

NORTHERN IRELAND POLICING BOARD

MINUTES OF MEETING OF RESOURCES COMMITTEE HELD ON THURSDAY 24 MARCH 2022 AT 2PM AT WATERSIDE TOWER AND VIA ZOOM

PRESENT:

Mr Gerry Kelly MLA (Chair)
Dr Janet Gray (Vice-Chair)*
Mr Jonathan Buckley MLA*
Mr Mike Nesbitt MLA
Mr Frank McManus*
Ms Deirdre Toner
(1) Mr John Blair MLA*
Mrs Linda Dillon MLA*

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

(2) Mrs Pamela McCreedy, Chief Operating Officer
(3) Mr Mark McNaughten, Assistant Chief Officer
Corporate Services
(4) Mr Richard Ross, Director of Legal Services
(5) Mr Will Young, T/Assistant Chief Officer People
and Organisational Development

OFFICIALS IN ATTENDANCE:

(6) Mrs Sinead Simpson, Chief Executive
Ms Jenny Passmore, Director of Resources
(7) Ms Aislinn McGuckin, T/Director of Police
Administration
Six Board Officials

- (1) From 15.15 on
- (2) Items 6.1 to 6.3
- (3) Items 6.1 to 6.3
- (4) Item 6.2 only
- (5) Item 6.3 only
- (6) From 13.15 on
- (7) Items 6.6 to 6.8 only

1. APOLOGIES

Apologies were received from Mr Trevor Clarke MLA and Mr Colm McKenna.

The Committee agreed the Agenda for the meeting and no one raised any business that they wanted to consider further under 'Any Other Business'.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. MINUTES OF THE MEETING HELD ON 24 FEBRUARY 2022

The Committee considered the draft minutes of the Committee meeting held on 24 February 2022. It was **RESOLVED** that:

The minutes of the Committee meeting held on 24 February 2022 be approved.

A Member raised a query regarding the confidential annex relating to agenda item 6.3 – The Above Delegated Authority Compensation Request – Board officials confirmed this would be issued to Members via the secure messaging portal CJSM. **(AP1)**

On page 2 of the previous minutes, in respect of Item 4 Update on the Action Log - a Member noted the Chief Executive's previous update on the PSNI sick absence target of 11.2 days noting that PSNI explained that this was a 2017 Policing Plan target and they intended to review the use of the figure and discuss it further with the Committee in the latter half of the next financial year – the Member advised that this timescale is unacceptable and requires attention sooner – it was subsequently **AGREED** that the Committee should write to the PSNI requesting they provide the Committee with an action plan outlining how they intend to address this issue. **(AP2)**.

4. UPDATE ON ACTION LOG

The Committee noted the updates detailed within the Action Log and the related verbal overview provided by the Chief Executive.

In relation to the meeting on **24 February 2022** the Chief Executive advised that action points, 2, 3, 4, 7 and 8 as well as action point 3 from the meeting on **16 December 2021** would be considered at various items on today's agenda.

With regard to the other remaining open actions on the log, correspondence has been issued to the PSNI and responses are awaited.

4.1 Correspondence from PSNI re Update on South Armagh Review Recommendations

The Chief Executive noted correspondence received from the PSNI in response to a letter from the Committee Chair requesting an update on the implementation on recommendations included in the South Armagh Review Report which was presented to the Committee last month.

Members **NOTED** the correspondence.

4.2 Correspondence from PSNI in relation to PSNI NIPSA Queries

The Chief Executive noted correspondence received from the PSNI in response to a letter from the Committee Chair requesting additional information regarding several issues that were raised by PSNI NIPSA representatives at a meeting with the Board Chair and Chief Executive on 17 February 2022.

Members **NOTED** the correspondence.

4.3 Correspondence from PSNI in relation to valuation of property/land for D1 process

The Chief Executive noted correspondence received from the PSNI in response to a letter from the Committee Chair requesting additional information regarding valuations of land and property made by LPS and the D1 disposal process to be followed in relation to the disposal of public sector properties.

Members **NOTED** the correspondence.

