

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON THURSDAY 2 MARCH 2023 AT 9.00AM IN WATERSIDE TOWER, CLARENDON DOCK.

PRESENT:

- Mr Edgar Jardine (Vice-Chair)
- Dr Janet Gray*
- Mr Michael Atkinson
- (1) Mr Maurice Bradley MLA
- Mr Trevor Clarke MLA
- Dr Kate Lavery
- Mr Les Allamby
- Mr Gerry Kelly MLA
- Ms Liz Kimmins MLA*
- (2) Mrs Linda Dillon MLA
- Mr John Blair MLA
- (3) Ms Nuala McAllister MLA
- Mr Peter Osborne
- Mr Mike Nesbitt MLA
- (4) Mr Mark H Durkan MLA

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

- (5) Mr Simon Byrne, Chief Constable
- (5) Mr Mark Hamilton, Deputy Chief Constable,
- (5) Ms Pamela McCreedy, Chief Operating Officer
- (5) Mr Bobby Singleton, Assistant Chief Constable
- (5) Mr Mark McEwan, Assistant Chief Constable
- (5) Ms Clare Duffield, Assistant Chief Officer
- (5) People and Organisational Development
- (5) Strategic Communications & Engagement
- (5) Mr Ryan Henderson, Chief Superintendent
- (5) Mr Bobby Parkhill, Strategic Communications & Engagement

NORTHERN IRELAND POLICING BOARD OFFICIALS IN ATTENDANCE:

- Mrs Sinead Simpson, Chief Executive
- Mr Adrian McNamee, Director of Performance
- Ms Jenny Passmore, Director of Partnership
- Ms Aislinn McGuckin, Director of Police Pension and Injury Benefits

**OTHER OFFICIALS IN
ATTENDANCE:**

Four Board Officials
Mr John Wadham, Human Rights Advisor

- (1) From Item 6 on
- (2) From Item 5.2 on
- (3) From Item 8.1 on
- (4) From Item 5.2 on
- (5) Item 10 only

1. APOLOGIES

Apologies were received from Ms Deirdre Toner (Chair), Mr Frank McManus and Mrs Joanne Bunting MLA.

On behalf of the Board, the Vice-Chair expressed the Board's revulsion at the attack on Detective Chief Inspector John Caldwell and noted the Board's thoughts and prayers are with him and his family at this time.

The Vice-Chair also expressed his thanks to Independent Members Carmel McKinney and Michael Atkinson for their contribution to the work of the Board over the last three years and noted this will be their last monthly Board meeting as their term of office ends on 31 March 2023.

The Vice-Chair also wished Liz Kimmins MLA well with the impending arrival of her new baby.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared, however Independent Members wished an interest to be noted on their behalf regarding agenda item 5.1 regarding correspondence received relating to the appointment of independent members.

3. DRAFT MINUTES OF THE BOARD MEETING HELD ON:

3.1 Thursday 2 February 2023

It was **RESOLVED**:-

- That the minutes of the Board meeting held on 2 February 2023 be approved.

4. BOARD ACTION LOG

Updates as detailed within the Action Log from the Board meetings held on 8 December 2022 and 2 February 2023 were noted in addition to the following verbal updates provided by the Chief Executive:

In relation to Action Point 2 from the meeting on 2 February 2023, she advised there has been communication with the Deputy Chief Constable's (DCC) office about the need for progress on the lessons learned from Op Yurta to be shared with the Board and will continue to keep that action open until it is received.

In relation to Action Point 3 from the 8 December 2022 meeting regarding the follow up information from the National Crime Agency, the Chief Executive noted this information has now been received and is attached for Members information alongside the action log on Decisiontime. Members were content for this action to be closed.

5. CHAIRPERSON'S BUSINESS

5.1 Chair's Report

The Board noted a Report from the Vice-Chair which advised Members of:

- The Chair's engagements carried out during the period 2 February 2023 to 1 March 2023.

- A full list of correspondence issued and received by the Chair since the Board meeting on 2 February 2023.

