

NORTHERN IRELAND POLICING BOARD

**MINUTES OF THE MEETING OF THE NORTHERN IRELAND POLICING BOARD
HELD ON THURSDAY 2 MAY 2024 AT 9.30AM IN NIPB HQ, JAMES HOUSE,
BELFAST.**

PRESENT:

- Mr Mukesh Sharma (Chair)
- (1)** Mr Brendan Mullan (Vice Chair)
Mr Mark H Durkan MLA
- (2)** Mr Cathal Boylan MLA
Mr Trevor Clarke MLA
Mr Peter McReynolds MLA
Mr Gerry Kelly MLA
- (2)** Mrs Linda Dillon MLA
- (2)** Mrs Cheryl Brownlee MLA
- (3)** Ms Nuala McAllister MLA
Mr Peter Osborne
Mr Les Allamby
Dr Kate Laverty
- (4)** Mr Frank McManus
Mr Keith Buchanan MLA
Ms Marian Cree
Mr Tommy O'Reilly
Mr Patrick Nelson

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

- (5)** Mr Jon Boutcher, Chief Constable
- (5)** Mr Chris Todd, T/Deputy Chief Constable
- (5)** Mr Bobby Singleton, Assistant Chief Constable
- (5)** Mr Mark McNaughten, Assistant Chief Officer
Corporate Services
- (5)** Ms Aldrina Magwood, Assistant Chief Officer
Strategic Planning & Transformation
- (5)** Ms Melanie Jones T/Assistant Chief Constable
- (5)** Mr Davy Beck, T/Assistant Chief Constable
- (5)** Four PSNI Officials

NORTHERN IRELAND POLICING BOARD OFFICIALS IN ATTENDANCE:

Mrs Sinead Simpson, Chief Executive
Mr Sam Hagen, Senior Director of Resources
Mr Adrian McNamee, Director of Performance
Ms Jenny Passmore, Director of Partnership

Mrs Natalia McMahon, T/Director of Police
Pensions & Injury Benefits
Three Board Officials

**OTHER OFFICIALS IN
ATTENDANCE:**

Mr John Wadham, Human Rights Advisor

- (1) Out from 10.50am to 1.30pm
- (2) Left after public session
- (3) Left at 2.25pm
- (4) From 10.05am
- (5) Item 10 only

1. APOLOGIES

Apologies were received from Mr Alan Chambers MLA.

The Chair welcomed Mr Peter McReynolds MLA to his first Board meeting and thanked Mr Mike Nesbitt MLA and Mr Eóin Tennyson MLA for their hard work, dedication and contribution during their time at the Board and wished them every success for the future in their new roles.

Members agreed the agenda for the meeting.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared and Members did not indicate any items they wished to raise under 'Any Other Business' at agenda item 14.

3. DRAFT MINUTES OF THE BOARD MEETINGS HELD ON:

3.1 Thursday 11 April 2024

It was **RESOLVED** that: -

- The minutes of the Board meeting held on Thursday 11 April 2024 be approved for publication.

4. BOARD ACTION LOG

Members **NOTED** the action log and updates provided from the Board meetings held on 11 April 2024, 1 February 2024, 7 December 2023, 7 September 2023, and 6 July 2023, in addition to the following verbal update provided by the Chief Executive:

In relation to the open action points from the meeting on 11 April 2024, the Chief Executive provided the following updates:

- Action point 2 – Correspondence has been issued to the Justice Minister in respect of the Injury on Duty scheme & Joint Guidance for medical practitioners and a response is awaited.
- Action point 3 – A response has been received from the Justice Committee Chair and Vice Chair in respect of scheduling a meeting with the Board Chair and Vice Chair as soon as schedules allow. The Justice Minister has also been invited to meet with the full Board and plans are underway to facilitate this after the summer period.
- Action point 4 – The Board’s Human Rights Advisor is working with PSNI to review the additional material requested in respect of surveillance on journalists and lawyers, and this remains on track to be provided to Members for consideration at the June Board meeting.
- Action point 8 – An update has been provided in the Chief Executive’s report on the engagement with Department of Justice (DOJ) regarding the Board’s Management Accounts.

