

NORTHERN IRELAND POLICING BOARD

**MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE HELD
10 April 2025 at 9:30am**

PRESENT:

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

**EX-OFFICIO MEMBER
IN ATTENDANCE**

Mr Brendan Mullan
Mr Mukesh Sharma **(2)**

POLICE SERVICE OF (1&2) DCC Bobby Singleton
NORTHERN IRELAND IN (1&2) Det Chief Superintendent Stephen Wright
ATTENDANCE:

**OFFICIALS IN
ATTENDANCE:**

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

- (1) Present for Item 6.1 only**
- (2) Present for Item 6.2 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 March 2025.

It was **AGREED:-**

That Minutes of the Performance Committee meeting on the 13th March 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 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 AP1 from the meeting held on 13 March 2025 - Officials to follow up with PSNI seeking further information and clarification 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. Correspondence issued to Det Chief Sup McKee on 20th March 2025 requesting the follow up information. Currently awaiting a response.

The Director provided an update on AP2 from the meeting held on 13 March 2025 - Officials to follow up with 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. Correspondence issued to DCC Singleton on 20th March 2025 referring to the Di Maria case and the OPONI correspondence. This item is tabled at Item 6.2 of today's agenda. Members were content with this response and this action is now closed.

The Director provided an update on AP3 from the meeting held on 13 March 2025 - Officials to follow up with DCC Singleton sharing the Draft Code of Ethics agreed at March Committee and request his response to be discussed at the April Performance Committee. Correspondence issued to DCC Singleton on 20th March 2025 referring to the Draft Code of Ethics. This item is tabled at Item 6.1 of today's agenda. Members were content with this response and this action is now closed.

The Director provided an update on AP4 from the meeting held on 13 March 2025 - The Human Rights Advisor to issue letter at Annex A of Item 6.3 to IPCO. Correspondence issued to Sir Brian Leveson on 14th March 2025.

The Director provided an update on AP5 from the meeting held on 13 March 2025 - Officials to follow up with PSNI seeking an update on the current position of PSNI Data Board. The Director reported that the DCC confirmed that the PSNI Data Board's primary function has been internally focussed to implement the recommendations from the data breach report. However, it is also considering ethical issues in relation to data. Members were content with this response and this action is now closed.

The Director provided an update on AP6 from the meeting held on 13 March 2025 - Following discussions on the Draft Justice Bill, officials will redraft Board's position into a short document and circulate to Members for agreement by written procedure. Final position was shared with Members on 19th March for comment and the final document was submitted to the Justice Committee on 21st March. Final Document enclose at Item 4.1. Members were content with this response and this action is now closed.

5. CHAIRPERSON'S BUSINESS

The Chair referred Members to correspondence received from T/ACC Mel Jones to provide a detailed update into PSNI's progress against the recommendations detailed in the NIPB commissioned Human Rights Report on the use of spit and bit guards.

Members discussed the correspondence at length primarily in relation to Recommendation 2 of the report and the importance of highlighting the good work from the PSNI.

Following discussion it was: -

AGREED

Officials to write to ACC Mel Jones seeking further clarification on Recommendations 2 and 9 within the Update Report on the use of Spit and Bite Guards and also request permission to publish the Update Report on the Board's website. **(AP1)**

Officials to draft press statement highlighting the positive progress made on implementing the recommendations on Spit and Bite Guards in the PSNI's latest Update Report. **(AP2)**

6. ITEMS FOR COMMITTEE BUSINESS

6.1 Update on Code of Ethics

A Board official 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.

Members were informed that the process of amending and consulting on the Code is set out in statute (section 52, Police (Northern Ireland) Act 2000).

A Revised draft was provided to Members and the Working Group produced an amended draft Code for Members consideration. At March's Performance Committee Members engaged in discussion of the wording in the articles and it was agreed that, after some minor amendments the draft Code of Ethics would be provided to PSNI and an invitation extended to the Deputy Chief Constable (DCC) to attend April's Committee meeting to discuss the proposed amendments.

The Chairperson welcomed the Deputy Chief Constable and the Head of Professional Standards Department (PSD) to the meeting.