The Vice-Chair noted that due to the Chair's period of annual leave this month, there have been few engagements and none to highlight on this occasion.

In relation to correspondence, the Vice-Chair highlighted the following items:

- Correspondence copied to the Board regarding the Pre-action letter served on the Department of Justice (DoJ) in relation to the recent appointments process for independent members. The Vice-Chair advised that the Board had also received related correspondence and noted the Board is currently taking legal advice in that regard. In response to a question from a member regarding the timeframe for a response from the DoJ the Chief Executive noted the DoJ had until 7 March 2023 to issue a response.
- Correspondence received from the Ombudsman advising of her intention to commence a section 60 policy and practice investigation in relation to actions on the PSNI duty of care to members of the public, safeguarding and protecting those most vulnerable in line with the Regional Interagency protocol. The Vice-Chair noted the Terms of Reference (ToR) for that investigation are included in her letter.
- Correspondence issued by the Board to the Ombudsman and PSNI advising of our Human Rights Advisors review of strip searches on children and young people in custody.

- Correspondence issued by the Board to the Chief Constable and to the Chief Executive of the Ambulance Service thanking them for the work they did at the scene following the attack on DCI John Caldwell last week.

5.2 DRAFT CORRESPONDENCE FROM BOARD IN SUPPORT OF ADDITIONAL PSNI RESOURCING

The Chief Executive advised that following the attack on DCI Caldwell, the Chief Constable and Chief Operating Officer provided the Resources Committee with an update on the attack at the Resources Committee meeting which took place the morning after the attack. The Chief Executive noted it was acknowledged at the meeting that visible cross-party condemnation of the attack would be welcome as well as, at an appropriate time, cross-party support for the PSNI to be adequately resourced, given that the attack highlighted the fragility of the budget to deal with unplanned demand.

A meeting was subsequently organised for all party leaders with the Chief Constable on 24th February 2023 and following this meeting PSNI developed a fact sheet on the budget implications which was co-signed by the Board Vice-Chair and shared with all party leaders. This has been included with the meeting papers for members' information.

Members at Resources Committee also asked that a draft letter highlighting the budget concerns be brought to this Board meeting for consideration, and a suggested draft has been included with the papers for today's meeting for member's review.

Following discussion Members **AGREED** the letter should be issued to the DoJ Permanent Secretary and be copied to the Secretary of State. ¹ **(AP1)**

¹ Following discussion under agenda item 10 later in the meeting it was agreed to include reference in this letter to the financial position in England and Wales as a comparison and to also copy the letter to HMICFRS

In relation to the fact sheet on the budget implications which was co-signed by the Board Vice-Chair, Members discussed that whilst the Board are supportive of the PSNI's request for additional funding and endorse the contents of the fact sheet, it is important that the Board retains its independence while also advocating for PSNI to have additional resources required. It was therefore agreed that in future, the Board will refrain from being co-signatories to PSNI documents/media releases.

5.3 UPDATED COMMITTEE MEMBERSHIP – VERBAL UPDATE

The Chief Executive noted that following Michael Atkinson and Carmel McKinney's term of office ending on 31 March 2023, two new Independent Members are scheduled to join the Board from 1 April 2023 and as such there will be some changes to the membership of the Board's Committees. In line with the Board's Standing Orders, and a paper seeking Members' agreement on the revised Committee Membership will be brought to the April 2023 Board meeting.

(AP2)

Members **NOTED** the update.

5.4 LIAM KELLY – POLICE FEDERATION – VERBAL UPDATE

The Vice-Chair welcomed the Chair of the Police Federation NI (PFNI) to the meeting, and he began by expressing his thanks and appreciation to all Political and Independent Members for their messages of support and well wishes following the despicable attack on a Senior Officer which will be passed on to the Officer's family.

Members were then presented with the PFNI perspective in respect of the budget pressures and the impact of the wider cost of living crisis on its members.