- Action point 12 – Work is ongoing in respect of incorporating the Terms of Reference (TOR) of the Senior Officer Employee Matter (SOEM) group and the Policing Plan Review Working Group (PPRWG) as part of the Committee’s Terms of Reference document and matters relating to the SOEM group will be considered as a substantive item later in the meeting at agenda item 8.1.
- Action point 14 – In respect of proposals to take forward actions from the Board Members development session in January 2024 it is anticipated to bring an action plan to Members at a future Board meeting for consideration and agreement.
- Action point 15 – In respect of an additional objective for the Board’s Corporate Plan, further discussions have taken place and proposals will be brought forward in the Autumn as part of the development of the new Corporate Plan 2025-2030.
- Action point 18 – In respect of convening a meeting of the SOEM group with the Board Chair and Vice Chair, this matter is still under consideration and Members will be provided with a further update at a future meeting.

The Chief Executive also highlighted an event scheduled at the end of May 2024 to facilitate the development of a new Policing Plan and encouraged all Members to attend, noting the importance of the event and the Justice Minister will also be in attendance. The Policing Plan is the key document through which the Board holds PSNI to account and this event is the start of the process to develop the next 5 year Policing Plan.

In relation to action point 6 from the meeting on 7 March 2024, following the recent publication of the interim Operation Kenova report a Board meeting will be scheduled with key stakeholders as soon as possible to discuss the interim

report findings, and Members were advised that a briefing was recently provided to the Northern Ireland Affairs Committee on this matter and a link to the meeting was available as part of the Board's communications paper at agenda item 9.

In relation to action point 3 from the meeting on 1 February 2024, following a meeting between the Chief Constable, Board Chair and Vice Chair, a draft version of the Chief Constable's Individual Performance Review Objectives will be brought to the Board meeting in June for consideration by Members. **(AP1)**

The Chair advised Members that given the long-standing nature of some of the open items on the action log which predate some of the new Members time on the Board, should a Member wish to avail of a briefing on these ongoing matters this can be arranged as schedules allow.

5. CHAIRPERSON'S BUSINESS

5.1 Chair's Report

The Board **NOTED** a Report from the Chair which advised Members of:

- The Chair's engagements carried out during the period 10 April 2024 to 29 April 2024.
- A full list of correspondence issued and received by the Chair during the period 10 April to 1 May 2024.

The Chair highlighted the following engagements during this period:

- Attendance alongside the Chief Executive and Senior Director of Resources at the Police Remuneration Review Body on 17 April 2024 to provide evidence in relation to Police Pay and Allowances and a full

update was subsequently provided to the Resources Committee at the meeting in April 2024.

- Attendance at the PSNI Student Officer Training event to provide an insight to the role and work of the Board, and the Chair noted his positive feedback in respect of the depth of representation at the event and the positive engagement made by the Chief Constable with Student Officers.

The Chair provided an update on several other engagements not included in the report due to their recency:

- Meeting alongside the Vice Chair and Chief Executive with the Chief Constable and T/Deputy Chief Constable to discuss a range of matters including PSNI's commitment to provide a data breach implementation plan for the Board meeting in June; the provision of additional material for the Board meeting in June on matters arising from the surveillance report recently received by the Board; an update on the Service Management Statement with correspondence from the Chief Constable to follow in due course; recent completion of the PSNI review of Governance which will be shared with the Board following completion of internal sign off mechanisms; operational matters including the Katie Simpson investigation; and the impact of budget constraints on service delivery including Neighbourhood Policing.
- Tripartite meeting with the Justice Minister and Chief Constable to discuss ongoing resource challenges. Members were provided with a written note of the meeting outlining key issues in respect of resources and asked to consider the content and provide views regarding proposed next steps.

