

NORTHERN IRELAND POLICING BOARD

**MINUTES OF MEETING OF THE PERFORMANCE COMMITTEE HELD ON
18 April 2024 AT 9:30am**

PRESENT:

Mr Gerry Kelly, Chair
Mr Les Allamby, V-Chair
Mr Cathal Boylan
Mr Peter Osborne
Ms Nuala McAllister
Mr Frank McManus*
Mr Trevor Clarke
Ms Cheryl Brownlee
Mr Mark Durkhan*
Mr Patrick Nelson
Mr Thomas O'Reilly

**EX-OFFICIO MEMBER
IN ATTENDANCE**

Mr Mukesh Sharma
Mr Brendan Mullan

**POLICE SERVICE OF
NORTHERN IRELAND IN
ATTENDANCE:**

(1) T/DCC Chris Todd
(1) Det Chief S/Intendent Stephen Wright
(1) S/Intendent Julie Mullan

**OFFICIALS IN
ATTENDANCE:**

Mr Adrian McNamee, Director of Performance
Mr John Wadham, Human Rights Advisor
4 Board Officials

- (1) Present for Item 6.2 only
(2) *Attended via video conferencing

1. APOLOGIES

No apologies were received.

The Committee agreed the agenda for the meeting.

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

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. MINUTES OF THE PREVIOUS MEETING

The Committee considered the draft minutes of the Performance Committee meeting held on 14th March 2024.

It was **NOTED:-**

A Member wished to add the following point - I am not seeking to change the minutes, but arising from the minutes Pg 6, last paragraph, I propose that the Committee puts on record that while an employer’s responsibility to its people is laudable, it cannot override the employer’s responsibilities to the general public when its employees/people are given considerable powers that others don’t have.

It was **RESOLVED:-**

That Minutes of the Performance Committee meeting on the 14th March 2024 were agreed.

4. UPDATE ON ACTION LOG

The Director of Performance provided an update on the open actions listed on the Action Log.

The Director provided an update on AP2 from the meeting held on 9 November 2023 that the Human Rights Advisor would follow up with the Chief Constable in due course on the issues of PACE and TACT arrests. The Human Rights Advisor has contacted the Chief Constable in relation to this matter and a date has been agreed in mid-June for the meeting.

The Director provided an update on AP7 from the meeting held on 8 February 2024 Officials to follow up on the NCA MOU and discuss Members views on the NCA proposed changes. Members feedback was shared with the NCA. NCA have provided a response and the correspondence is included at Item 4.1 in today's agenda. A Member identified one additional amendment to paragraph 5.2. Members agreed the draft Terms of Reference and for this version to be signed by the Chair and the Director General at the June Board meeting.

The Director provided an update on AP8 from the meeting held on 8 February 2024 Members requesting that additional time is allocated to allow Members to complete a self-evaluation of Committee Performance for the last year. This is tabled today at Item 6.6 and time has been set aside before lunch for members self-evaluation.

The Director provided an update on AP1 from the meeting held on 14 March 2024 Officials to seek further information on timeframes in relation to Officer training on the NICHE system. Correspondence issued to PSNI on 15 March 2024 and we are currently awaiting a response.

The Director provided an update on AP2 from the meeting held on 14 March 2024 Officials to follow up with PSNI seeking further clarification on Operation Roric to include information on patterns, themes and timeframes. An update

will be provided at today's meeting by Temporary Deputy Chief Constable at Item 6.2 of today's agenda. Members were content to close this action.

The Director provided an update on AP3 from the meeting held on 14 March 2024 Officials to follow up with T/ACC Mel Jones on recent correspondence issued to DoH in relation to the use of Spit and Bite Guard on a 12-year-old child and requested that any response to be shared with Committee. Correspondence issued to T/ACC Jones on 20 March 2024. PSNI are currently awaiting a response from DoH on this issue and have agreed to share that response with the Committee when it is received.

The Director provided an update on AP4 from the meeting held on 14 March 2024 Officials to follow up with OPONI to check if the recent incident of a use of Spit and Bite Guard on a 12-year-old child has been examined by OPONI officials. Information requested from OPONI on 15 March 2024 with reminder correspondence issued on 3 April and 11 April 2024. Currently awaiting a response.

The Director provided an update on AP5 from the meeting held on 14 March 2024 Officials to follow up with PSNI on why the JSA Stop and Search powers are used on the Irish Traveller Community when the authorisation is specific to terrorism and if the recent research can be shared with Performance Committee. Correspondence issued to T/ACC Jones on 20 March 2024. Currently awaiting a response.

