DPPs regarding the Board setting budgets for them. The fact is that what has been said is that current budgets for this year have not been settled. Is there any reason for that?  
Mr Reaney: Chairman, we have had difficulties in establishing what is a reasonable level of funding against a range of expenditures that the DPPs need to have to conduct their business. We have had some changes of staffing internally which has delayed our process. It is also true to say that councils when receiving letters of offer take some months to turn around those letters of offer and confirm their acceptance so that is a delay in the process as well. We have heard as part of the review the difficulties that councils have. Being a former council chief executive I know the difficulties that have arisen. We have committed to agreeing all of the budgets for
next year in advance of councils striking their rate in February next year, and we are working to that end.
I am confident that we will have that regime well in place for next year.

Q36 Bill Tynan: I hope that is the case because obviously financial support for any organisation is absolutely vital. The other question is regarding the failure of the Board to provide DPP members with focused training about their role, policing legislation and PSNI structures. How would you respond to that?

Professor Rea: I think it goes back to the survey I talked about that we are reviewing DPPs at this moment in time. What we hope is that that will generate a training needs survey report and on the basis of that that we can move forward on training. There is a whole list of training areas where we have provided training. Trevor, maybe you could say something about that.

Mr Reaney: I hope that is the case because embarrassed by the passion and the determination coming from the district policing partnerships or, I hope that is the case because...We even suggested at one stage, “Not working” is very strong. It is. “Not working” is very strong. It is very important. It is very important for the success of the DPPs. It is very important for the success of the DPPs.

Q37 Bill Tynan: So although you might agree that the issues raised by the DPPs are genuine concerns, you are addressing those problems?

Mr Reaney: Yes.

Q38 Bill Tynan: Could I ask you a question on community safety partnerships. It has been said that the existence of both those and DPPs is a wasteful duplication which leads to confusion. What steps has the Board taken to resolve this perceived problem? Have you asked for views from the CSPs in this?

Mr Bradley: This is a bit of a bone of contention with us. The first meeting I ever attended as a member of the Policing Board was with 25 chief executives of all the councils. I think it was the biggest turnout ever in their history, 24 of the 25 were against the two-tier structure. The Northern Ireland Office was present on that particular day and I was slightly embarrassed by the passion and the determination of chief executives to inform the Northern Ireland Office of their abhorrence of this two-tier structure. However it happened. I was sent by the Board to talk to the then Minister in the Northern Ireland Office who was responsible for that and there was a joint meeting with the Board, Jane Kennedy, who was then Minister of Policing, and Des Browne who was then Minister responsible for the area in which community safety fell. It is only my reportage but I believe that the Minister may have been convinced at the end of that meeting that intellectually that argument against the two-tier system had been won, but for whatever reason and for whatever purpose—and there is much speculation among politicians in Northern Ireland why this happened—the two structures were put into being over the two years. I think those structures have been wasteful. I think that they have been bad on the ground level. I think that they have confused the new learning role that all of us were engaged in about the engagement with policing and yet we separated it to a degree where we were not as proactive as we possibly could have become.

Our engagement with the police was in some ways decimated or at least lessened in that it was about town drinking then that was community safety, it if was about some housing issues or traffic or policing or lighting or whatever that was strategic planning, PSNI human resources strategy, rules and responsibilities of the DPP, and most recently sessions around local police plans where we brought together both the DPP members and their DCU command team in local areas, briefed them on local planning in relation to the context of the annual policing plan, and then allowed workshops to assist in developing local policing plans for next year. We have been conscious that we have not as yet undertaken a structured training needs analysis in terms of trying to identify what the needs are and planning to respond to those. That is currently part of the review and the surveys which we have conducted towards the end of the summer and into September. We are now beginning to see and identify the training needs and we will be able to better focus and better structure that training into Policing Board from any of the political parties or committees and local planning in relation to the context of the annual policing plan, and then allowed workshops to assist in developing local policing plans for next year. We have been conscious that we have not as yet undertaken a structured training needs analysis in terms of trying to identify what the needs are and planning to respond to those. That is currently part of the review and the surveys which we have conducted towards the end of the summer and into September. We are now beginning to see and identify the training needs and we will be able to better focus and better structure that training into next year and beyond.

Q39 Chairman: Which part of heaven can be found in the Northern Ireland Office?

Mr Bradley: Our history is within that and the Board has a unitary mind on this. That is why I can speak about it so frankly. There is no division in the Policing Board from any of the political parties around this issue.

Professor Rea: We even suggested at one stage, “Look, if you are determined to go down this route (as they obviously were) why do we not go for a common secretariat in each and every DPP and at least that would lead to economies and it also would ensure, more importantly, communication.” And that was declined, I endorse totally what the Vice Chairman has said. I think that this simply does not make for effectiveness and efficiency in this area.

Q40 Chairman: So it is not working, that is what you are saying?

Professor Rea: That is our view.

Mr Bradley: “Not working” is very strong. It is certainly burdensome, it is expensive, it is confusing. It probably works at some levels is what I am saying. Fermanagh is a perfect example of that. They have just ignored the legislation and got on with it they have shared the secretariat and got on with publications which you would not know were coming from the district policing partnerships or community safety and they have integrated them at the local level in their own way.
**Professor Rea:** Let’s give you an example. A community safety partnership has established the following seven priorities: domestic violence, young people, town centres, violence against the person, drugs, criminal damage, sectarianism. All of these areas fall under the area of interest for the DPP and the DPP would wish to raise these issues with the police, see them incorporated into a local policing plan, and expect that action would be taken to resolve the issues. The difficulty arises when the DPP suggest practical measures to address these issues only to be reminded that such action falls to the community safety partnership. They feel inhibited as a DPP in dealing with these areas, and we would be asking you as a committee certainly to be considering the points that we are making today in respect of this area.

**Mr Tynan:** I think we have a very powerful message from you today. Thank you very much.

**Q41 Chairman:** The Oversight Commissioner points out that the percentage of Catholic civilian staff has risen only 2.1% as opposed to the much more hopeful impressive figures on the uniformed staff. Are you concerned about this?

**Professor Rea:** Yes.

**Q42 Chairman:** What are you doing about it?

**Professor Rea:** We have encouraged the PSNI to revise the human resource strategy. They have done so. That strategy came to the Human Resources Committee at its last meeting. We are having a special Board meeting next Thursday afternoon. The Board will be going through each and every part of that strategy and it includes the section on civilianisation. This is a very important area, not least that you can come at that from the point of view of the supply side and that is in terms of people to do the jobs and you can also come at it from the demand side of the PSNI. We wish the PSNI to look at each and every job done by a police officer, to be asking the question could this job be done by a civilian. If it could be done by a civilian then that would release the police officer to be delivering policing with the community out on the ground. We therefore as a Board take this extremely seriously and, as I have said to you, we will be holding the PSNI to account for delivery in this area. I would just add one thing. We are entering a period of financial constraints. We are told that the PSNI will be £5 million down in 2005–06 and in excess of £30 million down in the following year. The one area that I would not as Chairman, and I believe that I speak for the whole Board in respect of this, wish to see efficiencies in terms of money is in impacting on the civilian side. We wish to encourage the growth of the civilian side from both the supply and the demand side.

**Mr Reaney:** In respect of the police officers and the arrangements legislatively for voluntary severance and 50/50 recruitment, it is easier to make change more quickly. In terms of the civilian staff, without having a voluntary severance programme, it is very difficult to generate change. You will note from the figures—and I just cannot recall the differential at the moment—that in direct recruits to the PSNI there is a much higher percentage composition there rather than those who are on secondment from the Northern Ireland Civil Service. There is an issue in and around that area of the freedom of movement of staff and skills backwards and forwards and that may be something you might assist us with in terms of creating a regime that might allow some change to take place in that area that would be helpful to us.

**Q43 Chairman:** I hope the Policing Board have brought their cheque books if they want that amount of assistance from the Committee! Absence sickness rates are double that of England and Wales and not getting much better. Do you accept the claim by some divisional commanders that the sanctions they have to stop this are inadequate and, if so, have you raised this with the Chief Constable?

**Professor Rea:** First of all, in terms of the figures in respect of policing, when with our encouragement the PSNI developed its first human resource strategy the figures for absenteeism were running at 1,000 a day. With the encouragement of the Board and through monitoring by the Board, those figures were reduced to just over 600. With respect to full-time police officers it seems to me the figures are moving into a very much healthier area. With respect to the full-time reserve there still is a considerable problem, but that, as you know as a committee, will sort itself out over time. In other words, we are very aware of the holding of the PSNI to account in this whole area but we believe that already that is yielding results.

**Q44 Chairman:** What about the complaint that there are not adequate powers to deal with it?

**Professor Rea:** I cannot answer that, Chairman. I think that—

**Q45 Chairman:** Has that complaint come to you?

**Professor Rea:** Not that I am aware of, no. The way in which they have approached it—and I remember the Chief Constable articulating this—is really down to more effective, positive management and the involvement of district commanders in the delivery of better figures and actively managing the absenteeism at these excessive rates out of the equation.

**Q46 Chairman:** Some of the district commanders have told the Oversight Commissioner that this is one of the problems, that they do not have adequate sanctions.

**Professor Rea:** I am sorry, I will take note of the point that you have made.

**Q47 Chairman:** Yes, it is getting better but what do you say about the fact that it is still twice as bad as England and Wales?

**Professor Rea:** The fact is that is unacceptable as a figure and it has got to be pushed down further.
Q48 Mr Beggs: The Oversight Commissioner has noted that there is as yet no policy describing the authority of local policy police commanders over the deployment of officers and civilian staff in their district. Why has this policy not yet been developed?

Professor Rea: I am sorry, Mr Beggs, I do not know the answer to that. Can I reflect on that and write to the Clerk of the Committee?

Q49 Mr Beggs: Yes and you could also perhaps discuss this issue with the Chief Constable?

Professor Rea: That is a different question. It is obvious that we have moved into a totally new era in terms of policing—a delegation to district commanders which includes budgets and the expectation from them that they will manage their resources on the ground, that they will get people out from behind desks if they are doing jobs, as I referred to earlier, that could be done by civilians and be involved in active policing on the ground. The Chief Constable is by nature, in my view, a delegator. He is concerned to make this work and he has gone out of his way to ensure that it is happening. That is what I understand to be the position and that is the argument that is continually being put to us. Your first question was a piece of paper, an act of policy about the Board's complaints policy and how it is implemented? For example, how many complaints have been made about the Board since its inception?

Q50 Mr Beggs: Some individuals are doing a very good job.

Professor Rea: Yes.

Q51 Mr Beggs: Do you see any conflict between the Board appointing senior police officers, and building working relationships with them, and the Board's role as the disciplinary authority for the same officers?

Professor Rea: No, and I notice, for example, in the White Paper that there is the proposal that in the new regime here, if it is implemented in England and Wales, that the authorities here will not be responsible for the appointment of deputies and ACCs, but that that will be the responsibility of the Chief Constable. I should say that I believe—and it has not been discussed at the Board—that that would be unacceptable in Northern Ireland. We believe that the current position should persist.

Q52 Chairman: Unacceptable in Northern Ireland or unacceptable to the Police Board?

Professor Rea: Sorry, I am saying to the Board. I cannot go beyond that.

Mr Bradley: I think it would be a mistake here. I think that one of the things that comes from the appointment of not just the chief but the deputy and the Assistant Chief Constable is that it actually in reality in day-to-day life gives the Board a certain respect and authority, and if you take away that appointment procedure you will undermine some of that authority. I think that is how human life goes round and the power of appointment has an authority with it which if you take it away dissipates some of the rest. So I think it will be a mistake as outlined in the White Paper. That is my reflection on that issue.

Q53 Mr Beggs: Thank you. Could you tell us a little about the Board’s complaints policy and how it is implemented? For example, how many complaints have been made about the Board since its inception and can you give us some idea of the nature of the complaints made?

Professor Rea: In respect of that particular point the best person you could ask is Ken Williams who is appearing before you later. He has sat in on appointments. I would accept that the Chief Constable in my view should be a member of the panel and not simply be an observer. To get to your question in terms of discipline, the answer is no. It has not arisen yet but I believe the Board can make that separation and if a discipline case were to arise I believe that this Board has the ability to deal with that and deal with it responsibly.

Q54 Chairman: Others would not agree with you!

Mr Reaney: Chairman, we have recently revised our complaints policy in terms of the Board’s services and in my time—and I would have to check figures to see if there is anything prior to that—my understanding from memory is that there have been two complaints in relation to handling cases to do with medical retirements from duty and policy pensions which the Board handle. Those complaints come into our system and ultimately are referred to the Human Rights Professional Standards Committee which deal with those complaints and oversee the action that I might take as Chief Executive to resolve those complaints, and if there is any further action or change of policy or change of systems that is required they would deal with that. My understanding is that we have only had two, one of which has been dealt with and one of which is in the process, so very early days in terms of judging that system and how it is operating—thankfully.

Q55 Mr Beggs: What option is there for a complainant who is not satisfied? Thankfully, it has not arisen yet but is there a policy there for a complainant who is not satisfied with the Board’s response to his complaint or her complaint?

Mr Reaney: Chairman, there is a number of checks or unacceptable to the Police Board?

Professor Rea: Sorry, I am saying to the Board. I cannot go beyond that.
Secretary of State. There is an issue or issues perhaps around the Parliamentary Ombudsman but the territory is a little unclear, and I would have to explore that to give you a definitive answer.

Q56 Mr Pound: About nine months ago, Her Majesty’s Inspector of Constabulary identified serious shortcomings in terms of forensic support services, which may actually be impinging on the operational efficiency of PSNI. Can you tell us what action the Board has taken in respect of this perceived inadequacy to address the problems of operational performance of PSNI?

Mr Reaney: Chairman, could I say that was perhaps before my time. I would have to reflect on that and come back to you. I know the forensic science issue is a problem. I know that an inspection is due to take place on that under the Criminal Justice Inspector because of the issues around it.

Mr Bradley: From this point of view, in many ways it is an operational decision and it is an operational issue. The Board has been aware of it without addressing it directly, but it fell also under the auspices of the serious crime issues. Forensics are independent of us and they are independent of the police; it is an independent organisation in the sense that the laboratories are independent. There was a question around some of the standards and I think that has been addressed and dealt with, as far as I am aware, because we had that reported back to us by the Head of Serious Crime. It is an issue that has been addressed but not directly to us. Our responsibility is to make sure that in no way the standard of investigation is hindered by the lack of an appropriate facility within Northern Ireland. The last report we received was that the police themselves were happy enough with the new standards that had been created there.

Mr Rea: The last time, to my knowledge, that it arose for the Board, Mr Pound, was that there was a case, a court case, and certain comments were made by a forensic scientist at that court case. That case then, to the best of my knowledge, was referred to the Ombudsman. The Ombudsman wrote a report. That report came to the Board and was considered by the Board. There are certain recommendations in that report in respect of forensic science. If my memory serves me right, it related in particular to the use of a special adviser by the PSNI and the forensic science side and that those recommendations would be considered by the PSNI and forensic science, but that is the last time it touched us.

Q57 Mr Pound: HMICs criticisms were very trenchant. They actually referred to an inhibition on the ability actually to operate effectively. Do you think the comments were fair and do you feel that your current response is proportionate in view of the seriousness of the statement?

Mr Rea: The answer is that I would not challenge that in any way. If HMIC made those comments, then I have no doubt that the PSNI considered them.

In the light of the question you put to us, we will go back and check as to what the current position is, but I have told you the last time I was aware of it.

Q58 Reverend Smyth: What view does the Board take of the Chief Constable’s decision to retain a reserve force of 680 under three-year contracts from 1 April 2005?

Mr Rea: The Board voted on this. First of all, the Chief Constable was required to review the position and, as I understand it, he met over a period of two days. The PSNI considered every aspect of this. This is a recommendation that basically flows from the Patten Report. It relates to the size of the PSNI. I can go into those figures. It relates to the 7,500, which we are basically working to achieve. He decided, having taken into account all the operational aspects, and he came up with the figures that you have outlined, Mr Smyth, and the timescale in which a certain number will go. That went to the vote of the Board and it was carried by a majority.

Q59 Reverend Smyth: Does the Board then move from the Patten proposal that it should not be a reserve force?

Mr Rea: There are aspects of this in terms of the management of the decision that has been made which are part and parcel of the human resource strategy, the second strategy, which, as I have said, has been considered by the Human Resources Committee. It will come to the Board at a special meeting next Thursday. They will be looking at each and every aspect of it. There is a section of that strategy to do with the management of that decision. No doubt the Board will be holding the Chief Constable to account for the effective management of it, in the light of the strategy, which is fundamentally their strategy.

Q60 Reverend Smyth: In an earlier reply dealing with sickness, you suggested that a part-time problem might be resolved in the future. Is there a concern in the Board about the impact this is having upon reserve officers and their families when they are not being told very much about when they might be getting their notice and they are being left in limbo?

Mr Rea: With respect to the full-time reserve, let there be no doubt in this Committee that certainly the majority of Board members realised that this was a very painful decision and were concerned about it. It is very important that this decision, having been made, is being effectively managed. I am aware that there are problems at this moment in time about the management of it, and indeed I have asked the Chief Executive to meet with I believe it is the Deputy and the Head of Human Resources so that they are absolutely sure what the sticking points are. Once they are aware of those sticking points, I will be writing to the Secretary of State in order to ensure that the important decisions are made, precisely because of the reason you are getting at. I think, having reached the decision, then we should not be imposing any pain whatsoever, but there should be
maximum communication with the people involved to remove any remaining uncertainty. I take on board totally your comment and I endorse it.

**Q61 Chairman:** This is the last question. We have left the easiest one to the end. In your Annual Report you note that Chief Constables are to provide a detailed presentation on the composite plan for the implementation of Blakey, Crompton and Stevens. Are you satisfied with that?

**Mr Rea:** I think I referred to this early on in this session when you asked me about our knowledge of policing as a board. The Board delegated the Chairman and Vice Chairman to monitor all of the recommendations. We brought in HMIC—and Ken Williams is here and he can confirm the way in which they approached it—to look on the ground to ensure that these recommendations were being implemented. We believe that they have been implemented and, not only that, but there has been a presentation in public which gave to the wider community in Northern Ireland precisely what the organisation’s structure now is in the PSNI with respect to the integration of these two areas, to ensure that the sort of thing that happened in respect of Omagh would not happen in the future; at least the possibility would be reduced.

**Chairman:** That is a good answer to end on. Thank you very much indeed, all three of you.

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**Memorandum submitted by Hugh Orde, Chief Constable, Police Service of Northern Ireland**

**Introduction**

I would just like to commence by thanking you for this opportunity to present evidence to the Committee on the functions and effectiveness of the Northern Ireland Policing Board. As you will be aware the Policing Board evolved from a principal recommendation in the Report of the Independent Commission on Policing in Northern Ireland—Patten Report. Its inception signalled a new beginning for police accountability within the Province.

**Progress Towards Developing the Role of the Policing Board**

The primary role of the Policing Board is to ensure that the Police Service of Northern Ireland (PSNI) delivers an effective and efficient policing service, and one that secures the trust and confidence of the community. The Chief Constable also shares this aspiration and has no difficulty with the manner in which the Board holds him to account for the performance of the service in achieving this standard. In holding the Chief Constable to account for both his own actions and indeed those of the wider service, the Policing Board continues to do so in a manner that does not impinge on, or interfere with, his right to take independent policing decisions or exercise full operational responsibility in the provision of an independent and impartial policing service.

To ensure greater accountability and service quality at a local level, and in accordance with the requirements of the Police (NI) Act 2000, the Policing Board introduced District Policing Partnerships (DPPs) in March 2003. These independent bodies based in Council areas give voice to community views on the service we provide, as well as performing a useful monitoring role in assessing local police performance against both local and service-wide targets and objectives. The senior command team within PSNI continue to recognise and welcome the benefit of these partnership arrangements as they not only enable effective accountability and co-operation, but also appropriately reflect the service’s ethos and policing style that is very much local based and community focussed. Many local members have suffered substantial intimidation and threat as a direct result of representing their communities on these Boards. They deserve great credit for their resilience and determination.

The role of the Policing Board extends well beyond an accountability function. In addition to holding the service to account for its efficiency and effectiveness against predetermined and agreed goals, the Board, is charged with the responsibility of ensuring that sufficient resources, both human and financial, are provided to PSNI so that it can deliver the standard of policing service expected. To date, the Board has generally responded favourably to the provision of such resources and to this end continues to engage with the service in a realistic and business-like manner. The PSNI/NIPB joint Human Resource Strategy should ensure that there are sufficient resources available to deliver effective policing, in keeping with the vision and style that the Independent Report on Policing in Northern Ireland (Patten Report) envisaged. The shared challenge is to make sure that officers and support staff are deployed in a manner that best supports the delivery of a frontline and effective service.

In February 2004 the Board approved the purchase of a site to accommodate the provision of a new Police Training College with a projected timescale for completion of Autumn 2007. The presence of such a modern and fully equipped college will undoubtedly enhance the quality of training delivered which, in turn, will enhance the quality of service provided by officers on the ground.
On a more general note, whilst the Chief Constable has no reason to doubt that each and every Member of the Policing Board has an interest in ensuring that PSNI provide an efficient, equitable and effective service to the entire community within Northern Ireland, he holds the view that engagements with the Board could be even more constructive and meaningful if Members representing political appointees could adopt a less partisan approach when introducing or discussing matters of mutual interest or concern. Patten clearly envisaged a police service that was free from politics, however it is clear that we are still some way off that position for the time being.

This bias often manifests itself in politically motivated statements rather than questions being directed at the Chief Constable and his senior colleagues, and the tendency to focus on political rather than real or organisational issues. With the absence of the Assembly and other political institutions, Members belonging to political parties sometimes use their position within the Board as an opportunity and platform to publicly promote their own political aspirations, as opposed to examining and debating issues in an independent and constructive manner.

It is important that a healthy tension exists between the Policing Board and the senior command within PSNI, and this largely reflects the current position. For both organisations to function effectively it is vitally important that there continues a sense of engagement rather than disengagement; of cooperation rather than obstruction and that objectivity is retained in determining all issues falling within our joint remit. As a greater knowledge, awareness and understanding of policing has developed within the Board and its Members, the quality and level of interaction has increased constantly over time.

There have been a small number of instances where sensitive information was discussed in either private sessions with the Board under a clear understanding of confidentiality, were shortly thereafter divulged to third parties, including members of the press. Such indiscretions and inappropriate breaches of trust are detrimental to the relationship. The existence of mutual trust and confidentiality is paramount. This matter has been solved by such information now being shared with small groups of the Board as appropriate.

**PERFORMANCE OF THE POLICING BOARD IN RESPECT OF ITS GENERAL FUNCTIONS**

The general functions of the Northern Ireland Policing Board are as set out in Section 3 of the Police (NI) Act 2000, and are as follows:

(i) *To ensure that the police service is efficient and effective, holding the Chief Constable to account for all his actions and those of his staff;*

The Board assesses the efficiency and effectiveness of the service, as well as holding the Chief Constable and his officers to account, through:

(a) Public Meetings: The Board is required to hold at least eight meetings in public in each year, but in practice held 10 in 2003–04. At the meetings the Chief Constable provides a report to the Board on key policing issues and the Board in turn present questions on issues relating to policing generally or our performance particularly. These meetings allow the public to see the accountability mechanisms working and are conducted in an open and transparent manner. Since his appointment the Chief Constable has attended every one of these sessions apart from one.

(b) Board Committees: In addition to the Policing Board monthly meetings, the majority of the Board’s work is carried out through seven committees. The committees monitor the work of the PSNI in detail. Each committee has a particular portfolio and responsibility as follows:

- Corporate Policy;
- Human Resources;
- Audit and Best Value;
- Human Rights and Professional Standards;
- Finance and General Purposes;
- Community Involvement Committee; and
- Press and Public Relations.

Some concern exists as to the present structural arrangements of the various committees, which are modelled more on that of a local District Council rather than being aligned to the current operational and departmental structure within PSNI. It is the view of the Chief Constable that such a realignment would not only significantly enhance the Board’s ability to hold the service to account, but would also generate clearer lines of communication and understanding between both organisations.

The absence, for instance, of a committee responsible for examining issues relating to Crime Operations Department, or serious or organised crime generally, necessitates debate and questions, on sometimes very sensitive issues, being aired at monthly public meetings. Consequently, the service’s responses and ability to actively engage are often limited due to further exposition being considered inappropriate and untimely.
(c) Policing Plan: The Board is responsible for issuing a Policing Plan for Northern Ireland. The Plan shows how the PSNI intends to provide a policing service to the community and one of the Board’s key roles is holding the PSNI to account for performance against the plan. The Board monitors performance as follows:

— Through quarterly performance reports by the Chief Constable,
— Assessment of reports provided at its monthly meetings in public,
— The work of the Board’s committees,
— By asking questions on specific issues, and
— Through the work of the District Policing Partnerships.

In order that matters of mutual interest or concern receive due attention by both senior command within PSNI and Board Members, it is vitally important that each body is well represented when such occasions arise. Unfortunately, this is not always the case with the Board, on occasions, being significantly under-represented in contrast to the senior police delegation.

(ii) To monitor police effectiveness in tackling crime;

The Board’s Policing Plan referred to at (iii) above sets out objectives and targets to be achieved by the PSNI and how the Board monitors performance across all areas, including our effectiveness in tackling crime. The Board’s Annual Review and Report sets out the Board’s assessment of police performance during the previous financial year and, in respect of crime, the last report clearly indicated those areas in which the service exceeded or met targets and those areas where we underperformed. The Chief Constable continues to welcome such comment and honest feedback from the Board, who, in his view, meet this particular responsibility with candour and efficiency.

The Board has consistently demonstrated a keen interest in the evolution of Crime Operations Department, which is basically an amalgam of the previous Criminal Investigation Department and Special Branch. Over the past 12 months Members of the Board have generated frequent enquiries and received regular updates on the status of the service’s response to critical reports such as Crompton, Blakely and Stevens. Again this is important as such independent scrutiny in this difficult area of policing reassures the public.

(iii) To monitor the performance of the police in carrying out their general duties, in complying with the Human Rights Act 1998 and to assess the effectiveness of the Board’s Code of Ethics;

The Human Rights and Professional Standards Committee within the Board is responsible for monitoring the performance of PSNI in complying with the Human Rights Act 1998 and for ensuring that high ethical and professional standards are maintained.

In February 2003 the Policing Board published a new Code of Ethics for PSNI that sets out the non-negotiable standards of behaviour expected of members of the PSNI. The Code is based on the European Convention on Human Rights. Since its publication, the Board has developed a human rights monitoring framework, as well as employing two Human Rights Advisers to assist in this important area of mutual interest. Good progress has been made in gathering the information required to make an informed and valid assessment of the service’s compliance with the Act. The Board’s first report on compliance with the Human Rights Act will be published in 2005. An interim report on the Ardoyne Shopfronts again showed just how accountable and transparent the PSNI is.