Members raised the following points following consideration of the Tripartite meeting notes:

- Clarity regarding the process for allocation of additional funding to alleviate financial pressures across the entire justice system given the significant PSNI budget pressures.
- Collective agreement of the role of the Board and importance of outlining the Board's position given the ongoing budget challenges and agreement of the Board's stated position as scrutiny body to hold the PSNI to account if the organisation cannot produce a balanced budget for 2024-25.
- Acknowledgement of progress made to date by PSNI to reduce costs to meet budget responsibilities in view of ongoing financial pressures and the limited options available regarding discretionary expenditure and contractual obligations.
- Role of Chief Constable as accounting officer to balance budget versus statutory duty to keep the public safe and ways in which these competing priorities can be reconciled.
- Role of Board to carry out due diligence in and to consider taking legal advice to establish accounting officer responsibilities versus statutory duties.
- Utilising additional funding for transformational initiatives and onus on PSNI to demonstrate how transformational change has been delivered in the past to produce measurable and cost saving outcomes.
- Options available in respect of a review of Additional Security Funding with the UK government to improve PSNI financial position.
- Clarity in respect of the likely and measurable impact of additional officer numbers on society and extent of work taking place to address high levels of sickness absence.

- Clarity in respect of the hierarchy of statutory responsibilities and how decision making is dependent on the weighting of these responsibilities by importance.
- Further clarity in respect of the due diligence and scrutiny role of the Board and it was agreed that proposals will be brought to the Board following consideration by Resources Committee in relation to seeking legal advice on the Board's position and next steps should PSNI be unable to meet its budget responsibilities, and potential liability for the Board following its stated position on this matter. **(AP2)**

The Chief Executive also provided a summary of key discussion points from the meeting which included ensuring key financial controls were in place, a recognition that much of the spend (contracts, officer numbers) could not be impacted in year, maximising efficiencies from discretionary spend, and the need for financial prudence.

In respect of correspondence, the Chief Executive highlighted the following items:

- Correspondence from the Law Society and a Human Rights Law practice on the matter of PSNI surveillance of journalists and lawyers and responses will be provided to both organisations. **(AP3)** The Board's Human Rights Advisor also met with representatives from the Law Society to discuss these matters.
- Correspondence from the Justice Minister in respect of Senior Officer allowances which is the final step to bring new officers in on the new package of allowances which was put in place following a review by the HR consultancy HeadsTogether. The proposals align allowances with Senior Officers in the rest of the UK and there will be a national review

of allowances for Senior Officers, including Federated Officers, and the outcome will be monitored to ensure parity of allowances given the forthcoming national review of allowances.

- Correspondence to the Chief Constable in relation to the annual pay award for Senior Staff, noting that uplifts from 2022-23 for Senior Police Officers have been actioned and 2023-24 remits for Senior Police Officers is currently with the DOJ. The 2022-23 remit for Senior Police Staff is near completion and work will then continue in respect of the business cases for the 2023-24 remits for Senior Police Staff.
- Correspondence to PSNI expressing sincere condolences on behalf of the Board on the sad and untimely passing of the former Head of the PSNI Training College.

The Chair acknowledged the hard work of an Official in the Board's People and Organisational Development branch in respect of processing the aforementioned pay remits and managing HR, recruitment and agency processes for the Board.

Members discussed the response to correspondence from the Law Society and Human Rights Law practice in relation to the surveillance of journalists and lawyers given that the Board is conducting its own process in respect of these matters.

Members were advised that the Board is not able to take a view on issues relating to specific individuals raised by these organisations and that the Investigatory Powers Tribunal is the appropriate mechanism for seeking individual remedies. In response to a Member query regarding endorsing the views of the organisations Members were advised that the substantive content of the response will outline the Board's plans going forward.

Members **NOTED** the update provided.

5.2 Updated Committee Membership

The Chief Executive provided Members with the updated Committee Membership and outlined the changes made since it was provided to Members at the Board meeting in April 2024, and advised of changes to the membership of the Audit and Risk Assurance Committee (ARAC), Resources and Partnership Committees, and the election of a Vice Chair to the Performance Committee.

A Member proposed a change to the membership of the ARAC and Discipline Committees and following discussion it was agreed to amend accordingly.

(AP4)

Members **NOTED** the update provided.

