

NORTHERN IRELAND POLICING BOARD

MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE HELD 13 March 2025 at 9:30am

PRESENT:

Mr Gerry Kelly, Chair
Mr Les Allamby, Vice Chair
Ms Cheryl Brownlee
Mr Patrick Nelson
Mr Thomas O'Reilly
Mr Cathal Boylan
Mr Frank McManus*
Mr Mark Durkan*
Mr Peter Osborne
Mr Trevor Clarke

EX-OFFICIO MEMBER IN ATTENDANCE

Mr Brendan Mullan

CRIMINAL JUSTICE INSPECTORATE NI (CJINI):

(1) Inspector Maureen Erne
(1) Rachel Lindsay

OFFICIALS IN ATTENDANCE:

Ms Sinead Simpson NIPB CEO
Mr Adrian McNamee, Director of Performance
Mr John Wadham, Human Rights Advisor
5 Officials

(1) Present for Item 6.1 only

*Attended via video conferencing

1. APOLOGIES

No apologies were received.

The Committee agreed the agenda for the meeting.

The Chair asked Members to advise of any items they wished to raise at Item 9 under “Any Other Business”. No items were raised.

2. CONFLICTS OF INTEREST

No conflicts of interests were declared.

3 MINUTES OF THE PREVIOUS MEETING

The Committee considered the draft minutes of the Performance Committee meeting held on 13th February 2025.

It was **AGREED:-**

That Minutes of the Performance Committee meeting on the 13th February 2025 were agreed.

4. UPDATE ON ACTION LOG

The Director of Performance provided an update on the open actions listed on the Action Log.

The Director provided an update on AP2 from the meeting held on 12 December 2024 - PSNI to provide further information on VAWG statistics, geographical breakdown, charge/summons data and comparative figures with

other UK police forces. A response was received from PSNI and included at Item 4.1 on today's agenda.

Following discussion it was:-

AGREED

Officials to seek further information and clarification from PSNI on the issues for victim dis-engagement in the Evidential Difficulties (victim does not support) category and a further update on the PPS technical fix in this area. **(AP1)**

The Director provided an update on AP1 from the meeting held on 13 February 2025 - Officials to request an update from PSD on the judgement of the R (Lino Di Maria) case and what if any implications this has for the PSNI. The Human Rights Advisor contacted PSD who confirmed that no officer has been dismissed as a result of the loss of vetting clearance. The Human Rights Advisor stated that the Regulations here are sufficiently similar to those in England and Wales for the issue identified by this High Court case to make such a procedure also now unavailable in Northern Ireland. There are draft rules in England and Wales that might resolve the issues and PSNI will be discussing changes to the Northern Ireland rules with the DOJ. However, the Court also raised the need for 'due process' procedures for vetting decisions if the loss of vetting can lead to dismissal. It is currently not clear whether the England and Wales draft rules resolve this.

Following discussion it was:-

AGREED

Officials to write to DCC Singleton seeking further information and impact of the Di Maria case for PSNI and the OPONI correspondence in relation to the case study with vetting issues. **(AP2)**

The Director provided an update on AP2 from the meeting held on 13 February 2025 - PSNI to provide more information on the issues with the Health Trusts in agreeing a terms of reference for the Daily Risk Assessment Management Meeting (DRAMM). This request is still with PSNI and awaiting response.

The Director provided an update on AP3 from the meeting held on 13 February 2025 - Officials to follow up with OPONI to send on a summary of recommendations to PSNI and the timings between OPONI recommendations and the misconduct process. A Summary of key recommendations and insights were received from OPONI and these are included at Item 4.1 along with recent correspondence from OPONI CEO in relation to vetting issues within PSNI. Members were content with the response and this action is now closed.

5. CHAIRPERSON'S BUSINESS

The Chair confirmed that there were no items of business.

6. ITEMS FOR COMMITTEE BUSINESS

6.1 CIJNI Inspection CCE/CSE

The Director of Performance informed Members that CJINI are commencing a full inspection of how the criminal justice system recognises, assesses and responds to Child Criminal Exploitation (CCE) in Northern Ireland. They also intend to follow up on the two strategic and seven operational

recommendations made in their 2020 Inspection Report of Child Sexual Exploitation.