The Board’s Community Involvement Committee monitors reports emanating from the Custody Visitor Scheme, which was established to ensure that the treatment of detainees in police custody is fully commensurate with the provisions of the Police and Criminal Evidence (NI) Order 1989, The Human Rights Act and the Code of Ethics.

(iv) To keep itself informed of trends and patterns in police complaints, recruitment to the police service and the extent to which membership of the police service is representative of the community in Northern Ireland;

The Board recognizes the importance of ensuring that any behaviour falling short of the high professional and ethical standards expected of officers is dealt with appropriately, and that any learning is disseminated throughout the service. The Board examines and analyses internal disciplinary cases, officers on suspension and compensation claims against the service. To this end, the Board meets regularly with the Police Ombudsman’s Office and with Internal Investigations Branch within PSNI.

The Board’s Human Resources Committee monitors the work of PSNI’s Human Resources Department. The Board monitors trends and patterns in recruitment and promotes and supports efforts to secure a more representative police service in Northern Ireland. The Board recognises that if the PSNI is to be representative of the community that it serves, a key component is a successful recruitment programme that achieves the PSNI goal to appoint 540 officers annually on a basis 50% Catholic and 50% non-Catholic. The Board has monitored the six recruitment competitions run by PSNI’s recruitment agency. The competitions
have resulted in over 30,000 applications with almost 36% of applications coming from Catholics and 37%
from females. The Chief Constable shares the Board’s view that the appointment of independent
Community Observers has positively contributed to the integrity and independence of the process.

In a similar vein, the Board’s Human Resources Committee monitors the progress of the civilian
recruitment programme as part of its overall Human Resources Planning Strategy.

(v) To assess the level of public satisfaction with the performance of the police and the District Policing
Partnerships:

In 2003 the Policing Board carried out the largest public consultation on policing; 60,000 households
across Northern Ireland, or one in 10 homes, received the Board’s survey. In addition to supporting the
Board’s work, this survey was designed to help the District Policing Partnerships (DPPs) identify key issues
of community concern in each council area. The Board commissioned a second survey in March 2004 which
further examined community perceptions of the performance and efficiency of not only PSNI, but also of
DPPs and the Policing Board itself. In addition to the public consultation surveys alluded to, the Board
canvasses the opinions of key people within the community concerning the efficiency and effectiveness
of both the police service and the local District Policing Partnership.

The findings from these surveys and other forms of consultation help inform the debate when determining
policing priorities and formulating annual policing plans.

The efficiency and effectiveness of the structure, administration and expenditure of the Board,
including its performance against key indicators and targets

The Board and its committees are supported by a 60-strong team of officials under the stewardship of a
Chief Executive. The staffing structure comprises a number of branches each headed by a Director. The
Chief Constable has no reason to question the efficiency or effectiveness of these arrangements either in
terms of the support each directorate provides to the Board and its committees, or in terms of the interaction
with his own office in particular or with the service in general. In the 2003–04 financial year the cost of the
Policing Board was £6.4 million of which £2.4 million related to District Policing Partnership costs.

November 2004

Memorandum submitted by Paul Leighton LLB Deputy Chief Constable, Police Service of Northern Ireland

I am sorry that due to other Parliamentary commitments and flight times the opportunity for my giving
evidence to the Northern Ireland Affairs Committee was curtailed.

Insofar as the issues raised in your letter of 10 December 2004 are concerned, I have set out our
position below.

Functions

The Policing Board, in discharging its performance accountability duties, takes a close interest in the way
chief officers manage the organisation. At times, however, there can be a blurring of responsibilities. It is
for the Chief Constable and his colleagues to command and administer the service; on occasions the Board
can stray from the strategic into the tactical, involving itself in making decisions rather than assessing their
efficacy. On the occasions this “micromanagement” has been experienced it has been raised with the
appropriate committee chair or Chair of the Board.

Structure

The Police Service of Northern Ireland has recently completed a strategic restructuring of Headquarters
in line with the recommendations contained in the “Patten Report”. The revised corporate structure can be
found on the PSNI website (www.psni.police.uk/) and a copy is attached at the end of this submission.

There is no intention to change this corporate structure over the next 12 to 24 months. However, subject
to the Review for Public Administration consultation paper, we may realign district command unit
boundaries; but this will not affect the overall PSNI corporate structure.

NIPB Committee structures are currently established on a local authority model, rather than a non-
departmental public body model. We consider that it would be more appropriate if the Policing Board were
to align its committee structure to the business areas within PSNI.

In keeping with recognised national good practice, we will be reorganising our corporate governance
committee structure during 2005–06, and this will provide an opportunity for the Board to consider aligning
its committee structure to the model we are adopting.
REPRESENTATION

In 1999 12.26% of support staff were Catholic. By 31 March 2004 this had risen to 14.08% and at the end of 2004 a further, small rise to 14.56% had occurred. There is one major explanation: no voluntary severance programme exists for support staff. While thousands of police officers have left the organisation in recent times, the turnover rate for support staff averages 100 per year. Although recruitment of six or more staff falls within the 50/50 legislation, the limited number of vacancies arising severely restricts our ability to increase Catholic representation. This has been discussed with the Board and it understands why we find ourselves in this situation.

There is one other matter I should like to draw to the Committee’s attention.

SICKNESS

The figures quoted are for the average number of working days lost per officer per year.

2002–03
Regular Officers—17.5
Full Time Reserve Officers—29.68
PSNI—20.09

2003–04
Regular Officers—17.5
Full Time Reserve Officers—23.63
PSNI—16.29

When the two financial year periods (2002–03 and 2003–04) are compared, there was a 16.57% drop in days lost for regular officers, a 20.38% drop for full-time reserve officers, which meant an 18.91% drop across the service.

2004–05 (April to November)
Regular Officers—8.69
Full Time Reserve Officers—16.38
PSNI—9.98

2004–05 (Projected)
Regular Officers—13
Full Time Reserve Officers—24
PSNI—14.25

When the financial year 2003–04 is compared with the projected figures for 2004–05, there was a 10.96% drop in days lost for regular officers, a 1.57% increase for full-time reserve officers, which would mean a 12.52% drop across the service.

The Committee will appreciate the difficulties management face in reducing the number of working days lost by many full-time reserve officers given their forthcoming compulsory severance. Nevertheless, the overall picture is one of on-going and significant improvement.

The situation is even better if one separates average number of working days lost per regular officer per year as a result of illness from those lost through injury on duty. On that basis, in 2002–03 9.4 days were lost from illness and 8.4 from injury on duty.

P Leighton
5 January 2005
Q62 Chairman: Thank you for coming, Mr Leighton. In your Chief’s submission, he expressed concern to us about the Board’s committee structure, and in particular, this is a question we asked them, that it is not aligned with the operational and departmental structure within PSNI. To what extent do you think that affects their capacity to oversee you properly?

Mr Leighton: I do not think it affects their capacity to oversee us properly very much at all, but I think it could make operations slightly smoother and easier if we look more closely at the alignment of committee structures, but that can only happen once we have made the decisions ourselves about our own corporate governance structure, which is about to change, or will change in the next few months. I think the history is important here. We inherited the structure and, as a police force under a police authority, we had a very different role and a very different structure. For instance, we did not have responsibility for many financial matters. The police authority held that responsibility. Now, the Chief Constable is the accountable officer. All our structures, all the systems that we have been running for years, had to be inherited, and now have to be assimilated and changed in many cases. The problem was that those were not priority issues in the change that has gone on in the past two or three years. We have focused on the front-line change. It is not surprising that at this stage we find ourselves looking jointly at our corporate governance structures and saying, “Can we make this a better fit?” But I do not think it severely inhibits their ability to oversee us.

Q63 Chairman: He also noted to us that you could have more constructive and meaningful meetings with the Board if, and these are his words, political appointees could adopt a less partisan approach when introducing or discussing matters of mutual interest or concern. What sort of examples of that do you have which have hindered your proceedings?

Mr Leighton: I think there are several matters. There is a political to-ing and fro-ing between various sides of the political spectrum on the Board at times, and points are made to score off one side or the other, rather than actually to get to the nub of the question about policing. On other occasions, statements are made that then eventually turn into a question after a long and somewhat tedious statement.

Q64 Chairman: That has been known in other forums!

Mr Leighton: You asked for examples and I am trying my best to give what examples we are referring to. Those are the types of behaviour, which cut down the amount of time we have for serious discussion about policing.

Q65 Chairman: How do you think that has affected your relationship with the Board?

Mr Leighton: Mild frustration at times I think would probably be the best description, nothing more serious than that.

Q66 Chairman: Again, the Chief said that that the quality and level of interaction between PSNI and the Board has increased as the Board and its members have acquired greater knowledge, awareness and understanding of policing. You heard us ask them about that. Are you satisfied that their knowledge and understanding is adequate or does some lack of it hold you back?

Mr Leighton: It does not hold us back because where we identify a lack of knowledge, we will take steps to educate and to bring them on board and show them exactly what we are talking about. We have a value of openness and transparency. That applies first and foremost to the Board. I was responsible for bringing the Chairman and the Vice Chairman in to see parts of our policing operation that previously would have been considered secret. We then took that to the whole Board. We have no problem about being open and transparent with the Board. We are working very hard to make that apply to all members.

Q67 Mr Tynan: Are you happy with the human rights monitoring framework developed by the Board’s advisers to evaluate PSNI’s compliance with the Human Rights Act 1998?

Mr Leighton: You are obviously asking me if I am happy with the framework before we have seen the report. Broadly speaking, yes, we are. We are extremely happy with the rigorousness of the human rights advisers’ intrusive questioning of our officers. We have had many experiences, as was alluded to, and they have produced an interim report on incidents on 12 July at Ardoyne shop fronts. On that occasion I think the comment from the human rights advisers was that they had never had or never believed they would get such unprecedented access to our systems, our information, our people. That is a measure of our confidence in their ability and the template that has been developed. We have not been let down.

Q68 Mr Tynan: You are happy about the manner in which they would judge PSNI’s human rights’ performance?

Mr Leighton: I am both happy in the way they will do it and I am confident in our performance.

Q69 Mr Beggs: How effective, in your opinion, are DPPs proving to be? What, in your view, are their strengths and weaknesses?

Mr Leighton: The DPPs are a tremendous step forward. I think they are one of the biggest steps forward in policing in a long time. The first thing I would say is that I applaud all the members of DPPS who have put their heads above the parapet, that have literally done that, in Northern Ireland and stepped up to the mark because that is the most valuable support that we can possibly have. It is not an unquestioning support. We do get some difficult questions from DPPs and DC unit commanders find some of the meetings rather challenging, but there is a huge value in that people are now publicly questioning the police about local policing issues. It is tremendously important for local commanders to
work with their DPPs. We are very pleased with the way it has developed so far. I think there is a long way to go. You ask about strengths and weaknesses. The strength is that they are there, that they are visible, and that they are public. The weakness, and this has already been alluded to, in my mind is that we do not have a cohesive structure to deal with crime and disorder matters or community safety matters in local authorities, nor do we have a local authority structure that at this point in time is rigorous enough and powerful enough to actually take on some of these issues. I believe the review of public administration will say that too many local councils do not have enough power and do not have enough money. On the point of community safety partnerships and DPPs, I am totally in agreement with Mr Bradley that these should be one body working in one direction with one funding and one membership.

Q70 Mr Beggs: Are you satisfied that DPPs can be successful throughout Northern Ireland, or will political sensitivity restrict their growth and development?

Mr Leighton: I do not think there is any real evidence of that. You can look at Strabane where we have had most attacks on DPP members, yet we have a rigorous and strong DPP. It has been one of the most difficult areas of the province, undoubtedly, as you will be aware, for us to work in during the past, and yet DPP members living in some of those really difficult areas—and I know as I was the neighbourhood sergeant there many years ago—are associated with policing. It is absolutely tremendous. So I do not think the political developments are holding us back. I think the other side of the coin is true: when the political developments move on, I think the DPPs will take a giant leap forward. I do not think at this minute in time they can be said to be holding us back because they have already come from a standing start, as it were.

Q71 Mr Beggs: We have received evidence that the training provided to DPP members has been inadequate. Are you confident about DPPs’ understanding of their role, policing policy and practice? Can it be improved?

Mr Leighton: I think it is improving. DPP managers, the actual appointees who manage the DPP business, are becoming more knowledgeable by the day. We partake in joint training with them in many different guises, some of which takes place in Northern Ireland, but others abroad. Gradually that is coming up to speed. It was never going to happen overnight. I think it is moving at a reasonable pace.

The Committee suspended from 5.24 pm to 5.37 pm for a division in the House

Q72 Mr Clarke: We all understand the term “need to know basis”. We have already mentioned to our previous witnesses issues relating to confidentiality. Within the Chief Constable’s submission he talks of the small number of instances where sensitive information was discussed in private session with the Board under a clear understanding of confidentiality and, shortly thereafter, that information was divulged to third parties, including members of the press. Such indiscretions and inappropriate breaches, he says, are detrimental to the relationship. Of course they would be. He went on to say that the matter has been solved by such information now being shared with small groups of the Board as appropriate. Understandably, we have some concerns about that because either there is a relationship between the Board and PSNI where we believe we can share confidential information on the basis that that will not be divulged, or we have a board and an inner board because we have a situation where information can only be shared with certain members of the board in small groups, and that information is not available to all the members who take forward their duties very carefully and very diligently. Could you square off for us the comments of the Chief Constable in terms of how we can have a situation where some members of the Board can be told matters but others may not be?

Mr Leighton: The first thing to emphasise is that only on a very small number of occasions have there been any breaches of confidentiality, and these relate to matters that were discussed in the private session of board meetings and then were communicated outside the private session. We request that certain answers to certain questions that board members put are taken in the private session, partly because some of them are sub judice matters, partly because others may involve intelligence material, or whatever. We try to be as full and frank as we possibly can. We are disappointed when that is breached, but it is a small number of occasions when it has been breached. What the Board has decided to do, and it is not our decision at all, and apparently it is within their constitution that they can do this, is refer it to a small representative special committee. On several occasions, we have spoken to the Chair and Vice Chair, who have taken that action with the approval of the rest of the Board, and we have then tried to share wider information with the Board, once they have said, “That is fine, you can do this”.

Q73 Mr Clarke: It is constitutionally correct. You are not picking and choosing to which members of the Board you talk?

Mr Leighton: No.

Q74 Mr Clarke: You have just mentioned issues that may be sub judice. Are there any instances where confidentiality has had an impact on operational activities?

Mr Leighton: No. There have been occasions when we have had concerns about telling the Board certain things in private because of these past instances of breaches of confidentiality, but we have had undertakings from the Chairman and the Vice Chair. We now put very strong health warnings in front of such information— smoking kills sort of stuff—and that has been effective.
Q75 Mr Clarke: I have one more question for you in respect of the Board’s role in staffing matters. We have heard discussion earlier about training of front-line personnel, and also we heard comment made on absenteeism. It has been suggested that sanctions available to Divisional Commanders are not adequate to enable them to deal effectively with absenteeism. Do you think the Board should be taking a lead role in trying to resolve matters of inadequate training, inadequate measures, to deal with absenteeism? Is there a role for the Board in dealing with those staffing matters that could be more robust?

Mr Leighton: Can I first correct some of the issues that were raised about absenteeism? We are not twice the national figure. The figures, which I understand are current with HMIC, are that the national figure is 9.6 and we are at 14.6, but that includes our full-time reserve colleagues, who are obviously going to be slightly higher than our regular officers because of the circumstances in which they find themselves. I do not think that is a terribly bad position for us to be in. I am not happy with it and I want more officers back on the street, but, compared to 1,200 officers per day off sick at the time of Patten, to have around 600 officers off sick now is a significant piece of work. That is half the number of officers absent each day. It is still too many, I accept that. Coming to the point of whether Divisional Commanders have sufficient powers and the role of the Board on sanctions, there are two areas here that need work: one is our own area, which is our internal investigations branch looking at possible abuse of absence, which we are now taking a lead role in trying to resolve matters of that authority is so that everyone knows what it is? found the quick answer to that.

Divisional Commanders have sufficient powers and the role of the Board on sanctions, there are two areas here that need work: one is our own area, which is our internal investigations branch looking at possible abuse of absence, which we are now rigorously following; the other is the pursuance of medical retirement. Obviously that is done through medical staff, doctors, who are either employed by ourselves in the first instance or employed by a contracted-out company on behalf of the Board in the second instance. The issue there is one of delay. On many occasions it is because doctors do not always agree. That is not something that either the Board or ourselves are terribly effective at dealing with. We are not alone in industry in that. I am not sure what more the Board could do. I know we are looking seriously at our occupational health services to see if we are quick enough and effective enough in all the administrative bit, but the administrative bit is only part of it. There are occasions when doctors do not actually agree and we have one doctor saying, “This officer could be back at work”, and then the officer will produce medical evidence saying, “No, you should not”. That ends up in a protracted period of correspondence. I do not have a quick answer to that. If members have, I will gratefully hear it and take it back with me. I do not think anybody has found the quick answer to that.

Q76 Chairman: Let us just get this straight. Is the Oversight Commissioner wrong when he said in his report that the policing board’s target for reducing sickness was to reduce it to 18.5 days by the end of 2003–04 and to 17 by the end of 2004–05? Are you already well below that?

Mr Leighton: Yes.

Q77 Chairman: That is good news. They have not set sharp enough targets then, have they?

Mr Leighton: We are looking at the targets for the future because they need to be reduced.

Q78 Chairman: You are well ahead of the targets that the Police Board has set you?

Mr Leighton: Yes.

Q79 Reverend Smyth: Is there any differentiation between those officers who are off sick and those officers who are off injured?

Mr Leighton: Injuries on duty are recorded as injuries on duty. The differentiation comes in how the regulations then apply to them. They may still be eligible to apply for promotion and for certain specialist posts, whereas an officer who is off sick may not be. In the counting of the sickness days, the injuries on duty are included. They can be separated out so that we can get figures that illustrate our sickness rate minus injuries on duty, but our injuries on duty probably are commensurate with other policing organisations at this point in time. In the past, obviously they have been higher.

Q80 Chairman: The Patten Report recommended the end of the full-time reserve. The Chief Constable is going to keep it going until at least 2008. Is that because he does not agree with the recommendation or is it because he believes it has to be implemented much more slowly than Patten anticipated?

Mr Leighton: Forgive me, but Patten does not put a date on the removal of the full-time reserve. He said we should work towards the removal of the full-time reserve, so we are not breaching Patten in any way, nor do we disagree with Patten. What we were required to do, and it was a joint decision by the top team, was to review the security situation because Patten puts the security situation very closely alongside the full-time reserve. We reviewed the security situation and we found there was a need, on the basis of security and security alone, to retain 680. We did not make any decision to get rid of the full-time reserve. We made a decision to keep 680. That was the decision.

Q81 Chairman: Would you agree that central to the change whereby Divisional Police Commanders are going to have much more freedom to run their divisions and central to the need to have a high level of satisfaction is their ability to determine the deployment of officers and civilian staff under their command? I am sure you would agree with that. So why is there yet no policy in place describing what that authority is so that everyone knows what it is?

Mr Leighton: The difficulty is not with police officers. The difficulty lies with our civilian staff because we have civilian staff in two different categories: we have direct recruits, and we have those from the Northern Ireland Civil Service. Those from the Northern Ireland Civil Service are subject to the rules and regulations of the Northern Ireland Civil Service; those who are direct recruits...
are subject to our own regulations. The employment law that overarches all of this, of course, is also applied. If we employ someone, say, as a typist, that requires us, if we are going to change their jobs back or we are going to move them in some way, to advertise posts, to have them apply and to go through a process. What Divisional Commanders are not satisfied with, and I agree with them, is that they have a lot of inflexibility there. They may have 10 typists and for two weeks they might appreciate four of those people working somewhere else, and it is difficult for them to do that if the people do not agree to do that. There is a lot of flexibility within staff and staff members do agree to do different jobs, so it is not a universal picture, but on occasions when they say they do not want to do that, say they are typists, their hands are tied. It is no remit for our creating a policy to solve that. That is partly concerning legislation and partly Northern Ireland Civil Service regulations.

Q82 Chairman: There is no problem, therefore, with the deployment of police officers?

Mr Leighton: No, there is no real problem with the movement of police officers within a DCU, but they must still advertise jobs. If they have a community beat manager's post, they will advertise that post within their staff to be fair to everyone rather than just select. We will just select if there is a time constraint, or if it is something really urgent, or it is a very short duration job.

Q83 Reverend Smyth: Following that question through, is there not going to be a problem where police officers are not allowed to strike, they are there to serve, whereas the civilian staff can strike and, if they have to bring police off the beat to man the stations, is that not going to hinder police operations?

Mr Leighton: We have been very fortunate in that our colleagues and our support services have not really taken part in any strike action, for the moment, and I accept that, but they are very conscious of the jobs that they perform and they are every bit as committed as many of our police officers. They try very hard to keep producing the service that we are required to provide at all times of the year.

Q84 Mr Pound: One thing that swiftly becomes apparent to members of this Committee is that in the north of Ireland everybody seems to know everybody. That is not necessarily a bad thing. Given the inevitable frequent contact between PSNI and the Board, do you think it is absolutely right that the Board is the disciplinary authority for those admittedly very senior officers?

Mr Leighton: They employ us. You are asking me questions in front of my employers who determine my pay and conditions. I do not have a problem with the deployment of police officers?

Chairman: Mr Leighton, thank you very much for helping us.

Memorandum submitted by Mr Ken Williams, Her Majesty's Inspector of Constabulary North of England and Northern Ireland

You will be aware that the principal role of HMIC (Her Majesty's Inspector of Constabulary) is to promote the effectiveness and efficiency of Policing in England, Wales and Northern Ireland through Inspection of Police Organisations (not Police Authorities or the Board) and functions to ensure that:

— Agreed standards are achieved and maintained.
— Good practice is spread.
— Performance improves.

It is a key part of HMIC's role to provide advice and support to the tri-partite partners—(Northern Ireland Minister, Northern Ireland Office, Chief Officers and Police Authorities—The Board).

I have responsibility for 12 Forces in the North of England, PSNI and by invitation—Gibraltar and am supported by 12 Staff Officers all of whom are serving Superintendents or Chief Inspectors on secondment from local Forces. Four undertake Basic Command Unit Inspections in English Forces, two undertake Best Value Reviews and recently (as a pilot) Inspection of Police Authorities—North Yorkshire. The remainder lead on specific Forces and so two work with me in Northern Ireland—they also focus on Cleveland, Humberside and South Yorkshire.

My primary function is to inspect Police Forces and to report my findings publicly. I also have an important advisory function and seek to influence the development of policing by disseminating good practice, providing advice, or if necessary performing the role of “trouble-shooter” for Police Authorities.
Of course in Northern Ireland there is now a Chief Inspector heading the Criminal Justice Inspectorate and although I remain the Inspector for PSNI the Chief Inspector—Kit Chivers does nevertheless have Inspection responsibilities for a long list of “Criminal Justice” Organisations eg

- PSNI
- State Pathology Dept
- Police Ombudsman
- Belfast Harbour and Airport Police
- Northern Ireland Prison Service
- Public Prosecution Service
- Probation Board

There are many more and he can call on “Inspectors” to join him or his Staff in discrete Inspection activity of these Agencies. My role remains uniquely independent, but there is a programme of Joint Inspection developing and he has asked me to inspect some of these bodies. However I have primacy with PSNI.

I am charged by the Northern Ireland Office to inspect PSNI at least once each year and until just over two years ago this was undertaken by a “traditional” Inspection and the last report in late 2002 was led by my predecessor—Sir Dan Crompton. I accompanied him on that Inspection, subsequently presented the findings to the Board and have monitored how the recommendations have been handled by the Force and how the Board have held the Chief Constable to account for delivery.

Since then there has been a new and major development in how Inspection is addressed in England, Wales and Northern Ireland labelled Baseline Assessment. Previously inspection activity has been focused in nature and has concentrated upon areas of activity agreed by HMI in consultation with “Key” policing partners such as NI, NIPB and PSNI. The last 18 months however has seen the HMIC response to the Government modernisation agenda in the shape of Baseline Assessment which provides a strategic overview of where individual Forces find themselves in terms of strengths and weaknesses. The intention being that by identifying these areas where improvement is seen as necessary, by working together more closely HMIC and Forces and Authorities (The Board) can jointly drive up performance.

Baseline Assessment therefore provides a comprehensive overview of the performance of PSNI across the broadest spectrums of the activities that collectively make up the Service. The initial assessment was published in April 2004 and activity was broken down into three overarching areas of activity:

- Operational Performance.
- Leadership and Corporate Governance.
- Partnership and Community Engagement.

(Initially there were 23 Sub-Areas).

This assessment is currently subject of a technical review to align standards-based professional judgement with the Police Performance Assessment Framework. The revised work will be published later this year and, it will be the “baseline” under which annual “assessments” will make judgements as to how the PSNI is progressing.

The Baseline for PSNI produced a spotlight on some weaknesses in performance, but many strengths. An action plan for addressing areas where improvement is required is handled by quarterly monitoring by HMIC or focused Inspection. There are plans for a number of Inspections:

1. **Forensic Science**

   This will be undertaken with Kit Chivers who will inspect the Laboratory and I will address issues in Force.

2. **Training**

3. **Call Handling**

4. **Human Resources**

   Inevitably each report will bring recommendations and like previous documents provide the Board with a powerful tool to monitor how the Force responds.

   Whilst the Board will seize the opportunity to address business provided through this annual and routine Inspection activity they have often been proactive in seeking discrete scrutinies from HMIC.

   A good example would be the report commissioned by the Board from HMIC—“A Review of Special Branch in the Police Service of Northern Ireland”.

   The Inspection had its origins in a report by The Police Ombudsman on matters relating to the Omagh Bombing and a similar time frame coincided with the publication of Sir John Stevens Report (Stevens 3) and HMIC’s Report on Murder Investigation for the Chief Constable of PSNI.
All three addressed very important issues and the Board asked me to report on how the PSNI were handling the recommendations. I have completed two monitoring reports (the second is in final draft) and this mechanism is helping the Board meet its obligations in holding the Chief Constable to Account and demonstrates how they are using processes available to them to meet their statutory obligations.

I expect to complete a further one or two reports on these matters.

Similarly my Best Value Team have undertaken “Pilot” Inspections on two areas—“Firearms Course Co-ordination” and “HQ Postal Unit”. In Northern Ireland HMIC have no statutory responsibility to conduct Best Value Inspections, so only carry out Inspections by invitation. Best Value provides a vehicle for the Board to access deeper into the management of PSNI and I interpret very positively their invitation for me to inspect the quality of their work.