PSNI began by restating to Members that The Code of Ethics is used as a framework with PONI to use in police officer misconduct proceedings. The DCC confirmed that overall PSNI are content with the Board's proposed additions, however there are a few areas that they wished to discuss further with Members. The Head of PSD identified some draft wording of Articles that could potentially be difficult to implement. He specifically identified Articles 1.9, 1.12, 6.3, 7.6 and 10.5 for further discussion and consultation with Members.

Members engaged in discussion regarding these areas with the DCC and Head of PSD.

Following discussion it was: -

AGREED

Officials to arrange for PSNI to submit a further draft of Code of Ethics with their proposed amendments for Members consideration. **(AP3)**

6.2 PSNI Vetting Issues

The Director of Performance informed Members that this paper provides Members with an update on recent vetting issues within PSNI to assist them in raising any issues with the Deputy Chief Constable and the Head of PSD at today's Performance Committee.

The information is provided in three separate areas that includes the recent correspondence from the Chief Executive of OPONI regarding a recent case, the *R (Lino Di Maria) Case* judgement and the recent CJINI Inspection Report on An Inspection of the Police Ombudsman for Northern Ireland's Investigation of Abuse of Position Concerns and Complaints.

The Chairperson invited PSNI to brief Members on current vetting issues for PSNI.

The DCC updated Members on the latest situation regarding the case raised by the Ombudsman's correspondence and that vetting processes in 2019 were not as robust as they are today. Since 2019 the PSNI have put a vetting panel in place and also implemented the recommendations of the 2023 HMICFRS inspection that examined current vetting standards in the PSNI and concluded with an adequate rating. Since then recommendations from the Angiolini Report have also been implemented with significant work carried out to date on updating the PSNI Vetting code.

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

- A Member queried if a higher level of scrutiny is used in vetting of Senior Officers;
- A Member expressed their view that PONI correspondence suggests a lack of openness from PSNI with regards to the vetting issue. Are the PSNI open in disclosing information regarding vetting issues?

- A Member queried if the PSNI Vetting process is rigorous enough?
- A Member queried PSNI's current position on misconduct cases in relation to vetting;
- A Member sought clarity on Officers facing misconduct proceedings and the ability to request early retirement; and
- The Chair sought clarity on how decisions to suspend or reposition are made by the DCC.

The PSNI provided the following responses: -

- With regards to vetting of Senior Officers the PSNI informed Members that everyone is subject to the same vetting criteria even those officers who are transferred from another force;
- The PSNI informed Members in relation to disclosure of information that they disclose as much information as they are legally allowed;
- In relation to the rigour applied by PSNI in the vetting process the PSNI informed Members that there is scope for improvements;
- The PSNI provided Members with a high-level overview of ongoing misconduct proceedings to date. They acknowledged that resourcing issues within the department have resulted in a delay in progressing these cases. They are currently looking at introducing targets which they believe will help with productivity levels;
- With regards to early retirement requests for officers facing misconduct charges the PSNI informed Members they are fully supportive of amending the Justice Bill to address the issue of early retirement. They are aware of the two-tier policing perception and continue to work on building internal confidence within the force; and
- The DCC confirmed that when making decisions regarding suspensions or repositioning that he is bound by the Police Conduct Regulations 2016 and in particular Part 2 Article 10.

The Chairperson thanked the PSNI for their attendance and briefing and they left.

Following discussion it was:-

AGREED

Chair of Performance Committee to respond to Chair of Resources Committee regarding the DCC decisions re: Basis for Suspension or Repositioning of Officers under investigation. **(AP4)**

6.3 Annual Performance Assessment

A Board official referred Members to the five-year Northern Ireland Policing Plan 2020-2025 which was agreed by the Board at its meeting of 5 March 2020. It identifies three Outcomes that the Board want policing to deliver for the people of Northern Ireland, namely:

Outcome 1 - We have a safe community;

Outcome 2 - We have confidence in policing; and

Outcome 3 - We have engaged and supportive communities.

