

NORTHERN IRELAND POLICING BOARD

MINUTES OF A MEETING OF THE PERFORMANCE COMMITTEE HELD ON 8 OCTOBER at 10.00, WATERSIDE TOWER AND VIA VIDEO CONFERENCING FACILITY

PRESENT:		Mr Mervyn Storey, Chair
		Ms Carmel McKinney, Vice-Chair
		Mr Edgar Jardine
	3	Ms Deirdre Toner
		Mrs Joanne Bunting
		Mr Trevor Clarke
	1	Mrs Dolores Kelly*
		Mr Gerry Kelly
		Ms Liz Kimmins
	2	Mr Mike Nesbitt
POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE	4	ACC Mark McEwan
	5	T/ Chief Supt Anthony McNally
	4	PSNI staff member
GUESTS IN ATTENDANCE	6	Elaine Forde (Director at Derry Playhouse Theatre)
	6	Dermot Harrigan (Derry & Strabane PCSP Manager)
	6	Dr John Topping (Queens University Belfast)
OFFICIALS IN ATTENDANCE:		Amanda Stewart, Chief Executive
		Mr Adrian McNamee, Director of Performance
		Five Board Officials
HUMAN RIGHTS ADVISOR:		Mr John Wadham

- (1) Item numbers: 6.1 to 6.2
- (2) Item number: 1 to 6.2
- (3) Item numbers: 1 to 6.2 and 6.5
- (4) Item number: 6.1 to 6.2
- (5) Item number: 6.1
- (6) Item number: 6.5

* Denotes Members that joined the meeting using video conferencing facility.

1. APOLOGIES

No apologies were received for the meeting.

The Committee agreed the agenda for the meeting.

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

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. DRAFT MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE

The Committee considered the minutes of the meeting held on the 10 September 2020. A Member requested that the wording of AP4 at Agenda item 4.1 be amended from:

“To write to PSNI to ask if a full EQIA has been fully considered and clarify attendees and outcome of the consultation event held on 28 July 2020 and future plans for a formal consultation.”

to

“To write to PSNI to clarify that no formal consultation has taken place as we have not had any information to suggest that proper consultation has taken place as part of the EQIA and also ask what future plans they have for a formal consultation.”

The Director of Performance reminded Members that correspondence had been issued to PSNI in relation to this action point. However, it was **AGREED** that when a response was received it would be considered and if necessary additional information requested.

Members were in agreement with the change in wording to the content of the remaining draft minutes. **NOTED**

It was therefore:-

RESOLVED:-

That the draft minutes of the Performance Committee meetings held on the 10 September 2020 were agreed with the recorded amendment.

4.0 UPDATE ON ACTION LOG

The Director of Performance provided an update on the actions listed on the Action Log. Members noted the remaining current open actions and expected timeframes for these matters to be brought back to the Performance Committee. **NOTED.**

5.0 CHAIRPERSON'S BUSINESS

The Chair confirmed that he had no items of business for discussion.

6.0 ITEMS FOR COMMITTEE BUSINESS

6.1 PERFORMANCE PLAN: MEASURE 1.1.1 CHILD SEXUAL ABUSE AND EXPLOITATION

A Board Official presented a paper providing Members with analysis of work relating to PSNI's performance against a Measure within the Performance Plan 2020/21 specific to Child Sexual Abuse and Exploitation (CSAE). Members were also asked to note the key issues and opportunities within the paper to assist with further scrutiny of police performance and to inform discussion with PSNI who attended the meeting.

Members were updated that PSNI had provided the Achieving Best Evidence action plan prior to this meeting and this had been shared electronically. The Board Official provided a short analysis of the action plan and identified potential issues.

The Chair welcomed ACC Mark McEwan and Chief Superintendent Anthony McNally and invited them to brief Members on PSNI's performance against CSAE. PSNI presented information in the OBA Report Card and provided a statistical commentary of their performance against the Measure. PSNI highlighted they had engaged in a considerable amount of work over the previous twelve months and that they are continually striving to improve their statistics and recording. It was acknowledged that the Report Card needs further work and would require further scrutiny specifically concerning a decrease in referrals during the COVID-19 lockdown period compared to previous years.