To provide a strategic overview of Best Value activity, the Board’s Chief Executive has set up a “Continuous Improvement Strategic Working Group”. External members include representatives from:

- Northern Ireland Office
- Association of Police Authorities
- Northern Ireland Criminal Justice Inspectorate
- National Audit Office and HMIC.

I anticipate undertaking Best Value Review Inspections early next year in:

- Fleet Management
- Estates and
- Health and Welfare.

Another key area of activity is the Board’s monitoring of PSNI progress on delivering the Human Resource Strategy. There are some complex issues under the Agenda and much fell out of recommendations in previous HMIC work. The Board have “grasped the nettle” and employ an independent adviser to guide them as to how the PSNI is progressing the work from the Strategy’s Implementation Plan. They are being very proactive in seeking to move this Agenda on.

HMIC have also assisted in the determination of policy adopted by the Board on how to monitor the Chief Constable’s performance through Personal Development Review and Performance Related Pay. I give professional advice too on the performance of the Chief Constable against his Personal Objectives and on determining the Objectives each year.

The Board alone have responsibility for the appointment of Chief Police Officers ie the:

- Chief Constable
- Deputy Chief Constable and
- Assistant Chief Constables.

HMI provides a written assessment and gradings, advice at Shortlisting and in Northern Ireland attend the selection process for each of the three ranks as adviser.

Finally a further example of the proactive nature of the Board emerged from their anxiety concerning the health of the PSNI’s IT Strategy and the Delivery of the System. They asked me to provide a review and I know the two reports produced have provided reassurance and also identified issues for them to pursue.

In concluding, I must emphasise that this submission only gives a limited insight into my role and work. The Policing Board use the Office of HMIC frequently and that engagement is very welcome. My most direct relationships are mainly with the Chairman and his Deputy and the Chief Executive, but in all my dealings with the Board I have been impressed with the focus of their energies—the improvement of Policing in Northern Ireland. The Policing environment in Northern Ireland is challenging but there is lots of optimism and that is found in the Board too.

November 2004

Witnesses: Mr Ken Williams, Her Majesty’s Inspector, and Mr David Kendall, Inspection team leader, Her Majesty’s Inspector of Constabulary North of England and Northern Ireland, examined.

Q85 Chairman: Mr Williams and Mr Kendall, thank you for coming to help us. How much contact do you have with the Police Board?

Mr Williams: I probably get over to Northern Ireland about three times a month. I make it my business to see the Chief or his Deputy, the Chairman or Deputy Chairman, the Chief Executive or those in the Northern Ireland Office who have significant roles.

Q86 Chairman: That is every time you go over?

Mr Williams: Not every time but my game plan is to try to target those individuals.

Q87 Chairman: Given that at least part of your job is to ensure that the PSNI is operating effectively and efficiently, is there any significant overlap between your role and that of the Board?
**Mr Williams:** I am there to support the Board. I would not see my role at all in conflict but wholly complementary. Indeed, there are areas where the skills that are available through HMIC, which does not just include the small office of which I am in charge but those who work from Queen Anne’s Gate as well, can be particularly useful to the Board. I heard the Chairman talking about that in relation to the question you asked, sir, about Crompton, Blakey and Stevens. So I see my role, first of all, as inspecting the PSNI. I cannot inspect the Board, although the White Paper, as you are probably aware, as far as England and Wales are concerned, is suggesting that police authorities are inspected and the natural body to do that, we would argue, would be HMIC. Indeed, we have started to do that on a voluntary basis in North Yorkshire. I think I mention that in my brief. That, of course, means that I cannot inspect the DPPs and other areas that are wholly the responsibility of the Policing Board. That might change in the future, I hope.

**Q88 Chairman:** You would like it to change?  
**Mr Williams:** I think it would give me a better picture of the whole corporate problem, rather than just the delivery of services for which the Chief Constable is responsible.

**Q89 Chairman:** That really leads on to the next question. How would you say this unique organisation in Northern Ireland, the PSNI and the Policing Board, compares, in terms of function and powers of the traditional model of a police authority from the rest of the United Kingdom?  
**Mr Williams:** The trouble with these arenas is that, of course, you get quoted, I guess. The answer is: very well indeed. There are lots of examples I can bring to your where I would argue they do better, even though some police authorities have been around in their current state for a long time. I would give you the example of the way in which they conduct their interviews for Chief Officers. There is an adviser, as you know, and I have a role in terms of briefing the Northern Ireland Office as a consequence of the nature of the process. It is tight, it is thorough, it is extremely professional, and very good indeed. I do not know of any other authority—using the term generally—that would use HMIC in the way the Policing Board has done in terms of the Blakey Report and the Stevens Report. Of course, those problems are unique to Northern Ireland. Other constabularies in my experience in the north of England do not have anything like the challenges that the Board and the Chief Constable have.

**Q90 Chairman:** In talking about inspections, you have drawn attention to specific examples. I suppose we had better get everybody’s view of this, and that is the high level of absenteeism. What do you think they should be doing to address that problem more effectively?  
**Mr Williams:** The way in which they handle the ill health pension process, the medicals, is too lengthy, too bureaucratic, and they should prioritise better. If you could hit that major issue effectively, then the overall picture would be reduced considerably because those people off long-term sick of course seriously distort the overall picture.

**Q91 Chairman:** You have told them that?  
**Mr Williams:** Yes.

**Q92 Chairman:** Do you think the Board should help the PSNI solve those problems?  
**Mr Williams:** I think it is very much part of their responsibility to hold the Chief Constable to account and, in holding him to account, those issues are suggested and directed, but it is not just about that. It is also about the culture.

**Q93 Chairman:** Do you think the Board is not doing as much as it should to hold him to account for that? Are you able to hold the Chief Constable to account for that?  
**Mr Williams:** I can certainly work behind the scenes and I do. One of my roles is to spread best practice, and there are lots of examples elsewhere in the United Kingdom where sickness is being handled vigorously. There is a special history here that we have to take into account. There is more they could do. Some things are about the culture. Commanders can hold individuals to account by bringing the person in when they have been off sick, pointing questions about what the issues were, and, perhaps more intrusive, examinations into the nature of the sickness. I think I heard the Deputy talk about investigations almost when you have individuals who are on long-term sick and they are seen carrying hods of bricks at building sites. There are examples I can quote from England and Wales where it may seem a bit distasteful, but these people have been caught on camera and yet they have been claiming sick leave. I am not suggesting for one minute that officers in Northern Ireland would undertake such a risky occupation. The general point is that once you create the atmosphere that sloppiness in sickness attitudes is put to one side and will not be tolerated, you will see improvements. Significant improvements have been seen, as the Deputy quoted to you, but there is more room for that.

**Q94 Reverend Smyth:** Can I draw your attention to your baseline report of April 2004 where, for example, on page 39, you note that the Board structures and arrangements do not provide an opportunity for it effectively to monitor and scrutinise best value processes, reviews, and so on. You also note that the Board has actually appointed best value officers to provide contact between the Board and the PSNI and the Board has no direct involvement in selecting areas of activity suitable for review. Can you explain your concerns?  
**Mr Williams:** My concern is in the area where the Board now can get deeper into the workings of the PSNI. There are lots of examples in the England and Wales police forces as to how police authorities have been able to engage at a tactical level as well as at a strategic level. This is a real opportunity for the Board. They picked a couple of issues to deal with, which are not particularly significant in my
perspective. They need to be outward looking, to look at the delivery of the policing service, and subject those things to best value. I now know, from recent conversations with the Board and the Chairman, that they intend to look at patrol and not just the bobby on the beat, the bigger picture of how the service delivers its policing style to the communities. That is a good move. A lovely one for me to inspect in the future is how they have undertaken that best value responsibility. They have put in place also, since the writing of that report, a body that includes the Northern Ireland Office; it includes Kit Chivers, who is the Chief Inspector for Criminal Justice, which is an unusual arrangement that they have real ownership and they are not being put in place also, since the writing of that report, a very pleased with the way the top team, the Divisional Commanders and the Constables have responded to having responsibility given to them so that they have real ownership and they are not being directed from the centre all the time and waiting for Godot to tell them what to do.

Q99 Mr Beggs: Has the Board’s monitoring role helped the police work towards achieving that goal?

Mr Williams: Yes. First of all, there is not a razor blade between the Board and the constabulary in terms of wanting to make sure that the policing that is delivered to the community in Northern Ireland is absolutely contemporary policing and the sort of policing that we would all want to see. I think the way in which they have supported the introduction of DPPs—and there may be some tidying up to do in relation to how they relate to Divisional Commanders and how they can handle the information, the intelligence that is provided to them—and those models that they have in place at the moment demonstrate that the Policing Board is determined to deliver the services that are wanted. I may stray from your question, I heard a question earlier about the role of the two accountable bodies at a local level. I would agree with the general point that it does seem a bit of a nonsense that you have two organisations trying to achieve the same thing. Why can they not be brought together under one cap?

Q100 Mr Clarke: I think I can recall us discussing policing at an even later time in the past in a different place. May I take you back to your baseline assessment in which you express concern about the ability of District Command Units fully to implement the National Intelligence Model, given some restrictions on them at the district level? Have you raised those concerns with the Board?

Mr Williams: Yes, I have. I understand the difficulties of this but the critical mass on some of those local policing units is much too small in itself to provide the effective policing that I certainly would want to encourage the force to deliver and the Board to ensure is delivered. I think there are ways of handling that, but I recognise that the Local Government Review is some years away. It may be that some people would argue that we need to wait until then. I do not think you can afford to wait until then. I think there are plenty of arguments for bringing together the existing units in clusters in the way in which perhaps you see in Manchester, in Birmingham and elsewhere.
Q101 Mr Clarke: Has the Board responded to that? I do take very seriously your point that whilst we must welcome local policing boards and district commands, there must also be some not necessarily economies of scale but coming together at a strategic level of some of those command centres to deliver a more effective service. What has the Board’s response been to you?

Mr Williams: You can deliver both on that. The Board has a significant responsibility in influencing the Chief Constable. There is a big political issue here, is there not? Their wisdom, advice and guile will be critical in ensuring that policing is successfully delivered in a different model. I think there is a will to do that, but there is a recognition that it is not going to be easy; it needs a lot of careful thought and it has to be handled as a team with the Board strongly influencing how the Chief delivers.

Q102 Mr Clarke: You would still hold that in Northern Ireland we are not as advanced in the use of the National Intelligence Model as we are in the rest of the United Kingdom?

Mr Williams: There are some hot spots of excellence but they are constrained by the model that I am talking about.

Q103 Mr Pound: The 2004 assessment included comments about forensic support services, and you may have heard me ask the same question earlier on of the Board. To quote your words, you referred to a “substantial concern about forensic support services to PSNI at local level”. Are you happy with the response of the Board to that very specific and substantial criticism?

Mr Williams: Yes. First, you cannot have a constabulary, with all the problems that PSNI has in terms of the major crime it deals with, without a very effective forensic science side. There are huge gaps. I allude to those in that report. Indeed, the spotlight will be brought about very soon. My colleague is working with Kit Chivers from February onwards to do an inspection of forensics. We will concentrate on the PSNI aspect. Kit Chivers will concentrate on the laboratory aspect. Then we will bring together recommendations. Already we have seen reorganisation within the laboratory and reorganisation within the force. These tell me that the Board has been putting influence and pressure on the Chief. I think I heard the Deputy respond that there is a lot they have done already, but there is a lot more to be done. It cannot be right that the delays that exist in the delivery of forensic evidence in some of the major crimes that they deal with take weeks instead of days.

Mr Pound: In that case, all credit to you for shining the light on that.

Q104 Chairman: We shone the light on it when we reported on this. Mr Williams, have you seen the report that we produced?

Mr Williams: Yes, and I accept what you say.

Chairman: That may just help you. Part of the problem, of course, is the circumstances in which they have to work.

Q105 Mr Pound: Chairman, I do recall a former cigarette factory we walked around littered with outbuildings. Perhaps I can ask David Kendall directly: will your report be made available to this Committee or do you normally report to a specific body?

Mr Kendall: The update report is actually just about ready for circulation in terms of consultation. Obviously, once the consultation has taken place, the report will then be placed on the HMIC website. The inspection of forensics will lead to the publication of a joint inspection document with the Criminal Justice Inspectorate of Northern Ireland. The fieldwork for that is taking place mid-February. One would hope we will have a joint report ready for publication by early in the summer.

Q106 Mr Pound: I am reassured. In the interests of fairness and balance, and we have asked for the response of the Board, what has your feeling been about the response to PSNI of the comments you made in the 2004 report?

Mr Williams: Wretched inevitably, since it advances some of the things but I think you know the Chief as well as I do. He is very open and “let’s get on and do it” is always his attitude, and indeed that is the attitude of the top team.

Q107 Mr Pound: I have to say: for a moment, he was there in the room with us as you said that. Leaving aside that, and I entirely understand and endorse your comments, are you satisfied with the way in which they are addressing it, for the record?

Mr Williams: Yes, absolutely.

Q108 Chairman: I hope you will be robust in your report because we feel quite strongly about this that the Government has pussy-footed around this for far too long. It is a question of biting a bullet and finding some funds and letting them get properly organised. That is the view we have expressed very robustly indeed, and the more that do, the better. I think I can also say that it is something to which the Committee will want to return after you have reported.

Mr Kendall: May I add that certainly in terms of the recent refresher of the baseline assessment, obviously we did focus in quite heavily on the forensic side of the house. I would very much endorse what Mr Williams has said to you. There is strong evidence that the Forensic Science Service in Northern Ireland is very much trying to get its act together. I would also give a similar indication in terms of the restructuring of PSNI and on that side of the house. One would hope that, when we go in to inspect, we will confirm the advances which have taken place.

Q109 Chairman: Very quickly, because we have asked the other two sets of people who gave evidence today this question: do you see any problem at all with the Board acting as a disciplinary authority for Assistant Chief Constables and above?
Mr Williams: There are many counties in Britain and elsewhere in England and Wales that are smaller than Northern Ireland and it works very well. They would ask me to identify a senior officer from elsewhere and inevitably that senior officer would be from England, Scotland or Wales, and I would oversee that. No, I do not have any difficulties with that. The other point I think the Chairman of the Board made, if I may, was the selection of Chief Officers. I think he has a powerful point. I know what the White Paper said. Perhaps what should be there is some understanding that, in selecting a Deputy or an Assistant, the Board should get the agreement of the Chief. “Agreement” may be too strong, but it should be done in consultation with him. Can I put it the other way round? Rather than the Chief selecting the Deputy or the HCC and then consulting the Chairman and the Board, it should be the other way round.

Q110 Chairman: But with the Chief being a member of the panel that takes part in the selection?
Mr Williams: Yes.
Chairman: That sounds very sensible to me. I did not know that was not the case.

Q111 Reverend Smyth: I think in this modern world there have always been problems with call handling, even when looking for some information in the phone book. You have discovered it is a problem within the PSNI, and so have I at times as well. Is there any way through it? Are there any recommendations you would like to press forward, because you have already reported on it, that you would like this Committee to take on board?
Mr Williams: Thank you. We have experts elsewhere in Queen Anne’s Gate, but those experts have not been able to resolve this problem in England’s and Wales’s police forces. Nevertheless, the individuals that we think have some talent in this area are working with David Kendall to look at call handling in Northern Ireland to see what recommendations we can make. That is happening quite soon. I recognise that, in terms of efficiency, it does not always meet some of the needs of a changing community in that there has been a very clear dependency on the PSNI call centres to have a very personal relationship with members of the public who call in. Some of the mechanisms that are used to make call handling effective in England and Wales involve prioritising calls and, in some cases, not even sending people to the scene. Those sorts of changes, whilst they work somewhere else, will only work here after a time, a time that we all hope is going to be achieved in the not too distant future.

Q112 Reverend Smyth: They blame the public and yet the police keep asking the public to keep in touch with them to advise them. Then the public phone and are told a car cannot be sent out because there is only one in the whole district area that night. There is an issue there and also one about during the day when one asks for a particular officer and is put through to the station and the officer does not seem him. Can I put it the other way round? Rather than the Chief selecting the Deputy or the HCC and then consulting the Chairman and the Board, it should be the other way round.

Q113 Chairman: If only the problem that Mr Smyth has alluded to was confined to Northern Ireland, we would all be quite happy. It is not unique.

Q114 Chairman: Trying to get a human being on a telephone is a major achievement. Finally, Mr Williams, is there anything you want to add to this business of best value and your not having statutory responsibility and therefore you can only do it by invitation?
Mr Williams: That would be helpful.

Q115 Chairman: You would like to have the statutory responsibility?
Mr Williams: Yes.
Chairman: That is a very simple and straightforward answer because that would make it your job to ask and their job to respond. I cannot understand why it is not there. It is one of those anomalies about which we will form a view. Mr Williams and Mr Kendall, thank you very much indeed.
Wednesday 19 January 2005

Members present:
Mr Michael Mates, in the Chair
Mr Adrian Bailey  Mr Stephen Pound
Mr Roy Beggs       The Reverend Martin Smyth
Mr Gregory Campbell Mr Hugo Swire
Mr Eddie McGrady   Mr Bill Tynan

Memorandum submitted by Northern Ireland Office

BACKGROUND

1. The report of the Independent Commission on Policing for Northern Ireland (a New Beginning: Policing in Northern Ireland), also known as the Patten Report and delivered in September 1999, recommended that significant changes be made to the policing accountability arrangements in Northern Ireland. It recommended the establishment of an entirely new Policing Board to replace the then Police Authority for Northern Ireland. This new body would have the primary statutory functions of securing the maintenance of an efficient and effective police force and holding the Chief Constable and the police service publicly to account (see Patten Recommendations 8 & 9).

2. The Northern Ireland Policing Board was established as an Executive Non Departmental Public Body (NDPB) of the Northern Ireland Office on 4 November 2001, under the Police (NI) Act 2000.

3. The Patten report also contained a number of other recommendations relating to the functions and responsibilities of the new Policing Board, all of which were accepted by Government. (Recommendations 8 to 26 are attached.)

STATUTORY FRAMEWORK

4. In line with the Patten recommendations the Police (NI) Act 2000 sets out the statutory functions placed on the Northern Ireland Policing Board. They are set out in section 3 of the 2000 Act, a copy of which is attached.

5. The most significant statutory functions placed on the Policing Board are as set out in paragraph 1 above.

6. Under section 24 of the Act it is the responsibility of the Secretary of State to set the long term policing objectives. In turn the Policing Board sets both the strategic and the annual priorities. In doing so it must “take account of” the Secretary of State’s objectives (as amended by the Police (Northern Ireland) Act 2003). In accordance with the 2000 Act the Board is required to publish an Annual Policing Plan which is prepared in draft by the Chief Constable, agreed by the Policing Board and on which the Secretary of State is consulted. This clearly gives the lead role to the Policing Board.

7. The latest Plan for 2004–07 was published on 8 March. It sets out specific annual performance indicators and targets for PSNI 2004–05 and takes a strategic view of policing in Northern Ireland over the next three years. (In addition there are annual local District Policing Plans for all 26 district command areas. These are similarly drawn up in consultation with the local District Policing Partnerships.)

8. The fundamental principle remains that PSNI are under the direction and control of the Chief Constable. The corollary of this is that the Policing Board has powers to hold the Chief Constable and PSNI to account for the performance of their functions and that—as per Patten—such accountability should extend to explaining operational decisions taken. Accordingly the 2000 Act as amended by the 2003 Act provides enhanced powers for the Policing Board to require reports from the Chief Constable and to initiate inquiries into matters connected with policing. Procedures in relation to the relevant sections of the legislation have been set out in a Code of Practice issued by the Secretary of State on 9 July 2004.

9. Other responsibilities of the Policing Board include:
   — Appointing the senior officers of PSNI;
   — Keeping itself informed on patterns of recruitment and their impact on representativeness;
   — Assessing the level of public satisfaction with the police and District Policing Partnerships, and the effectiveness of DPPs;
   — Submitting the PSNI estimates to the Secretary of State and setting the police budget;
   — Monitoring the performance of the police in complying with the Human Rights Act 1998;
   — Monitoring trends in crimes, and in complaints against the police;
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— Making arrangements for obtaining the co-operation of the public with the police in preventing crime;
— Securing continuous improvement in PSNI ie Best Value;
— Producing an Annual Report.

Establishment of District Policing Partnerships (DPPs)

10. The Policing Board has a key role to play in the establishment of District Policing Partnerships (DPPs). As part of the process to establish DPPs, Independent members are appointed by the Policing Board from names nominated by each District Council, in line with procedures set out in paragraphs 4 & 5 of Schedule 3 to the 2000 Act. (The political members of the DPP are nominated by the District Council). As amended by Section 14 of the 2003 Act the Board, in appointing Independent members of a DPP, shall so far as practicable secure that the members (taken together) are representative of the community in the district.

11. In accordance with paragraph 6(2) of schedule 3 to the Police (Northern Ireland) Act the Secretary of State issued on 7 July for consultation an updated Code of Practice on the Appointment of Independent members of DPPs. This Code gives guidance to District Councils and the Policing Board on their respective roles in the nomination and appointment process of Independent members. The consultation period for this document ends on 30 September 2004.

12. The appointment of DPP independent members, announced in March 2003, was Northern Ireland’s largest ever public appointment exercise.

Board Membership

13. The Board comprises 19 members. Ten political members were originally nominated in September 2001 from among members of the then Assembly in accordance with the d’Hondt process. Three of the four main political parties nominated—DUP, SDLP and UUP, but Sinn Fein declined. The members were:

DUP—William Hay, Ian Paisley Jnr, Sammy Wilson (three seats)
SDLP—Alex Attwood, Joe Byrne, Eddie McGrady (three seats)
UUP—Lord Kilclooney, Fred Cobain, Sam Foster (Alan McFarland* (four seats)
* Who replaced two original UUP nominees in February 2002.

14. The nine independent members were originally appointed by the Secretary of State. He is statutorily required to exercise his powers so as to secure, as far as practicable, the Policing Board is representative of the community. The selection process followed guidance issued by the Commissioner for Public Appointments. The independent members were:

Desmond Rea (Chair)
Denis Bradley (Vice Chair)
Viscount Brookeborough
Brian Dougherty
Barry Gilligan
Tom Kelly
Rosaleen Moore
Pauline McCabe
Suneil Sharma

15. Following the decision to suspend devolved Government with effect from 14 October 2002, the Secretary of State was required to reconstitute the Policing Board in accordance with Part II of Schedule 1 to the 2000 Act. All 19 members accepted the Secretary of State’s invitation to take up appointment and the work of the Policing Board continued without interruption. Their terms of office continue up to October 2005. Under Schedule 1 to the 2000 Act if there were restoration of devolved Government reconstitution of the membership of the Policing Board would be required. This would entail a process similar to that in autumn 2001 that led to the setting up of the Board on 4 November of that year.

Resources

16. The Policing Board is funded by the NIO. For the financial year 2004-05 the Policing Board has been allocated a grant of £8.02 million, including expenditure on DPPs. The Policing Board’s Chief Executive who is the Accounting Officer for the Board’s grant reports directly to the Permanent Under Secretary, NIO on NDPB Accounting Officer matters. The Board prepares its accounts in accordance with Accounts Directions issued by the NIO. The Board currently has 58 staff, as compared to 48 staff at the time of the dissolution of the Police Authority.
17. It is not appropriate for the Northern Ireland Office to comment in detail on the work of the Board in this document, but there is no doubt that the Board has an impressive list of achievements. This can be seen, for example, in the list of topics covered by the Board’s annual reports as well as their frequent press releases. It is also noteworthy that 68% of the public in the most recent Omnibus survey believed that the Board was independent of the police.

18. The Board published its first Corporate Plan covering the period 2002–05, including a range of objectives and performance indicators.

19. Board members have shown great commitment to their work. Several have been subject to direct threats and intimidation and it is greatly to their credit that they have continued to serve steadfastly on behalf of the whole community across Northern Ireland.