The Police (NI) Act 2000 states that the Board is required to prepare and publish for each financial year a summary (its “performance summary”) of the Board’s Assessment of the Policing Plan. To fulfil this statutory duty an Annual Performance Plan is produced each year to track the progress towards delivering on the Policing Plan outcomes. This document also forms part of the Board’s Annual Report and Accounts and is subject to an annual audit by the Northern Ireland Audit Office.

Members considered the draft Policing Plan Annual Assessment and made a number of comments and recommendations including streamlining the report to improve efficiency and including a section to highlight the impact from the previous annual assessment. Officials agreed to consider these amendments and asked for all feedback to be submitted ahead of May Performance Committee.

Following discussion it was:-

AGREED

Officials to consider adding a section entitled 'Lessons Learnt/Impact' into annual performance assessment. **(AP5)**

6.4 Performance Committee Annual Assessment 2024/25

The Director of Performance informed Members that this paper provides Members with a draft of the Committee's Annual Report and were advised this forms part of the Board's Annual Report and Accounts for the 2024/25 year.

The Director of Performance reminded Members the role of the Performance Committee is to support the Board in its responsibilities for issues related to PSNI operational performance, to include performance against the Policing Plan measures specific to the Committee, Human Rights compliance and the Professional Standards of Police Officers. The Committee also oversees the exercise of the functions of the National Crime Agency (NCA) and keeps itself informed of the work of Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) in Northern Ireland.

The Committee's role and remit is set out in its Terms of Reference where the Committee's responsibilities are identified as follows:

- Governance and General Matters
- Other Police Performance
- Human Rights
- Police Professional Standards
- National Crime Agency

A summary of the Committee's performance in each of these area's is contained within the report.

Officials presented a self-evaluation questionnaire and asked Members to consider and reflect on these questions and feedback to officials. This feedback will be further considered at the May meeting of the Performance Committee.

6.5 Clause 22 Delegation of Functions to Members and Officials

The Director of Performance informed Members that all Committees are currently considering the implications of the introduction of Clause 22 of the Justice Bill. This is in relation to the delegation of functions to officials both when the Board is functioning and when there is not a functioning Board.

Members were requested to consider the functions contained within the Terms of Reference for the Performance Committee and if any should be delegated to officials in either scenario.

Members engaged in a brief discussion in this area and agreed that in both circumstances there were no functions of the Performance Committee that should be delegated to officials.

6.6 Human Rights Advisors Report – March 2025

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

- Drafting 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 PSNI Service Accountability Panel;
- Meeting with the previous DCC;
- Contributed to Republic of Ireland seminar on privacy and Body Worn Cameras;
- Met with CJINI to discuss proposed Children's Criminal Exploitation research;
- Met with Joanne Kane (HR consultant) on replacing the Human Rights Advisor;
- Quarterly human rights meeting with DCC;
- Met with BBC journalist making a podcast on PSNI surveillance;
- Met with PSNI aircraft team on privacy and surveillance;
- Met with NI Director of MI5;
- Board meetings;
- Performance Committee meetings; and
- Various meetings with Board officials and PSNI.

The Human Rights Advisor also updated Members on the recent publication of the annual report by the Independent Reviewer of Terrorism Legislation. He highlighted the main areas of the report relating to Northern Ireland and informed members of the link to the full report. He also outlined his work plan for April 2025.

Following discussions it was:-

NOTED

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

7. QUESTIONS FOR THE CHIEF CONSTABLE

7.1 No questions were identified for the Chief Constable.

7.2 Members noted the detailed response from the Chief Constable to a question from the Committee Member. The response outlines figures in relation to officers from ethnic minority backgrounds and CNR community facing misconduct investigations.

8. COMMUNICATION ISSUES

No other communication issues were identified.

9. ANY OTHER BUSINESS

The Chair requested that when the PSNI amendments to the draft Code of Ethics are submitted that officials make arrangements for the Working Group to reconvene prior to the next Committee meeting to consider the proposed amendments.

10. DATE OF NEXT MEETING

It was agreed that the next Performance Committee meeting would take place on Thursday 15th May 2025 at 9:30am.

Meeting closed at 1:40 pm.

PERFORMANCE DIRECTORATE

10th April 2025

Chairperson