

# **REVIEW OF THE NORTHERN IRELAND POLICING BOARD**

**Submission to the Justice Minister, Naomi Long MLA**

**20<sup>th</sup> January 2025**

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## Foreword

Over the last number of weeks, I have been privileged to engage with a range of key stakeholders who have a shared responsibility for shaping and delivering policing in Northern Ireland. I have been impressed by their personal and professional motivation and commitment, along with their determination not to be deterred regardless of the challenges they face.

In almost twenty-five years since the publication of the *Independent Commission on Policing for Northern Ireland* (the Patten Report)<sup>1</sup> much has been achieved, while our arrangements for police accountability and oversight are lauded internationally. However, both the strategic and operational context for policing has been constantly evolving – and we have now reached a critical juncture with regard to those arrangements.

A series of events in August/September 2023 cumulatively undermined public confidence in the policing oversight and accountability architecture. These circumstances also coincided with a realisation that a twenty percent reduction in the annual police budget between 2010/11 – 2019/20<sup>2</sup> now poses a significant risk to the future resilience of the Police Service of Northern Ireland – with the number of police officers and staff members at their lowest levels since the organisation came into being in 2001.

Members of the Northern Ireland Policing Board saw merit in undertaking a review of the Board and welcomed the Justice Minister commissioning this review in September 2024. Much of the content of this report is based on conversations with Policing Board members and senior staff. This report specifies a number of measures which collectively, could further enhance the effectiveness and standing of the Board.

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<sup>1</sup> The Report of the Independent Commission on Policing for Northern Ireland (1999) *A New Beginning: Policing in Northern Ireland*. Belfast: HMSO

<sup>2</sup> Northern Ireland Audit Office (NIAO) 2020 *Reducing Costs in the PSNI Report*. Available at: <https://www.niauditoffice.gov.uk/files/niauditoffice/media-files/235182%20NIAO%20Reducing%20the%20costs%20in%20the%20PSNI.pdf>

I wish to express my sincere appreciation to all those who gave their time and contributed to this review. I also wish to acknowledge the public-spirit of those who serve in the PSNI and the members and staff of the Policing Board. In a politically sensitive, complex and demanding context, they deliver a critical public service.

**Paul Sweeney**

**Independent Reviewer of the Northern Ireland Policing Board**

**20<sup>th</sup> January 2025**

## **Abbreviations**

<b>ACC</b>	Assistant Chief Constable
<b>ACO</b>	Assistant Chief Officer
<b>ACPO</b>	Association of Chief Police Officers
<b>CJINI</b>	Criminal Justice Inspection Northern Ireland
<b>CPOSA</b>	Chief Police Officers' Staff Association
<b>DOJ</b>	Department of Justice Northern Ireland
<b>DCC</b>	Deputy Chief Constable
<b>FOI</b>	Freedom of Information
<b>HMICFRS</b>	His Majesty's Inspectorate of Constabulary and Fire and Rescue Services
<b>MLA</b>	Member of the Legislative Assembly
<b>NCA</b>	National Crime Agency
<b>NIAO</b>	Northern Ireland Audit Office
<b>NIO</b>	Northern Ireland Office
<b>NIPB</b>	Northern Ireland Policing Board
<b>NIPSA</b>	Northern Ireland Public Service Alliance
<b>OPONI</b>	Office of the Police Ombudsman for Northern Ireland
<b>PCSPs</b>	Policing and Community Safety Partnerships
<b>PPS</b>	Public Prosecution Service

**PSNI** Police Service of Northern Ireland

**PSNI SET** Police Service of Northern Ireland Service Executive Team

**QUB** Queen's University, Belfast

**SANI** Superintendents' Association of Northern Ireland

**SIPR** Scottish Institute for Police Research

## Summary of Main Findings and Recommendations

- I. Virtually unanimous support for the continuation of the NIPB in its current form. However, there is scope to enhance the effectiveness and standing of the Board.
- II. The real or perceived dominant political culture of the Board is impeding the maturation of collective responsibility, cohesion, common purpose and corpocracy within the Board.
- III. The positions of Chairperson and Vice-Chairperson should be subject to a bespoke public appointment process. The appointments should be made by the First Minister and deputy First Minister acting jointly with the Justice Minister.
- IV. The Board has an excessive workload. This level of intensity is often at the expense of sustained follow-up, strategic focus and direction, and achieving tangible outcomes. The Board needs to shift towards a leaner and smarter operating model of “less is more”.
- V. The Board needs to focus on strategic issues rather than day-to-day operations. It should have a relentless strategic focus on:
  - Delivery of the Policing Plan and related performance framework.
  - The PSNI service operating model and related budget.
  - The PSNI transformation programme.
  - A small number of strategic thematic issues.
- VI. Incidents such as those addressed in the Scofield judgement are perceived to ‘repoliticise policing’.<sup>3</sup> To mitigate the impact of any future high profile public incidents, no Board Member or employee should insert their presence in a real time police critical

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<sup>3</sup> Scofield, J: Reference SCO12247. Delivered 29<sup>th</sup> August 2023. In the matter of an application by “JR 168” and “JR168A” for Judicial Review.

incident or 'red flag' operation, ongoing investigations, or extant judicial proceedings. Board Members hold the Chief Constable to account "after the fact".