29 September 2004

SUMMARY OF RECOMMENDATIONS

The following is a list of all the recommendations in this report:

HUMAN RIGHTS

1. There should be a comprehensive programme of action to focus policing in Northern Ireland on a human rights-based approach. [para 4.6]

2. There should be a new oath, taken individually by all new and existing police officers, expressing an explicit commitment to upholding human rights. The text might be as follows:

   “I hereby do solemnly and sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable, and that in so doing I will act with fairness, integrity, diligence and impartiality, uphold fundamental human rights and accord equal respect to all individuals and to their traditions and beliefs.” [para 4.7]

3. A new Code of Ethics should replace the existing, largely procedural code, integrating the European Convention on Human Rights into police practice. Codes of practice on all aspects of policing, including covert law enforcement techniques, should be strictly in accordance with the European Convention on Human Rights. [para 4.8]

4. All police officers, and police civilians, should be trained (and updated as required) in the fundamental principles and standards of human rights and the practical implications for policing. The human rights dimension should be integrated into every module of police training. [para 4.9]

5. Awareness of human rights issues and respect of human rights in the performance of duty should be an important element in the appraisal of individuals in the police service. [para 4.10]

6. A lawyer with specific expertise in the field of human rights should be appointed to the staff of the police legal services. [para 4.11]

7. The performance of the police service as a whole in respect of human rights, as in other respects, should be monitored closely by the Policing Board. [para 4.12]

ACCOUNTABILITY

8. An entirely new Policing Board should be created, to replace the present Police Authority. [para 6.2]

9. The statutory primary function of the Policing Board should be to hold the Chief Constable and the police service publicly to account. [para 6.3]

10. The Policing Board should set objectives and priorities for policing over a three to five year period, taking account of any longer term objectives or principles set by the Secretary of State or successor. It should then be responsible for adopting a three to five year strategy, prepared by the Chief Constable through a process of discussion with the Board, which should reflect the objectives and priorities set by the Board. [para 6.5]

11. The Board should be responsible for adopting an Annual Policing Plan, developed by the Chief Constable, through a process of discussion with the Board, on the basis of objectives and priorities set by the Board, and within the agreed three to five year strategy. [para 6.6]

12. The Board should be responsible for negotiating the annual policing budget with the Northern Ireland Office, or with the appropriate successor body after devolution of policing. It should then allocate the police service budget to the Chief Constable and monitor police performance against the budget. [para 6.7]
13. The Board should monitor police performance against the Annual Policing Plan and the three-five year strategy. It should watch crime trends and patterns and police performance in public order situations. It should also follow such things as recruitment patterns and trends, including fair employment and equal opportunities performance, and training needs. It should assess public satisfaction with the police service and, in liaison with the Police Ombudsman, patterns and trends in complaints against the police. [para 6.8]

14. The Board should have the responsibility for appointing all chief officers and civilian equivalents and for determining the length of their contracts. All appointments should be subject to approval by the Secretary of State (and successor after devolution) and the Chief Constable should be consulted in relation to the appointment of subordinate chief officers and civilian equivalents. The Board should have the power to call upon the Chief Constable to retire in the interests of efficiency and effectiveness subject to the approval of the Secretary of State (and successor) and to the right to make representations as at present. Similarly, the Board should have the same power in relation to other chief officers and civilian equivalents exercisable subject to the approval of the Secretary of State (and successor) and to the same right to make representations and after consultation with the Chief Constable. The Secretary of State should have power to require the Policing Board to call upon the Chief Constable to retire on the same grounds but this power should be exercisable only after consultation with the Board and subject to the same right to make representations already referred to. Additionally, after devolution the relevant Northern Ireland minister should have powers to call for the retirement of the Chief Constable on the same grounds but this should be subject to the agreement of the Policing Board and the approval of the Secretary of State with an equivalent right to make representations. The Board should be the disciplinary authority for chief officers and civilian equivalents. [para 6.9]

15. The Policing Board should co-ordinate its work closely with other agencies whose work touches on public safety, including education, environment, economic development, housing and health authorities, as well as social services, youth services and the probation service, and with appropriate non-governmental organisations. [para 6.10]

16. The Policing Board should have 19 members, 10 of whom should be Assembly members drawn from the parties that comprise the new Northern Ireland Executive, selected on the d'Hondt system, who should not at the same time hold ministerial office in the Executive. [para 6.11]

17. The nine independent members of the Board should be selected from a range of different fields—including business, trade unions, voluntary organizations, community groups and the legal profession—with the aim of finding a group of individuals representative of the community as a whole, with the expertise both to set policing priorities and to probe and scrutinise different areas of police performance, from management of resources to the safeguarding of human rights. Their appointments should be for four years; but if it were necessary for the purpose of continuity to ensure that not all Board positions fell vacant at the same time as elections to the Assembly, some of these appointments could be for an initial period of two years. [para 6.12]

18. The independent members should be appointed by the Secretary of State, in consultation with the First Minister and the Deputy First Minister, until such time as responsibility for policing is devolved, at which point the appointments should be made by the First Minister and the Deputy First Minister acting together. Until devolution, the Secretary of State should also determine the remuneration and expenses of Board members, in consultation with the First Minister and the Deputy First Minister. [para 6.13]

19. A Board member of high quality and standing in the community should be appointed by the Secretary of State to be the first chairman of the Board, with the agreement of the First Minister and the Deputy First Minister, for an initial term of four years. [para 6.14]

20. Responsibility for policing should be devolved to the Northern Ireland Executive as soon as possible, except for matters of national security. [para. 6.15]

21. The powers of the Policing Board proposed in this report, in relation to both government (as now represented by the Secretary of State) and the Chief Constable, should in no way be diminished when the government role in the tripartite arrangement passes to the Northern Ireland Executive. [para 6.15]

22. The provisions of the Police (Northern Ireland) Act 1998 should be simplified so that the respective roles of the Secretary of State (or successor), the Policing Board and the Chief Constable are clear. [para 6.16]

23. The provision, in Section 39 of the Police (Northern Ireland) Act 1998, that the Secretary of State may issue guidance to the police as to the exercise of their functions, should be repealed. [para 6.18]

24. The Chief Constable should be deemed to have operational responsibility for the exercise of his or her functions and the activities of the police officers and civilian staff under his or her direction and control. [para 6.21]

25. The Policing Board should have the power to require the Chief Constable to report on any issue pertaining to the performance of his functions or those of the police service. The obligation to report should extend to explaining operational decisions. If there is a disagreement between the Board and the Chief Constable over whether it is appropriate for a report to be provided on a particular matter, it should be for the Chief Constable to refer the question to the Secretary of State for a decision as to whether the Board’s requirement should stand. [para 6.22]
26. The Policing Board should have the power, subject only to the same limitation set out in paragraph 6.22, to follow up any report from the Chief Constable by initiating an inquiry into any aspect of the police service or police conduct. Depending on the circumstances, the Board should have the option to request the Police Ombudsman, the Inspectorate of Constabulary or the Audit Office to conduct or contribute to such an inquiry, or to use the Board’s own staff, or even private consultants for such a purpose. [para 6.23]

27. Each District Council should establish a District Policing Partnership Board (DPPB), as a committee of the Council, with a majority elected membership, the remaining independent members to be selected by the Council with the agreement of the Policing Board. The chair of the DPPB should be held by an elected member, with rotation between parties from year to year. [para 6.26]

28. The District Policing Partnership Board in Belfast should have four sub-groups, covering North, South, East and West Belfast. [para 6.27]

29. There should be monthly meetings between the DPPB and the police District Commander, at which the police should present reports and answer questions and the Board should reflect community concerns and priorities to the police. The views expressed by DPPBs should be taken fully into account by the police and by the Policing Board in the formulation of policing plans and strategies at the central level. [para 6.30]

30. The DPPB should submit an annual report to the District Council, and publish it. [para 6.31]

31. The approved administration costs of the DPPB should attract a 75% grant from the Policing Board, the remaining 25% to be funded by the District Council. [para 6.32]

32. District Councils should have the power to contribute an amount initially up to the equivalent of a rate of 3p in the pound towards the improved policing of the district, which could enable the DPPB to purchase additional services from the police or other statutory agencies, or from the private sector. [para 6.33]

33. It should be the aim of every police beat manager to have a consultative forum in his or her patrol area. [para 6.34]

34. The Policing Board should maintain regular contact with the DPPBs, through periodic meetings of chairpersons, annual conferences, seminars, training courses and by including them in the circulation of information. [para 6.35]

35. The Policing Board should meet in public once a month, to receive a report from the Chief Constable. [para 6.36]

36. District Policing Partnership Boards should meet in public once a month, and procedures should allow for members of the public to address questions to the Board and, through the chair, to the police. [para 6.37]

37. The police service should take steps to improve its transparency. The presumption should be that everything should be available for public scrutiny unless it is in the public interest—not the police interest—to hold it back. [para 6.38]

(4) Schedule 2 (which contains provisions for the transfer of the functions, assets, liabilities and other staff of the Police Authority for Northern Ireland to the Board and other supplementary provisions) shall have effect.

3.—(1) The Board shall secure the maintenance of the police in Northern Ireland.

(2) The Board shall secure that—

(a) the police,

(b) the police support staff, and

(c) traffic wardens appointed by the Board under section 71, are efficient and effective.

(3) In carrying out its functions under subsections (1) and (2) the Board shall—

(a) in accordance with the following provisions of this Act, hold the Chief Constable to account for the exercise of his functions and those of the police, the police support staff and traffic wardens;

(b) monitor the performance of the police in—

(i) carrying out the general duty under section 32(1);

(ii) complying with the Human Rights Act 1998;

(iii) carrying out the policing plan;

(c) keep itself informed as to—

(i) the workings of Part VII of the 1998 Act (police complaints and disciplinary proceedings) and trends and patterns in complaints under that Part;

(ii) the manner in which complaints from members of the public against traffic wardens are dealt with by the Chief Constable under section 71;

(iii) trends and patterns in crimes committed in Northern Ireland;
(iv) trends and patterns in recruitment to the police and the police support staff;
(v) the extent to which the membership of the police and the police support staff is representative of the community in Northern Ireland;

(d) assess—
(i) the effectiveness of measures taken to secure that the membership of the police and the police support staff is representative of that community;
(ii) the level of public satisfaction with the performance of the police and of district policing partnerships;
(iii) the effectiveness of district policing partnerships in performing their functions and, in particular, of arrangements made under Part III in obtaining the views of the public about matters concerning policing and the co-operation of the public with the police in preventing crime;
(iv) the effectiveness of the code of ethics issued under section 52;

Witnesses: Mr Ian Pearson MP, Parliamentary Under-Secretary of State, Mr Ken Lindsay, Head of Policing Reforms Division, Ms Gillian Ardis, Head of branch which oversees the Policing Board, Northern Ireland Office, examined

Q116 Chairman: Mr Eddie McGrady, as everybody knows, is a member of the Policing Board and, therefore, wants that interest known and declared publicly, which he always does very conscientiously. It means that he will not take part in the questioning but will be an active listener; were that the rest of my Committee were as compliant as that. Tell us: has the concept of a Policing Board been successful in terms of the expectations of Government as conceived when Patten reported?

Mr Pearson: Yes, I believe it has. Before I say something in a little bit more detail could I perhaps just update the Committee on three issues very briefly?

Q117 Chairman: Yes, certainly.

Mr Pearson: Firstly, the Committee will be interested to know that we have met our N+2 targets with regards to the police programme for the 2004 calendar year.

Q118 Chairman: If I may say so, on behalf of us all well done. I think we were a little sceptical as to whether you could do that. That is very good.

Mr Pearson: The second thing I want to say is that following the last meeting I attended we put procedures in place where there are complaints about how the Police Ombudsman has investigated a complaint against the police and matters are referred to the Secretary of State. There are now procedures so that there will be ministerial oversight; I will see the correspondence in detail of those complaints. The third thing that I want to say is: I would like to thank the Committee for its very helpful report on parades. I want to be able to respond to it promptly. Government is carefully considering the recommendations at the moment. Naturally, I will want to have consultations with the political parties and other key organisations. I hope to do that over the next few weeks and to be able to respond in a timely manner.

Q119 Chairman: Good. That is all excellent news. I am glad we are able to jog you into action on the odd occasion. I think it is a two-way process, but that is very satisfactory.

Mr Pearson: In terms of answering your question directly, I believe that the Policing Board and indeed the District Policing Partnerships have been an undoubted success and one of the major achievements that have come out of Patten and the Belfast Agreement. I believe that the Board has shown that it can take difficult decisions. It has continued to work well, despite the ongoing political difficulties which I do not need to explain to the Committee.

Q120 Chairman: Do you have any plans to revise the powers and functions of the Board?

Mr Pearson: We do not have any plans at this time to alter the powers and functions. We believe that they are sufficient, but obviously if the Committee comes to a different view we would want to consider that.

Q121 Chairman: We have heard concerns about the Committee structure especially that it does not reflect the operational and departmental structure within PSNI. This affects the Board’s ability to scrutinise the PSNI properly. Do you think this is a concern and, if so, how do you think we should address it?

Mr Pearson: I have heard concerns expressed. Obviously, this is very much a matter for the Board. The Board is an independent organisation. I understand that discussions have taken place between the Board and PSNI and that there is scope to realign their structures. Essentially, I think it is a matter for them to operate in a way in which they think is most efficient and effective.

Q122 Chairman: But you would put no obstacle in their way if they wanted to change their way of doing business?

Mr Pearson: Certainly I would not put any obstacle in their way at all. Our role here is not to interfere in the independent organisation. The independent organisation we believe is discharging its functions well.
Q123 Chairman: If it needed to change any of its powers or functions which did require your action you would look on that favourably?  
Mr Pearson: We want obviously to listen very carefully to what they say to us; I can give that commitment. Obviously I cannot give a blank cheque that we will do what the Policing Board say to us.

Q124 Chairman: I was not suggesting that. They might come to the conclusion that their powers need to be changed, for example. That is something that we could all look at perhaps together.  
Mr Pearson: I am not aware that they currently feel strongly that there are additional powers that they require, but I am more than happy to discuss that with them.

Q125 Reverend Smyth: You did say that the Policing Board and the DPPs were successful. I wonder how effective you evaluate the DPPs? How effective are the DPPs proving?  
Mr Pearson: It is still very much early days with regards to the DPPs, but I think there are strong indications, again, that they are performing their role and functions in the way in which we expected them to be when the architecture of this was put in place. That is not to say that there have not been some difficulties in some areas, there always are when you are putting new structures in place, but overall we are satisfied that they are performing their role well.

Q126 Reverend Smyth: Was it value for money in appointing independent members as something like £920,000 was spent? Why was the cost of these appointments so high and was there any competitive tendering for those who were involved in the recruiting process?  
Mr Pearson: It is important to bear in mind here that this was the biggest single public appointment exercise across all 26 district councils in Northern Ireland. We were setting up a new structure. It is a structure that is ensuring improved accountability mechanisms with regards to the police. As part of that, it is important that there is strong public awareness of the DPPs and their role. In some ways, I think that the making of, in total, some 215 appointments process, the public advertising that took place, all helped to establish the DPPs in the mind of the public. I believe that public confidence was extremely important. Overall, it is the case that the appointments process was the result of a business case being produced which looked at value for money considerations and we were satisfied that value for money was achieved as a result of the appointment process.

Q127 Reverend Smyth: You were satisfied, but was there any guidance given to them at the beginning as to how they should proceed?  
Mr Pearson: The guidance is essentially based on the fact that when you are spending amounts of public money you have to produce and justify a business case. Those normal methods of sanctioning public expenditure were, I understand, followed quite rigorously in this case. The business case has to stack up if the appointment process was to go ahead.

Q128 Chairman: £2,000 per appointment does seem quite a sum.  
Mr Pearson: It does seem quite a sum, but it was a very large appointment programme and it was well advertised. It was extremely well advertised both to ensure a wide range of applicants and also to give public confidence in the exercise itself. You have to bear that wider consideration in mind as well as the more narrow function of appointing members.

Q129 Reverend Smyth: We are responsible to watch public expenditure. We can understand the argument that this was the first time, but has inflation risen so high that we are going to go for £950,000 to the next round?  
Mr Pearson: My understanding is that for the next round of appointments a further business case will be submitted for approval very shortly by the Board and it will be up to the Board to decide whether that business case represents good value for money for the appointments process.

Q130 Reverend Smyth: Are you aware that the Board says that they have no money to do that and they are looking for money that would have to come from Government sources to meet that business, as I understand it? Will the extra funding be available?  
Mr Pearson: It is up to the Board to manage its budget within the resources that are allocated to it by Government. If the Board is saying that there are difficulties, then obviously they will want to talk to us, but my expectation is that the Board knows that it has to go through an appointment process to reconstitute DPPs. It should budget for that in the appropriate manner.

Q131 Reverend Smyth: You bid for one, therefore, they will be looking for more money, so it will be interesting to see how they turn the budget down and how far the Government responds. As I understand it, the Secretary of State’s consultation on updating the Code of Practice for the appointment of independent members of DPPs ended in September 2004. What changes are the Government proposing to make to the Code of Practice, any?  
Mr Pearson: I am not aware of the detail of the changes to the Code of Practice. What I can say to the Committee is that the draft code that was issued for consultation was generally very well received. Most of the comments that were made on it were of a process nature. In the main these have been taken on board and included in the document. It is our intention to publish the Code to coincide with the launch of the new appointment competition for the independent DPP members.

Q132 Reverend Smyth: This was a response to the Government’s own consultation paper put out in July 2004. At the moment, then, are you saying that the Government has not now made any decisions on the responses and that will take some time?
Mr Pearson: No. We have revised the Code. We do want to publish it, but you have to bear in mind this is a Code of Practice on the appointment of independent members. We want to follow that Code and we want to publish it when we go through the appointment process, which is the logical and sensible time to do it.

Q133 Reverend Smyth: When is that likely to be?
Mr Pearson: Again, that is a matter for the Board, but we anticipate the appointments process starting within the next two or three months.

Q134 Reverend Smyth: Are you aware that a number of the DPPs have expressed concern about the Board’s delay in setting DPPs’ budgets? Are you aware and, if so, what are the problems and what help is the Department giving the Board to ensure more efficient arrangements in the future?
Mr Pearson: I understand that concerns have been raised previously. Again, it is an issue for the Board itself, but my understanding is that this is not a problem that is likely to recur in the future. The expectation is that the budgets will be finalised in January or February.

Q135 Chairman: Minister, you are in a position that is not unfamiliar to me. You have responsibility for these Boards and a lot of expenditure. You are also the Minister for Finance and Personnel. When you look at the problem: it was £920,000 to set it up. Your brief quite rightly says, yes, it was a due process, a lot of advertising, second time round: £950,000. It is not a new process any more. It is a process that has been well tried and tested. As the Finance Minister, do you not have a view on whether you are going to provide that sort of money for this? Have you asked or challenged them about this and said: “Come on, you can do better than that” or are you just going to give them the funds?
Mr Pearson: As you will be aware, Chairman, there is a rigorous system of checks when it comes to the spending of public money. Fundamental to this is the preparation of a business case. In preparing the business case the Board will need to satisfy itself that it is achieving value for money for what it is proposing to do. Certainly, if the Board is going to want to approach Government for additional funds we will certainly want to look very carefully at the business case and what they are saying and why they believe that they cannot meet this through their existing funds.

Q136 Chairman: They tell us that they have no funds for the second round of appointments, so presumably on that basis you are going to have to provide the funds for a second round of appointments, am I right or wrong?
Mr Pearson: Certainly I am making no commitment. My understanding is that the money that we have allocated to the Policing Board should be sufficient to meet the functions that they need to discharge.

Q137 Chairman: Including a second round of appointments, that was factored in when you gave them their funding, was it?
Mr Pearson: That is my starting position, Chairman.

Q138 Chairman: It is a fact or not: when you gave them their budget did you say, “this furthermore covers the costs there are going to be in the second round of appointments”?
Mr Pearson: My understanding is, yes, that is the case. The budget is in excess of eight million from memory. I believe that should be sufficient to discharge.

Q139 Chairman: They told us in their submission that they have highlighted to you a funding need for this purpose, is that right? Do let one of your officials answer if they know the answer. You are not expected to know everything.
Mr Pearson: I am not aware that they have but let me ask my officials.
Mr Lindsay: Chairman, we are and will be in discussion with the Board on this particular issue. What I would say is that because this is the second time that the DPPs will have been appointed we would expect certainly to learn lessons from the first time around. We will be looking at the business case very carefully to ensure that has happened.

Q140 Chairman: The first lesson is it cost £30,000 more to do the second time than it did the first. It does seem slightly surprising. Are you slightly surprised at that?
Mr Pearson: I have not seen the business case. I would not really want to comment on it.

Q141 Chairman: There is no harm in trying to draw you is there. We have had evidence that the existence of both Community Safety Partnerships and District Policing Partnerships results in duplication and the inefficient use of resources. Have you considered confining those functions into one structure or, if not, what is the rationale for maintaining them as separate entities?
Mr Pearson: When I met the Policing Board recently they made this point quite strongly to me that they believed that there was overlap and duplication between DPPs and Community Safety Partnerships. I have reflected on that and I have asked for some work to be done on this. It is true to say that with some 39% of District Councils there is already a sharing of support services, so between DPPs and CSPs. I think that is right and it is certainly to be encouraged. The way I look at it, however, at the moment is that my initial view is that there are distinct and separate roles that are performed by DPPs and CSPs. It is important to recognise that DPPs’ role is very much one of holding the local police commander to account. That is essentially a different role from that of the Community Safety Partnerships, which is about a broad-based partnership which involves the police, but a range of other organisations on issues of improving community safety. It is not an exact analogy, but certainly in England we have Community Safety...
Partnerships and we have Police Consultative Committees. They have different roles and responsibilities and we accept it here. I am more than open to consider further representations. As I say, we are still looking at this as an issue. At the moment, the Board itself is undertaking a review of DPPs and I will certainly want to consider what recommendations they want. The Criminal Justice Inspectorate has decided that there is going to be a review of Community Safety Partnerships either late this year or early next year. It might be best to await the outcome of both of those reviews before reaching any definite conclusions.

Q142 Mr Campbell: Just to go back to the question of expenditure for a moment. According to figures supplied to the Committee, the Northern Ireland Office increased the grant to the Board in the year 2003–04 by almost £2 million, but in the same year the Board recorded an under-spend of £1.3 million. On the face of it, that looks like very poor financial planning. I was just wondering how you would describe it?

Mr Pearson: It is certainly the case that the Policing Board’s budget was under-spent in the 2003–04 financial year. My understanding is that the primary cause of this was a lower than anticipated expenditure on DPPs combined with a delay in implementing a programme of recruitment for additional staff to the Board, but I have to say that my officials are in close contact with Policing Board colleagues in respect of future Policing Board expenditure. We are confident that the difficulties that led to the under-spend in 2003-04 have now been fully resolved. Again, I have to say: this is not just about spending money for spending sake. What is important here is to have a budget that is sufficient to meet the requirements of the Policing Board. The fact there has been an increase in the budget that has been set reflects, we believe, the role and functions that the Board need to perform in this current financial year. Our strong view would be that this is adequate for the purpose.

Q143 Mr Campbell: I am not clear, Minister, maybe you can help me. You are saying that the Board requested an increase of £2 million, part of which was to help with the expenditure on the establishment of the DPPs. Yet in answer to the Chairman’s question earlier you were indicating that the initial amount that had been granted to the Board was to cover the two years of appointments to the DPP. They are saying that they are going to need an extra £950,000, even though they asked for money 18 months ago to cover. You said that the £2 million was required, part of it to cover the DPP, and yet there is still a shortfall of £950,000 for the second batch of appointments to DPPs.

Mr Pearson: I am not saying that there is a shortfall of £950,000.

Q144 Mr Campbell: They are saying that.

Mr Pearson: The Board are saying that and undoubtedly there is a healthy debate going on with officials about how much money is required.
Mr Pearson: It is very difficult for me to comment on evidence without having seen it, but certainly what I can say is that the Secretary of State took great care when determining the independent members to be appointed. The Secretary of State at the time, on my understanding, genuinely believed that he was appointing independent members. In many instances that could be pointed to, independent members have shown their independence with the decisions that have been taken at the Board level since its establishment.

Q152 Mr Pound: Do you think the appointment process is fully transparent?
Mr Pearson: The Secretary of State has a responsibility when exercising his powers of appointment to secure, as far as practicable, that the membership of the Board is representative of the community. I believe that it is a transparent process. It is something that goes through all the normal channels with a regard to regulation by OCPA.

Q153 Mr Pound: As I say, you are absolutely right to say that it is perhaps inappropriate for you to comment on evidence that you have not seen, but the Police Federation of Northern Ireland have formally expressed this concern. Are you aware of their concern?
Mr Pearson: I certainly am now.
Mr Pound: Perhaps we could share their submission with you, but I am very, very grateful for your answer.

Q154 Chairman: If we might just clear this up. What the Police Federation said to us was that they were unhappy that the so-called independents were politically aligned and that their political alignment determined their acceptability to the political parties to serve on the Board, but the political parties have no say in who the Secretary of State appoints, do they?
Mr Pearson: No, they have absolutely no say at all.

Q155 Chairman: The Police Federation have this wrong?
Mr Pearson: I believe the Police Federation have this wrong.
Mr Pound: I think at the risk of us having a cross-table dispute here acceptability is the key word; whether that is informal or formal acceptability is really the point here.
Chairman: We all know the Police Federation have strong views on certain matters. They are not always correct.

Q156 Mr Beggs: We have heard concerns also about members of the Policing Board divulging sensitive information to the press, Minister. Given the importance of confidentiality to the proper functioning and credibility of the police, Police Ombudsman and the Board, do you acknowledge that this is a serious problem?

Mr Pearson: Again, the Board is independent and this is a matter for the Board itself. I seem to recall from my briefing that the Chairman said politicians will be politicians.

Q157 Chairman: The Chairman of the Board? I would never let a remark like that cross my lips.
Mr Pearson: That is right.

Q158 Chairman: Just so we establish: which Chairman is it?
Mr Pearson: Desmond Rea said this. I am certainly aware that information has leaked before the Board, after the Board, and in one case I heard rumour of this during the Board by mobile phone text messaging. It is clearly not satisfactory and I think the Board should rightly expect that confidential matters should be kept confidential, just as Select Committee deliberations are kept confidential until reports are issued. Those similar procedures ought to apply.

Q159 Mr Beggs: The Chief Constable told us that in order to address this problem sensitive information is now being shared with small groups of the Board as appropriate. In your view, is this a suitable way of addressing the problem?
Mr Pearson: Obviously, if that is the Chief Constable’s view then the Chief Constable is the Government’s chief adviser on security matters and he will know best on this matter. Clearly, again, this is really a matter for the Board to resolve itself. It is not essentially a matter for the Government.

Q160 Mr Beggs: But would it not be your own view that this does affect the Board’s overall credibility and ability to make decisions?
Mr Pearson: The best answer that I can give is that these are matters for the Board and for PSNI to iron out themselves. The Board is independent of Government and it is not something that we should be interfering in.

Q161 Chairman: But would you agree with the view that in order for the Board to function properly, and to be credible, it needs to have divulged to it as much information as it needs to do its job, and that if the Chief Constable or anyone else is prevented from doing this by constant leaks that affects the Board’s credibility and ability to command respect and to do its job properly? Therefore, it is entirely in the Board’s hands to make arrangements within its own members that confidences are kept confident. Have I said anything from which you would dissent?
Mr Pearson: I was just about to say that I listened carefully to what you said, as I always do, and I would not disagree with one single word of that.
Chairman: It is very nice to have that said by a Minister of the Crown.

Q162 Mr Swire: Minister, you will know on page 41, maybe you will not know it is on page 41 but you will no doubt recall in the Patten Report it envisaged mechanisms whereby the community can express its concerns and priorities to the police. The Board
when originally constituted was required to hold 10 meetings a year, this has already been reduced to eight meetings a year. It was envisaged that some of these meetings would both involve the public, to a great extent, and matters of public interest would be discussed at these boards, and that these board meetings would be held all around Northern Ireland. I am aware that you are planning in the current year to hold some outside Belfast, one in Newry for instance. How do you address the criticism that the Board meetings more often than not take place in Belfast and that matters of public interest are perhaps discussed more often than not behind closed doors than during the meeting?

**Mr Pearson:** These are essentially matters for the Board itself.

**Q163 Mr Swire:** Are they of concern to you?

**Mr Pearson:** I am aware that it holds eight meetings a year in public. What is of concern to me is that the Policing Board is carrying out its functions in the appropriate manner. As I said earlier, I am confident that the Policing Board is discharging those functions properly and has been, indeed, a success during its time of existence. I am aware that the Board has held two meetings outside Belfast in Armagh and in Omagh and that undoubtedly future meetings are planned. They are always advertised well in advance. Some people would be surprised by the level of attendance at Board meetings because there is a high degree of interest in the policing issue in Northern Ireland.

**Q164 Mr Swire:** Minister, in 2003 the Committee on the Administration of Justice commented that the Board: “better publicised its public meetings and rotate its public meetings at different times of the day and week and at different venues throughout Northern Ireland”. You say that these meetings are now better publicised, is that as a result of that recommendation in the Review or is it very much business as usual?

**Mr Pearson:** I do not know the specific answer to that question, but certainly my understanding is that there is a good level of public awareness of when Board meetings are taking place at the moment. They are advertised in a range of local media.

**Q165 Mr Bailey:** May I move on to the full-time reserve issue? Patten recommended there should be no full-time reserve. In the light of that, what view do you have about the Chief Constable’s decision to retain a full-time reserve of 680 officers on a three year contract from 1 April this year?