PSNI informed Members that they recognised recommendations from recent reports such as Gillen, Criminal Justice Inspection Northern Ireland (CJINI) and through Leonard Consultancy on behalf of Safeguarding Board for Northern Ireland (SBNI) and updated Members on work carried out in four key areas:

1. Contemporary Child Abuse

- PSNI outlined difficulties during COVID-19 and the likelihood of a surge of referrals following the easing of lockdown restrictions;

- New internal structures that have been initiated and collaborative partnerships with Health and Social Care (HSC), Education Authority (EA) and SBNI to improve the service provision for child victims and to encourage engagement with the criminal justice system to improve outcomes;
- PSNI led on the 'Collectively Preventing Harm' collaborative meetings and discussions over the COVID-19 lockdown period; and
- In July 2020 PSNI produced a new online application page for Child Protection Disclosure Scheme.

2. Children at risk of Child Sexual Abuse and Exploitation (CSAE)

PSNI provided Members with further updates on their recent work regarding CSAE including:

- PSNI centralised the CSAE supervision structure introduced in September 2020, to enhance consistency and lift levels of practice and investigation;
- The introduction of the Achieving Best Evidence (ABE) pilot scheme which focusses on a smaller cadre of Public Protection Branch officers in partnership with social workers to improve the quality of interviews with victims and witnesses;
- The Youth Diversion Officer pilot in Mid and East Antrim for return/safeguarding discussions with children who go missing to enhance preventative actions;
- Collaboration with HSC Restriction of Liberty Panel multi-agency group to assess children at significant risk of harm for secure accommodation;
- Partnering with EA on the Virtual Safeguarding panels to share information for children to be deemed at risk;
- Cooperating with SBNI to produce a media campaign highlighting risks to children over the COVID lockdown period; and
- Public Protection Branch (PPB) created a new e-learning package for front line officers including response police, call handlers, detectives and custody staff to raise awareness and signpost officers.

3. Historical Reports

- New teams created in March 2020 based in Omagh and Strandtown to provide necessary support and co-ordination for victims of non-recent abuse; and
- PSNI participate in collaboration with other UK forces in best practices resulting in a reduction of file sharing time by one third to move cases more effectively through the criminal justice system.

4. Online Abuse

- The Child Internet Protection Team (CIPT) receive referrals from the National Crime Agency (NCA) and this has recently led to multiple arrests relating to Indecent Images of Children (IIOC); and
- It is expected that an advance in technology will enable CIPT to carry out checks of electronic devices during searches of properties and lead to improved efficiency.

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

- The role of partners especially schools and further education colleges in child safeguarding;
- Protection of children and the identification of children at risk who are not in care;
- Statistics outlined in PSNI's OBA report;
- The quality of the e-learning package, plans for a full roll-out and how PSNI monitor the effectiveness of this training;
- What other international best practice examples do PSNI look to benchmark against; and
- Work to educate parents of dangers of online abuse/grooming of children.

The Chairperson thanked PSNI for their attendance and briefing and on behalf of the Committee congratulated Chief Superintendent Anthony McNally on his recent success in his promotion competition. PSNI officials then left the meeting.

Following discussion it was:-

AGREED:-

To write to MPs to declare the Committee's support in compelling all internet service providers and social media platforms to sign up with UK Legislation for "Duty of Care" online protection. **(AP1)**

Furthermore, it was:-

AGREED:-

For the Directors of Performance and Partnership to explore Committee co-operation in relation to Support Hubs when the current ongoing Department of Justice evaluation is published. **(AP2)**

6.2 PSNI CODE OF ETHICS REVIEW

Members were provided with a background paper from Board Officials to inform their discussion with ACC Mark McEwan. This included the following papers from PSNI:-

- A draft 2020 Code of Ethics Document;
- A short paper on the Code of Ethics Review; and
- An example of New Zealand's Police Code of Conduct.