5. CHAIRPERSON'S BUSINESS

5.1 Resources Committee Forward Programme of Work

The Chair asked Members to note the Committee's programme of work for the period March 2022 – June 2022. This has been revised following agreement at last month's Board meeting that there will be no Committee meetings in April and potentially limited opportunity for Committee meetings in May.

A Member requested that the Committee receive a briefing on the Equality, Diversity and Good Relations Strategy 2023-2028 at the May or June Committee meeting. Programme of Work to be updated. **(AP3).**

6. ITEMS FOR COMMITTEE BUSINESS

6.1 PSNI Finance Report – February 2022

The Committee noted the PSNI's monthly Finance Report and Board officials provided a summary of the PSNI's financial position as at 28 February 2022.

The Chair welcomed PSNI Chief Operating Officer (COO) Mrs Pamela McCreedy and PSNI Assistant Chief Officer (ACO) Corporate Services Mr Mark McNaughten to the meeting.

The Chair invited the ACO Corporate Services to present the report.

The ACO Corporate Services presented an overview of the monthly Finance Report including a summary of the PSNI's financial position to 28 February 2022 including:

- The current year to date underspend against profiled budget is £3.2m but a breakeven full year position is anticipated following receipt of £14m additional funding in the January monitoring round.
- The year to date Capital underspend is reported as £9.5m, mainly due to delays in Fleet acquisitions. However, firm plans are in place to spend all of the capital budget. It is worth noting that this spending profile, with the majority of capital spend in the last quarter of the financial year, is consistent with previous years.
- The updated 10-Year Capital Plan was submitted in early January 2022 to the Department of Justice (DoJ), noting that DoJ have yet to advise PSNI of their funding allocation for the year.
- There was an improving position with spend on overtime, meaning a break even position was now projected with total expenditure of approximately £34m.

During the briefing Members raised a number of questions with both the COO and ACO Corporate Services including:

Budget – the impact of the £59m shortfall within the draft budget in 2022-23, and additional pressures not reflected including around increasing fuel and energy costs [estimated at £6m]; and the scope for accessing the additional monies announced by the Finance Minister, noting that PSNI intend to continue to lobby for an improved budget settlement in order to negate the need for the proposed cuts. The Board's support on this matter was noted and welcomed.

The reduction in the threat level in NI and any implications on the budget position, noting that cost savings might arise in future years if the threat level continued to improve.

Site for the Police College – with securing a site for the new police college and police HQ functions remaining a key priority for the PSNI in 2022-23.

The Committee thanked the COO and ACO Corporate Services for the update provided.

6.2 PSNI Compensation Claims Process

The Chair welcomed the PSNI Director of Legal Services Richard Ross to the meeting and invited him to provide an update on the PSNI's legal compensation process.

The Director of Legal Services began by offering more proactive engagement from the Legal Services team including the potential to re-instate monthly update reports that previously came to Board Officials, and a presentation on the work of the Legal Services team, to include the process for dealing with compensation cases, at a stage that is convenient for Members.

The Director of Legal Services referred to correspondence from the ACO Corporate Services to the Board Chief Executive providing additional information on Compensation cases and provided further information on:

- The legacy cases due to conclude in 2022\23;
- The other compensation cases that had been settled in the previous 3 year period including any patterns and trends within the information such as the drop in the number of claims made in recent years due to the impact of Covid-19
- the average amounts paid out in settlements in the various claim

categories over that period.

- the strategies and mitigation measures being put in place to ensure learning from cases, including in the training college and at District level, and therefore minimise exposure to future compensation claims.

During the briefing Members raised a number of questions with the Director of Legal Services including on:

- The number of the Legacy cases where PSNI is named as a defendant, noting that this was the case in all 14 listed;
- the maximum settlement amounts estimated for the legacy cases, noting that the diverse nature of each of the claims rendered it impossible to assess settlement values with any certainty;
- the mediation process and when mediation is triggered, noting that given the significant legal costs involved in mediation, PSNI do not automatically seek to engage in a mediation process, and claimants may themselves not always want to engage in mediation;
- The number of legacy cases due to be settled in the 2023\24 financial year, noting that PSNI have no control over the pace of the claimants' cases and therefore cannot estimate the number of cases to be settled in any given year;
- PSNI internal costs of this compensation/legal work estimated at an annual cost of approximately £2.5m.