- VII.** To safeguard the principle of the operational independence of the Chief Constable and ensure there is clarity, mutual understanding and respect for roles, responsibilities and boundaries, the Board, working together with the Chief Constable should formulate a "Policing Protocol".
- VIII.** The tripartite of the NIPB, the PSNI, and the DOJ should be subject to a new Partnership Agreement Framework.
- IX.** The Board should redefine its relationship with the PSNI SET to engender a more mature relationship based on mutual respect, openness, transparency and purpose. An executive/non-executive model where the Board constructively challenges and supports the Service Executive Team.
- X.** To enhance the Board's capacity to ensure that policing is delivered in an efficient and effective manner, the Board should appoint an independent validator to assess the efficacy of the PSNI service operating model and transformation programme.
- XI.** In the medium-term, the NIPB in conjunction with the Chief Constable, should commission an independent assessment of the efficiency and effectiveness of the PSNI, taking into account the particular policing context of Northern Ireland.
- XII.** There should be a rationalisation of the outstanding recommendations from previous scrutiny reports on the PSNI. This will ensure that oversight and inspection of the PSNI is minimised to avoid unnecessary bureaucracy and duplication of effort.
- XIII.** There needs to be a prioritisation of the necessary legislative amendments to enable the administration of the injury on duty and ill health retirement schemes to transfer from the NIPB to the PSNI.
- XIV.** In fulfilment of their role as an employer, the NIPB should formulate a scheme of delegation detailing the employment arrangements between the Board and the Chief



Constable, along with the employment arrangements delegated to the Chief Constable in respect of the PSNI Service Executive Team.

- XV.** The post of Chief Executive of the NIPB should be reinstated to the original Grade 3 level equivalent in the NI Civil Service.
- XVI.** All sections of society have an important role to play in maintaining and intensifying public support for policing. The NIPB should assert its good authority in advocating and supporting policing with the community, especially within communities where trust in policing has been historically low.
- XVII.** Observing confidentiality within the NIPB is of paramount importance.
- XVIII.** The Policing Board needs to schedule time to pause and reflect – to ‘look up and out’ and to ‘re-set and re-boot’. In keeping with good practice, this will require a greater emphasis on Board development processes and self-assessment.
- XIX.** Overall, this review should be seen as a ‘package’ designed to assist in the evolution of the NIPB. It is appreciated that some of the recommendations in the review may require legislative change, along with the associated complexities and timescales. But equally, the report is about delivering cumulative change for the NIPB and that no one recommendation in isolation can do that. Subject to agreement, it is suggested that as many of the recommendations in this review as possible should be considered for implementation and action.

## **1.0 Review of the Northern Ireland Policing Board: Overview**

### **1.1 Introduction**

On 12<sup>th</sup> September 2024, I was commissioned by the Justice Minister Naomi Long MLA to undertake an independent review of the Northern Ireland Policing Board (NIPB or The Board). The Minister also commissioned Dr. John Topping, a senior lecturer in Criminology and policing expert at Queen’s University, Belfast (QUB) to act as the independent expert adviser to inform the review process and outcomes.<sup>4</sup>

### **1.2 Background**

**1.2.1** Following the publication of *The Report of the Independent Commission on Policing for Northern Ireland* (1999), the NIPB was established in November 2001. The statutory duties and powers of the NIPB are contained within the Police (NI) Act 2000, as amended by the Police (NI) Act 2003. The NIPB is a non-departmental public body with a Board comprised of ten Political Members (MLAs assigned under d’Hondt principles); and nine Independent Members appointed by the Justice Minister, following a public appointments process.

**1.2.2** The rationale for this independent review arises from a series of events in August and September 2023 which cumulatively contributed to the undermining of public confidence in the policing arrangements of Northern Ireland. The issues have been well documented and are not being re-examined for the purposes of this report. But for clarity, they do include:

- A major PSNI data breach on 8<sup>th</sup> August 2023,
- Justice Scoffield’s judgement in the matter of a variety of actions on the part of the PSNI following a commemorative event at Sean Graham’s Bookmakers on the Ormeau Road in Belfast on 5<sup>th</sup> February 2021,

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<sup>4</sup> Department of Justice (2024) <https://www.justice-ni.gov.uk/news/long-launches-review-northern-ireland-policing-board#:~:text=The%20Minister%20said%3A%20“A%20review,agreeing%20to%20take%20it%20forward.>

- The resignation of the PSNI Chief Constable with immediate effect on 4<sup>th</sup> September 2023.