Members were reminded that due to the recent PSNI staffing update that the responsibility for Professional Standards Department would move from ACC McEwan and Detective Chief Superintendent John McVea to Chief Superintendent Phil Knox.

The Chair welcomed ACC Mark McEwan and invited him to brief the Committee on the proposals for the next steps for the Code of Ethics Review. ACC McEwan apologised for the technical issues that curtailed the discussion at September's Performance Committee meeting.

ACC McEwan informed the Members that the Code of Ethics would no longer be part of his portfolio going forward. He provided a copy of the New Zealand Code of Conduct which he felt provided an opportunity for a new approach to the Code of Ethics; discussed the changes that had been adopted by PSNI from Members of the Committee and asked Members to consider engaging in a small working group for the review of the document.

Members engaged in discussion with ACC McEwan about the following concerns:-

- Legislative requirements;
- Current Code of Ethics is actually a Code of Conduct for officers;
- Members expressed concern about any suggestion that the current Code of Ethics should move from the main document to become a supportive annex;
- Conflict of Interest and Notifiable Membership issues; and
- The standards set out are not negotiable but the New Zealand document provided a more inspirational tone.

Members decided that any decision on the content of the draft Code of Ethics should be taken at a future meeting. The Chairperson thanked ACC McEwan for his attendance and briefing. PSNI left the meeting.

Following discussion it was:-

AGREED:-

Board Officials to meet with Chief Superintendent Phil Knox to discuss progress on the development of the draft Code of Ethics document and his attendance at a future Committee meeting. **(AP3)**

6.3 DRAFT REVIEW OF PSNI'S RESPONSE TO COVID-19

The Director of Performance introduced the paper and informed Members that the Chair of the Board requested that Performance Committee Members consider the feedback

received from Members to the draft report and agree a report to recommend for publication to the Board for its meeting on 5 November 2020.

The Director of Performance informed Members that the PSNI's factual accuracy checks had been completed. He also stated that the changes previously requested by Members are outlined in Table 1 of Section 1 of the paper for approval. Sections 2 and 3 of the paper require further consideration, discussion and approval. The recommendation for spit and bite guards at Section 3 also requires Members approval.

Members were in agreement that they were content with the amendments that had been agreed in Section 1 and that these should be incorporated into the final report.

Members discussed the issues raised in Section 2 relating to funerals and large gatherings. Members agreed that:

- The Human Rights Adviser would add a number of paragraphs to the report in relation to funerals and large gatherings.

Members discussed Section 3 in relation to Spit and Bite Guards and agreed to the Human Rights Adviser's proposed recommendation. A Board Member requested that two additional phrases be added to the proposed recommendation, namely:-

- That the phrase "or other alternative" be added to the end of the first sentence after Personal Protection Equipment (PPE); and
- That a deadline of 31st December 2020 be added to the end of the first paragraph.

There was no consensus amongst Members to make these changes.

It was:-

AGREED:-

For the Board's Human Rights Adviser to consider the discussion at Committee and for Officials to provide Members with a tracked changes version of the draft COVID report prior to the Board Meeting on 5 November 2020 addressing the concerns raised by

Members. This version would then be presented to the Board for agreement to publish the final report. **(AP4)**

6.4 HUMAN RIGHTS ADVISOR'S UPDATE REPORT FOR SEPTEMBER 2020

Members were provided with a paper to update them of the work that John Wadham had completed during September 2020 that included:-

- Drafting and amending the COVID-19 Review Report for the Board and Performance Committee;
- Finalising and amending the Human Rights Annual Report 2019/20 following factual accuracy checks by PSNI; and
- The meetings attended at Waterside Tower and a Derry/Londonderry during the period.

Mr Wadham informed Members that his future work included:-

- Reviewing and finalising the COVID-19 Review for the Board on 5 November 2020;
- Attending Gold Command meetings for PSNI's Seapark Operation;
- Number of meetings in person and via video-conferencing including for Independent Custody Visitors Scheme; and
- Arrange to meet PSNI lead for Small Unmanned Aircraft to explore their use and provide feedback to Members.