The Director provided an update on AP6 from the meeting held on 14 March 2024 Officials to follow up with PSNI on the Victims Payment Scheme and seek further information on the 6% of evidence requests not achieved within SLA. Correspondence issued to T/ACC Henderson on 20 March 2024. Currently awaiting a response.

The Director provided an update on AP7 from the meeting held on 14 March 2024 Officials to invite PSD to a Performance Committee meeting to discuss delays in misconduct proceedings and the use of Legally Qualified Chairs. Update to be provided at April Performance Committee meeting by Temporary Deputy Chief Constable at Item 6.2 of today's agenda. Members were content to close this action.

The Director provided an update on AP8 from the meeting held on 14 March 2024 Officials to follow up on the Chief Constable's response regarding Rape Myths Training requesting a timeline in relation to training and to include how many Officers are yet to undertake training and when will this take place. Question for the Chief Constable submitted on 19 March 2024 and a response is included at Item 7.2 of today's agenda.

Members were content with the updates provided in relation to the Action Log.

4.1 Accompanying Correspondence

As part of the action log Members considered the correspondence received from the PSNI in relation to:

- AP7 February 2024 – Draft MOU – NCA comments; and
- AP7 February 2024 – Final draft NCA MOU – tracked changes.

5. CHAIRPERSON'S BUSINESS

The Chair confirmed that there were no items of business.

6. ITEMS FOR COMMITTEE BUSINESS

6.1 Election of Vice Chair Performance Committee

The term of office for the former Vice Chair of Performance Committee ended on 31 March 2024 and the Chair invited Members to make put forward nominations.

Mr Les Allamby was nominated for the position by Mr Cathal Boylan and seconded by Ms Nuala McAllister. No other Members were nominated. The Chair sought agreement from the Member nominated and Mr Allamby was duly appointed as Vice Chair of Performance Committee.

6.2 Update from the Deputy Chief Constable on Notifiable Memberships, Code of Ethics, Misconduct Delays/LQCs, Angiolini Report and Operation Roric

The Human Rights and Professional Standards Manager (HRPSM) reminded Members that issues were raised on a number of areas that include the PSNI Code of Ethics, Notifiable Membership, Misconduct delays/LQCs, Operation Roric and the Angiolini Inquiry. Officials have made arrangements for the T/Deputy Chief Constable to update members on the current situation and progress on these five areas.

The Chairperson welcomed PSNI to the meeting and invited them to brief Members on the progress of the Code of Ethics, Notifiable Membership's, Misconduct delays/LQCs, Operation Roric and the Angiolini Inquiry. The PSNI presented an update on their progress and discussed with Members the work carried out in these five key areas.

Misconduct delays

- The PSNI informed Members that the Misconduct procedure within PSD is three fold: to build trust and confidence, continuous learning and better at adapting and mastering new concepts;
- It is PSNI's view that people should not be suspended unless it is a gross misconduct case. The PSNI highlighted the detrimental impact of

suspending officers as it can result in de-skilling, lose of confidence and also from a resourcing point of view it is more effective to keep public servants in work;

- The PSNI spoke of their working relationship with the Ombudsman and advised Members that they look at the misconduct process firstly as an employer with a responsibility to its people and that this can sometimes result in disagreements with OPONI recommendations.

PSNI Review of Notifiable Membership For Police Officers

- PSNI presented to Members a copy of the draft Service Instruction. They emphasised that there is a legal obligation to hold a register;
- The new register adopts a different approach with the onus on staff to update the list accordingly; and
- There will be a bedding in period for the organisation due to this new approach and in communicating the importance of individual responsibility.

Legally Qualified Chairs (LQCs).

- The PSNI informed Members that the Home Office recently published that, from April 2024, England and Wales misconduct panels will be Chaired by the Chief Constable or delegated officer, an LQC, in an advisory role, which will now be known as a Legally Qualified Advisor (LQA) and two independent panel members, therefore, amending the Police Conduct Regulations 2020. This is designed to ensure that the system is fair and effective;
- The PSNI advised that although police regulations differ in Northern Ireland there are still a number of parallels to be drawn with UK counterparts and they are in agreement with the Home Office decision as it is in line with PSNI values.

Operation Roric

- PSNI reminded Members that Operation Roric re-examines sexual related misconduct cases over the last ten years and that they have ensured that a robust investigation is in place in each of these cases.

The Angiolini Review Report

- The PSNI highlighted to Members that they have been proactive in light of the Angiolini report and are being consistent with the national policing response. Vetting is now more rigorous although work still needs to be done in regard to sharing of information on individuals and progress has been made on the recommendations.

