

NORTHERN IRELAND POLICING BOARD

**MINUTES OF MEETING OF RESOURCES COMMITTEE HELD ON THURSDAY 19
MARCH 2020 AT 2PM AT THE NORTHERN IRELAND POLICING BOARD,
WATERSIDE TOWER**

PRESENT:

(1) Mr Gerry Kelly (Chair)
Mr Trevor Clarke
Mr Doug Garrett
Mr Seán Lynch
Mr John Blair
Mr Tom Buchanan

GUESTS IN ATTENDANCE (2)

Mr Gareth Jenkins (PFNI)
Ms Joanna Elliott (PSNI OHW)

**OFFICIALS IN
ATTENDANCE:**

Mrs Amanda Stewart, Chief Executive
Ms Aislinn McGuckin, T/Director of Police
Administration
Three Board Officials

(1) From Item 1 to Item 6.9 only.

(2) Item 6.6.2 only

1. APOLOGIES

Apologies were received from Ms Wendy Osborne, Dr Tom Frawley and Dr Paul Nolan

The Chair noted that no representatives from the PSNI would be attending today's meeting owing to their attendance at the funeral of Mr Mervyn Clarke, former Head of PSNI's Estate Services Business Unit (**ESBU**). The Chair extended the Board's condolences to the family of Mr Clarke.

2. CONFLICTS OF INTEREST

The Chair asked Members to declare any conflicts of interests arising from the agenda. No conflicts of interest were declared. NOTED.

3. DRAFT MINUTES OF MEETING HELD ON 23 JANUARY 2020

The Committee considered the draft minutes of the Committee meeting held on 20 February 2020.

Members noted amendments they would like made to the minutes at agenda items:

- **6.3.2 (Land Adjacent to Waterside PSNI Station)**: Members sought a change to reflect that Resources Committee Members had not requested receipt of a complete Business Case from PSNI in respect of the purchase of the land, but rather a short explanation as to why they wished to purchase the land and the impact of proceeding/not proceeding with the acquisition; and
- **9 (Any Other Business)**: Members sought a change to reflect that feedback was requested in relation to car parking and priority rights at James House, the proposed new location for the Northern Ireland

Policing Board.

It was:

RESOLVED:

That the draft minutes of the Committee meeting held on 20 February 2020 be approved subject to the aforementioned amendments.

4. UPDATE ON ACTION LOG

Members noted that there were 12 actions from the previous Resources Committee meeting of the 20 February 2020 and an additional 5 actions outstanding from previous meetings. The Chair provided the following updates on the current action log.

4.1 Action Point 1 (20 February 2020)

This action relates to various issues and key pressures discussed by Members on 20 February 2020, resulting from the lack of budget settlement for 2020/2021. Members agreed at that meeting that correspondence be issued from the Chief Executive to the DoJ expressing the Board's concerns and requesting the matter be finalised as soon as possible.

Officials advised that the Chief Executive had written to the DoJ and a response had subsequently been received from DoJ. Officials confirmed that this response would be circulated following today's meeting.

4.2 Action Points 2 (20 February 2020)

This action point relates to the PSNI's request to make an above the delegated limit donation to Police Treatment Centres (**PTC**). Members noted that representatives from PSNI Occupational Health & Wellbeing (**OHW**) and the Northern Ireland Police Federation (**PFNI**) would attend the Committee at

agenda item 6.6.2 to brief the Committee further. NOTED.

4.3 Action Point 3 & 4 (20 February 2020)

These action points relate to PSNI Secondment Applications to Bosnia-Herzegovina and Kosovo under *Section 8* of the *Police Act (NI) 2000*. Ms McGuckin advised the Committee that she had spoken to the PSNI prior to the meeting and that they advised, in light of the current escalation in the COVID-19 situation, these secondments were unlikely to proceed on the proposed dates, however they would revert to NIPB in due course.

Members noted the information provided from the PSNI however,
It was,

AGREED:

On the basis of the ongoing COVID-19 global pandemic, to refuse the PSNI Secondment applications to Bosnia-Herzegovina and Kosovo.

4.4 Action Point 5 (20 February 2020)

This action point relates to the proposed acquisition of land adjacent to Waterside PSNI Station. Members noted a paper on this would be considered at agenda item 6.4. NOTED.