Members were content with the information provided by the Board's Human Rights Advisor on the work he has carried out to date and also with the future work programme as identified. **NOTED.**

6.5 PSNI STOP AND SEARCH

Members had been provided with a paper presenting an overview of the key issues in respect of PSNI's use of stop and search powers. The paper included the following documents:-

- Correspondence between Performance Committee and PSNI;
- Dr John Topping's three reports and recommendations on PSNI's Stop and Search powers and a summary of the three reports;
- PSNI location maps of Stop and Search;
- PSNI draft Service Instruction; and
- The Terms of Reference for the PSNI Stop and Search working group.

Members were informed that Dermot Harrigan (PCSP Manager, Derry & Strabane) and Elaine Forde (Director of Playhouse Theatre) would attend the meeting to present a PCSP funded film on stop and search along with Dr John Topping who would discuss his research with Members.

The Chair welcomed Dermot Harrigan, Elaine Forde and Dr John Topping to the Committee. The Director of Performance explained to Members that the film provides a community perspective and with Dr Topping providing an academic perspective on stop and search.

Ms Forde and Mr Harrigan introduced the PCSP funded short film entitled "Schedule 24 Section 3" made in collaboration with PSNI and the Street Talk Project to address the perception of stop and search from the viewpoint of young people as part of the Playhouse's mission to use the arts to address issues affecting the local community.

Following the film Members engaged in discussion with the guests to discuss the intent of the film and how it was proposed to be used. Ms Forde stated that it was hoped that this would promote conversation with young people to improve their understanding of police actions in a workshop based environment. Members were reminded that there was no identification to any one community background and could be used for workshops in any community.

Dr Topping provided Members with an academic overview and summary of his research for PSNI's use of stop and search for PACE. He highlighted that issues were not new for this problematic use of power especially when overused. Ordinary Stop and Search has experienced a 74% increase between 2004/5 to 2015/16 which is not proportionate as PSNI have the worse outcome rate for volume of stops, and for drugs stops the outcome effectiveness is 5% in the UK.

Dr Topping indicated that there may be a need for an Independent Advisory Group and more internal scrutiny. The principle and volume of stopping people based on suspicion seems to suggest a culture of using this as a tactic to achieve targets, even following the training received by new PSNI student officers.

Following the presentation Members discussed details of his research with Dr Topping. Concerns were raised about the use of powers, the requirement for these powers to act as a deterrent, statistical analysis and target driven practice. Dr Topping reminded Members that his work was in relation to ordinary stop and search powers rather than JSA/TACT based stops and could be used comparatively against figures from England and Wales. The trend in England and Wales is for a reduction of stop and searches and this is leading to an increase in outcomes.

The Chairman thanked Ms Forde, Mr Harrigan and Dr Topping for their attendance and participation in the discussion. The guests left the meeting.

It was:-

AGREED:-

Officials would analyse the Committee's discussion and evidence presented on the PSNI's use of Stop and Search Powers. Officials would then produce a short paper for Committee Members on the Strategic issues raised in relation to Stop and Search. These issues could then be raised with the Deputy Chief Constable or Chief Constable at a future meeting. **(AP5)**

7. QUESTIONS FOR THE CHIEF CONSTABLE

Members **noted** that responses from the Chief Constable in relation to their question on the Reducing Offending in Partnership (ROP) model in respect of Domestic Abuse.

Members **agreed** that they had no questions arising out of the meeting for the Chief Constable.

8. COMMUNICATION ISSUES

Members were asked to consider if there were any communications issues arising from the meeting. No communications issued were raised.

9. ANY OTHER BUSINESS

There was no other business.

10. DATE OF NEXT MEETING

It was agreed that the next meeting would take place on Thursday 12 November 2020 at 10.00am in Waterside Tower.

The meeting closed 3.40pm