Members were reminded that the Board agreed to a new Policing Plan for 2025 to 2030 at its February meeting. Within this new Policing Plan, Indicator 1.3 – The Effectiveness in Tackling Child Criminal Exploitation has been identified as a priority for PSNI. Members were requested to note and consider the information provided to engage in discussion and provide CJNI feedback in relation to their forthcoming inspection in this area.

The Chairperson welcomed CJNI to the meeting and invited them to brief Members on the work relating to forthcoming inspection into Child Criminal Exploitation. CJNI briefed Members on forthcoming inspection into Child Criminal Exploitation including:

- This is the first CJNI inspection with a specific focus on Child Criminal Exploitation in NI;
- CJNI are also conducting a follow up of its review in 2020 in how the criminal justice system dealt with Child Sexual Exploitation;
- The primary focus of the inspection is to how the PSNI deals with Child Criminal Exploitation;
- The Inspection started in February 2025 with a request to DoJ various stakeholder in the statutory, community and voluntary sectors to commence a self-assessment on Child Criminal Exploitation and Child Sexual Exploitation;
- Regular meetings will be held with stakeholders to discuss areas that are working well and address issues;
- Field work will be carried out from April – May 2025 with findings then collated to form a draft report; and
- The 3 main areas of the inspection framework are – Strategy and Governance, Delivery and Outcomes;

Members engaged in discussion with CJINI and sought clarity on a number of issues including: -

- A Member sought further information on CJINI multi agency approach;
- A Member referred to VAWG and sexual offences having the lowest outcome rates and the need for greater transparency;
- A Member queried how CJINI plan to deal with the diverse population in terms of age of consent in different cultures;
- A Member sought further information on how the Board can progress recommendations with PSNI drawn from this inspection and the need to gain a better understanding of what is required from the PSNI as inevitably a multi-agency approach is required; and
- A Member queried if CJINI expect issues with co-operation for a multi-agency approach.

CJINI provided the following responses:-

- With regards to the multi-agency approach CJINI informed Members that the inspection will look at how multi agencies can safeguard child victims of CCE. The fieldwork will examine the information flow between agencies ie. Health and justice and how it can be best utilised;
- In relation to Violence Against Women and Girls CJINI advised Members this is not their area of expertise;
- CJINI informed members that it is their understanding that the age of consent will be dictated by laws in NI not by country of origin;
- In relation to PSNI requirements in the inspection CJINI agree that the issues cannot be addressed by PSNI in isolation. There is a wider piece of work around data development; and
- With regards to multi-agency co-operation, CJINI informed Members that the strategic aim of ensuring child protection strongly requires joint action from other agencies and in doing so they hope to identify areas of improvement.

The Chairperson thanked CJINI for their attendance and briefing and they left.

6.2 Update on Code of Ethics

The Director of Performance reminded Members that the original Code of Ethics was published in 2003 with the last major review carried out in 2008. Over the last six months, PSNI have been reviewing the current Code of Ethics and provided the Board with a draft annotated version in November 2024.

This revised draft was considered by Members and at the December Performance Committee it was agreed to establish a Working Group to consider this draft and the comments made by Members and report back to the Committee.

The Working Group met on 15th January 2025 and 7th February 2025 and considered all the comments provided by Members. The Working Group has now produced an amended draft Code for Members consideration.

Members engaged in discussion on the Working Group's proposals. In relation to Article 1.7 where it states, 'Where in doubt an officer should make a declaration' both Trevor Clark and Cheryl Brownlee wished to record their opposition to this sentence being included. However, the Committee agreed that the wording should remain in the draft.

It was agreed that after some minor amendments the draft Code of Ethics would be shared with the PSNI and an invitation extended to the Deputy Chief Constable to attend the April Performance Committee meeting and provide the PSNI's response to the Members proposed draft.

Members were requested to agree to the Working Group's proposed new articles and agree that the revised draft Code of Ethics be submitted to PSNI for further consideration and discussion at the April Performance Committee meeting.

Members were content with the revised timeline for the review of the draft Code of Ethics.