**Mr Pearson:** I support the Chief Constable’s decision and the Government very much clearly supports the Chief Constable’s decision. As I said previously, he is the Secretary of State’s senior adviser on security matters. He set out in his statement a very full explanation of the factors that he took into account when making his decision. I want to stress to the Committee that this was not a political decision. It was a decision made by the Chief Constable and his senior management team. He took it based on his professional judgment of the prevailing security situation.

**Q166 Mr Tynan:** The Criminal Justice Inspectorate of Northern Ireland has developed a comprehensive list of bodies which come under its remit, including the Police Ombudsman for Northern Ireland and the PSNI. The Policing Board of Northern Ireland is a notable omission. Why does the Board not come under the Inspectorate’s remit?

**Mr Pearson:** The main reason why the Policing Board does not come under the remit for inspection of the Chief Inspector is that unlike the other organisations that are on the list that you are referring to it does not have an executive function in the criminal justice system. It does not investigate or prosecute. As you will be aware, it is essentially an accountability mechanism, and so it is of a different kind from the other organisations listed in that report.

**Q167 Mr Tynan:** The Government has no intention of adding the Board to the Inspector’s remit?

**Mr Pearson:** We do not have any current intention. We are certainly as always open to any representations that the Criminal Justice Inspectorate might wish to make to us. At the moment, the CJI is able to inspect the Policing Board in circumstances where an aspect of the criminal justice system might cut across a number of organisations, a thematic inspection. If that touched on the responsibilities and the activities of the Board, then the Inspectorate would be able to go in, but not on a routine basis as an organisation to inspect, for the reason that it does not have executive authority and executive functions.

**Q168 Mr Tynan:** If the representation was made, would you consider that?

**Mr Pearson:** If it was persuasive enough, but at the moment the principle we have is that if there is an executive function then this is something that would naturally come within the remit for inspection by the Criminal Justice Inspectorate. If it is essentially an accountability mechanism, which is what the Policing Board is, I am always open to arguments, but I think there is a persuasive logic to the position we are in at the moment which is.

**Q169 Chairman:** Before you move on, Mr Tynan, what would trigger a referral of this to the Criminal Justice Inspectorate since it is not within their remit? In what circumstances would they be able to say: okay, this is now within our remit and we are going to bring it into our purview? Does it not take action from Government to do that?

**Mr Pearson:** What I can say is: the CJI can inspect the Policing Board under section 47(4) of the Justice Act Northern Ireland 2002. This is the provision enabling the Secretary of State to order an inspection of some aspect of the criminal justice system which might cut across a number of
organisations. At the moment, that is the only circumstance in which the CJI could inspect an aspect of the Policing Board.

Q170 Chairman: It does seem a little strange, Minister, that the Northern Ireland Tourist Board comes under their purview but not the Policing Board. Is there any logic in that?

Mr Pearson: Yes, there is.

Q171 Chairman: I would be delighted to hear it.

Mr Pearson: It might seem surprising at first glance, but the Northern Ireland Tourist Board does have an investigatory and I believe also prosecutorial role, so clearly it has executive functions of the type I was describing to Mr Tynan.

Q172 Mr Tynan: The Policing Board told us in evidence that where complainants are not satisfied with the outcome of an internal investigation of a complaint there is the opportunity to take that to the Secretary of State; can you explain that process?

Mr Pearson: If I can maybe ask officials to say something about that. I am not quite sure what you are referring to.

Q173 Mr Tynan: The Policing Board told us that complainants where they are not satisfied with the outcome of an internal investigation, where people have been subject to an internal investigation of a complaint, they had the opportunity to take that to the Secretary of State. There is a process there as far as we understand from the Policing Board.

Mr Pearson: This is without going to the policing ombudsman?

Q174 Mr Tynan: It would appear that way.

Mr Pearson: I am not aware of the circumstances.

Q175 Chairman: Would the Policing Board be wrong when they tell us this?

Mr Pearson: I am sure the Policing Board would not be wrong in that they may well have an issue. I think the best thing to do, Chairman, is for me to look into that and to write to you.

Q176 Mr Tynan: It is surprising that they tell us that they have the opportunity to go to the Secretary of State and you are not aware of that process.

Mr Pearson: Yes.

Q177 Chairman: We are just going to check the provenance of that statement and maybe we will return to it in a moment. It was only really a little tease. You pray in aid the Northern Ireland Tourist Board as having an investigatory role, but so of course does the Policing Board, which leads us on to the next question. They have a role as a disciplinary authority for officers up to Chief Constable. Given the inevitable frequent contact between the senior officers and the Board, do you think that is appropriate?

Mr Pearson: Yes, I do. The statutory provisions of the Board in this respect mirror those in section 11 of the Police Act 1996 which permit police authorities in England and Wales to require a senior officer to retire in the interests of efficiency and effectiveness of the force. This is something that has worked in England and Wales and provisions are essentially similar. I do not believe that there is a conflict of interest here.

Q178 Chairman: Just to conclude then: Mr Reaney, the Chief Executive, told us on 8 December: “There are a number of checks and balances within the Board which I trust would never see a complaint go beyond that . . .” the complainant not being satisfied, “. . . but we do have the opportunity for someone to take that to the Secretary of State.”

Mr Pearson: This is a complaint about the Board itself?

Q179 Chairman: The complainant not satisfied with what the Board has done as a result of an approach to them, in other words I suppose an appeal, but you do not know about that? Perhaps you or your officials could check with Mr Reaney when you get home and let us know. There does seem to be a slight dilemma here. One of you is right and one of you is wrong. Of course, the Minister is right, is he not, otherwise the officials get fired!

Mr Pearson: I think that was helpful clarification, Chairman, in terms of the situation. Let me just say on that: if somebody is complaining about the Policing Board to the Policing Board and the Policing Board cannot satisfy that complainant, I do not think it unreasonable that they feel they should have an avenue to be able to complain to a higher authority. That would normally be, I would imagine, the Secretary of State or myself as the Security Minister. I am not aware of any such complaints about the Policing Board.

Q180 Chairman: If it is further help to you I think Mr Reaney said to us: “We have recently advised our complainants . . . my understanding is there have been two in relation to our handling of our cases to do with medical retirements from duty. These complaints ultimately are referred to the Human Rights Professional Standards Committee”. Then he went on to say, “There is an opportunity for it to go further”. We just need to clear that up so we know what we are talking about when we report.

Mr Pearson: It would be helpful if I write to the Committee having investigated the matter.

Chairman: That would be very helpful indeed. If they could consult Mr Reaney to make sure we have it all clear.
APPENDIX 1

Memorandum submitted by The Children’s Law Centre and Save the Children UK

The Children’s Law Centre (CLC) and Save the Children UK (SC) in Northern Ireland are the two main Northern Ireland based children’s rights non-governmental organisations (NGOs). We act as lead NGOs in the children’s and young people’s sector in advocating for the implementation by government of domestic and international human rights standards as they apply to children and young people in Northern Ireland. Of specific relevance under the terms of this inquiry is the contact we have had with the Northern Ireland Policing Board in relation to the issue of plastic bullets.

The UN Committee on the Rights of the Child in October 2002 recommended the withdrawal of plastic bullets as a means of riot control in Northern Ireland, given their potential to cause injury or death among children and young people (paragraph 28). This followed on from a similar recommendation from the UN Committee Against Torture in 1999 (paragraph 77(d)).

The Independent Commission on Policing for Northern Ireland (the Patten report) in 1999 recommended that “an acceptable, effective and potentially less lethal alternative to the plastic baton round” be found (Recommendation 69) and that “the police should be equipped with a broader range of public order equipment than the RUC currently possess, so that a commander has a number of options at his/her disposal which might reduce reliance on, defer resort to, the PBR” (Recommendation 70).

The NIO Steering Group for the research programme into alternative policing approaches towards the management of conflict has been engaged in a research programme since 2000 to address recommendations 69 and 70 of the Patten report. There is a duty on the UK government to ensure that any alternatives to the plastic bullet being developed are fully compliant with domestic and international children’s rights standards. In particular there is an onus on government to ensure that Article 3 (the best interest of the child being the paramount consideration), Article 6 (the child’s right to life, survival and development), Article 12 (consideration of the views of children) and Article 19 (protection from all forms of violence) of the UN Convention on the Rights of the Child are fully complied with.

We believe that the NIO Steering Group’s research process, as well as their proposed replacement for the plastic bullet, the Attenuating Energy Projectile (AEP), do not meet any of the domestic and international child rights standards outlined above. No child impact assessment of the AEP has been conducted or even considered in order to assess its potential to cause injury or death to children. To our knowledge no children or young people or organisations working with them or on their behalf, including ourselves, were invited to participate in the consultation process in respect of the policy decision to procure and deploy AEPs. In this respect we believe that the NIO Steering Group has failed to comply with its duties under Section 75 of the Northern Ireland Act 1998.

Despite correspondence with the NIO we have been obtain clarification as to the precise role of the Northern Ireland Policing Board in relation to a decision to ban plastic bullets and the introduction of the proposed replacement to the plastic bullet.

We have raised these issues with the Northern Ireland Policing Board on two occasions, in May 2003 and February 2004, and have found their replies on both occasions to be wholly inadequate. In the main replies received seemed defensive in tone and simply reiterated statements by the NIO Steering Group rather than engaging seriously with the substantive issues we had raised. In particular the written reply we received from the Policing Board in April 2004 to our letter of February 2004 failed to respond to the serious concerns we raised regarding the need for a child impact assessment to be conducted on any proposed alternatives to the plastic bullet. Neither did it indicate how it intended to give effect to the UN Committee on the Rights of the Child’s recommendation on discontinuing the use of plastic bullets, beyond stating that it supported the work of the NIO Steering Group in finding an acceptable alternative.

We believe that the Policing Board has failed to deliver on recommendations 69 and 70 of the Patten report and on the concluding observations from both the UN Committee on the Rights of the Child and the UN Committee Against Torture. Recommendations 69 and 70 of the Patten report are highly significant in the context of the overall programme of change as set out in PSNI/Policing Board Policing Plan 2004–07, which the Policing Board is seeking to implement. As a non-departmental public body the Policing Board is further obligated under the UN Convention on the Rights of the Child and the UN Convention Against Torture to implement the relevant recommendations in relation to public order policing and its effect on children and young people.

20 August 2004
APPENDIX 2

Memorandum submitted by the Community Relations Council

INTRODUCTION

The Community Relations Council (CRC) welcomes the opportunity to respond to the Inquiry into the Functions of the Northern Ireland Policing Board. In our response we have concentrated on issues relevant to community/good relations.

CRC recognises the huge task of the Policing Board as a relatively new organisation established to address a very complex area of work. The structures and issues addressed have clearly advanced policing in NI. To date, much of the work has focused on the structures, systems and codes of the PSNI. We now believe that it is timely for the Policing Board to focus on improving the quality of relationship and service, including dealing with the legacy of conflict, most particularly the legacy of poor relations between the police and some sections of NI society.

POLICING BOARD MEMBERSHIP

Patten recommended that the nine independent members of the Policing Board be drawn from a range of different fields including business, trade unions, voluntary organisations, community groups and the legal profession who would be:

- representative of the community
- have expertise to set policing priorities
- be able to monitor and comment on different areas of police performance ranging from management structures and processes to human rights issues.

It would appear that the membership of the Policing Board could be more representative of NI society than it currently is, eg only two out of the 19 Board members are female. Clearly, the political make up of the board also suffers from the fact that there has not yet been full political agreement on participation in the PSNI. These issues should be kept under constant review and addressed directly each time the term of a Policing Board ends. There may also be opportunities for discussions and support from external agencies, including CRC.

MEETINGS HELD IN PUBLIC

1. The Policing Board holds the Chief Constable and the police service accountable for the general direction of policing. It is important that the Board and Chief Constable report regularly, honestly and openly on developments in addressing sectarianism and racism.

2. Sectarianism and racism can be addressed in a proactive way by the Policing Board. This might be achieved by holding themed meetings in public on issues which are evidently resulting in real current problems, such as racist attacks in South Belfast. In addition to public notices about these meetings, relevant individuals and groups should be directly invited along.

3. The Chief Constable makes a short statement at the public, and a more lengthy report at the private, Policing Board meetings. In the interests of transparency, CRC recommends that the Chief Constable report more fully at public meetings on matters including:

   - current issues and issues of concern to the public including sectarian and racist problems and police responses in these areas
   - progress on meeting the targets of the policing plan.

HUMAN RIGHTS, EQUALITY, AND COMMUNITY/GOOD RELATIONS

1. The recent engagement of Keir Starmer QC, a barrister with human rights expertise, to advise the Board is a very welcome development. CRC recommends that Policing Board members are also provided with regular support and training in good relations and human rights to allow them to carry on their duties fully. CRC would be willing to work with the Policing Board on the design and delivery of good relations support packages including cultural diversity and conflict resolution programmes for Board members.

2. CRC has a particular interest in the Policing Plan objective relating to equity of treatment, which emphasises the need to build and sustain confidence in the Police Service and police accountability arrangements in all sections of society in Northern Ireland. In particular, CRC is interested in the development of better performance indicators measuring confidence in equity of treatment. We would be happy to assist the Policing Board in developing a range of measures in this area, as it is of particular importance in ensuring the broad legitimacy of policing in Northern Ireland.
SECTION 75

The PSNI is required to comply with section 75 of the Northern Ireland Act. It is important that the PSNI continues to provide information to the Policing Board on issues such as:

— PSNI impartial treatment of citizens and groups
— the make up of PSNI to reflect people from different religious belief, political opinion, gender and racial group
— if the PSNI is promoting a neutral environment
— if racism and sectarianism are adequately addressed in training
— if the PSNI is conducting cultural audits and surveys (the Patten Commission developed a cultural audit which could be adapted).

HATE CRIME

As of this moment, PSNI has no uniform public definition of what constitutes a sectarian crime or incident. CRC would welcome the opportunity of further conversations with the police and other associated agencies with a view to developing and implementing a system for recording, addressing and monitoring sectarian incidents and crime. This work should also include reviewing how racist incidents are recorded, to consider if incidents involving people from minority faiths should stand alone or if they should be included within the sectarianism category.

Although the Policing Board identified sectarianism as an important societal and criminal trend, it is not formally reflected in the targets of the Policing Plan 2004–07. The Plan makes no reference to sectarianism and offers no definition. We are aware that the PSNI and an interagency cross sector forum is working with communities, to define criminal sectarianism and racism to help inform hate crime legislation and we are anxious to promote and accelerate this work. CRC also welcomes the fact that hate crime legislation in NI will be expanded to include crime involving political opinion. CRC will continue to support this developing area of work.

CONCLUSION AND RECOMMENDATIONS

CRC commends the Policing Board on its work to date. It acknowledges that advancements have been made in very difficult circumstances and hopes that the Policing Board builds on its successes, addresses gaps and contributes to building an effective, accountable and acceptable police service for all.

CRC hopes that the Policing Board will find the recommendations contained within this paper helpful and offers its services should it wish to pursue any joint work in the area of policy development and training in community/good relations.

20 August 2004

APPENDIX 3

Memorandum submitted by the Office of the Oversight Commissioner

I am writing in response to your letter of 17 September 2004, in which you invite submissions on the experiences of functions of the Northern Ireland Policing Board. As noted in our more recent oversight reports, the Policing Board is a significant component of the local policing structure and as recommended by the Patten Commission, has evolved into a key institution for holding the Chief Constable and the Police Service of Northern Ireland (PSNI) publicly to account.

Since its inception in 2001 the Board has been able to deal effectively with a number of difficult and often contentious issues. These include the development of a new name and badge for the PSNI and a professional response to the Ombudsman’s report on the 1998 Omagh bombing. Where necessary the Board has sought appropriate outside expertise and assistance to deal with complex issues including information technology, the PSNI’s crucial human resources strategy and Special Branch. The Policing Board has also rigorously selected and appointed several senior officers, including the Chief Constable himself.

In terms of specific procedures for holding the Chief Constable to account, in addition to section 3 of the Police (Northern Ireland) Act 2000 the Board regularly requests the submission of reports on a variety of issues from the police. The Board has also established an independent financial auditing mechanism and has put a number of best practice reviews into place. The Policing Board’s human rights advisory team has developed an exhaustive plan for evaluating the human rights performance of the PSNI, including an action plan for collecting information, interviewing key persons, and observing police operations. The establishment of this monitoring process is critical in our view, as it reflects a detailed system of measuring results and rendering accountability. It also reflects the commitment the police and the Policing Board have to developing a human rights ethos within the PSNI.
Evidence collected by the oversight team indicates that both the Policing Board and the Chief Constable are intent on improving the overall organisational efficiency of the PSNI, while also addressing the efficiency of the Board itself. Recent Best Value and Continuous Improvement objectives, established for 2004 and 2005, include the better management of the police vehicle fleet, better estates management, staff retention and legislative enforcement among other things. The most recent Policing Plan, covering the period 2004–07, now also includes a detailed summary of Best Value Reviews undertaken in 2003 and 2004.

The Policing Board published a Code of Practice for exercising the functions of District Policing Partnerships (DPPs), and has successfully established DPPs in 25 out of 26 possible council areas; the lone exception remains Dungannon and South Tyrone. The Policing Board has provided the critical training necessary to ensure that DPP are effective in their dealings with the PSNI. As a result, and due in part to the continuing assistance of the Board, the DPPs have developed a strong sense of identity and purpose since coming into being.

On a less positive note, the Policing Board and the DPPs are still unable to benefit from the full range of political representation necessary for true effectiveness. However, the Policing Board has proceeded in its accountability role regardless, operating efficiently for some time in a context of continued political uncertainty.

7 October 2004

APPENDIX 4

Memorandum submitted by the Police Ombudsman for Northern Ireland

1. INTRODUCTION

1.1 The Office of the Police Ombudsman for Northern Ireland (the Office) was established on 6 November 2000 by Part VII of the Police (NI) Act 1998. The primary statutory duty of the Police Ombudsman is to secure an efficient, effective and independent complaints system, and in so doing attempt to secure the confidence of the public and of the police in that system. Mrs Nuala O’Loan was appointed by Royal Warrant as the first Police Ombudsman. Her remit extends to five Police Constabularies: the Police Service of Northern Ireland (PSNI); the MoD Police; Belfast International Airport Police; Larne Harbour Police, and Belfast Harbour Police.

1.2 In responding to the request for evidence the Police Ombudsman will only advert to those areas of the Board’s general responsibilities to which her Office makes a contribution.

2. PROGRESS TOWARDS DEVELOPING THE BOARD’S ROLE SINCE IT WAS SET UP IN NOVEMBER 2001

2.1 The Board was established on the date on which the name, badge and uniform of the police service changed. The abolition of the Police Authority, the creation of the Police Service of Northern Ireland and of the Northern Ireland Policing Board all occurred simultaneously. The Office of the Police Ombudsman had been established a year previously. This was a period of massive change in policing in Northern Ireland. It was also a difficult time as officers who had served in the RUC, and some of the people of Northern Ireland articulated significant difficulties with elements of the Report of the Independent Commission on Policing (the Patten Report). Despite all the uncertainties and complexities of the environment in which they found themselves, it was clear that the Board was striving to fulfil the responsibilities conferred on it by Parliament.

2.2 Under current arrangements the Police Ombudsman meets with the full Board once a year. Three such meetings have now taken place. Meetings with the Human Rights Commission of the Board occur twice yearly. This is a small sub-committee of the Board with a large agenda. The Police Ombudsman has welcomed the opportunity to engage with the sub-committee. However, overall the Police Ombudsman is of the view that more frequent contact between the Board and the Office would assist the Board in ensuring that the police are efficient and effective. There is a complimentary between the roles of the Board and the Police Ombudsman—both have been created to provide a particular accountability mechanism. The Police Ombudsman would hope that further contact between her Office and the Board would be in the interests of policing generally.

3. THE PERFORMANCE OF THE BOARD IN RESPECT OF ITS GENERAL FUNCTIONS

3.1 To ensure that the police service is effective and efficient

3.1.1 The early negotiations of the 19 member Policing Board were clearly fraught with difficulty. The politicians on the Board are forceful and vociferous in articulating their party views on policing. Despite this they managed to reach agreement on some notable and important issues. The Police Ombudsman’s Report on the Omagh Bomb Investigation was undoubtedly a difficult issue for the Board to deal with.
However, it was pleasing that the Policing Board effectively adopted five of the six recommendations made by the Police Ombudsman, which were aimed at dealing with the legacy of the Omagh Investigation situation.

3.1.2 Of particular importance to the Police Ombudsman was the adoption of her recommendation for the investigation of the Omagh bomb, in the context of all the terrorist incidents linked to Omagh. As a result of this the Omagh enquiry, which was being closed down, was reinvigorated, re-staffed, had independent oversight (the Tonge Report) and a person is now facing prosecution. In addition to this, the Board adopted the ACPO policy on Murder Reviews, and appointed Mr David Blakey to carry out the review of terrorist linked murder enquiries, and Sir Dan Crompton to carry out the review of the role and function of Special Branch. These actions, which gave effect to the Police Ombudsman’s recommendations, were of enormous importance in demonstrating the Board’s determination to ensure that it complies with its statutory duty to “ensure that the police service is effective and efficient”.

3.1.3 The duty to ensure that the police service is effective and efficient should involve an analysis of all situations involving police misconduct or police failure. This would include analysis of all aspects of misconduct including unethical behaviour which falls short of misconduct and corruption. The Police Ombudsman is unaware of any strategy within the Board to bring together the product of her investigations with the product of PSNI internal investigations, so as to enable appropriate analysis and to facilitate constructive management action. The Police Ombudsman is of the view that this is a key issue in ensuring the efficiency and effectiveness of the PSNI.

3.2 To hold the Chief Constable to account

3.2.1 Members of the Policing Board have most recently articulated to the Police Ombudsman, some difficulty in relation to their ability to call the Chief Constable to account. In part this difficulty derives from the technical nature of some policing activities. Members of the Policing Board are, on occasion, not conversant with a lot of the detail of policing policy and practice, local and national. Matters such as chief constable responsibility, the effectiveness of the Code of Ethics, and performance by the police of their daily duties across all functions are matters of common interest for the Office of the Police Ombudsman and the Policing Board. Many of the statutory reports submitted by the Police Ombudsman to the Board contain recommendations for the improvement of police policy and practice. The PSNI have stated that these reports are very useful to them. These key areas, in which policy and practice change is recommended, are clearly areas in which the Board could call the Chief Constable to account, in relation to his response to the recommendations. The Police Ombudsman has received no feedback from the Board, other than feedback in relation to the Omagh Report, in relation to the recommendations which have been made in reports supplied to the Board.

3.2.2 The Police Ombudsman would welcome the creation of a structured process by which such issues could be the subject of discussion, feedback and comment. Regular and frequent dialogue on issues of mutual interest in relation to complaints, conduct and policy and practice issues could only serve to improve the effectiveness of both organisations. As a consequence of dealing with some 13,000 complaints since the Office of the Police Ombudsman opened, the Office is in a position to assist the Board and would welcome the opportunity to engage further.

3.3 To monitor police effectiveness in tackling crime and to monitor police performance in carrying out their duties etc

3.3.1 As part of the work of the Office recommendations for improved policing are made to the PSNI on a regular basis, as referred to in the previous section. Those which result from a Chief Constable Referral, NIPB Referral or Secretary of State Referral under section 55 of the Police (NI) Act 1998, are notified to the Board in statutory reports. It has been suggested to the Board that their discussions in relation to police effectiveness might be enhanced by some discussion between the Board and this Office of the material sent to them.

3.4 To keep itself informed of trends and patterns in police complaints

3.4.1 The Police Ombudsman receives all public complaints against police made by the public, and provides information to enable the Board to fulfil this important duty. Information is provided as follows:

1. On a quarterly basis the Police Ombudsman forwards a report to the Board which incorporates statistical information in respect of:
   — the number and nature of complaints received;
   — complaints received involving the use of weapons or other police equipment;
   — the number and nature of allegations made;
   — allegations arising from each Divisional Command Unit (DCU) or specialised unit;
   — factors underlying complaints (eg search, arrest, interview);
— locations giving rise to complaints (eg domestic residence, street/road, checkpoint);
— number and nature of complaint closures; and
— DPP and misconduct recommendations.

The statistical information provided compares and contrasts trends and patterns in complaints on a rolling basis with comparisons with the previous year, and is normally presented to a Committee of the Board by a senior member of staff from the Office of the Police Ombudsman. The Board have the opportunity to ask questions about the methodology adopted and the content of each report. The format of the report has been adapted in response to Board requests.

This report is provided in the context of comparative data from previous years, and at the end of each year the quarterly report contains all the statistical information, in the agreed format, for the year.

2. A detailed monthly report identifying trends and patterns in complaints within individual District Command Units is sent to each District Commander. All these reports are copied to the Board.

3. On a quarterly basis the Police Ombudsman produces statistics to the Board covering allegation of a racist nature together with allegations arising from within the confines of a police station.

4. A report, based on complainant demographic information, is to be issued on a six monthly basis to the Board as from April 2005. Such information is currently supplied in the Annual Report. This information is to be extracted from the monitoring forms which are issued to all new complainants by the Police Ombudsman.

5. The Police Ombudsman also deals with any ad hoc requests for statistical information which are received from the Board.

6. The Police Ombudsman sends to the Board a copy of her Annual Report together with copies of all published research reports.

3.4.2 The Police Ombudsman has agreed with the Board that if they identify further statistical needs she will consider how such needs might be met. The Police Ombudsman also advises the Board of any police policy and practice investigation being undertaken and issues the Board with a copy of its investigation report.

3.4.3 The Police Ombudsman engaged in one piece of joint research on the attitudes of the young with the Policing Board in 2003 and is currently committed to further research into the attitudes of the ethnic communities and the non-heterosexual community. These initiatives should contribute to greater understanding of the needs of policing.

3.4.4 It is hoped that this information enables the Board to fulfil its statutory duty. The Police Ombudsman would appreciate information as to how the Board uses the information supplied, and as to whether it facilitates discussion between the Board and the other constituent parts of the policing framework, the Secretary of State, the District Policing Partnerships and the PSNI.

3.5 Carrying out inquiries

3.5.1 The Board have a power to request the Police Ombudsman to conduct an enquiry under Section 60 of the Police (Northern Ireland) Act 2000. This has not happened.

3.6 To assess the effectiveness of the Code of Ethics developed by the Board for police officers

3.6.1 The Police Ombudsman is required to assess officer behaviour in the terms of the Code of Ethics. Misconduct reports resulting from investigations are provided to the Chief Constable to enable him to fulfil his duties. The Police Ombudsman is unaware of any Board initiative to assess the effectiveness of the Code of Ethics.