The Chair thanked the Director of Legal Services for the briefing and he left the meeting.

After discussion it was agreed that the Chief Executive and Director of Resources would liaise with PSNI Legal Services regarding the format and frequency of information to be provided to the Committee. **(AP4)**

6.3 PSNI Briefing - Terms of Reference for PSNI Cultural Audit

The Chair welcomed T/ACO People and Organisational Development Will Young to the meeting and invited him to present the Terms of Reference for the PSNI Cultural Audit.

The T/ACO People and Organisational Development noted that over the next three months an independent provider will be appointed to work alongside the PSNI internal cultural audit team and key stakeholders to assess, develop, implement and evaluate a Cultural Audit.

The T/ACO People and Organisational Development provided a synopsis of the 4 phases that will be required for delivery of a Cultural Audit and the anticipated timescales for each, noting the completion date as January 2023.

During the briefing Members raised a number of questions with both the COO and T/ACO People and Organisational Development including:

- Concerns regarding gender representation at senior levels within the PSNI – noting that recent correspondence between the Board and PSNI focused more on female responsibility in respect of what actions females could take to improve opportunities rather than looking at the culture of the organisation in supporting female career progression.
- How wide ranging the audit would be and scope of the methodology of the audit, noting that it will have a broad perspective and is designed to test the culture of the entire organisation. It will be supported by additional surveys and methods to focus on specific areas such as female representation.
- Setting the culture in the organisation, noting that the audit will look at

the values of the organisation and follow up with a survey which has been benchmarked against other organisations. Focus groups will highlight any variances against personal and organisational values and reflect on how well these align.

- Timescales for both the coaching and mentoring strategy and the review of internal barriers to progression, and any examples of best practice which has led to positive cultural change within an external organisation, noting the necessity to look outside the organisation for best practice and to establish how this relates directly to the PSNI. In respect of the timescales for the coaching and mentoring strategy and review of internal barriers to progression, the COO undertook to confirm these details with the Member in writing.
- Assessment of the current culture and who will this be benchmarked against, noting that benchmarking can be carried out with other police forces by utilising survey results. Consideration will also be given to other parts of the public sector and approved external organisations to facilitate the benchmarking process.
- The criteria for police transformation, noting that experience isn't limited to solely the PSNI and RUC, however an understanding of the Northern Ireland policing landscape would be required.
- Consultees for the co-designed cultural assessment tool, noting that this will be created in partnership with the relevant stakeholders to ensure the correct approach is adopted from the outset.

The Committee thanked the COO and T/ACO People and Organisational Development for the briefing and they left the meeting.

6.4 Assisted Removals Request - Above delegated limits

The Chief Executive presented a paper which asked Members to consider a request under the Assisted Removal Scheme to extend a PSNI Officer's time in Police Leased Accommodation and storage of personal possessions and furniture. Members noted that the Board is responsible for the authorisation of any extension beyond 26 weeks where the applicant can demonstrate that the delay was beyond their control, and the approval process is delegated to the Resources Committee.

The Chief Executive provided a summary of the case noting it has been considered on several previous occasions and that this is the sixth time it has come before the Committee. Members were advised that the applicant was required to leave his home in November 2019 and under the Assisted Removals (SPED) policy, for an initial period of 26 weeks, provision was made for use of police leased accommodation and expenses were also met for the storage of the applicant's furniture and personal effects.

Over the course of the Committee's consideration of this case, Members have approved further extensions taking account of mitigating factors. At the March, June and December meetings in 2021, Members noted a number of new and extenuating circumstances relating to the property which were beyond the applicant's control and which have resulted in significant difficulties regarding the saleability of the property.

In respect of the current position, Members considered correspondence from PSNI dated 15 February 2022, in which the PSNI provided an update and a request for a further extension from the applicant to 31 July 2022. Members were asked to consider the information provided and the available options regarding next steps and advise if they are content to approve, as recommended, a further extension.