The PFNI Chair gave an overview of the issues currently being experienced by its members and highlighted the following areas of concern:

- The stark reality of budget pressures following implementation of the Resource Allocation Model (RAM) and how this will impact the ability to sustain critical specialist teams and units in order to protect core functions and maintain service delivery including 999 emergency response ,
- Concerns in respect of the level of potential cuts planned for next year (2023-24), the need for a multi-year budget, and the impact of delayed and insufficient pay awards on Officer and Staff morale, recruitment, and retention in light of ongoing cost of living challenges, and
- The pay review body for police officers in England and Wales have been offered a 3.5% pay increase and emphasised the need for political support to lobby the UK Government to provide enough resource to allow PSNI to be offered the same.

Members raised the following points with the PFNI Chair:

- The current state of staff morale and how morale is measured;
- The PFNI's views regarding the disciplinary process and perceived differences in the treatment of junior and more senior officers in terms of both the numbers subject to disciplinary action and severity of sanction;
- Vacant leadership roles within Neighbourhood Teams (for example due to retirement) and the mechanisms to fill these posts;
- The Service ability to cancel annual leave /reallocate rest days to meet business need and the impact this has on officer work life balance;
- With regard to the disciplinary process in cases where there is a criminal aspect, Members sought the PFNI's views on possible amendments to the system which would allow internal disciplinary processes to begin before or progress concurrently with the related criminal proceedings.

Members **NOTED** the update and thanked Liam for the briefing.

6. CHIEF EXECUTIVE'S REPORT

The Board **NOTED** a report from the Chief Executive which provided an update on various items of business. The Chief Executive highlighted the following items:

- In relation to the breach of anonymity discussed last month, the Chief Executive advised members of the steps put in place to avoid a reoccurrence of this issue. The Chief Executive also updated Members on the ongoing related legal case. The Vice-Chair thanked the Chief Executive, Board officials and a Board Member for the swift handling of this case when the issue arose over a weekend.
- In relation to James House, preparation is continuing for the move to take place at the end of this month and arrangements are being made for the April Board meeting to be held offsite as we will be unable to host a meeting in James House at that time. The Chief Executive noted the lease on Waterside Tower ends on 30 April 2023.
- The quarter 3 updates on the Board's business plan and implementation of the equality and disability action plans are included in this month's report.

In relation to correspondence, the Chief Executive highlighted the following item:

- Correspondence received in relation to a recent Judicial Review judgment which the Resources Committee was briefed on. The Chief Executive advised the Board that officials are currently considering the judgment and the implications of it, and taking legal advice on it.

Members also discussed potential venues for the offsite Board meeting in April. Board Officials noted that options are currently being explored and they will revert to members with details in due course.

7. COMMITTEE REPORTS

7.1 Performance Committee – 9 February 2023

The Board noted the Performance Committee Chair's Report and draft minutes of the meeting held on 9 February 2023. The Chair also provided a verbal update on matters considered at the meeting which included an update on Policing Plan Measure 1.1.1 (Repeat Victimisation), a bi-annual report from the PSNI on the governance framework and the use of Spit and Bite Guards and the Human Rights Advisor's update report for January 2023. Members also considered a proposal for carrying out research in relation to Children and Young People's interaction with the PSNI.

Members **NOTED** the report.

7.2 Partnership Committee – 16 February 2023

The Board noted the Partnership Committee Chair's Report and draft minutes of the meeting held on 16 February 2023. The Chair also provided a verbal update on matters considered at the meeting which included updates on Performance Plan Measures in respect of the Local Policing Review (3.1.1), Neighbourhood Policing (3.1.2) and the Impact of Partnership working (3.13).

The Committee also considered Updates on the Neighbourhood Policing Peer Review (PSNI and Merseyside Police), the Code of Practice for the Appointment of Independent PCSP Members and the Independent Custody Visiting (ICV) Scheme Recruitment Campaign 2022/23.

Members **NOTED** the report.