4.5 Action Point 6 (20 February 2020)

This action point relates to advice awaited from the Crown Solicitors Office in respect of the Police Estate. Members noted that a verbal update would be given at agenda item 6.5. NOTED.

4.6 Action Point 7 (20 February 2020)

This action point relates to the provision of a breakdown of the underspend costs detailed within the January 2020 NIPB Management Accounts listed under the heading '*Other*' which totalled £38,000. The Committee noted that

this breakdown had been provided in the Board papers within the Chief Executive's report to the 5 March 2020 Board meeting. Officials advised that up to date figures are included in the paper at agenda item 6.7.

4.7 Action Point 8 -11 (20 February 2020)

Members noted that these action points relate to a variety of Human Resources issues which have been raised with PSNI and were advised that these will be further considered at agenda item 6.8. NOTED.

4.8 Action Point 12 (20 February 2020)

This action point relates to the provision of a report from PSNI to the Committee analysing actual capital spend against approved/planned capital spend. Members also queried if a review of the efficiency, or otherwise, of the actual capital spend could be provided following the financial year end.

Members noted that PSNI agreed to provide an analysis of actual capital spend against approved spend within the monthly finance report to today's Committee (agenda item 6.9). In addition, PSNI confirmed that a review of efficiency would be provided following year end and indicated that this would be forthcoming in May or June 2020.

4.9 Action points 2 & 3 (23 January 2020)

This action point relates to correspondence issued by the Resources Committee Chair to the PSNI regarding the PSNI's discretion to extend full pay when an officer becomes eligible for half pay. Members noted the response received from the PSNI included with their papers. Board officials advised that further information has already been requested on foot of the PSNI's response.

Therefore it was,

AGREED:

To bring to a future Resources Committee meeting the PSNI response to the letter dated 20 February 2020 from T/Police Administration Director in respect of the extension of full pay for officers after six months and exit interviews with early leavers from the Service.

4.10 AP 1 (21 November 2019) & AP 3 (19 September 2019)

It was agreed at the 21 November 2019 meeting (AP1 referred to above), that the Chair would write to the Chief Constable regarding the lack of progress in drafting an Estates Protocol. The Committee were content that further action on this point should be reserved pending receipt of the advice requested from CSO referred to above at point 4.5.

As AP 3 from 19 September 2019 relates to the same issue, Members were again content to await the outcome of the advice request to the Crown Solicitors Office.

4.11 Action Point 10 (19 September 2019)

This action point relates to a request from the Committee on 19 September 2019 that the PSNI Head of HR give consideration to options available for the retention of PSNI officers beyond their retirement in order that key skills and capabilities are maintained within the service. Members noted that PSNI previously advised that retention beyond normal retirement age would require legislative change in light of pension implications however further information on how this might be progressed or an indication of the areas where this would be most beneficial as not to date been received.

It was,

RESOLVED:

That Board officials would seek a response from PSNI in respect of the above, including whether any action plan has been agreed and how, if at all, any such proposals may be progressed.

5. CHAIR'S BUSINESS

5.1 Correspondence dated 5 March 2020 from the Minister of Justice

The Committee considered a response received from the Minister of Justice to correspondence from the NIPB requesting the Minister consider, under regulation K5 of the Royal Ulster Constabulary Pensions Regulations 1988, the issue of a Certificate of Forfeiture.

The Committee noted that, following a review of the evidence provided in this case, the Minister of Justice issued a Certificate of Forfeiture.

Board officials advised that, further to the Minister's decision, a submission would now be prepared for consideration by Members.

In view of the volume of documents to be considered in this case it was,

AGREED:

A sub-group of 3 Members would be established to consider the material following which a recommendation would be brought to a future Resources Committee meeting for decision. The T/Director of Police Administration would commence work on preparing the submission papers for review by the sub-group.

5.2 Correspondence dated 5 March 2020 from the Northern Ireland Audit Office (NIAO)

The Committee noted correspondence from the NIAO including their report entitled '*Injury on Duty schemes for Officers in the Police Service of Northern Ireland and the Northern Ireland Prison Service*' and associated media release.

Members were advised that the issues raised in this report are currently

being progressed by the Board's Injury on Duty (IOD) Working Group.
NOTED.

6. COMMITTEE BUSINESS

6.1 Police Remuneration Review Body Submission from NIPB

The Committee considered a draft submission from the Board to the Police Remuneration Review Body (PRRB) in response to their request for written evidence relating to pay and conditions for Police Officers in the Police Service on Northern Ireland (PSNI).