4. THE EFFICIENCY AND EFFECTIVENESS OF THE BOARD

4.1 The Police Ombudsman is aware of the corporate objectives set by the Board. She is unaware of any indicators of the extent to which those objectives are being met, other than that contained in the April 2004 Omnibus Survey Report. The Police Ombudsman is aware of the difficulties of establishing a new Board, and is also aware of the fact that key staff appointments have only recently been made. The Police Ombudsman would however suggest that there is a need for the Board to address the response to the question about “How NIPB does on consulting the public on policing issues?” Only 24% of those surveyed thought that the NIPB did well or very well in its consultation of the public.
4.2 In the light of the information provided in the Annual Report it can be difficult to distinguish between the activities for which the Board itself is responsible and the achievements of the PSNI. The Annual Report appears to reflect more the assessment of the achievements of the PSNI and other organisations, than the corporate activities of the Board. It is suggested that public understanding of the role of the Board would be enhanced through the supply of further information in relation to the corporate activities of the Board.

4.3 There are a number of occasions on which events are organised by NGOs with an interest in policing, such as the CAJ, the Pat Finucane Centre and others. It is suggested that greater involvement with organisations such as these would benefit the Board and the PSNI. It is noted that there seems to be no reporting on the religious balance of Board employees or of District Policing Partnership employees. It is difficult in the absence of clearer information to comment on these matters.

4.4 There is one significant matter which impacts on the communication between the Board and the Police Ombudsman and her staff, and probably also on communication between the Board and other organisations and individuals. As the Chairman of the Board has noted, the Board cannot receive confidential information without risk that this information will be put into the public domain. This has happened on a number of occasions and has the effect of diminishing trust in the institution. It is suggested that a Code of Ethics for Board members, through which some accountability could be achieved, might assist in the resolution of this matter.

5. Conclusion

5.1 The Police Ombudsman is keen to see the Board achieve high levels of public confidence in its impartiality and its effectiveness. Much has been done to establish the Board over the past three years. The structures appear to be in place. It is to be hoped that the Board will now consolidate its position, develop its understanding of the detail of policing matters and engage more widely with those whom it must serve.

11 October 2004

APPENDIX 5

Memorandum submitted by Commander David Cox, Stevens 3 Inquiry, Metropolitan Police

Thank you for your letter of 17 September to the Commissioner, in which you invite him to pass on any views he feels relevant to your work. As the officer with responsibility for managing his Northern Ireland investigations on a daily basis, the Commissioner has asked me to respond to you on his behalf.

The Commissioner’s enquiries have focussed largely on historical events in Northern Ireland, although the recommendations he has made have been designed to assist the Chief Constable of the Police Service of Northern Ireland in managing change and progress in policing in the Province. We have not had a great deal of direct contact with the Northern Ireland Policing Board, but on those occasions that we have, we have found them to be helpful and extremely supportive of our objectives.

In particular, the Board has taken responsibility for managing the implementation of the Commissioner’s recommendations, together with those made in reports of Her Majesty’s Inspectorate of Constabulary (HMIC). This joint implementation programme is being pursued vigorously and the process involves close consultation between the Board and HMIC, who represent the Commissioner’s interests.

15 October 2004

APPENDIX 6

Memorandum submitted by the Northern Ireland Human Rights Commission

INTRODUCTION

1. The Northern Ireland Human Rights Commission (the Commission) is a statutory body created by the Northern Ireland Act 1998. It has a range of functions including reviewing the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights, advising on legislative and other measures which ought to be taken to protect human rights, advising on whether a Bill is compatible with human rights and promoting understanding and awareness of the importance of human rights in Northern Ireland. In all of that work the Commission bases its positions on the full range of internationally

1 Northern Ireland Act 1998, s 69 (1).
2 Ibid, s 69(3).
3 Ibid, s 69(4).
4 Ibid, s 69(6).
accepted human rights standards, including the European Convention on Human Rights (ECHR), other
treaty obligations in the Council of Europe and United Nations systems, and the non-binding or “soft law”
standards developed by the human rights bodies.

2. The Commission welcomes the opportunity to contribute its views to the Northern Ireland Affairs
Committee. In commenting on the performance of the Northern Ireland Policing Board, the Commission
wishes first to acknowledge the considerable achievements of the Board, recognising the efforts made by it
to implement entirely new arrangements within a relatively short time and during period of considerable
political instability.

THE COMMISSION’S GENERAL POSITION

3. The general functions of the Policing Board as outlined in section 3 of the Police (Northern Ireland)
Act 2000 involve public accountability for the policing of Northern Ireland and this is undoubtedly the area
of greatest interest to the Commission in responding to the Committee’s inquiry.

4. The operation of the rule of law necessitates public accountability for policing, as acknowledged in a
Code of Conduct endorsed by the UN General Assembly in 1979 and underscored 10 years later when the
guidelines for the effective implementation of the Code were agreed. Indeed the UN Vienna Congress of
2000 on Prevention of Crime and Treatment of Offenders referred to two prerequisites for the rule of law:
an effective and impartial justice system, and open and transparent government.

5. In addition to these international standards, the issue of public accountability for the actions of state
agents in terms of the European Convention on Human Rights (ECHR) has been raised before the
European Court of Human Rights (ECHR) through numerous Article 2 (right to life) cases, with public
scrutiny mentioned in the Strasbourg ruling which called for effective investigations. In the case of Kaya v
Turkey the Court emphasised that “the right to life was only meaningful where procedural protections were
in place to ensure that the exercise of force was subject to independent and public scrutiny.” The
Commission understands the supremacy of law as requiring procedural mechanisms of checks and balances in
order to protect the fundamental freedoms which, as the ECHR asserts, “are the foundation of justice
and peace in the world.” Indeed the Patten report on policing in Northern Ireland, which viewed policing
as “ ... a matter for the whole community, not something that the community leaves to the police to do”,
highlighted as many as five instances where accountability was a key requirement, some of which we shall
refer to in this response.

6. Despite the international acceptance of the importance of public accountability in policing, in terms
both of legitimacy and effectiveness, in November 2003 a Research Development Statistics/Association of
Police Authorities report (on England and Wales) found that the public were poorly informed about
policing and wanted more communication and involvement. The report concluded that public engagement
needed to be strengthened.

REPRESENTATIVITY

7. A significant issue in terms of democratic accountability is that the composition of the Policing Board
is not in keeping with the recommendations of the Patten report. Patten recommended that the membership
mix should aim to “reinforce the credentials and credibility of the Board by bringing solid expertise ... [O]ur
objective is to create a body whose views command respect and cannot be taken lightly by either government
or police; and a body which reflects the cultural mix of society as a whole.”

8. Human rights non-governmental organisations have observed that at present “representation from
some key social sectors, such as the voluntary and community sector, churches, youth sector and trade
unions, appears to be limited”, questioning whether the composition of the Board accords with the
stipulations of the Police (Northern Ireland) Act 2000 which requires the Board to be “representative of the
community in Northern Ireland”. The Commission notes that women and other identities are under-
represented on the Board, and of course one of the largest political parties, Sinn Féin, has chosen not to
participate at present. It may be that the currently limited representativeness of the Board restricts the vital

7 1999 28 EHRR 1 para s 86–92.
8 See also Gulec¸ v Turkey 21593/93 1999 28 EHRR 121. The later case of Jordan v UK 24746/94 11 B.H.R.C.I further clarified
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criteria. See also Anguelova v Bulgaria 13 June 2002.
(herereafter Patten), paragraph 1.16 p 8. See also pages 6–9 on accountability.
11 See Patten part 5, pages 22–27: democratic accountability, transparency, legal accountability, financial accountability and
internal accountability.
12 Public Perceptions of Police Accountability and Decision Making. Research Development Statistics (hereafter RDS) report
38/03.
13 Patten paragraph 6.12, p 30.
14 CAJ Commentary on the Northern Ireland Policing Board November 2003.
links with the community, thereby undermining its effectiveness in securing public accountability. This difficulty is also evident in the District Policing Partnerships (DPPs) element of the new arrangements, as is discussed below.

Participation

9. Patten also referred to transparency and defined this as “accountability in the explanatory and cooperative sense”. The Commission would suggest that in order to fulfil each of the eight functions conferred on it by section 3, the Northern Ireland Policing Board needs public involvement, as any assessment of effectiveness requires input from those upon whose human rights policing impacts. In this regard the Commission would draw particular attention to the following matters.

10. The organisation of public meetings of the Policing Board are not conducive to the level of public involvement as suggested by Patten, viz “... provide mechanisms whereby the community can express its concerns and priorities to the police”. Whilst it was suggested that meetings be held outside Belfast this has very rarely occurred, and indeed the stipulation of 10 meetings per year under the Police (Northern Ireland) Act 2000 has already been amended to eight. This Commission, while acknowledging that it has also done less than it would have wished in this regard, would commend the efforts of many comparable agencies such as the office of South Australian Ombudsman, which publicises events extensively and holds public meetings in various locations in order to meet with the public and build awareness of and confidence in the agency. The Commission would also refer to the conclusions of a recent publication on the role of policing authorities which called for specific consultation methods for “hard-to-hear groups”.

11. Beyond issues of venue, there is limited encouragement to the public to become involved once they are in attendance. Whilst a member of the public may submit a question to the Policing Board this opportunity is little known and very rarely used. Indeed, almost all meetings are closed to the public; public meetings have been likened to a spectator sport in which those attending do not see the crucial elements of play, as virtually no decisions are made in public sessions.

12. The public need to be able to influence the subject matter of the reports made by the Chief Constable in order that the police service be publicly held to account. This requires the police to “... explain and report on their conduct and performance” in a way which is accessible and meaningful to the public. (It was in order that the police service be publicly held to account. This requires the police to “... explain and report on their conduct and performance”.)

13. The Policing Board also needs to discuss goals and commit to timetables which would facilitate more meaningful ongoing discussion with the public and indeed consult on how best to facilitate the public in asking questions. In calling for consideration of the methods by which the public might be involved, the Commission recognises the danger that such provision could be merely window dressing if the public is not provided with the necessary information and again the Commission would refer to the Patten recommendation that “everything should be available for public scrutiny unless it is in the public interest—to hold in back.”

14. As well as enabling the public to be better informed through the Board, the Board needs to inform itself by asking the public questions about police operations and seeking the advice of other bodies. Whilst Patten recommended co-ordination with other agencies and non-governmental organisations this was patently avoided in relation to plastic baton rounds and CS spray when, before the authorising the purchase of such equipment, the Policing Board only sought evidence from statutory policing bodies. Similarly, the Commission is aware of only one survey having being conducted with vulnerable groups and would recommend an expansion of such work. In discussing accountability, Patten quoted the Good Friday Agreement which stated that such a goal “... involved partnerships—constructive and inclusive partnerships with the community at all levels”. Yet, in the recent publication Monitoring PSNI Compliance with the Human Rights Act 1998, the Policing Board merely refers to the need to review the reports of other bodies and “... where the Policing Board human rights advisors consider that a legitimate issue ... arises, assess the PSNI’s response.” A real effort to extend partnerships beyond the statutory sector will help to avoid duplication, improve information flows, enable confidence to be built and better ensure added value.

15 Patten 5.14, p 24.
16 Patten 7.4, p 41.
17 Patten 6.36, p 39.
19 Patten 7.4, p 41.
20 Patten 6.38, p 36.
21 The Belfast Agreement. 10 April 1998; see Patten 1.14 p 7.
22 For Northern Ireland Policing Board publications see www.nipolicingboard.org.uk
23 In the report cited, at p 3. Reference is also made at p 6 to examining restrictions on the Police Ombudsman for Northern Ireland.
15. Following-up information is vital to instilling confidence and bringing the public along with the work of the Board. Confirmation of the uptake of the recommendations of various reports is essential. The public often suffers the double disadvantage of not having seen the reports to the Board and then not being made aware even of the recommendations to be taken up. This relieves their contribution to grasping in the dark. In this regard, the Commission has asked if the internal “culture survey” of the PSNI is to be made public, thereby making the contribution of the Board’s own Human Rights and Professional Standards Committee. The Commission believes that if the Policing Board is to monitor “policing” and not just “the police”, a more open consultative approach is required.

MONITORING PERFORMANCE

16. The current mechanisms for assessment of police performance lack transparency. Whilst the Commission welcomes efforts made to measure against the seven policing objectives and indicators, linking them to concerns articulated by communities. Although the Chief Constable stated in the 2004-07 Policing Plan that “. . . many of the objectives in the plan have been refined as a result of the first Northern Ireland-wide DPPs Public Consultation Survey” it is not clear what has actually changed. It must be said that some important questions on policing in the survey were framed in a leading way, along the lines of “which do you want to see more of — a, b or c”, and this indicates a need for more detailed and open-ended questioning to secure more meaningful answers.

17. Additionally, in explanation of the targets indicated in the Policing Plan greater clarity could assist in securing acceptance of any performance improvement which may follow; for example it would be helpful to know why only a 10% improvement in satisfaction level was sought in relation to patrolling.

18. To help explain differential outcomes it may also be necessary to give some account of differences between policing districts in terms of task implications, historic performance and targets.

TRAINING

19. When referring to legal accountability Patten mentioned training and related this to human rights awareness, as many international statements of principles had already done. The Commission perceives the training requirements as (a) training enabling the Board and related bodies to fulfil their respective roles (referred to by Patten as internal accountability) and (b) training available to the police. Whilst the Commission welcomes the appointments of Keir Starmer QC and Jane Gordon as human rights advisors to the Board, and acknowledges the important work of the PSNI’s own human rights experts, these posts do not address the need to train all Board and DPP members in human rights. The obvious vehicle for advancing this agenda is the Board’s own Human Rights and Professional Standards Committee. The link between human rights and policing must be made clear to the community and one of the ways to achieve this, suggested by Patten, was that the DPPs receive training about police techniques, so that, for example, they should be able to observe police training courses in problem solving techniques.

20. The Board’s apparent lack of interest in the three reports by this Commission on police student officer training is not indicative either of openness to a partnership approach, or of an appropriate level of commitment to the centrality of human rights to good policing. It was disappointing that the Policing Board appeared for some considerable time after its establishment to be reluctant to meet or otherwise engage with the Human Rights Commission, and in particular, that it has failed to offer more than the most superficial of comments on any of the Commission’s training reports.

21. Whilst the Commission welcomes the recent publication Monitoring PSNI Compliance with the Human Rights Act 1998, it wants the focus of such work to be broadened beyond the Human Rights Act to address the role of the Police Service, and its oversight arrangements, in securing full compliance with the international human rights obligations of the state and with international best practice. It may well be that this more thorough approach, far from imposing extra burdens and providing ammunition for critics of the Service, will improve performance, improve public confidence and better enable the Service to rebut any unfounded criticisms.

DISTRICT POLICING PARTNERSHIPS

22. The DPPs share many of the difficulties discussed above in relation to the region-wide Board, yet they were intended to augment the interaction between the community and the Board. The Chairman of the Policing Board, in his introduction to its third annual report, asserted that “DPPs have provided the forum for local people to become involved in having a say on how policing in their area is delivered”. This may

24 The Commission is not aware for example of follow-up in relation to the Oversight Commissioner’s concerns around stop-and-search, or the development of definitions of sectarianism as called for by HMIC.
26 See p 9.
27 See Basic Principles on the use of Force and Firearms principles 18, 19 and 20; Principles of Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions principle 3; Article 10 of the Convention Against Torture; Rule 12 of the UN Standard Minimum Rules for the Administration of Juvenile Justice, and principle 16 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuses of Power.
28 Patten 7.17, p 45.
be contested in that there is also a “proliferation of local community and police liaison committees”. The duplication of work between, for example, the Community Safety Partnerships (CSPs), the Community Sector Forums and “beat patrol interfaces” is undeniable. The multiplicity of venues has not in fact led to a strengthening of the message but rather a fracturing of communication and fatigue for community representatives. Representatives from DPPs have to attend CSPs and the demarcation of work is unclear. Moreover, DPPs are not accepted by all communities as the lead forum, despite being the statutory body.

Representativeness

23. Mirroring the composition problems of the Board, the DPPs’ independent members are appointed by the Policing Board on the basis of lists prepared by the local councils, and if the number of nominations is not at least double the number of posts then the Board may make its own nominations. This selection process is too far removed from the public, and the ongoing ban on those with previous convictions from sitting as independent members, whilst they are eligible to be political members, is at the very least inequitable. The composition problems go further in DPPs in that the Chair and the Vice-Chair have to be political members. It would be preferable to have open election to such posts by and from the membership of each DPP, with appropriate use of d’Hondt or other voting mechanisms to provide balanced representation. It may be that the question of the absence of Sinn Féin representation will soon resolve itself in the context of the wider political process, but at present it constitutes a serious impediment to genuine representativity.

Participation

24. The Police Act requires DPPs to make arrangements to obtain the views of the public, and in its response to the Draft Code of Practice on the Exercise of Functions by the DPPs this Commission recommends that more specific guidance on consultation be provided. Most DPPs convene in only one location and advertisement of events is extremely limited. There is a need for consultation on the location of meetings, and further guidance and training on proactively engaging with, in particular, marginalised sections of the public. DPPs have recognised that it can be difficult to secure discussion on strategic policing issues, and the Commission recommends that time be set aside for discussion of the substantive content of the reports prepared for the various meetings with both the DPPs and police. The Commission has proposed that invitations should be issued to DPP meetings and active efforts made to secure attendance. Such actions might assist in improving the extremely low public recognition of and confidence in DPPs. The problems were highlighted by the latest DPP Public Consultation Survey published on 13 October 2004, which reported that whilst only one-third of those surveyed were satisfied with local policing, only 11% were satisfied that their local DPP was doing a good job. Some 12% knew who sat on their local DPP (although this was an increase on previous years) and only 13% knew how to contact their DPP.

25. The Commission has been advised that the Code of Practice for the DPPs is currently being redrafted and would welcome an opportunity to comment on a draft version.

Other Issues

26. The Commission, noting the vast scale of the present Review of Public Administration in Northern Ireland, strongly emphasises that any decisions around the future reduction or amalgamation of local councils must consider the need for local public accountability for policing.

15 October 2004

APPENDIX 7

Memorandum submitted by the Police Federation for Northern Ireland

The Police Federation for Northern Ireland is pleased to make this submission in respect of the work and performance of the Policing Board of Northern Ireland. The Federation represents some 9,000 officers in the Police Service of Northern Ireland from the rank of Constable to Chief Inspector inclusive. Our representation also includes full-time Reserve Constables and part-time Reserve Constables.

The Federation is committed to the principle of an independent Policing Board/Authority/Committee whose role inter alia prevents a Police Service from being politically directed by a government of whatever persuasion. The community, government and the Police Service benefit from the existence of a strong and focused Authority holding the Service accountable for its performance.

30 Patten 5.11 p 25.
31 Schedule 3 of the Police (Northern Ireland) Act 2003.
32 Schedule 3 16(1).
33 See www.policingboard.org.uk
34 Percentages are recalculated against total respondents, not, as given in the published report, percentages of those aware of the existence of DPPs.
Given the political developments in Northern Ireland and the move to permit overt party political representation on the Policing Board, the Federation expressed its reservations at the time about entrusting the Police Service to the stewardship of the Policing Board as it was felt that politics would be given opportunity to influence policing not always in a healthy manner.

Our reservations were countered with the suggestions in official circles that although the Board would have political appointees, the inclusion of independents would provide comforting checks and balances to prevent political excesses.

On the whole the Federation believes that the present Policing Board has performed well over the past three years and demonstrated considerable sensitivity and adroitness. However, we remain unhappy that the so-called independents are politically aligned and that their alignment determined their acceptability to the political parties to serve on the Board. The Board therefore retains the inherent potential to divide on purely party political lines—as the recent vote on the future of the full-time Reserve demonstrated.

It is our belief that appointments such as “independent SDLP” and “independent Unionist” are obvious oxymorons and their replacement on the Policing Board should be with genuine non-political independents.

21 October 2004

APPENDIX 8

Memorandum submitted by the Superintendents’ Association of Northern Ireland

The Superintendents’ Association very much welcome the opportunity to give evidence to the Northern Ireland Affairs Committee with regard to the functions of the Policing Board for Northern Ireland. The Association wishes, in the first instance, to pay tribute to the work of the Policing Board and, in particular, to acknowledge that the Board has dealt with a range of very difficult and contentious policing problems in a manner which has brought policing in the community together. Issues such as the PSNI emblem, and the establishment of local District Policing Partnerships (DPPs) as a monitoring and consultative forum, exemplify some of the successes in this area. The Association would also wish to recognise the magnificent contribution made by the members of DPPs; sometimes at considerable personal cost to those individuals and their families.

The report of the Independent Commission of Policing for Northern Ireland (Patten Report) was intended to remove the politics out of policing and the Association believe that this has not yet been wholly achieved. The Association derives no pleasure in stating that in part this politicisation is perpetuated because, on occasions, the public sessions of the Board’s meetings are used as a platform to score political points, against not only other political parties, but also against the police. This, it is contended, does little to reinforce public confidence in either the police service, or the political process more generally.

The Association would wish to emphasise that the preceding remarks are not intended as adverse comments on the honest and honourable intent of the Board to carry out their statutory function.

Whilst the establishment of DPPs has been a significant step forward in local community policing, the Association has concerns that there are unresolved tensions between the roles of the community safety partnerships and the DPP. Such dissonance can, potentially, dilute the focus of local operational commanders. The Association believe this is a matter that needs to be addressed through the Board’s statutory obligations.

In addition, members of our Association would feel that DPPs focus on their monitoring roles in relation to police performance, to the possible detriment of the police and DPPs forming an effective partnership in dealing with local issues. As the DPPs are within the remit of the Policing Board, the Association feel that the Board must carry out its duty more vigorously in this area.

The Association also feel that the setting of seemingly “arbitrary” targets within the policing plan is not sufficiently sophisticated to take account of the vagaries and idiosyncrasies of individual district command areas, ie a target of a 10% cut in burglaries in a DCU with high volume crime (such as an urban area might experience), may be easier to achieve in a (rural) district, with typically lower levels of volume crime. The Association believes that the Policing Board needs to move to a more discerning method of measuring performance and further alignment with national approaches may be useful.

Nationally, the Police Service has introduced the use of the National Intelligence Model (NIM) to address all levels of crime. The approach currently adopted in setting the annual policing plan is not yet sufficiently sophisticated to permit full integration of the NIM in this process. For example, through the NIM a PSNI District may identify a problem with a particular type of crime not a priority in the Policing Plan and cannot divert resources to deal with the emerging issue without failing in their targets. This presents District Commanders, whom our Association represents, with a dilemma as to competing priorities when setting their own local plan, and also during the Patten recommendation 78 accountability meetings with their Regional Assistant Chief Constables.
The unique insight our members have, as leaders and managers within the Police Service, and in their dealings with the Board and DPPs, enable us to observe that, on occasions, there is a predisposition to endeavour to “micro-manage” the routine administration of the Police Service. This is more properly an issue for the Police Service. However, we are content as an Association to raise it, en passant, as it can and does affect our members in discharging their day-to-day operational responsibilities.

The Association would also raise some concerns over the medical discharge process. Our members are charged with the responsibility of addressing relevant sickness performance indicators. One obstacle to their increased effectiveness in this area is the process the Board currently operates; which essentially involves an “outsourced” independent arbitrator. Whilst noting the tangible and welcome improvements which have been made in the recent past, some concerns subsist in that the process can still take up to three months, particularly if there are outstanding complaint/misconduct matters pertaining to the individual involved. Clearly the protracted consideration of such matters is:

(a) not in the interest of the Service;
(b) not in the interest of the discharging officer; and
(c) not in the wider public interest.

It also does little to improve the efficiency and effectiveness of the Police Service.

November 2004

APPENDIX 9

Supplementary memorandum submitted by the Superintendents’ Association of Northern Ireland

RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION BY THE COMMITTEE

Chief Superintendent Wilson during the course of his evidence to the committee on 20 October 2004 made reference to correspondence the Association had received from the NIO (in September 2000). The subject matter of this correspondence related to the appointment of an “ad hoc” person to investigate complaints against the Police Ombudsman.

At your request copies of this correspondence are attached herewith. The originals are kept on file and are available for inspection if required.

Letter to Superintendent Hugh Wallace, the Superintendents’ Association from the Rt Hon Adam Ingram JP MP, Minister of State for Northern Ireland

I wrote to you on 12 September concerning complaints against the Police Ombudsman.

Unfortunately, there was a typographical error in paragraph 3 of the letter. The letter said that we propose to appoint someone to investigate complaints against the police on an ad hoc basis. What it should have said is that we propose to appoint someone to investigate complaints against the Police Ombudsman on an ad hoc basis.

I am sure it is clear from the rest of the letter that this was an obvious error, however, I thought it appropriate to bring this to your attention and apologise for the mistake.

27 September 2000

Letter from Martin Dyer, Honorary Secretary The Superintendents’ Association of Northern Ireland to the Rt Hon Adam Ingram JP MP, Minister of State for Northern Ireland

COMPLAINTS AGAINST THE POLICE OMBUDSMAN

Thank you for your letter dated 12 September in relation to the above matter which was discussed at a meeting of our Executive on this date.

The Superintendents’ Association are content with the proposals outlined but will closely monitor the effectiveness of the system once it has been applied and if necessary correspond further with you concerning it.

20 September 2000
Letter from the Rt Hon Adam Ingram JP MP, Minister of State for Northern Ireland to Chief Superintendent Hugh Wallace MBE, Superintendents’ Association

COMPLAINTS AGAINST THE POLICE OMBUDSMAN

I am aware that the RUC and the Staff Associations have expressed concern at which they consider to be a lack of accountability mechanisms for dealing with complaints of maladministration by the Police Ombudsman in investigating complaints against the police.

This is a matter on which the NIO has given a great deal of thought. Officials have considered whether the Assembly Ombudsman or the Parliamentary Commissioner might have a role in this. The former is not possible as policing is a reserved matter. In relation to the latter, the Parliamentary Commissioner Act precludes this as it excludes bodies whose primary functions are investigative being added to the schedule.

We therefore propose to arrange for the Secretary of State to appoint someone to investigate complaints against the police ombudsman on an ad-hoc basis. The person appointed could be a retired Senior Public Servant or a former Ombudsman. Whilst the person would initially be appointed as a complaint arises, if the need was such an independent could be appointed on a more formal basis.

Such a scheme would be non-statutory, however, it should be noted that there are already a number of tried and tested non-statutory schemes. Such bodies include the Prison Ombudsman, and the Adjudicator who investigates complaints into the Inland Revenue, Customs and Excise and Contributions Agency. Discussions with those charged with operating these schemes have confirmed that their non-statutory status has not hindered their investigations into complaints that have been made.