A Member raised a query whether correspondence agreed at Partnership Committee had already been issued and asked to be advised if a line had been included seeking confirmation that DoJ are content for the Board to proceed to commence the appointment process PCSP members based on the current Code of Practice – the Director of Partnership to check and revert to the Member. **(AP3)**

7.3 Resources Committee – 23 February 2023

The Board noted the Resources Committee Chair's Report from the meeting on 23 February 2023. The Chair also provided a verbal update on matters considered at the meeting which included a presentation from the PSNI Head of Learning and Development on the Police College and L&D, a briefing from the Superintendents Association (SANI) in relation to the Police Remuneration Review Body (PRRB) 23/24 pay review process, the monthly PSNI Finance report and an update on the Judicial Review judgment following a challenge to a decision taken by the Board to refuse an Injury on Duty Award for two former PSNI Officers.

Members were also advised that following the conclusion of scheduled Committee business, the Chief Constable provided Resources Committee Members with an update on the events that took place in Omagh the previous night.

Members **NOTED** the report.

8. BOARD BUSINESS

8.1 Corporate Plan 2023-2025

The Corporate Services Manager presented a paper which provided Members with a revised draft of the Board's Corporate Plan 2023-2025 following Senior

Management Team and Members' review of the responses received to the public consultation.

The Corporate Services Manager noted that following the previous Board meeting and SMT's consideration of the consultation responses, the draft Corporate Plan document had been restructured and updated to reflect the views expressed by consultee respondents. This revised document was circulated to Members on 23 February 2023. The Corporate Services Manager noted that further to feedback received from Members since the 23 February 2023, a revised track changes version of the draft Corporate Plan had been included with the meeting papers for Members' consideration.

Members noted the key amendments and revisions that had been incorporated into the new draft plan including:

- The Plan has been restructured to highlight the Board's Vision, Values, Mission Statement and Objectives earlier in the document
- More emphasis has been placed on the forward looking nature of the Plan;
- The increasingly difficult budget position which has developed further since the publication of the consultation document, is now reflected more significantly in the updated draft plan.
- A breakdown of the Board's finances for the incoming year and,
- The Board's advocacy role has been drawn out further.

Following discussion Members:

- **AGREED** the final draft of the Board's Corporate Plan 2023-2025, and
- **AGREED** the draft correspondence for issue to DoJ seeking their approval of the Board's Corporate Plan 2023-2025. **(AP4)**

8.2 Report from Policing Plan Review Working Group

The Director of Performance presented a paper which provided Members with a comprehensive report on the work of the Policing Plan Review Working Group (PPRWG) and concluded with recommendations to the Board in relation to amendments to the Policing Plan 2020-2025 and Annual Performance Plan 2023/24. The paper also noted further work that was undertaken by the PPRWG in respect of the development of the Performance Framework that includes updated baselines and impacts.

The Director of Performance noted that the PPRWG met five times since September 2022 and to provide consistency with the two previous years the Membership of the Working Group remained the same, with Michael Atkinson, Liz Kimmins, Edgar Jardine and Trevor Clarke returning to sit on the group. Membership of the group also included three senior representatives from the PSNI; the Deputy Chief Constable, ACC Singleton and ACO Magwood.

The Director of Performance advised the Working Group undertook three key tasks as set out in the Terms of Reference.

Firstly, the Group completed a horizon scanning exercise to identify any necessary changes to the Policing Plan's Outcomes, Indicators and Measures. In a one-day workshop, 8 areas were identified and considered by the Group for inclusion within the Policing Plan. Following consideration of all these areas the Director of Performance advised that the Working Group recommend to the Board that 3 new Measures are added to the Performance Plan and that 3 existing Measures are amended to bring them up to date.

Secondly, the Working Group reviewed the reporting of impact. The Director of Performance advised that in previous years the Working Group had identified a Performance Framework with baselines and impacts. In this period the Group agreed updates to these baselines and impacts in order to make them more meaningful and also identified new baselines and impacts for the three new Measures referred to above. The Director of Performance noted the fully

updated Performance Framework is included at Annex C of the meeting papers and it is recommended to the Board by the Working Group.