A Board official briefed Members on the draft submission which resulted from the work carried out by a small working group formerly agreed by the Resources Committee to progress a response to the PRRB.

Members noted the timeframe for responses to be received by the PRRB and that, subject to the Committee's recommendation, this draft would then be put to the full Board for final approval.

The Committee considered the NIPB's proposed recommendations (listed below) to the PRRB.

- Any salary increase awarded should have parity with officers in England and Wales;
- The retention of the Northern Ireland Transitions Allowance (NITA) with an uplift in line with any pay award for 2020/2021;
- The Board recommends a phased withdrawal of the Competence Related Threshold Payment with eventual cessation by 2022;
- The retention of the Dog Handler's Allowance with an uplift in line with any pay award for 2020/2021, and;
- The on-call allowance should not be extended to the superintending ranks.

Members also discussed the difference in salary scaling for Constables appointed before 1 September 2014 and those appointed on or after that date. However, as the Board has no remit in respect of the federated ranks the Committee was of the view that no comment on this should be made in their submission to the PRRB.

Following discussion it was,

AGREED:

To make a recommendation to the Board that they approve the draft submission to the PRRB on the pay and conditions for Police Officers in the Police Service on Northern Ireland.

6.2 PSNI Secondment Applications (Section 8, Police Act (NI) 2000)

6.2.1 (Bosnia-Herzegovina) & 6.2.2 (Kosovo)

Members noted that agreement in respect of these secondment requests had been reached earlier in the meeting (see above item 4.3).

6.2.3 Republic of Ireland

Ms McGuckin updated the Committee that the PSNI have requested retrospective approval for providing assistance to An Garda Siochana on 21 February 2020. The assistance was for the spontaneous deployment of a Firearms Support Dog and Handler to assist with a siege that had been running in Letterkenny since 19 February 2020.

While Members noted and were content that this request was in line with the PSNI/ An Garda Siochana cross-border strategy, it was

AGREED:

The approval of the retrospective secondment request made under

Section 8 of the Police Act.

6.3 Police Administration Directorate

6.3.1 Police Administration Directorate: Delegated Authority Statistics 2019/2020

The Committee considered a paper informing Members of the case load metrics in respect of the decisions of the Selected Medical Practitioner (**SMP**) and Independent Medical Referees (**IMR**) regarding applications made under Pension Regulations for, primarily, Ill Health Retirement, Injury on Duty awards and Deferred Pensions to be paid early due to ill health.

The Committee

AGREED:

- To ratify the decisions taken by SMPs and processed by NIPB's Police Administration Directorate under delegated authority for the period 1 April 2019 – 29 February 2020;
- To ratify the decisions reached by IMRs and administered by the Department of Justice for the period 1 April 2019 – 29 February 2020, and;
- To note the confirmed year to date spend on professional fees for SMPs and IMRs up to 29 February 2020 and also the projected spend on professional fees for the remainder of the financial year, ie March 2020.

Board officials advised that while projected figures for appointments for March 2020 were also included with the papers, owing to the fluidity of the ongoing situation with COVID-19 these numbers may be subject to change according to how events develop.

6.3.2 Ill Health Retirement and Misconduct Proceedings

The Committee considered a paper regarding proposed changes to the process in circumstances where an officer has applied for Ill Health Retirement and is also concurrently involved in misconduct proceedings.

Ms McGuckin provided the Committee with a briefing including:

- Anonymised background information on an ongoing case to contextualise the proposed change in process;
- An overview of the former process and recent legal challenge brought in respect of that process;
- PSNI's response to the legal challenge; and
- Legal advice provided to the Board from Senior Counsel in respect of the Board's responsibilities as the ultimate decision maker under the *Police Pension Regulations (Northern Ireland) 2015* (the **Regulations**)

Following consideration the Committee,

AGREED:

The Board has a public law duty to make a final decision in Ill Health Retirement cases pursuant to *Regulation 80* of the Regulations, and as such Board officials should work with PSNI to finalise a revised process for dealing with officers involved concurrently in the IHR and Misconduct processes.

6.4 PSNI Land Acquisition Request – Land adjacent to Waterside Police Station

The Committee discussed the agreement at the previous Resources Committee meeting on 20 February 2020 that more substantive information be sought from the PSNI, prior to approving the purchase of the land adjacent to Waterside Police Station.