6. CHIEF EXECUTIVE'S REPORT

The Board **NOTED** a report from the Chief Executive which provided an update on various items of business and highlighted a number of items including the Quarter four report on performance against the NIPB business plan; progress in respect of the review of the Policing Board; work taking place relating to the Senior Salaries Review Body; update on Freedom Of Information (FOI) and DPA requests, noting that the Board has received 38 FOI requests in 2024 to date which represents 73% of the total average number of requests received over the last 3 years; continuing work relating to the reconstitution of Policing and Community Safety Partnership's (PCSP) for Independent PCSP Members; progress in respect of the Police Property Fund (PPF), and advised that the Director of Partnership will provide a further update on this matter later in the meeting at item 7.3; the live community policing survey which closes at the end of June; ongoing work of the Board's Police Pensions and Injury Benefits (PPIB) Directorate and that officials continue to work on the recruitment of additional

Selected Medical Practitioners (SMP), and noted the welcome provision of a Frequently Asked Questions document relating to Injury On Duty awards which is now available on the Boards website; work taking place around engagement and outreach including Children and Young People with the proposal for a youth forum to be considered further by Partnership Committee; and an update on correspondence received from the University of Ulster in relation to hosting a future Board Meeting at their campus.

The Board noted a potential conflict of interest raised by a Member in respect of the PPF due to his involvement in a previous application process, and another Member declared a potential conflict given that his current employer has submitted an application to the PPF in the past. Members requested these be noted in terms of future PPF application processes.

Members **NOTED** the update provided.

7. COMMITTEE REPORTS.

7.1 Performance Committee – 18 April 2024

The Board **NOTED** the Performance Committee Chair's report and draft minutes of the meeting held on 18 April 2024.

A Member referred to comments in the draft minutes in respect of the PSNI working relationship with the Police Ombudsman and that the approach to the misconduct process should not override the PSNI duty to the public. Following discussion, it was agreed for this matter to be considered further by the Performance committee. **(AP5)**

7.2 Resources Committee – 25 April 2024

The Board **NOTED** the Resources Committee Chair's report of the meeting held on 25 April 2024.

The Committee Chair provided a verbal update on matters considered at the meeting and highlighted several recommendations from the Committee including the approval of the Committee's Terms of Reference and Annual Report 2023-24, approval of a PSNI Above Delegated Authority request, the role of the SOEM group in considering Senior Officer appeals on sick pay and acquisition of a new lease for two buildings at Ballykinler.

The Resources Committee Chair also informed the Board of the Committee's decision in respect of the role of the Chief Constable in future Senior Officer recruitment processes. Members noted that the Committee had agreed the option where the Chief Constable sits in on the processes and is consulted on the policing content of responses provided by applicants.

In respect of the Committee's recommendation regarding the role of the SOEM group in considering Senior Officer appeals on sick pay, it was noted that this item would be considered at agenda item 8.1.1.

In respect of the Resources Committee recommendations, it was subsequently **AGREED** by Members to:

- **APPROVE** the Committee's Terms of Reference following review by the Committee for publication on the Board's website, and
- **APPROVE** the Committee's Annual Report 2023-24 for publication as part of the composite Committee Report that will be published on the Board's website.

- **APPROVE** the PSNI Above Delegated Authority request to settle both financial compensation and payment of legal costs relating to the case outlined in the Committee Chair's report and,
- **APPROVE** the acquisition of the new lease of two buildings at Ballykinler for the period of 3 years.

7.3 Partnership Committee

The Director of Partnership provided an update on a technical issue in respect of applications for the Police Property Fund which resulted in the failure of one application to be recorded as submitted prior to the deadline. Due to these unforeseen circumstances the application has now been assessed by the panel and a recommendation is being made to the Board that the funding be approved.

It was subsequently **AGREED** by Members that:

- The recommendation by the panel in respect of funding for the application referenced above be approved and a letter of offer be issued to the successful applicant.

8. BOARD BUSINESS

8.1 Senior Officer Issues

8.1.1 Handling of Appeals of Decisions in relation to Sick Pay for Senior Officers

The Chief Executive presented Members with a paper to seek Members agreement on the recommendation from the Resources Committee to amend the Terms of Reference (TOR) of the Senior Officer Employee Matters (SOEM)

group to enable the group to consider and make decisions on appeals by Senior Officers in relation to sick pay decisions.