The Guidance on the Police Ombudsman provided to the Chief Constable would advise officers with complaints of alleged maladministration against the Ombudsman to refer them to the Secretary of State for investigation. The Secretary of State would then have to consider if this would be an appropriate course to take.

We consider this to be an effective and proportionate way to deal with any complaints that officers might have under the new system.

I should be grateful for your views in relation to those proposals.

12 September 2000

APPENDIX 10

Memorandum submitted by the Committee on the Administration of Justice

The Committee on the Administration of Justice (CAJ) has already forwarded its Commentary on the Northern Ireland Policing Board, which was first published in November 2003. The following document repeats the various recommendations made in the Commentary and reports what follow up, if any, CAJ believes has been given to the various issues that were raised nearly 12 months ago.

Please note that we only have access to public sources of information, and correspondence to and from CAJ and the Board: it may well be that actions have been taken that we are unaware of. If this is the case, the Northern Ireland Affairs Committee (NIAC) may want to explore why the Board has not sought to publicise more generally any of the actions taken. Given the central importance of the Board’s holding the police publicly to account, we believe that it is vitally important that the Board make its relationships with the police and the public as transparent as possible.

Recommendation 1

CAJ recommends that the Secretary of State (or the successor body if policing is devolved) consult widely before appointing independent members of the Policing Board as provided for under the Police Act 2000, and in future ensure that the composition of the Board is fully representative, as required by the Patten Commission and the Police Act 2000.

The Committee will presumably want to seek input from various contributors as to why Sinn Féin has decided not to sit on the Board or the District Policing Partnerships (DPPs), why there are so few women, and why there are so few local community workers. Most importantly, the Committee will want to explore how future appointments to the Board can be more representative.
RECOMMENDATION 2

CAJ recommends that the Policing Board better publicise its public meetings and rotate its public meetings at different times of the day and week and at different venues throughout Northern Ireland. CAJ also recommends that the Policing Board does not reduce the number of public meetings it holds each year.

The Board does hold a number of launches and other such events outside Belfast. However, the focus of CAJ in this recommendation was on the role of the Board in holding the police publicly to account, and the value of the Chief Constable giving his report to the Board before a variety of audiences across Northern Ireland. CAJ is unaware of any rotation of the time of the public meetings held in Belfast; is aware of few public meeting held outside Belfast; and was disappointed that the Board chose to propose changes to the legislation to reduce the obligatory number of public meetings (from 10 to eight).

RECOMMENDATION 3

CAJ recommends that the Policing Board review its security policy for public meetings and institute only such precautions as are necessary and in a way which seeks to avoid intimidating potential participants.

CAJ is not aware if there has been any review of security policy but can report that, at recent meetings, the security provided has appeared to have been of a fairly routine nature for access to any public building.

RECOMMENDATION 4

CAJ recommends that the Policing Board debate, make decisions, set standards for the police, and evaluate police performance as much as possible during its public rather than its private meetings, so that the public knows what topics the Board is addressing with the police, what goals and timetables the Board is setting for the police, and how and on what information the Board makes its decisions.

CAJ has attended most recent public meetings of the Board and has found the meetings to be largely formulaic. A brief presentation (topic unknown to the public in advance) is followed by a series of questions from Board members. The questions do not always seem to flow from the issues raised during the presentation, and may be on totally unrelated topics. It is clear that most of the work of the Board is done in the private sessions either earlier in the day, or at various sub-committee meetings, and the public session is intended merely to be an hour’s “window” into the ongoing police-Policing Board debate. The Board still does not set standards, evaluate police performance, debate or make decisions during public meetings and CAJ does not understand this approach to comply with the intention of the Patten Commission.

RECOMMENDATION 5

CAJ recommends that the Policing Board come to an agreement with the PSNI on a format for the Chief Constable’s reports at the public meetings which will provide adequate information to allow the Board and the public to assess police performance. CAJ also recommends that the PSNI’s quarterly reports towards the targets of the policing plan be presented at the public meetings, published, and widely disseminated.

CAJ is unaware of any changes to the format of the Chief Constable’s report, although on occasion the Chief Constable delegates reporting on a particular topic to another senior officer.

RECOMMENDATION 6

CAJ recommends that the Policing Board produce, consult on and widely disseminate the procedure to be followed by members of the public wishing to direct questions to the Chief Constable, and that the Board proactively seek questions from the public.

The public are not at all clear about the procedure for asking questions at the meetings of the Board, or for submitting questions in advance so that questions can be directed to the Chief Constable at the public meetings. The Board does not have an equivalent to the Code of Practice for District Policing Partnerships, and the Board’s rules and procedures should be consulted upon and then published.

At the final public meeting of the third year of operation of the Policing Board, the first question ever put by a “member of the public” was recorded. Diane Dodds, as an MLA, is hardly an “average” member of the public, and would presumably have access to the Board in a variety of ways. However, she took a very important initiative at the 6 October 2004 meeting, by asking the chair for permission to intervene from the public gallery on an issue that was of concern to her (and a number of protesters outside and inside the meeting). This intervention led to the chair (for the first time ever to CAJ’s knowledge) explaining at the start of the public session what the process was for getting questions asked. Obviously, no procedure for questions has been “produced, consulted on and widely disseminated”—still less has the Board proactively sought questions from the public. Indeed, at the subsequent Board meeting (held on 4 November in Armagh) the newspaper adverts announcing the public meeting indicated explicitly that questions from the public would not be allowed.
RECOMMENDATION 7

CAJ recommends that the Policing Board build up its internal capacity to monitor the human rights performance of the police by attending appropriate human rights training and developing the skills necessary to fulfill this important function. CAJ also recommends that the Policing Board publish its plan for monitoring police human rights performance, consult widely on its proposals, make its assessments public, and begin systematic monitoring of the PSNI’s human rights performance as soon as possible.

CAJ is unaware what, if any, human rights training Board members have undertaken. The Framework document was issued subsequent to this recommendation and CAJ commented extensively. We look forward now to the first report on compliance. We understand that this first report has been delayed longer than expected, but we do not know what the reasons for this are, and suggest that NIAC may want to explore this issue.

RECOMMENDATION 8

CAJ recommends that the Policing Board actively engage with statutory bodies, non-governmental and community organisations, and the public to improve its ability to monitor police performance.

CAJ wrote recently to the Board expressing concern about its apparent lack of interest in a major event we had organised for District Policing Partnerships. Subsequent to that letter we noted that the Board’s July website indicated that a Member of the Board had expressed concern about even the minimal involvement that had occurred (see quotes in annex). We have subsequently written to the Board reminding them of Patten’s recommendations regarding the importance of working with the statutory and non-statutory sector. We have no sense that the Board has built up close working relations with the Ombudsman, the NIHRCC, the NI Children’s Commissioner, or umbrella non-governmental groups working on issues such as race or gender, or community groups etc. We believe that their attitude to CAJ is not unique but symptomatic of a “go it alone” approach.

RECOMMENDATION 9

CAJ recommends that the Policing Board conduct more of its business in public and publish details of its work widely so that the public is reassured that the Policing Board is holding the police to account.

CAJ is not aware of any changes in this regard since this recommendation was made, other than the fact that, in addition to the minutes of the meetings, the agendas of the public and committee meetings and the minutes of committee meetings are now displayed on the Board’s website.

RECOMMENDATION 10

CAJ recommends that where the Police Ombudsman determines that a complaint is outside of the remit of the Office, that it be forwarded to the Policing Board as well as the Chief Constable under s 52(6) of the Police Act 1998. CAJ also recommends that the Board ask the Chief Constable to report publicly to the Board on its investigation of any complaint referred to the Chief Constable by the Police Ombudsman and monitor implementation of any required remedial action.

To CAJ’s knowledge, the Police Ombudsman still refers complaints it considers outside of its remit only to the Chief Constable, not to both the Chief Constable and the Board as we recommended. Nevertheless, this situation would not preclude the Board from monitoring police efforts to rectify the concerns raised in such complaints. CAJ is not aware if our recommendation that the Chief Constable be asked to report to the Board on any complaint referred to him by the Ombudsman for action has been complied with, and the Board has not publicised an analysis of any such concerns raised.

RECOMMENDATION 11

CAJ recommends that the Policing Board, in order to scrutinise police performance in complying with the Human Rights Act, monitor PSNI operations, policy and practice. The Board should focus on the way in which operations are planned and whether the police carry out adequate community impact assessments; review the advice of the PSNI’s Human Rights Legal Adviser and whether it is followed; and determine whether a policy should be altered and whether practice is uniformly consistent with policy. CAJ also recommends that the Board routinely conduct random audits of PSNI operations and make the results, its recommendations and a record of PSNI implementation public.

The Framework document is intended to give some mechanism for scrutinising police actions, but CAJ is unaware of the extent to which, if at all, this is used as a template by the Board. We do not know if the Board has asked about community impact assessments; we are unaware of the Board ever asking to be informed of the advice provided to the Chief Constable by the PSNI’s Human Rights Legal Adviser; and we are unaware of any random audits that have been carried out, though the latter may have occurred as
part of the Framework discussion which is yet to be put into the public domain. CAJ and others will be in a better position to analyse the extent to which PSNI operations, policies and practices are scrutinised, once the Board’s implementation report on the Framework has been issued.

RECOMMENDATION 12

CAJ recommends that the Policing Board review all data on CS spray, consult widely, make the data public, and publicly debate and decide on the benefits of CS spray. If the eventual determination is to purchase and deploy CS spray, this measure should then be conditional on the Board’s approval of adequate guidelines and training.

The Board, to our knowledge, has not re-visited its decision to authorise the purchase of CS spray. Nor can CAJ say whether the Board eventually considered the CS spray research produced by academics and others independent of government. It certainly has not published any study into the data it surveyed, published that data, or encouraged any public debate of the appropriate weaponry to be provided to the police. The Board made an ambiguous reference to the need for guidelines and training in its initial decision to authorise purchase, but appears not to have made usage contingent upon it being satisfied with the guidelines and the training. Despite the obvious public interest in any new weapon being provided to the PSNI, the Board has not ensured that the guidelines for the use of CS spray are placed in the public domain, nor even raised concerns to this effect. In addition, the public is left not knowing what examination the Board has given, or intends to give, to the use of CS spray.

RECOMMENDATION 13

CAJ recommends that the Policing Board ensure that all recommendations related to Special Branch made by the Patten Commission, Her Majesty’s Inspectorate of Constabulary, and Sir John Stevens be implemented by the Police Service as expeditiously as possible.

There have been presentations to the Board on structural and personnel changes in the PSNI that affect Special Branch, but the lack of publicity for the scrutiny given to this area of work is very marked. The work of Special Branch has always been a matter of public interest, and there are particularly important human rights issues at stake in the move to improve intelligence gathering. The Board would be providing an important public service if it were to report routinely on the scrutiny it accords to this area of work, and what successes and problems are arising in the move to “normalise” this highly contentious area of policing.

RECOMMENDATION 14:

CAJ recommends that the Policing Board respond to the Human Rights Commission’s evaluation of PSNI student officer training, monitor PSNI implementation of the report’s recommendations, and report publicly on its own and the PSNI’s progress towards implementation.

CAJ continues to have extensive concerns as to the extent of community involvement in the design and delivery of PSNI training, and as to the quality of the PSNI’s human rights training, and the lack of public information on what the Board is doing in response to the various disconcerting evaluations produced by the Northern Ireland Human Rights Commission. CAJ is aware that a consultant was appointed by the Board at one point to create a plan for monitoring the PSNI’s training, but is unaware of the work done to date. If such monitoring is taking place, should the Board not be publicising its evaluation of PSNI developments in this area, both positive and negative, as well as recommendations for further improvement? It would be interesting for the Committee to question the Board closely on the extent to which this is something the Board monitors and brings to public attention.

RECOMMENDATION 15:

CAJ recommends that the Policing Board consult statutory agencies, non-governmental and community organisations and the public as it develops future policing plans, so that they adequately address the opinions of the people of Northern Ireland related not only to policing objectives, but also appropriate performance indicators and targets for the Police Service.

CAJ can report that it has not been consulted about any policing plans since this recommendation was submitted. We are unaware of any wider scale consultative process, or the intentions of the Board in this regard. As CAJ argued in its Commentary, the surveys the Board conducts to seek the public’s opinion regarding policing priorities, while welcome in general terms, are not as specific or as targeted as necessary.
RECOMMENDATIONS 16 & 17:

CAJ recommends that where possible, the Policing Board set targets in the policing plans which measure actual police performance in addition to Northern Ireland-wide public perception of police performance, and that when utilising public opinion targets, it considers the necessity of also evaluating the opinion of those more directly effected by the issue being addressed; and CAJ recommends that the Policing Board, in its policing plans, formulate performance indicators and targets with enough detail to allow the public to know how the Board is specifically monitoring PSNI performance.

As is apparent from earlier comments, it is CAJ’s belief that the Board does not engage in extensive outreach to monitor either police performance or the perception of police performance. At our District Policing Partnership conference, there was extensive criticism of the Board, and its limited engagement in the work of the DPPs, so it is unlikely that even this channel for information gathering is being effectively used.

RECOMMENDATION 18:

CAJ recommends that the Policing Board ensure that the PSNI consults widely on a definition and system for monitoring sectarian crime/incidents and begins such monitoring as soon as possible.

CAJ wrote to the PSNI in January 2004 about the definitions it was using for sectarian crime. After a long delay we got a preliminary answer (directly in response to the fact that we were testifying to NIAC on hate crime) but we are unclear if a final definition has in fact been agreed upon. If it has, how is the definition being put into practice to ensure consistent monitoring. CAJ is also unaware what role, if any, the Board played in this discussion.

RECOMMENDATIONS 19 & 20:

CAJ recommends that the Policing Board identify the training needs of DPP members and develop, consult on, and administer a detailed training programme for all DPP members as soon as possible.

CAJ recommends that the Policing Board immediately assess the way in which the District Policing Partnerships are functioning to avoid the adoption of bad institutional habits.

As noted earlier, the conference CAJ organised in June 2004 highlighted many concerns on the part of DPP members regarding their training, or lack of it. Despite the fact that several training events had been organised by the Policing Board for DPP members, many DPP members complained that these sessions did not give them the tools they needed to perform their work. CAJ’s contacts with Policing Board members have not reassured us that they are clear as to how DPP members could assist in the Monitoring Framework, in the developing of policing plans etc and therefore what the DPP training needs might be. A report on the DPP conference is in preparation and will be submitted to NIAC in due course.

RECOMMENDATION 21:

CAJ recommends that the Northern Ireland Office and the Policing Board take all necessary steps to ensure that Community Safety Partnerships (CSPs), if they are to be maintained, do not dilute the power of the DPPs. Urgent decisions must be taken about the appropriate relationship between DPPs and CSPs, local funding arrangements and how DPPs can best maintain their independence from government.

The Board has indicated that this last recommendation is one that they did endorse. They apparently have ineffectually challenged the Northern Ireland Office about its commitment to quite distinct arrangements (funding, institutional and managerial) for community safety work, as distinct to community policing. The two initiatives arose from the separate discussions in Patten and the Criminal Justice Review, but both of these bodies talked about the complementary and indeed overlapping nature of community safety work and community policing responses. It seems that the NIO has chosen to create two distinct systems, with resultant demands on the public purse, resultant duplication of police efforts, and the real risk of sidelining the important role that DPPs can play at the local level.

CAJ would urge NIAC to make a very clear statement about the real risks that Northern Ireland runs in developing two parallel systems of local police/community networks. The Committee should summon the NIO to appear before it and explain why it is necessary to maintain two distinct entities at local level, and if it is accepted that this is necessary, require that appropriate communication and funding arrangements be made to ensure that they complement and do not undermine each other.

November 2004
EXTRACT FROM JULY 2004 POLICING BOARD MEETING (ON WEBSITE):

“A Member expressed concern at the attendance of an official and a number of DPP members at a conference organised by the Committee for the Administration of Justice (CAJ). The Member reminded the Board that the CAJ was not a statutory organisation and suggested that the Board should give careful consideration to the endorsement of participation in conferences organised by non-statutory groups. The Board noted the concern expressed by the Member.”

PATTEN REPORT

The Policing Board should coordinate its work closely with other agencies whose work touches on public safety, including education, environment, economic development, housing and health authorities, as well as social services, youth services and the probation service, and with appropriate non-governmental organisations” (CAJ emphasis). Recommendation 15.

“The title ‘Policing Board’ is deliberate. We see the role of the new body going beyond supervision of the police service itself, extending to the wider issues of policing and the contributions that people and organisations other than the police can make towards public safety” (para 6.10).

8 November 2004

APPENDIX 11

Memorandum submitted by Ballymoney District Policing Partnership

Thank you for giving me the opportunity to provide you with information regarding the Northern Ireland Policing Board. The views I express are based on my own personal experience as Manager of Ballymoney District Policing Partnership (DPP).

It is my belief that the Northern Ireland Policing Board has performed to a high standard in the past two years. The Board has not only established itself as an effective body but has also assisted with the setting up of DPPs in every Council area.

The Board has provided strategic direction and assistance to DPPs wherever possible. Training sessions were organised by NIPB to assist the Partnerships with their responsibilities in monitoring the police, obtaining public assistance and facilitating the establishment of Public Meetings. NISRA and MORI were appointed by the Board to assist DPPs with identifying and prioritising issues.

As with any new structure the last two years have not passed without some difficulties. Budgets have not been agreed in a timely fashion and different interpretations of the legislation have, at times, created confusion. Some administrative difficulties have also occurred due to the lack of a proper coordinated approach. The Board and the DPPs, however, have taken steps to address all of these matters and both bodies continue to work together to play their part in shaping local policing.

20 October 2004

APPENDIX 12

Memorandum submitted by Coleraine District Policing Partnership

I am writing with reference to your letter, dated 27 September 2004, relating to the request for evidence for the inquiry into the functions of the Northern Ireland Policing Board.

You have referred to three main issues that the Committee wishes to look at, namely:

— Progress towards developing the Board’s role since it was set up in November 2001,

— The performance of the Board in respect of its general functions, and

— The efficiency and effectiveness of the structure, administration and expenditure of the Board, including its performance against key indicators and targets.

It is my intention only to deal with the issues that have an impact on DPPs and that I therefore have direct experience of.

— The performance of the Board in respect of its general functions.
Your letter refers to a total of eight functions within this section, two of which only refer to DPPs, that is,

(i) To assess the level of public satisfaction with the performance of the police and the District Policing Partnerships (DPPs).

To date, the NIPB have carried out two household surveys to identify, policing concerns, assess public satisfaction with the police, and to assess public awareness and satisfaction with DPPs. These surveys are both analysed by the statisticians at the NIPB before being widely published at a Northern Ireland level.

(ii) To assess the effectiveness of the DPPs in performing their functions.

The NIPB has recently undertaken such an assessment of DPPs with the emphasis of the assessment being on hard targets, such as, the number of meetings held and the number of reports produced, as well as whether reports fulfilled their initial purpose. In future, I feel that this would be a more useful exercise if the time is taken to discuss individual performance with the DPP Manager and a cross section of the DPP prior to the report being produced. This will give the NIPB officials a more detailed impression of the work that is being undertaken at a local level, as well as allowing the DPP to provide explanations for what may initially appear to be shortcomings. It would also be of assistance, if the NIPB would consider giving ongoing feedback to DPPs on the content of reports produced as well as examples of “best practice” where applicable. This will ensure that there is a positive outcome from the assessment phase and that DPPs have the knowledge and capacity to improve their effectiveness in future years.

— The efficiency and effectiveness of the structure, administration and expenditure of the Board, including its performance against key indicators and targets.

The Community Affairs Branch of the NIPB has responsibility for the DPPs and it is the work of this department that I will comment on.

Whilst I realise that there has been a lot of work in the establishment of DPPs and the ongoing work that is required for any new body, and that changes have been made to improve the communication between DPPs and the Community Affairs Branch, there are a number of issues that I think the NIPB should consider for the future:

— Further clarification on the role of DPPs in “Gaining the co-operation of the public with the police in preventing crime”,
— More specific training, at an earlier stage, for DPP members in their roles, such as, monitoring police performance and analysing the District Commander’s reports,
— More timely information relating to DPP Budgets and the Guidelines relating to them,
— Central promotion and raising awareness of District Policing Partnerships’ generic roles and responsibilities.

There would also appear to be a need for the NIPB and the Northern Ireland Office/Community Safety Unit to resolve the ongoing issues surrounding District Policing Partnerships and Community Safety Partnerships.

20 October 2004

APPENDIX 13

Memorandum submitted by Cookstown District Policing Partnership

I refer to your letter dated 27 September requesting feedback on the work of the Northern Ireland Policing Board.

I note from your request for information you wish to draw on District Policing Partnership (DPP) experience in the three categories detailed in your letter. Bearing this in mind, the intention of the following submission is in respect of the Board’s functions which directly impact upon the work of DPPs.

1. Progress Towards Developing the Board’s Role Since it was Set Up in November 2001

As you are no doubt aware, DPPs were not officially established until March 2003 and for that reason the Partnership cannot comment on the establishment period of the Board. It may however be useful if you consulted reports from the Office of the Oversight Commissioner which provide an overview of how the Government’s Implementation Plan for Policing has been implemented since its publication in September 2001.

The Office of the Oversight Commissioner has identified 772 performance indicators based on the implementation plan, many of which are directly related to the role and general function of the Policing Board.
However, whilst reports of the Office of the Oversight Commissioner will generally provide a quantitative overview on how the Board may be developing its role in line with the Implementation Plan it may only provide a limited qualitative analysis of how roles have been taken forward and developed.

2. Performance of the Board in Respect of its General Functions

Again, the Partnership is not in a position to evaluate the performance of the Board, especially in respect of those functions which do not directly impact on its work as we have not been engaged in a systematic appraisal process of the Board upon which we can draw conclusions. We however, wish to make the following comments.

Of the Board’s general functions most pertinent to the work of DPPs, “to assess the level of public satisfaction with performance of the police and DPPs” and “to assess the effectiveness of DPPs in performing their functions, in particular, arrangements made to obtain the views of the public about matters concerning policing, and the Co-operation of the public with the police in preventing crime” some comments can be made.

(1) Whilst the Board has undertaken numerous attitudinal surveys to assess public satisfaction with DPP performance Members need more focused training on their role and what they are expected to achieve during their term in office. Members feel it unfair that the DPP should be assessed on its performance when there has been little clarity on their role and what is expected from them. The Partnership believes that every new Member should receive comprehensive training on the Code of Practice, the Police (NI) Act 2000, PSNI structures, community safety and the context in which policing currently operates—the “Patten Report”.

Partnership Members therefore feel it unfair to assess performance if they are not given the necessary training to equip them with the tools and knowledge to achieve maximum performance.

To alleviate this the Partnership believes the Board should consider writing out a training package for new members of all DPPs, by way of briefing them on exactly what, and how, they are expected to contribute during their term in office. The opportunity for this will arise immediately after the appointment of new members in June 2005.

With regard to this general function there is a need for the Board to expand upon its role and advise DPPs, where appropriate, of the measures they could take to increase public satisfaction if they are underperforming. The Board should consider acting as a “consultancy service” offering advice to DPPs on how they could improve their public satisfaction levels. Without such guidance, gathering information on public satisfaction on an annual basis becomes a meaningless exercise unless pro-active action is taken to rectify the situation.

(2) When assessing the effectiveness of individual DPPs in undertaking their functions the Board should ensure the involvement of DPPs at some stage in the process, and not merely be an office based exercise. The process should be an in-depth qualitative analysis of each DPP on a case by case basis, therefore not solely relying upon quantitative information alone ie number of reports submitted on time, number of targets successfully negotiated into local policing plans etc to draw conclusions in terms of effectiveness.

With specific reference to the DPP role in obtaining the co-operation of the public with the police to prevent crime, some ambiguity still remains over how this should be achieved at a local level. Whilst partnerships are keen to deliver upon this function as a means of impacting upon crime many are unaware what can or cannot be done within the remit of this function due to the emergence of community safety partnerships.

The Board should therefore consider providing clear guidelines on how Partnerships can deliver upon this function without impacting upon the work of community safety partnership. In doing so, the Board should also work with the Northern Ireland Office to ensure community safety partnerships do not conflict with the work of district policing partnerships.

By way of the Board assisting and advising DPPs on obtaining the co-operation of the public with the police to prevent crime they should consider taking more of a developmental role whereby providing practical demonstration projects on how best to do this. Such examples may be obtained from crime and disorder partnerships in England and be demonstrated through a local “pathfinder initiative scheme” not dissimilar to the system used within local government in England and Wales.

3. The Efficiency and Effectiveness of the Structure, Administration and Expenditure of the Board, Including its Performance Against Key Indicators and Targets

As the Board has a number of Departments to deliver its varying functions the Partnership can only comment on the one with responsibility for DPP’s, namely Community Affairs.

The Partnership feels Community Affairs must be applauded for their work in setting up DPPs across Northern Ireland given the time constraints involved, and for the invaluable advice provided since March 2003.
The Partnership does however feel Community Affairs should now take on more of a developmental role and begin to assist DPPs in expanding upon the interpretation of the functions Set Out in the Police (Northern Ireland) Act 2000, taking DPP work one step further. This may, for example require the Board to reassess the DPP Code of Practice to allow partnerships the freedom to deal with local situations, allowing greater flexibility in how they work. Community Affairs may also wish to consider using its Regional Co-ordinators to look at some of the issues raised at 2. above.

15 October 2004

APPENDIX 14

Memorandum submitted by Down District Policing Partnership

Northern Ireland Policing Board has a critical role to play in policing framework for Northern Ireland. The many recommendations contained within Northern Ireland Commission on Policing, underlined the intention to established greater accountability to the public for the delivery of the Policing Service.

In line with the Patten proposals policing with the community is at the heart of what the Policing Board is endeavouring to do.

The principal duty of the Board is to maintain an effective and efficient Police Service for the Northern Ireland community. In order to do this the Board employs staff and engages in a range of stakeholder contacts. The recently published Annual Report gives a detailed account of the many activities undertaken or promoted by the Board.

The majority of Board members are members of the Northern Ireland Assembly. This underlines the clear public representative role played by the 10 elected members. The independent members also bring a great deal of expertise to the work of the Board ably assisted by professional staff.

The general functions of the Policing Board therefore follow logically from the new focus on how Northern Ireland should be policed.

The Board has a responsibility to communicate effectively with the community as well as agencies closely related to policing. This could be better stated within its remit.

This response reflects the issues which are of most concern to District Policing Partnerships which like the Board itself is made up of elected and independent members.

Down District Policing Partnership would make the following comments.

A. To ensure the Police Service is efficient and effective

Performance management is essential to ensure that targets set for Policing Service are realistic and achievable. This requires an active approach to analysing performance difficulties and promoting appropriate solutions. Greater emphasis should be given to promoting better use of information technologies available to other Police Forces across the world.