Members noted a synopsis of the communications between Board officials and the PSNI following the February 2020 Resources Committee. Members expressed concern that PSNI had focused on the reasons why it was not cost-effective to prepare a full business case for the proposed acquisition site and were disappointed that their substantive queries regarding this proposed land acquisition had not been addressed.

The Committee noted that while a full business case had not been requested, Members queries centred on;

- The proposed benefits/use of the purchase site;
- Implications of not progressing with the purchase, and
- Any proposed alternatives in lieu of acquiring this land.

However, Members were also of the view that this matter should be concluded and not carried forward to a future Committee meeting. As such, following discussion it was,

AGREED:

- To advise PSNI that the Resources Committee has given its approval for the purchase of the proposed acquisition site adjacent to Waterside Police Station, and;
- Advise the PSNI of the Committee's disappointment at the lack of cooperation in providing any additional detail in order to further inform their decision making in respect of this land acquisition.
- Reiterate to PSNI that every effort should be made to furnish the Committee with information requested and, if this is not possible, provided an explanatory narrative why this is so.

6.5 Crown Solicitors Office (CSO) advice on the Police Estate

Members discussed the need for greater clarity in respect of the Board's legal ownership of the police estate at previous Resources Committee meetings. Following receipt of legal advice on this matter, Members agreed an action plan at the Resources Committee held on 20 February 2020.

Ms McGuckin provided an update to Members confirming that Board Officials had commenced work on this action plan, specifically that a variety of information and documentation had now been requisitioned from PSNI's Estate Services Business Unit.

Ms McGuckin confirmed that on receipt of this information it would be provided to CSO in order to progress next steps of the agreed action plan.

6.6 PSNI Above Delegated Authority Requests for Approval

6.6.1 Donation to the Police Memorial Arboretum

The Committee considered a paper regarding a request from the PSNI for the Committee to approve a proposed donation in the sum of £5000 to the Police Arboretum Memorial Trust (**PAMT**). Members noted that, in accordance with the PSNI Management Statement and Financial Memorandum (MSFM) and the Resources Committee's Terms of Reference, it is necessary for the Committee to consider and approve this proposed donation as it is above the Chief Constable's delegated authority limit.

Members noted:

- Background information on the work of the PAMT;
- The PAMT's request for further donations in support of their campaign to design, build and maintain a new UK police Memorial at the National Memorial Arboretum (NMA), and;
- Donations made to date by the PSNI in support of the PAMT project.

Board officials highlighted that the PSNI submission to the Board indicated

that to date, £20,000 has been donated in support of this project, however Board records indicate that approvals sought from the Resources Committee previously total £15,000. Additionally, clarity has not been provided as yet in respect of whether or not this will be the final request in respect of the PMAT project.

Members noted that correspondence has been issued to the PSNI from Board officials on 3 March 2020 seeking their response to these and other queries and a response is currently awaited.

The Committee,

AGREED:

A decision in respect of a further donation to the PAMT project would be deferred pending receipt of the PSNI's response to correspondence from the Board dated 3 March 2020.

6.6.2 Donation to the Police Treatment Centres

The Committee considered a further paper in respect of the PSNI's above delegated authority request for a grant in the sum of £55,000 to be given to Police Treatment Centres. As above, this request was considered in accordance with the PSNI MSFM and the Resources Committee's Terms of Reference.

Members noted that this matter was previously considered at the 20 February 2020 Resources Committee meeting at which stage various queries were raised. Mr Gareth Jenkins (PFNI) and Ms Joanna Elliott (PSNI OHW) were subsequently invited to today's Committee to address Members' queries.

The Chair welcomed Mr Jenkins and Ms Elliott to the meeting and invited them to provide Members with an overview of the work of Police Treatment Centres (**PTC's**).

Mr Jenkins began by advising Members of the pathways serving officers may avail of to access treatment at the PTCs. He advised that following an injury, support would first be provided by the Health and Social Care system and PSNI OHW. Should further treatment be required an application may be made via the Benevolent Fund to access treatment at a PTC. Members noted;

- An applicant must make contributions to the Benevolent Fund in order to make an application;
- An applicant must have exhausted the treatment available via the Health and Social Care system and PSNI OHW;
- All applications will be assessed jointly by PFNI and the OHW Chief Nursing Officer (Ms Elliott);
- Case management principles apply and all applications are based on clinical need, and;
- Serving officers cannot access support via the Police Rehabilitation and Retraining Trust (PRRT); the PRRT service is for retired officers to access support.