The Director of Performance noted thirdly, the Working Group considered the 2 recommendations made in the latest NI Audit Office Report in relation to Continuous Improvement Arrangements in Policing. The first recommendation calls for the inclusion of up to date baseline data for all indicators and measures. The Working Group focussed on developing a Performance Framework and this has been updated and is enclosed within the meeting papers at Annex C. This Framework has been reviewed and updated by the Group to enhance it and make it more effective.

The Director of Performance advised the second recommendation asked the Board to review the use of the Outcome Based Accountability (OBA) method of evaluation that has been adopted for the Policing Plan 2020-25. The Director of Performance noted the Working Group has looked at this and concluded that the OBA methodology has been slow to deliver impact data but that this is now starting to improve and will continue to get better as we move into the latter years of the five year programme. The Director of Performance advised that the Working Group therefore recommends to Members the continuation of the OBA methodology for the remainder of the implementation of the Policing Plan 2020-25.

Following discussion Members AGREED to:

- **APPROVE** the recommendations in the report related to the amendments to the Performance Measures detailed in the Plan and the addition of the Foreword;
- **APPROVE** the Performance Framework (Annex C) in relation to the work undertaken to update the Baselines and Impacts for 2023/24; and

- **APPROVE** the continuation of the OBA methodology for the remainder of the implementation of the Policing Plan 2020-2025.

9. KEY ISSUES OF PUBLIC INTEREST

The Board noted a paper which detailed recent issues of public interest which were relevant to the Board's areas of work. Recent news stories of concern will be addressed when PSNI attend the meeting.

10. PRIVATE SESSION WITH THE CHIEF CONSTABLE INCLUDING CHIEF CONSTABLE'S ACCOUNTABILITY REPORT

Following the public meeting with the Chief Constable where he expressed his thanks to outgoing Independent Members Michael Atkinson and Carmel McKinney for their stewardship and support during their time in office the Vice-Chair welcomed the Chief Constable, Deputy Chief Constable, Chief Operating Officer (COO) Pamela McCreedy, Assistant Chief Constable Mark McEwan, Assistant Chief Constable Bobby Singleton, Assistant Chief Officer People and Organisational Development Ms Clare Duffield, Chief Superintendent Ryan Henderson, Executive Support Team, and Bobby Parkhill and colleague, Strategic Communications & Engagement to the meeting.

The Vice-Chair thanked the PSNI for the flow of information in terms of keeping Board Members updated over this past week since the attack on DCI Caldwell and invited him to provide an update.

The Chief Constable and ACC McEwan provided Members with a current update on the incident, including an update on the Officer's condition, how welfare support was being provided to the family, the current position of the investigation and reassurances that currently he had sufficient resources to conduct the investigation. The Chief Constable noted the scale of the enquiry is enormous, however considerable resource has been dedicated to the investigation and any lines of enquiry are being dealt with as a high priority. ACC

McEwan added the investigation team are highly motivated to find those responsible for the attack and PSNI will continue to keep the Board updated with regard to any arrests made or charges brought.

The Vice-Chair asked for Member questions and the following matters were discussed with PSNI Leadership team:

PSNI Budget — The Chief Constable advised the PSNI continues to face significant financial challenges and noted the financial outlook for next year still remains uncertain. The Chief Constable advised the PSNI are awaiting clarity on the coming year's budget settlement to understand with greater certainty the quantum of the challenge next year. The Chief Constable advised that, in recent days he has spoken to the DoJ Permanent Secretary and senior NIO officials and reiterated a robust case for additional funding. The Chief Constable stressed that additional funding/resource is crucial to allow PSNI to respond to unexpected events without having a detrimental impact on the existing workload of the service. He confirmed that PSNI are planning to submit a bid for additional security funding", noting the short window of time to do this before the budget/resource plan for this coming year is set.

The Deputy Chief Constable added it will be a number of months before the cost implications of the events in Omagh can be quantified with some aspects remaining unquantifiable, such as impacts on officers and other witnesses in terms of trauma/mental health/behavioural changes etc.