The Police Service of Northern Ireland is actively pursuing absenteeism prompted by the Board. Modern day change management, manpower planning and staff motivation strategies should be pursued. The Service is in a transitional period and needs clear direction. This new vision can be articulated by the Board itself. Strategic objectives, annual objectives and targets contained in the Board’s annual Northern Ireland Policing Plan need to be strengthened.

B. Holding the Chief Constable to account for all his actions and those of his staff

The principal of an accountable Police Service is underlined in the Patten recommendations. The Policing Board is well placed to carry out this function. It is acknowledged that PSNI is one of the most scrutinised police services in Europe. Nevertheless the active involvement of the Board is a reassurance for the public that accountability is in evidence.

C. To monitor Police effectiveness in tackling crime

Policing Board has an important challenge function and can direct the Police Service’s attention to types of crime or areas of concern which they believe should be receiving greater attention.
D. To monitor the performance of the Police in carrying out their general duties in complying with the Human Rights Act 1998 and in carrying out the policing plan

This functional area suggests a level of scrutiny which is closer than many policing authorities in the UK. Policing Board must be responsible for determining the Policing Plan. The Board should continue to set priorities in consultation with the Chief Constable.

The Board decides the performance objectives and targets only after it has consulted the District Policing Partnerships as well as key opinion-formers.

DPP feel that this element of the function could be better exercised with a bottom up approach. DPP’s should have a collective voice reflecting the general issues which they are facing in their respective Council areas.

E. Keep itself informed of trends and patterns in police complaints, crimes committed in Northern Ireland and recruitment to the police service and the extent to which membership of the Police Service is representative of the community in Northern Ireland

This trends and patterns function appears to be information gathering and adds little to the depth of responsibility of the Board. Recruitment and balance of Police Service are critical issues and should continue to be exercised by the Board in accordance with Patten recommendations. The arrangements for training of police officers are a vital part of the Board’s tasks.

F. To assess the level of public satisfaction with the performance of the police and the District Policing Partnerships

District Policing Partnerships have been established across all Council area in Northern Ireland. At present a review of how District Policing Partnerships are operating is being undertaken by Policing Board. It is hoped that this will lead to approved set of guidelines for local Councils who are tasked with establishing and managing partnerships within their districts. Policing Board has provided valuable assistance to District Policing Partnerships since they were established.

Two public consultation exercises on policing were carried out in 2003 and 2004 across DPP areas. This has helped establish the level of public satisfaction with performance of the Police and the District Policing Partnerships. Policing Board should perhaps widen its remit to satisfaction with other aspects of the criminal justice system such as sentencing and diversionary programmes.

G. To assess the effectiveness of the DDP’s in performing their functions and the effectiveness of measures to ensure that membership of the police is representative of the community in Northern Ireland

This appears to relate to the earlier function F.

H. To assess the effectiveness of the code of ethics developed by the Board for police officers

This responsibility although important adds little to the breadth of activity.

The Partnership will follow the debate on the functions of the Policing Board with interest.

14 October 2004

APPENDIX 15

Memorandum submitted by Fermanagh District Policing Partnership

The following observations deal only with the Northern Ireland Policing Board’s functions in respect of District Policing Partnerships (DPPs) as legislated for in the Police (Northern Ireland) Act 2000.

DPPs are helping to shape the new face of policing in Northern Ireland and how the community perceives police and policing issues. A factor critical to the success of this is the support provided by the Northern Ireland Policing Board.

Training members, putting financial structures in place, disseminating timely and accurate information and developing an appropriate timeframe to facilitate local involvement in the development of local policing plans contributed to the difficulties experienced during DPPs’ establishment period. The debate between the Northern Ireland Office (NIO), Community Safety Unit (CSU) and the Policing Board regarding the crime reduction remit of both the DPP and Community Safety Partnership added to the confusion. The combined effect of these factors may have not helped to gain public confidence in the DPP and its work has passed.
Both the Policing Board and the DPP share a common background—their origins lie in the Patten Report—and they have the same legislative foundation in the Police (Northern Ireland) Act 2000. The DPP is also guided by the DPP Code of Practice on the Exercise of Functions and Responsibilities which, under Section 19 of the Act, the Policing Board has a responsibility to issue.

The Code of Practice contains guidance to DPPs. It is for guidance purposes and not for use to assess DPPs, as has been the case. For example, the Code of Practice requirement that DPPs monitor police performance at six meetings in public. Fermanagh DPP has established that four quarterly meetings in public to assess police performance are sufficient and that it is more useful if the other two meetings in public address crime/policing issues and act as forums for discussion.

DPPs were effectively established on 4 March 2003 when Independent Members were appointed. The Policing Board should be commended for the way this process was carried out and the broad base of public appointments made, but it is regrettable that it took the Board four months after the local Councils completed interviews to appoint Independent Members.

At the time of application, applicants were advised in the recruiting literature that the Policing Board would provide

- familiarisation training on the powers and functions of the NIPB and the tripartite policing structure in Northern Ireland, the police organisation and any relevant policing legislation and
- briefing on the implementation of Patten and the progress that had been made.

This has not happened to date and an opportunity to have all members trained in even the basic procedures of policing and the criminal justice system has passed.

Monitoring police performance is a key function of the DPP. Monitoring is not an inherent skill and not a role easily undertaken by people who have not received appropriate training. The Policing Board has provided excellent training for DPP Managers and similar provision should be made for new DPP members in 2005.

The Policing Board provides funding for DPPs. The Board is the principal donor providing 75% funding with the local Council providing 25%. DPP staff are generally employed by Councils and located in Council accommodation. The Policing Board has been slow to grasp that Councils have a specific timescale within which the district rate must be struck. Hence, it is imperative that budgets are agreed by the end of autumn of the preceding year at the latest.

There are also certain funding issues that require clarification. The requirement for DPPs “to make arrangements to gain the co-operation of the public to work with the police in the prevention of crime” (Section 16(1)(c)(ii)) requires more of the DPP than simply awareness raising, as has been suggested by the Policing Board. This function requires DPPs to be given powers of implementation and the financial resources necessary to fulfill this legislative requirement. To bring this about, discussions must take place with the Northern Ireland Office, the Policing Board and the Community Safety Unit.

The slogan used for DPPs is “local people shaping local policing” and the concept of the local community, through DPPs, influencing the local police service is to be welcomed. It was anticipated that this “bottom up” approach would have influence upon the annual policing plan but this has not been the case. Certainly, DPPs have contributed to the local Policing Plan but the development of the annual Policing Plan will be progressed by the Policing Board without sight of the findings of the local DPP Consultation Reports.

It should be noted that the Policing Board/Northern Ireland Office are conducting a review of DPPs at present and the findings may provide the Northern Ireland Affairs Committee with a valuable insight into this aspect of the Policing Board’s function.

26 October 2004

APPENDIX 16

Memorandum submitted by Limavady District Policing Partnership

As the Manager of Limavady District Policing Partnership (DPP), I am only qualified to speak to (f) and (g) of the general functions of the Northern Ireland Policing Board. I have taken the opportunity to photocopy your request letter and distributed it to the DPP Members. I have also appended part of the Limavady District Policing Partnership Annual Report 2003–04 which addressed successes and challenges which faced Limavady DPP during its first year of operation, as it sets in context the remote environment in which the inquiry process is based.

District Policing Partnerships were set up at a time when there was a window of opportunity for significant process with regard to political settlement in Northern Ireland. The DPP are part of shaping not only policing but the future of all our tomorrows. There are a number of critical success factors related to the DPP’s, not least all-party involvement. However, other critical success factors are those of development and support of the DPP’s by NIPB, Council and the Police.
Support from Northern Ireland Policing Board includes the adequate training of members and officials, adequate and timely budget provision with clear guidelines as use and purpose, and also support and guidance as to the roles and responsibilities of the DPPs.

FINANCE

It is with regret that now six months into the second business year that the budget for the current year has not been agreed, financial guidelines for the current year have not been developed and decisions re the budget continue to change regularly with information disseminated *ad hoc*, usually verbally and with no written records.

TRAINING

Training is key to the DPP’s. It is also with regret that some of the training indicated in the recruitment literature for Independent members was not undertaken. I quote from the literature:

*Initial period for independent members:*

- Undergo training in, familiarisation of, the powers and function of the Policing Board, and the tripartite policing structure in Northern Ireland, the police organisations and any relevant policing legislation;
- Be briefed on the implementation of Patten, and the progress that has been made;
- Assist the DPP to establish procedures in line with the Policing Board’s code of practice;
- Assist the DPP to draft a future work programme.

DPP’S AND COMMUNITY SAFETY PARTNERSHIPS

There is ongoing confusion relating to the roles of District Policing Partnerships and Community Safety Partnerships. Tensions clearly exist at Northern Ireland Policing Board and Community Safety Unit level; these tensions are reflected down to both partnerships. Unless this issue is resolved at senior level, it will continue to impact upon the effective implementation of the DPP’s, will cause duplication of work by the two departments at local level, confuse the public and add significantly to the work of the police. This tension also have impacted upon the role of the DPP to “gain the co-operation of the public to work with the police in the prevention of crime” where NIPB have advised that the role of the DPP is to “raise awareness” of crime issues, with all the implementing powers resting with Community Safety Partnerships.

*19 October 2004*

Extract from the Limavady DPP Annual Report 2003–04

SUCCESSES AND CHALLENGES

The District Policing Partnership was established during a period when the political institutions were suspended, and MLA elections took place. In the continuing ongoing political vacuum, the debate on devolution of policing and justice powers continues, and not all the political parties have signed up to the process. Threats and intimidation of members in various DPP’s have resulted in business time being utilised to discuss threats and security and impacted on marketing strategies, locations and timings of meetings.

The partnerships have also been set up during a time, where there is a growing culture within the province of self-harm and suicide, addiction and abuse of drugs (legal and illegal), combined with increasing debt levels, increasing unemployment and attacks on the emergency services.

Consultation fatigue within Northern Ireland combined with fear of engagement has impacted upon the process. This fatigue means that the work of the DPP in seeking to enhance public co-operation with the police and to engage communities to resolve their own issues more difficult to achieve. Results produced from questionnaires used at DPP meetings in public reflect that the public have found them beneficial, and would be prepared to attend further meetings, with the key aspect being local availability and accessibility of meetings.

During the year, the DPP has learnt much about the role of the police versus the role of other agencies, and have sought to promote debate and to ensure that its role lies with policing issues as opposed to issues that have policing implications. A notable example has been the role of the Parades Commission in relation to parades, while the DPP role is concerned with the policing of parades. This has resulted in discussion with the Parades Commission and the Police on this subject.

The DPP who are representatives of the community have a four fold function of identifying issues, establishing priorities, monitoring and gaining the co-operation of the public to work with the police in the prevention of crime. It has been determined that the process of engagement with the police, acting as a
Ev 86 Northern Ireland Affairs Committee: Evidence

conduit between the public and the police, lobbying and engendering debate, are as important as monitoring against targets. There is a need to move beyond monitoring targets to measuring what the DPP values—a responsive, courteous, community based, problem-solving focused police service. This aspect will be more difficult to monitor and it will only be in retrospect that the DPP will be able to determine a result due to its deliberations. The DPP has been encouraged at the responsiveness shown by the DCU to date. For some within the partnership, this has been the first opportunity that they have had to engage with the police, and the team building process within the DPP and with the police senior management team has taken time.

The co-operation shown by the District Command Unit and in particular the District Commander, David Hamilton, cannot go unmentioned. The Commander’s willingness to agree before the first meetings in public to accept questions from the floor, to hold thematic meetings, and have three meetings in public within a two week time frame are just a few examples. Templates were also adjusted to reflect the uniqueness of the Borough. Of particular encouragement to the DPP, was that the District Commander accepted all issues that had been prioritised in the public consultation report for inclusion in the local policing plan. Discussions during the first six months of the year also resulted in a focus on the issue of drug abuse, resulting in 64 seizures (83% increase on last year) and 44 arrests (57% increase on last year). Another example was the DCU working with traders on restricted parking zones. It is regrettable that during this first term of the DPP, there has been a change in the senior management of the DCU.

The DPP will work to address issues identified in the policing plan by promoting citizenship, to engage the communities “to turn its mind to policing and getting involved”35 encouraging people to identify not just their rights but their responsibilities, so that the police will “so far as practicable, carry out their functions in co-operation with, and with the aim of securing the support of, the local community.”36

There has been disappointment with the number of questions submitted and the level of attendance and participation by the public at meetings held in public. The DPP has continued to respond to the external environment and to try new ways with which to engage the public.

The challenges for the incoming year centre on further engagement with the police and public, the implementation of a strategy for “obtaining the co-operation of the public with the police in the prevention of crime”37 and the recruitment of a new Board at a time when the current Board are maximising effectiveness and efficiency.

A key challenge is to continue to work together with the police, while retaining an independent status in order to further promote public confidence in the work of the DPP.

APPENDIX 17

Memorandum submitted by Moyle District Policing Partnership

I would like to emphasise that from the outset my response will relate to the experience that I have of the Policing Board in the context of my role as manager of Moyle District Policing Partnership (DPP) and focuses on the three key areas that you have requested information on, to assist the Committee with its inquiry.

1. Progress Towards Developing the Board’s Role Since it was Set Up in November 2001

From a DPP point of view, quoting directly from the Oversight Commissioner’s 11th report on the implementation of the Patten Recommendations, “all of the institutions called for by the independent commission for ensuring accountability of the police service are now in place and performing at a high level of professionalism. The DPPs, which are the last element to be created, have finished their first year of operation”.

Therefore, it is reasonable to assume that, in the light of the above, the Board is expanding its role and responsibilities and is in compliance with the regulations of the oversight body.

The establishment of DPPs (in March 2003), which brought into play Part III of the Police (NI) Act 2000, was, and continues to be, a significant development from the Board’s perspective. This would be particularly evident from the work undertaken, by officials and Members of the Board, to provide adequate administrative and support mechanisms to, firstly, ensure the smooth implementation of DPPs and, secondly, their ongoing efficient and effective operation.

35 Brendan McAllister, Meditation NI.

36 Police Act (NI) 2000, Section 32(5).

37 Police Act (NI) 2000, Section 16(c)ii.
2. THE PERFORMANCE OF THE BOARD IN RESPECT OF ITS GENERAL FUNCTIONS

To help facilitate the establishment of DPPs the Board issued a “Code of Practice”, which provides the main terms of reference in relation to the function and responsibilities of DPPs. The Board also produced a draft set of standing orders to assist DPPs, during their formation, in terms of setting clear rules that now govern all of their meetings.

Both of these documents have been useful in the context of setting a firm foundation from which the DPP can effectively develop into its role.

Where DPPs are concerned the Board has been able to develop its role in relation to monitoring police performance, setting policing priorities and assessing the effectiveness of DPPs, largely as a result of the wealth of information now being developed at a micro level.

Having been established for over a year DPPs were recently subject to an assessment, by the Board, in respect of their main statutory responsibilities. The Board, with its vested interest in DPPs, was keen to find out how they were performing in relation to assessing police performance, identifying the concerns of the public regarding the policing of the district and what measures partnerships have adopted to gain the cooperation of the public with the police in preventing crime. The main findings from this process, not only fulfil a statutory responsibility on the Board’s part, but also provide information for the ongoing development of DPP systems and processes.

Further to assessing DPPs the Board continually assesses levels of public satisfaction with police performance and seeks information on the main issues affecting communities with regard to policing and public safety. Indeed, the Board now receives information from DPPs on a regular basis in the form of reports on public meetings and public consultations. This information, which is largely generated through public surveys, focus group work, and ongoing consultations by the DPP, assists the Board in preparing the annual policing plan and other key documentation throughout the year. These activities, again, are testament to the fact that the Board continues to develop its role and function at a strategic and local level.

3. THE EFFICIENCY AND EFFECTIVENESS OF THE STRUCTURE, ADMINISTRATION AND EXPENDITURE OF THE BOARD

The Board has structured itself to taken account of changes on the ground as a result of establishing DPPs. To this end various committees, within the Policing Board, have been established and redefined to carry out day-to-day operations.

The “Community Involvement Committee” is responsible for overseeing all matters concerning DPPs, community consultation and for securing and supporting community involvement in policing.

This committee, in my opinion, has been instrumental in planning the development of DPPs culminating in a comprehensive review of the entire DPP process, which is due to be completed in December 2004. The Board Members sitting on the Community Involvement Committee should also be credited for the insight and direction they have provided to DPPs as documented in the Board’s Annual Report 2003–04.

The main issues to take account of, from an administrative and organisational effectiveness point-of-view, are those relating to training and development of DPP Members, support services provided to DPPs and communication between the Board and DPPs.

Training and development interventions have been useful in terms of developing the capacity of DPPs. However, more could be done by Board officials to ensure that the interventions, facilitated by the Board, PSNI or external consultants, adequately meet the inherent developmental needs of DPP Members. Too often things are planned in isolation and as a result there is disgruntlement on the part of DPP Members, who give up their valuable time to attend. A useful solution to this problem would be, perhaps, to give greater recognition to the DPP Managers role and realise the benefits of consulting with them to help determine the main developmental needs and direction of the various partnerships.

Additionally support services have not been without teething problems and communication with Board staff, both written and verbal, still gives cause for concern. Again, further dialogue with the DPP Managers would help to alleviate some of the issues that remain outstanding.

On a final note, despite the aforementioned administrative and functional problems, I particularly welcome the current review of DPPs. This review is fairly comprehensive and has been initiated by the Board to focus on all aspects relating to the mechanics of the DPP process. The review will consider, amongst other things, the policing plan process, public consultations, financial arrangements, support for DPPs, the managers role and function and the appointment of independent members—post May 2005 local government elections.

The responsibility of the Policing Board in respect of its dynamic working relationship with DPPs is always going to be the subject of continuing debate, especially since we are looking at the imminent review of public administration and, as a result, the potential reduction in councils and district command units throughout Northern Ireland.
Therefore, the issues that I have highlighted in this letter, perhaps, simply scratch the surface in respect of the Committee’s inquiry. Nevertheless, the content of this response reflects the collective views of my colleagues and DPP Members, with whom I have discussed your letter, so hopefully it will provide some food for thought. However, should you have any queries regarding this correspondence, or any other issue relevant to the Committee’s inquiry, please do not hesitate to contact me.

15 October 2004

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APPENDIX 18

Memorandum submitted by Newtownabbey District Policing Partnership

In terms of the areas of inquiry the submission of the Partnership is as follows:

The NIPB has made good progress in developing its role since November 2001. In relation to its general functions:

(a) It is accepted that the police service generally efficient and effective but there is concern about response times.

(b) The performance of the NIPB in holding the Chief constable and his staff to account is satisfactory.

(c) The significant reduction in crime over the past 18 months is encouraging; however there is real concern in relation to detection of offenders, particularly in relation to Domestic Burglaries. It is felt that the NIPB could place greater emphasis on police performance in relation to crime clearance whilst acknowledging the welcomed reduction in crime.

(d) In terms of monitoring police performance in carrying out its general duties in compliance with the Human Rights Act 1998 and, carrying out the Policing Plan, it is considered that the NIPB does this effectively.

(e) It is recognised that in terms of trends and patterns in police complaints and recruitment policy in relation to broader representation of the community in the police service, the NIPB keeps itself informed as required. See (c) above regarding crime.

(f) It is accepted that processes employed to monitor levels of public satisfaction are adequate.

(g) It is considered that the NIPB takes appropriate steps to monitor effectiveness of DPPs and that the process to ensure DPPs are representative of the community in terms of religion and gender are satisfactory.

(k) The NIPB monitors effectively the code of ethics developed for police officers.

It would appear that the performance of the NIPB in its day to day duties is satisfactory and that good progress is being made against key indicators and targets.

19 October 2004

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APPENDIX 19

Memorandum submitted by North Down District Policing Partnership

At a recent meeting North Down District Policing Partnership considered your request for evidence as to the function of the Northern Ireland Policing Board. (NIPB.)

The Partnership considered the general functions of the Board as contained in the Police (Northern Ireland) Act 2000 and noted a number of concerns.

1. During the last 18 months there have been many instances when our Partnership had to press the NIPB for clear guidance on issues to which they wished a response. This lack of information, clarity and communication was most frustrating particularly as the Board imposed tight deadlines and time scales.

2. There was difficulty with the first year’s budget in that detailed information was not provided in time to allow proper preparation of the Partnership’s Business Plan. The current year’s budget is only now available (half way through the financial year) and questions remain unanswered on changes to its make up.

3. The Chief Constable has decided to dispense with the Full Reserve element of the Police from next year. No details are available on the implications for this District which currently has 30% of its available front line police as members of the Reserve. No information has been received from the Board on how the Police Service can continue to operate efficiently and effectively. It would appear to us that the Board has not held the Chief Constable to account for his actions in this area, as the Patton Report did not stipulate a time frame for the termination of the Reserve. The new severance package available to Fulltime Reserve Officers will resolve the matter in due course by which time new recruits will be trained to fill the gaps created.

4. Training for Partnerships has been sporadic and some areas which have been identified by the NIPB have not yet been addressed.
5. The NIPB has been in existence for some three years and should have resolved any organisational/administration problems by now. Unfortunately this is not the case.

19 October 2004

APPENDIX 20

Memorandum submitted by Strabane District Policing Partnership

Strabane District Policing Partnership (DPP) has worked with the Northern Ireland Policing Board (NIPB) over the past two years. The NIPB have been exceptionally supportive to the membership of Strabane DPP regarding the threats, intimidation and attacks on members. These attacks have created a difficult environment for members to work within and NIPB have been in attendance at our meetings in public to offer support.

Members and Officials of the NIPB have always been willing to meet with both the Chief Executives and DPP Managers to try to resolve problems relating to the administration of the DPP at a local level. These meetings often focus around DPP budgets. Meetings are ongoing with NIPB to try and reach agreement between the financial restraints imposed by Council budgeting procedures and the needs of NIPB to allocate both central and local costs.

NIPB and the DPPs operate within a limited interface regarding the effectiveness of the DPPs. It would appear, however, that within the wider context, the monitoring role of the NIPB seems to be working.

18 October 2004

APPENDIX 21

Supplementary memorandum submitted by the Northern Ireland Policing Board

RESPONSE TO A REQUEST FROM THE COMMITTEE FOR ADDITIONAL INFORMATION

I write in response to your letter of 28 January in which you raised a number of additional queries. The following information will I hope be of assistance.

BELFAST DPP

As the Committee will be aware, Belfast DPP has four sub-groups which align with the four DCUs within the Belfast City Council area.

As currently constituted, the sub-groups have one function—to bring the views of the community in relation to policing to the District Commander.

Each sub-group must have a minimum of six members, drawn from total membership of 19 for the DPP as a whole. This results in all members serving on the main DPP, and at least one sub-group; in addition some members sit on two sub-groups. This is a significant demand on the time and commitment of the 19 DPP members.

The demand on DPP members’ time is paralleled by the demand on police officers’ time, where senior police officers attend both the sub-group meetings and the meetings of the main DPP. This is proving to be a very significant demand on the available time of the senior police officers within the District.

The “new legislation” referred to by the Vice-Chairman was paragraph 19 and Schedule 1 of the Police (Northern Ireland) Act 2003 enacted, but not commenced, which relate to the working of the Belfast DPP. This legislation makes provision for a new structure with the Belfast City Council area. Under this new legislation there will be additional DPP members which will enable the four sub-groups to be resourced to a level that would allow them to carry out their duties without undue pressure on time or undue commitment.

Until such time as these clauses in the 2003 Act are commenced, the Board is working with the PSNI and Belfast DPP to establish how best the current structures may be operated in the interim. However, under current legislation there remains the major constraint that 19 Members have to resource the meetings of the main DPP and of the four sub-groups.

The structure as envisaged in the Police (Northern Ireland) Act 2003 which effectively creates a fully functional DPP for each DCU, similar to what exists in all other DCU and Council areas, is an acceptable model. The division of responsibility between the main DPP and each of the sub-groups needs to reflect where responsibility lies, but also take account of the fact that the DCU/sub-group boundaries exist within a unified council area. The ability for Belfast DPP to have an overview of policing within the entire council area while delegating responsibility to the operational area is a welcome aspect of these clauses in the 2003 Act.
Expenditure

In planning the recruitment and appointment programme for the Independent Members of the DPPs in 2002–03, the Board took advice from the NIO’s Central Purchasing Unit (CPU). CPU are the specialist group who will advise on the most effective procurement process for a public body to follow. In the context of the appointment of independent members CPU were involved in discussion with the Board as to how best value or value for money could be established throughout the appointment project.

Following discussion with the NIO and with Council Chief Executives, an early decision was taken to appoint consultants to manage the advertising, recruitment and selection phase of the project. The details of this have, as indicated, been provided to the Committee.

With regard to the Board not being notified of the SR 2004 allocation, and why the position for 2005–06 remains unclear, the Board has now received its SR 2004 allocations for the periods 2005–06, 2006–07 and 2007–08. NIO informed the Board on 21 January 2005 of its allocations. There has been no formal indication by NIO as to why the allocations were only made available in January 2005.

Complaints Policy

There is no provision within the Board’s Complaints Policy for appeals or for further stages of the complaints process outwith the Board. When asked at the hearing the Chief Executive responded that the “opportunity” exists for a complainant to take their complaint to the Secretary of State. This comment was made in the context that it was the Secretary of State who appointed Board Members and that there is logic in a complaint about the Board going to the authority which appointed the board. However, this is not formally set out in our policy.

9 February 2005

APPENDIX 22

Supplementary memorandum submitted by the Northern Ireland Office

FOLLOW UP TO ORAL EVIDENCE GIVEN ON 19 JANUARY 2005

As agreed during my attendance at the above hearing I am replying to you on two issues you wished me to consider and clarify.

Cost of the Appointment of Independent DPP Members

I understand that the Policing Board had included in their memorandum to the Committee in September 2004 a budget of approximately £950k for the appointment exercise.

I can confirm that the Policing Board has now received notification of its SR2004 settlement, which includes the necessary funding to cover the cost of the recruitment exercise as originally planned.

However, the Policing Board has decided to review its approach to the recruitment process and this revised approach should have a resultant lower cost. No figures are yet available but it will be necessary for the Board to submit a revised Business Case which I will carefully scrutinise to ensure that it provides value for money.

Procedures for Complaints against the Policing Board

I also agreed to consider the question of the role of the Secretary of State in complaints against the Board as Mr Reaney the Chief Executive had outlined in his oral evidence to the Committee on 8 December.

The Policing Board have confirmed that there is no provision within the Board’s Complaints Policy for appeals or for further stages of the complaints process outwith the Board. I understand that the Chief Executive’s response was made in the context that it was the Secretary of State who appointed Board Members and that there is logic in a complaint about the Board going to the authority which appointed the Board. However, this is not formally set out in the Board’s policy.

9 February 2005