Code of Ethics

- The PSNI highlighted to Members that the Code of Ethics for PSNI differs from England and Wales primarily in relation to professional standards used to frame misconduct charges on; and
- The PSNI informed Members that whilst nothing will be taken away the Code of Ethics there will be additional information added that will bring the Code up to date with recent developments.

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

- A Member asked if there is a performance/personal action plan in place to coach officers facing misconduct proceedings;
- A Member queried why the PSNI don't agree with suspending Officers who face misconduct charges;
- A Member queried timelines around the holding period for material containing details of misconduct proceedings officers facing misconduct

charges and what happens to those who transgress within a certain time period;

- A Member sought further explanation around the cultural audit findings and the perception there is a two-tier disciplinary system within PSNI. What is done internally to allay these fears?
- In relation to Notifiable Memberships a Member expressed their view that the onus being on staff to declare membership of an organisation may be challenging as staff perception and individual interpretations may differ;
- A Member also queried what ramifications this may have on the misconduct process;
- A Membership queried if there is an annual reminder to all staff to complete Notifiable Membership lists?
- A Member asked for clarity regarding the Notifiable Membership list and what security mechanisms are in place and; who has access to the database?
- A Member asked if there is a specific time period by which staff must notify management of their involvement in an organisation;
- A Member expressed their opinion that an absence of data in relation to Notifiable Membership lists should not be interpreted as a positive;
- In relation to Recommendation 15 of the Angiolini Report a Member queried if there is a plan to scope the organisation to provide a true reflection on reporting from women subjected to harassment based on their gender?
- In relation to Recommendation 16 of the Angiolini Report a Member asked if there is flexible working arrangements in place for women within the force?
- In relation to Recommendation 7 of the Angiolini Report a Member queried how home visits will apply to Northern Ireland given different politics around policing? and
- In relation to vetting a Member asked how the process works for vetting applicants from the Republic of Ireland?

The PSNI provided the following responses to Members: -

- In relation to continuous learning and improvement the PSNI acknowledged that a plan needs to be developed to ensure lessons are learnt from officers facing misconduct charges. This should be a structured approach and requires support at all levels;
- In relation to suspending Officers the PSNI informed Members they believe suspension often results in negative outcomes ie. Mental health issues and also poses issues for officers returning to work i.e. integrating back into the workforce it therefore needs to be considered carefully;
- With regards to the holding period for material containing details of misconduct proceedings officers facing misconduct charges and officer transgression the PSNI informed Members that they have a competent in house legal team who advise on employment law and ensure they operate within the parameters of the law;
- Regarding Notifiable Memberships and individual responsibility to declare the PSNI referred to their values of trust and empowerment whilst acknowledging they don't underestimate the enormity of this piece of work. They informed Members a lot of work is ongoing into the internal communication plan for this change;
- With regards to annual reminders the PSNI advised that all staff will be reminded to reflect on the list as part of annual line manager reviews;
- With regards to Notifiable Membership and ramifications on the misconduct process the PSNI informed Members that this may impact misconduct charges;
- Regarding the Cultural Audit findings that Senior Officers are treated more favourably than Junior Officers, the PSNI refuted this and stated that the recent media allegation is inaccurate and they can assure there is parity in all misconduct proceedings. The statistical evidence supports this;
- The Notifiable Membership list is stored on a secure database that is accessible at only managerial level within the PSD team;

- The PSNI assured Members that the Notifiable Membership list is not designed to be an empty list and all officers will be encouraged to declare if in doubt. The overall aim is to reflect inclusivity within the organisation;
- With regards to Officers notifying of their involvement within an organisation the PSNI advised that it is only where conflict of Interest is apparent and this can be at any stage of employment;
- In relation to Recommendations 15 of the Angiolini Review the PSNI stated this is an ongoing piece of work which falls under the remit of both PSD and the Public Protection Branch;
- With regards to Recommendation 16 the PSNI advised that is a Human Resources issue; and
- With regards to Recommendation 7 and home visits to new recruits the PSNI accepts that there needs to be a bespoke approach to this in Northern Ireland due to the political background and therefore there needs to be an additional level of assurances provided to new staff.