The Chief Constable welcomed both the support of the Board and of the political parties at the meeting that took place in the days immediately after the attack on DCI Caldwell. The Vice-Chair advised that the Board had earlier agreed correspondence to be issued to the DoJ Permanent Secretary copied to the Secretary of State highlighting the Board's concerns regarding the fragility of the PSNI budget, the impact of unplanned demand on resources and advocating for

an improved budgetary settlement for the next financial year. Following discussion, it was agreed that this letter would also be copied to HMICFRS.

Threat Level – In response to a Member's question around the current threat level and whether this should now be reassessed, PSNI provided an overview of how the overall threat level is assessed and how individual incidents are factored into that decision making process. In response to a Member's specific question relating to the threat currently posed by loyalism, ACC McEwan advised that PSNI are actively monitoring intelligence and currently there is no evidence to suggest that there has been a significant change in tensions or intent. The Chief Constable further advised that PSNI have ongoing constructive conversations with the Security Services and National Crime Agency and he is content that staff are working closely at every level and there are no concerns regarding the interface.

In addition to the above the PSNI Leadership team addressed a range of matters from Members concerning:

- A security breach at Newtownards PSNI station
- The implications on the service if the police staff members of NIPSA vote in favour of strike action
- Breakdown of PSNI misconduct process and the importance of ensuring officers were aware of the importance of adhering to the standards within the PSNI Code of Ethics
- budgetary challenges across the UK
- Support for families of officers who have suffered an attack
- Concerns regarding tensions in local communities and the exploitation of children in public order situations and what is being done to try and prevent Child Criminal Exploitation

The Vice-Chair thanked the Chief Constable, Deputy Chief Constable, Chief Operating Officer Pamela McCreedy, Assistant Chief Constable Mark McEwan,

Assistant Chief Constable Bobby Singleton, Assistant Chief Officer People and Organisational Development Ms Clare Duffield, Chief Superintendent Ryan Henderson, Executive Support Team and Bobby Parkhill and colleague, Strategic Communications & Engagement for their private briefing to the Board.

11. QUESTIONS FOR THE CHIEF CONSTABLE

11.1 Issues Arising from Committees

There were no issues arising from recent Committee meetings for the Board's attention.

11.2 Committee Written Questions and Responses

Members noted the responses received from the Chief Constable to three Committee questions within this period.

11.3 Individual Members' Written Questions and Responses

Members noted the responses received from the Chief Constable in relation to Members written questions and follow up response to verbal questions from the previous Board meeting on 2 February 2023.

12. SCHEDULE OF MEETINGS

The Chief Executive asked Members to **NOTE** the updated schedule of meetings from March - June 2023, and in particular highlighted several updates to Board and Committee meetings and requested Members update their calendars accordingly:

- The dates and venue for the Board Induction/development days have now been confirmed - this will take place on 28 and 29 March in the

Rosspark Hotel, Kells, and Members will have received an e-mail confirming that yesterday.

- The 6th April 2023 Board meeting is likely to take place in the Stormont Hotel, Belfast.
- There are no Committee meetings in April due to the office relocation to James House.
- The change of date of the Partnership Committee meeting in May due to the fact the original date fell on the day of the Local Government Elections; and
- An ARAC meeting has been scheduled for Tuesday 23 May to consider the draft Annual Report and Accounts

Members **NOTED** the update provided.

13. COMMUNICATION ISSUES

None raised.

14. ANY OTHER BUSINESS

The Chief Executive noted flowers are being sent to the wife of DCI John Caldwell on behalf of the Board.

15. DATE OF NEXT MEETING

The next Board Meeting is scheduled for Thursday 6 April 2023 at 9.30am and is likely to be held in the Stormont Hotel, Belfast.

The private meeting closed at 11am.

The Board then moved into the public session from 11am to 12.00pm which was held by a video conference facility and livestreamed.

A verbatim recording of the Board meeting in public is available on the Board's YouTube page @nipolicingboard

This was followed by the private session with the Chief Constable from 12.15pm to 1.25pm.

Corporate Services

Date: March 2023

Chair