Following discussion it was:-

AGREED

Officials to write to DCC Singleton sharing the Draft Code of Ethics agreed at the March Performance Committee and request his formal response to be discussed at the April Performance Committee. **(AP3)**

6.3 Human Rights Advisor Monthly Report – February 2025

The Human Rights Advisor provided Members with an overview of areas within his current work programme during February 2025 including:

- Drafting the Human Rights Annual Report 2024/25;
- Meeting the Chief Executive of the Equality Commission of Northern Ireland to discuss PSNI's treatment of minorities to gather material for the Human Rights Annual Report 2024/25;
- Meeting Dr John Topping to gather material for the Human Rights Annual Report 2024/25;
- Meeting Human Rights Advisor to the PSNI College to gather material for the Human Rights Annual Report 2024/25;
- McCullough Review - attending the regular stakeholder group as an observer and keeping in touch directly with Angus McCullough;

- Attending the Performance Committee working group on the review of PSNI's Code of Ethics;
- Preparation of a submission to the Northern Ireland Affairs Committee;
- Drafting plan to implement the recommendations in the Privacy and Policing Report; and
- Reviewing the Investigatory Powers Commissioner's Office annual inspection reports of the NCA's use of covert surveillance.

The Human Rights Advisor also updated Members on his attendance at a range of meetings over the last four weeks and informed Members of his work plan for March 2025.

Following discussions it was:-

NOTED

Members were content with the Human Rights Advisors Update Report and the remaining schedule of work for February 2025.

Following discussions it was:-

AGREED

The Human Rights Advisor to issue letter at Annex A of Item 6.3 to IPCO.
(AP4)

6.4 Update on Human Rights recommendations for PSNI

A Board Official informed members that the recent Review of the Board, Recommendation XII stated that,

“There should be a rationalization of the outstanding recommendations from previous scrutiny reports on the PSNI.”

Officials requested an update from PSNI on all outstanding Human Rights recommendations and have been working with the PSNI to close as many as possible of these. Members were asked to note the updates provided by PSNI to the recommendations made in the Board’s recent Human Rights reports.

Members welcomed the focus on closing historic recommendations and engaged in a discussion concerning the need to review the Boards strategic approach regarding recommendations and to ensure detailed and timely responses from PSNI. Members suggested that where PSNI do not accept a recommendation that a full explanation for this is provided before the recommendation is closed.

6.5 Update on Privacy Report

The Human Rights Advisor reminded Members that The Privacy and Policing Report was published on 5th July 2023. Unfortunately, neither the Policing Board nor the PSNI have been able to resource taking the recommendations forward to date.

The Human Rights Advisor advised Members that this work is now a priority for him from April 2025 onwards with the intention of organising a seminar in September 2025 (Recommendation 2) and seeking a detailed response from the PSNI to the recommendations before the summer.

This report and its recommendations have been added to the agenda for the next Human Rights Quarterly Meeting with the Deputy Chief Constable and his team (13th March).

Members engaged in a discussion in relation to the PSNI Data Board and the role of Artificial Intelligence within PSNI.

Following discussions it was:-

AGREED

Officials to seek an update on the current position of PSNI Data Board.

(AP5)

6.6 Justice Bill – Justice Committee Response

Members were informed that the Justice Bill was introduced into the Assembly on 17th September 2024 and was referred to the Committee of Justice after completing its Second Stage on 1 October 2024. As part of its scrutiny role the Clerk of the Justice Committee has written to the Chair of the Board (via email) on 11th February 2025 requesting the Board's views/comments on the content of the Bill and the Department of Justice's planned amendments to the Bill.

Members were asked to consider the information provided and approve a position to allow officials to respond on behalf of the Board Chair to the request from the Clerk of the Justice Committee by 21st March 2025.

Members engaged in a discussion and proposed amendments to be made to draft Board position on Biometrics, Children, Live Links, the Administration of Justice and the Department's proposed amendments.

Following discussions it was:-

AGREED

Officials to redraft the Board's position and circulate a new draft to Members for agreement by written procedure. **(AP6)**

7. QUESTIONS FOR THE CHIEF CONSTABLE

7.1 No questions were identified for the Chief Constable.

8. COMMUNICATION ISSUES

No other communication issues were identified.

9. ANY OTHER BUSINESS

No Items of any other business were raised.

10. DATE OF NEXT MEETING

It was agreed that the next Performance Committee meeting would take place on **Thursday 10th April 2025** at **9:30am**.

Meeting closed at 1:00 pm.

PERFORMANCE DIRECTORATE

13th March 2025

Chairperson