Ms Elliott advised Members that PTCs provide a tailored programme of healthcare for mild to moderate conditions in order to minimise absence and support an earlier return to work than would otherwise have been possible. She also provided examples of the kind of treatments available which are not available locally including hydro-therapy, intensive residential rehabilitation programmes and specialist conditioning equipment.

The Chair thanked Mr Jenkins and Ms Elliott and they left the meeting.

Members noted that, while informative, the presentation had been of limited value in terms of answering their queries in relation to the quite high number

of officers using this treatment option (250-260/year as advised by PSNI), why these services are not available locally and what, if any, equivalence there is with other forces using PTC services.

However, the Committee resolved that this issue should not be carried forward to a future meeting and as such it was,

AGREED:

- To approve the PSNI's above delegated authority request for a grant in the sum of £55,000 to be given to Police Treatment Centres;
- To progress arrangements for the PSNI's above delegated authority grant request to be passed to the Department of Justice (**DoJ**) and Department of Finance (DoF) for approval, and;
- That Board officials would request further information on:
 - I. What services are provided by PTCs;
 - II. Why these services are not available locally;
 - III. The numbers availing of this service from the PSNI;
 - IV. Comparative figures from other forces in respect of the use of PTCs.

6.7 NIPB Management Accounts and Financial Information to the end of February 2020

A Board official briefed the Committee on a paper updating Members on the Board's Management Accounts for the period ending 29 February 2020.

Members noted the current underspend, the breakdown provided in respect of various areas currently underspent and considered that the escalating COVID-19 situation was likely to impact the Board's ability to mitigate the underspend between now and the financial year end.

Members noted that officials would continue to monitor NIPB expenditure

against budget and report to the Committee on a monthly basis. NOTED.

6.8 PSNI HR Dashboard

Members noted the content of a paper provided by PSNI in respect of Human Resources matters.

Members also noted a paper providing the Committee with the PSNI's response in respect of Action points 8-12 (20 February 2020) on the Action Log. These Action Points related to various HR queries raised at the last Resources Committee meeting and related to, amongst other things, recruitment and the PSNI's staff survey.

6.9 PSNI Management Accounts and Financial Information to the end of February 2020

The Committee considered a paper providing Members with an update on the PSNI financial position up to end of February 2020.

As the PSNI were not in attendance, Board officials highlighted several areas where the Committee might wish to consider seeking further information.

These included:

- Expenditure plans for the remainder of the Capital budget for 2019/20;
- Plans for the remaining 2019/20 Resource spend and what impact the current COVID-19 situation will have on these plans;
- What current contingency plans are in place given that the Mobile Device Forensics contract is due to expire on 31 March 2020 and the business case is not yet approved in order to progress with procurement?

Members discussed that, while no formal questions to the Chief Constable would be submitted, there were several issues they would like Board officials

to progress via written correspondence. As such it was

AGREED:

Board officials to progress by way of correspondence issued raised by Members regarding:

- I. The amount of capital spend timetabled towards year end;
- II. The sale of Desertcreat

6.10 Resources Committee Forward Work Programme

Members noted that a forward programme of work for the Resources Committee would be agreed following the upcoming reconstitution of the Board in April 2020. NOTED.

7. QUESTIONS FOR THE CHIEF CONSTABLE

Members noted that at the earlier Board meeting a decision had been taken, in light of current events, that no formal questions from the Board's Committees would be issued to the Chief Constable for written response. As such no questions to the Chief Constable were proposed.

8. COMMUNICATIONS ISSUES

There were no Communications issues arising from the meeting.

9. ANY OTHER BUSINESS

No further business was discussed.

10. DATE OF NEXT MEETING

Owing to the upcoming reconstitution of the Board the date of the next Resources Committee meeting was not agreed.

The Chief Executive gave a short update on the proposed timetable for the election of a Board Chair and Vice Chair following the Board's reconstitution and advised that, subsequent to this, she would seek the agreement of the new Board in respect of reconstitution of Board Committees and meeting timetables. NOTED.

(Meeting closed at 4.30pm).

RESOURCES DIRECTORATE

Date: March 2020

Chair