The Chief Executive advised of a gap in this area and the requirement to address any deficiencies with an agreed policy to provide greater clarity on roles and responsibilities of the Chief Constable and the Board respectively towards Senior Officers in these matters.

To this end the Chief Executive alongside the Senior Director of Resources and the HR Director from the specialist human resources consulting firm HeadsTogether will meet to develop a process to provide clarity regarding the responsibilities of the Board as an employer of Senior Officers.

In respect of handling an appeal regarding sick pay for Senior Officers, the Resources Committee, at its meeting in April 2024, recommended that the TOR of the SOEM group be amended to allow the group to take decisions on these matters, supported by experts from HeadsTogether.

The SOEM group is already tasked with reviewing Senior Officer matters and this will extend its role from an advisory capacity to one which also has decision making responsibilities.

Members were advised that it is appropriate to deal with these matters with a smaller group of Members such as the SOEM group due to the sensitive and personal nature of the matters involved.

Members also noted that the SOEM group will aim to broadly follow the process which is applied by PSNI for all other Officers to ensure consistency and fairness of approach.

Members sought clarity in respect of the management process for Federated Officers and the reporting mechanism to ensure the Board is kept updated on the decisions taken by the SOEM group.

Following discussion Members:

- **AGREED** the recommendation of the Resources Committee that the Terms of Reference of the Senior Officer Employee Matters group is extended to enable the group to consider and make decisions on appeals by Senior Officers in relation to sick pay decisions.

8.1.2 Senior Officer Recruitment Competitions

The Chief Executive presented a paper to summarise the discussion which took place at the Resources Committee in April 2024 in relation to the anticipated Senior Officer recruitment competitions this year to fill substantive vacancies in the PSNI Senior Leadership Team, and to ask Members to agree the recommendations of the Resources Committee.

Members were advised of discussions at Resources Committee in respect of the composition of an Appointment Panel and the eligibility requirements.

In accordance with the Board's guidance for the 'Appointment of Senior Officers and Senior Police Staff Equivalents', the three largest parties on the Board will nominate to the Panel, one volunteer from each of the three largest parties, and two Independent Members, one of whom, as per the guidance should be the Chair of the Board. The other Independent Member should be selected, so far as is possible, in order to ensure that the Panel is representative of the Board as a whole.

The Chief Executive outlined the Resources Committee recommendations in respect of the eligibility requirements for applicants in relation to skills, experience, key competencies, and the criteria in relation to the Police Executive Leadership Programme (previously known as the Strategic Command Course), and noted the goal is to keep in step with the wider UK framework.

Members also noted the potential timeframes for the Senior Officer recruitment Competitions in 2024.

Members asked about the rationale of selecting Political Members to sit on the Panel from the three largest parties only, sought assurances that there will be no delays to the recruitment process, the scope for applications to be submitted from outside NI, the optimum number of Members to sit on a Panel, and some Members expressed concerns that a Panel should not be restricted to five Members in order to allow other Political Members to be involved in the process.

Following discussion Members:

- **AGREED** the recommendations of the Resources Committee in relation to Senior Officer Recruitment Competitions in 2024 and specifically with regard to the composition of the Panel, or Panels, and the eligibility requirements.

The Chief Executive advised that Panel Members and timeframes for the recruitment process will be finalised as soon as possible.

8.2 National Crime Agency consultation - Draft Annual Plan 2024-2025

The Director of Performance presented a paper to provide Members with recent correspondence received from the National Crime Agency (NCA) relating to the consultation process for the NCA Annual Plan 2024-25.

The NCA consults annually with the Board and have provided a draft of the Annual Plan for 2024-25 and asked for Members comments as part of the consultation process.

The draft Annual Plan sets out NCA's key priorities and activities and the section covering devolved administrations outlines how the NCA works collaboratively

with local, national and international partners to identify, tackle and disrupt serious and organised crime threats impacting Northern Ireland (NI).

The Director of Performance advised Members this is part of the NCA's ongoing commitment to protect all communities in NI, and includes the planned actions from NCA for 2024-25, and asked Members to note there have been minimal changes to the NI section of the draft Annual Plan.