During discussion Members expressed their concerns and disappointment regarding the application of the SPED policy and protracted nature of the case, and why the SPED scheme was not delivering for this applicant in the way that it should.

Following discussion it was **AGREED:**

- To proceed with Option 2 which was to grant an extension for 6 months up to 30 September 2022. This would afford more time for the complex issues relevant to this case to be brought to a conclusion, and giving the upcoming election and reconstitution of the Board also allows more time in the event that the Committee does not meet in July.
- To notify PSNI of the Committee's decision to grant an extension until September 2022 and regarding the wider issues re the SPED policy, the protracted nature of the case and why it appears that the programme is not working as it is designed to. **(AP5)**

6.5 NIPB Management Accounts

The Committee noted a paper providing an update on the NIPB Management Accounts and Financial Information to 28 February 2022. The Finance Manager provided an overview of the Board's expenditure against its 2021/22 budget and outlined the current underspend position of £164k.

Members **NOTED** the update provided.

6.6 Police Administration Directorate Cases for Committee Decision

The Committee considered a paper requesting Members review and make

decisions on the eligibility of awards under Injury on Duty and Police Pensions Regulations further to assessments undertaken by Selected Medical Practitioners (SMPs) and Independent Medical Referees (IMRs).

Board officials advised Members that between 17 February 2022 and 14 March 2022, SMPs had considered 24 cases referred to them under the relevant regulations.

Board officials advised Members that between 17 February 2022 and 15 March 2022, IMRs had considered 3 cases referred to them under the relevant regulations.

Members also considered six submissions where the applicant has requested their case be reconsidered by the SMP/IMR.

Following discussion it was **RESOLVED** that:

- The medical recommendations of the Selected Medical Practitioners in 24 cases assessed between 17 February 2022 and 14 March 2022 be approved.
- The medical recommendations of the Independent Medical Referees in the 3 cases assessed between 17 February 2022 and 15 March 2022 be approved
- The five anonymised cases (RECON SMP 15–21.22, RECON SMP 16-21.22, RECON SMP 17-21.22, RECON SMP 18-21.22 and RECON IMP 19-21.22), progress to reconsideration by either a SMP or IMR.
- In respect of RECON IMR 18-21.22 Members noted that no further medical evidence had been provided and as such agreed this reconsideration request cannot currently be progressed.

Members also **NOTED** the update provided in relation to Case 30 21-22 and **AGREED**, during the month of April 2022 while the Committee won't meet in

person, to consider and make recommendations on these cases by written procedure.

6.7 Officer C 2021/22

The T/Director of Police Administration presented a paper which asked Members to consider a request made by Former Officer C 2021/22 in relation to the ongoing suspension of his Injury on Duty (IOD) Award and agree, in light of the Board's role as decision maker, this matter be referred to the SMP and Crown Solicitors Office (CSO) for further consideration.

The T/Director of Police Administration provided background information on the circumstances leading up to the suspension of payments in respect of the officer's Injury on Duty award by the PSNI and Members noted that this suspension appears inconsistent with the Board's role as final decision maker under the suite of Police Pension and IOD regulations.

The Committee noted that the officer has now requested the Board revisit his case and determine if payments should be reinstated in his case.

After discussion it was **AGREED** that:

- It is the Board and not the PSNI who is the ultimate decision maker as to eligibility for an award under the Regulations
- This matter should be referred to both the Board's legal advisors and SMP so that a final decision, incorporating all key information can be taken in this case.

6.8 Police Administration Directorate Key Priorities and Updates

The T/Director of Police Administration presented a paper which provided Members with an update on a number of key items of work currently being progressed by Police Administration Directorate. The T/Director of Police

Administration also asked the Committee to consider and, if content, approve, the amended Internal Dispute Resolution Procedure which was provided with the meeting papers.

Key Issue 1

The T/Director of Police Administration provided an update on an England and Wales Court of Appeal Judgment made in November 2021 involving a former South Yorkshire officer and the Chief Constable of South Yorkshire Police.