Following discussion it was:-

AGREED

Officials to write to the Head of PSD to request figures for Notifiable Memberships and FOI requests for the previous five-year period. **(AP1)**

Officials to write to T/DCC Todd requesting an update report on PSNI's response to the recommendations contained within the Angiolini Report. **(AP2)**

Officials to follow up with T/DCC Todd to request a timeframe for the Board receiving a draft Revised Code Of Ethics. **(AP3)**

6.3 Human Rights Advisor Monthly Report – March 2024

The Human Rights Advisor provided Members with an overview of areas within his current work programme during March 2024 including, with a focus on drafting the Children and Young People and Policing Report

The Human Rights Advisor also updated Members on his attendance at a range of meetings over the last four weeks and informed Members of his work plan for May.

The Vice Chair and the Human Rights Advisor also updated Members on the latest developments regarding the PSNI and the issue of reporting immigration status of victims to the Home Office and the progress being made to address this issue.

Following discussion it was:-

NOTED

Members were content with the Human Rights Advisors Update Report and the remaining schedule of work for May 2024.

6.4 NI Safer Community Survey

The Director of Performance informed Members that this paper provides Members with an update on the findings of the Northern Ireland Safe Community Telephone Survey 2022-23.

Members were informed that the Northern Ireland Safe Community Telephone Survey (NISCTS) 2022-23 was published by Analytical Services Group, Department of Justice NI (NISRA) on 28th March 2024. The survey measures respondents' experience of crime, perceptions of crime, policing, justice and

organised crime. It is a continuous rolling survey and this analysis is based on 3,413 respondents for the period April 2022 and March 2023.

Following discussion it was:-

NOTED

Members were content with the results of the Northern Ireland Safe Community Telephone Survey 2022-23 results.

6.5 Draft Policing Plan Annual Assessment

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

The Performance Monitoring Manager (PPM) reminded Members that the five-year Northern Ireland Policing Plan 2020-2025 was agreed by the Board at its meeting of 5 March 2020. The Plan identifies three Outcomes that the Board want policing to deliver for the people of Northern Ireland, namely:

Outcome 1 - We have a safe community;

Outcome 2 - We have confidence in policing; and

Outcome 3 - We have engaged and supportive communities.

Members were reminded that all sixteen Measures within the Performance Plan 2023/24 were presented at least once to Members through either the Performance, Partnership or Resources Committee between May 2023 and

March 2024. This approach enabled the compilation of an evidence based Annual Assessment which takes cognisance of Members' views. Therefore, this report provides an Assessment of the PSNI's performance as reflected through the monitoring and scrutiny provided by Members. 2023/24 represents Year 4 of a five-year Policing Plan and mainly reports on the progress made by PSNI in the gathering of data against the baselines and the reporting of emerging impacts and continuous improvements initiatives.

Members were asked to provide comment and feedback on the Draft Performance Plan Annual Assessment 2023/24.

Members considered the draft Policing Plan Annual Assessment and made a number of comments and recommendations including inserting the RAG status table at the beginning of the executive summary at the start of the document and including a year on year comparison of the RAG report within the document. Officials agreed to make these amendments.

Following discussion it was:-

NOTED

Officials to make the amendments identified by Members and submit the document as part of the Board's Annual Report and Accounts.

6.6 Draft Performance Committee Effectiveness Report

The Director of Performance provided Members with a draft of the Committee's Annual report and were advised this forms part of the Board's Annual Report and Accounts for the 2023/24 year.

The Director of Performance reminded Members that the role of the Performance Committee is to support the Board in its responsibilities for

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

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

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

A summary of the Committee's performance in each of these areas is contained within the report. Members provided feedback and amendments on a number of the areas within the report and officials agreed to include the amendments into a final report.

Members identified that this was an opportune time to carry out a self-evaluation on the performance of the Committee during 2023/24. Officials presented a self-evaluation questionnaire and asked Members to consider and reflect on these questions and feedback to officials. This feedback will be further considered at the May meeting of the Performance Committee.

Following discussion it was:-

AGREED

The Director of Performance to circulate the updated Committee Report and self-evaluation questionnaire for Members to consider and complete and send back to officials ahead of the next Performance Committee meeting for further discussion at the May meeting. **(AP 4)**

7. QUESTIONS FOR THE CHIEF CONSTABLE

7.1 No questions were identified for the Chief Constable.

7.2 Members noted the response from PSNI that had been provided to the Rape Myths Training question.

8. COMMUNICATION ISSUES

No communication issues were identified.

9. ANY OTHER BUSINESS

10. DATE OF NEXT MEETING

It was agreed that the next Performance Committee meeting would take place on **Thursday 9th May 2024** at **9:30am**

Meeting closed at 1:30pm.

PERFORMANCE DIRECTORATE

18th April 2024

Chairperson