Following discussion, the Chair asked Members to submit comments in writing to the Director of Performance by 7 May 2024 and Members subsequently **AGREED**:

- To provide any comments on the content of the Draft National Crime Agency Annual Plan 2024-2025 to the Director of Performance by 7 May 2024 to allow for these comments to be submitted to the NCA as part of the consultation process.

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.

Members **NOTED** the update.

10. PRIVATE SESSION WITH THE CHIEF CONSTABLE

The Chair welcomed Chief Constable Jon Boutcher, T/Deputy Chief Constable Chris Todd, Assistant Chief Constable (ACC) Bobby Singleton, T/ACC Melanie Jones, T/ACC Davy Beck, Assistant Chief Officer (ACO) Strategic Planning & Transformation Aldrina Magwood, and ACO Corporate Services Mark McNaughten, to the meeting.

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

- Impact on service delivery of prioritising criminal investigations given additional demands and ongoing resourcing challenges, and how the prioritisation of investigations will be monitored to ensure consistency of approach and that serious criminal investigations against 'persons' are prioritised.

In response the Chief Constable highlighted plans for a phased implementation of Right Care, Right Person (RCRP), a national programme which changes the way key public services, and the police in particular, respond to calls for service.

- Perceived culture in PSNI of officers and staff submitting FOI requests and whether a more open culture of relevant information sharing could reduce the heavy demand on the staff charged with managing the FOI process, and extent to which the prevalence of internal FOI requests is on a par with personal experiences in the UK.

In response the Chief Constable highlighted work taking place to address cultural issues including increased involvement of Staff Associations, for example, at Strategic Management Board meetings and throughout promotion processes to improve transparency and shape the future of PSNI as a people focused organisation.

- Plans to review substantial costs and criteria for Close Protection Unit (CPU) given ongoing resourcing issues, the link with Additional Security Funding, and to provide assurances that decision making in respect of CPU is evidence based and kept under review to respond to changes in individual circumstances.

- Rationale and likely impact of proposed new shift patterns to be piloted within Local Policing teams and whether sufficient resources are available to facilitate a successful trial.
- Provisions made and status of discussions to meet potential costs associated with the PSNI Data Breach in August 2023 including an Information Commissioners Office fine and group litigation compensation.
- Assurances that ongoing budget and resource challenges are not restricting investment in key operational areas and therefore impacting on overall organisational effectiveness.
- Impact of long running legal cases in respect of escalating costs and perception that cases are not being settled in an expeditious manner.
- Fleet management and the roll out process for new vehicles to local policing and Neighbourhood teams.

The Chair thanked Chief Constable Jon Boutcher, T/Deputy Chief Constable Chris Todd, ACC Bobby Singleton, T/ACC Melanie Jones, T/ACC Davy Beck, ACO Strategic Planning & Transformation Aldrina Magwood, and ACO Corporate Services Mark McNaughten, for their private briefing to the Board and they left the meeting.

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 PSNI responses to questions from the Performance Committee within this period.

11.3 Individual Members' Written Questions and Responses

Members noted the PSNI responses to Members written questions within this period and the follow up responses to Members questions at the Board meeting in April 2024.

12. SCHEDULE OF MEETINGS TO DECEMBER 2024

The Chief Executive presented Members with a revised schedule of Board and Committee meetings up to December 2024, and highlighted that 'doubling up' [(two Committee meetings on the same day) has been avoided where possible. Consequently, the Partnership Committee meeting has been cancelled in December 2024, however, the scheduling of Resources Committee and Audit and Risk Assurance Committee meetings on the same day in December is unavoidable due to the Christmas period.

Members **NOTED** the update provided.

13. COMMUNICATION ISSUES

None.

14. ANY OTHER BUSINESS

The Chief Executive advised Members of several strategic matters which require further consideration by the Board and it is anticipated that substantive discussions involving key stakeholders will take place in the coming months,

and noted Member comments in respect of reviewing the schedule for the public session with PSNI to facilitate some of these discussions.

15. DATE OF NEXT MEETING

The next Board Meeting is scheduled for Thursday 6 June 2024 at 9.30am in James House.

The meeting closed at 2.45pm.

Strategic Planning & Governance

Date: May 2024

Chair