Members noted that the substance of the case related to the effective implementation date of an Injury on Duty (IOD) award, (date of injury vs date of application). Date of application had been the approach employed by South Yorkshire Police, however the Court of Appeal ruled that the claimant should be awarded financial redress from the date of entitlement (ie when the injury occurred) as opposed to the date of application. Board officials advised that on receipt of the Court of Appeal judgement, the findings had been referred to the Board's legal advisors to consider any possible implications for our own jurisdiction.

Members were assured in every case in this jurisdiction, the Selected Medical Practitioner (SMP) (and Independent Medical Referee on appeal) considers the implementation date for any award and therefore the date on which an applicant became entitled to an award and that, while the Board has received a number of enquiries from former officers, their representatives and political representatives on foot of this judgement, officials have reviewed all files in which ex-officers have raised queries as a result of this case to satisfy itself that payment of monies has commenced from the correct date.

Key Issue 2

The T/Director of Police Administration also provided an update on PSNI

Pensions Branch implementation of the McCloud Remedy Judgment which came about following a 2015 Government Reform of public sector pension schemes and a subsequent Court of Appeal ruling. The McCloud Remedy is due to be implemented from April 2022.

The T/Director of Police Administration noted the PSNI's preparations for the implementation of the McCloud Remedy have been ongoing for some time as it is anticipated that the Remedy will have a significant impact on the PSNI's Pensions Branch, as the Scheme Administrator. This additional work includes communication with all impacted members before 1 April 2022 advising them of the material change to their pension scheme membership.

At the most recent Police Pension Board (PPB) meeting on 8 March 2022, the PPB received an update on the PSNI's preparations. To assist with the additional work connected with the implementation of the McCloud Remedy, 3 new staff have been appointed to the PSNI Pensions Branch team and the PSNI are planning to procure and implement an electronic pension administration system. Board officials understand that the PSNI are currently preparing the technical specification before proceeding to preparation of the Business Case and the procurement exercise will be completed in the 2022-23 financial year.

Key Issue 3

The T/Director of Police Administration also advised that officials have updated the Board's Internal Dispute Resolution Procedure (IDPR) and asked Members if they were content, to approve the updated document provided with the meeting papers. The T/Director of Police Administration gave an overview of the proposed changes, including moving the Board's IDRP to a one stage process and the proposed changes to align with the formatting/ layout of the PSNI IDRP document.

A Member raised a query regarding how many cases have gone through the Board's IDRP in this financial year - T/Director of Police Administration to confirm the figure and revert to the Member. **(AP6)**

After discussion Members:

- **NOTED** the update provided following the Court of Appeal Judgment in Chief Constable of South Yorkshire –v- Lloyd Kelly.
- **NOTED** the update provided in relation to the ongoing work being undertaken in preparation of the implementation of the McCloud Remedy in April 2022.
- **APPROVED** the amended Internal Dispute Resolution Procedure

6.9 Review of Police Officer Sickness Absence

The Chief Executive presented a paper which provided Members with an update on the PSNI response to the final report on the "Review of Police Officer Sickness Absence in the PSNI ". Further to the update that Members received at last month's Committee meeting the Chief Executive advised that as a result of ongoing discussions with PSNI representatives, out of the 31 recommendations the PSNI have now accepted 28 of them, with one partially accepted, one requiring further clarification and one rejected. The Chief Executive highlighted the PSNI response to each recommendation noted in the associated table at Annex A.

Members **NOTED** the table of recommendations and **AGREED** that an update on progress should be sought in 6 months' time. Programme of work to be updated. **(AP7)**

7. QUESTIONS FOR THE CHIEF CONSTABLE

No questions were raised.

8. COMMUNICATIONS ISSUES /OPPORTUNITIES

No communication issues were raised.

9. ANY OTHER BUSINESS

No other business was conducted. Members recorded their thanks to all Board staff who contribute to the smooth running of these meetings.

10. DATE OF NEXT MEETING

The next meeting is provisionally scheduled for Thursday 26 May at 2pm in Waterside Tower but will be subject to the re-constitution of the Board post election.

The meeting ended at 4pm

CHAIR

**RESOURCES DIRECTORATE
MARCH 2022**