**1.2.3** Matters were further exacerbated by a legislative lacuna which initially inhibited the NIPB from making interim appointments at the most senior levels within the PSNI.

**1.2.4** During this time, the NIPB came under a high degree of both public and political scrutiny. In response, the Board demonstrated considerable resilience and corpocracy by taking a number of steps to restore stability and rebuild confidence, including:

- The appointment of an interim Chief Constable on 12<sup>th</sup> October and the appointment of a permanent Chief Constable on 7<sup>th</sup> November 2023,
- The commissioning of an independent review of the circumstances surrounding the data leak,
- The commissioning of a “Post Project Evaluation” of the PSNI Service Executive Team.

**1.2.5** On the 13<sup>th</sup> September 2023, Board members unanimously agreed to commission an independent review of the NIPB. I was initially invited to undertake this review. But following the restoration of devolution in February 2024, the Justice Minister invited the NIPB to pause the Board’s review with a view to the Department of Justice (DOJ) taking on the responsibility for the commissioning of a review.

### **1.3 *Terms of Reference for the Review as set by the Minister for Justice***

**1.3.1** The following are the terms of reference as agreed to guide this review:

- **Statutory functions** – To determine the extent to which the Board carries out its statutory duties to hold the PSNI to account, whilst in parallel, ensuring an efficient and effective police service.
- **Roles and responsibilities** – To review the definition and management of organisational boundaries and respective roles and functions, drawing on recent

experience, including but not limited to the Scofield judgement. This should include the Board's interfaces in the context of the tripartite arrangements with the PSNI and the Department of Justice.

- **Working Practices** – To review the degree to which the Board adopts a corporate approach to discharging its functions in the context of the tripartite arrangements with DoJ and PSNI. To review the effectiveness of, and compliance with, key policies and processes for members and staff [e.g., Codes of Conduct] to ensure they maximise the ability of the Board to respect the need for confidentiality and corpocracy.

#### **1.4 Approach and Methodology**

**1.4.1** From the outset, the intention of this review has been to remain tightly focused and delivered in a timely manner. For the avoidance of any doubt, this is not a wide-ranging or strategic review of policing arrangements in Northern Ireland; it is not a board effectiveness-type review or benchmarking exercise; nor is it a detailed critique or re-examination of the circumstances surrounding the Scofield judgement or other similar matters.

**1.4.2** During this review several consultees alluded to the need for a wider exercise in terms of a reviewing the broader policing arrangements and architecture in Northern Ireland. Interviewees were conscious that the publication of Patten Commission was approaching its twenty-fifth anniversary, coupled with the fact arrangements for police oversight and accountability hadn't fundamentally changed across this time period.

**1.4.3** Some stakeholders referred to the changing landscape around policing and justice in Northern Ireland, including the stresses and strains within the wider justice portfolio.<sup>5</sup> These included the absence of political consensus to apply d'Hondt procedures to the appointment of a Justice Minister, along with the financial constraints faced by the entire

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<sup>5</sup> See generally Gray, A. *et al.* (2023) *Northern Ireland Peace Monitoring Report Number Six*. Belfast: Community Relations Council, available at: <https://www.community-relations.org.uk/files/communityrelations/2024-01/CRC-peace-monitor-report-6-web.pdf>

criminal justice system. Reference was also made to the merits of reviewing the Office of the Police Ombudsman for Northern Ireland, the ongoing impact of legacy issues on contemporary policing, and the effectiveness of the Policing and Community Safety Partnerships (PCSPs).

**1.4.4** This review, however, is primarily focused on matters of governance, performance, leadership, cultures and values within the NIPB – along with working relationships between the Board, the PSNI and the DOJ. There has been no element of public consultation nor any engagement with the PCSPs. I have not engaged with the National Crime Agency or the Northern Ireland Office.

**1.4.5** The methodology is based on oral evidence garnered from discussions with approximately seventy key stakeholders, including current Members and some former Members of the NIPB; senior staff of the NIPB; the former and current Chief Constable, the Service Executive Team and staff representative bodies of the PSNI; DOJ senior officials and the Justice Minister (all participants are listed in Annex A). The discussions took place between September and November 2024.

**1.4.6** Participants were provided with the terms of reference in advance and an undertaking that all discussions would be treated confidentially, with any comments used to illustrate issues or themes in the final report anonymised and unattributable. Each discussion was free flowing in that participants were asked to reflect on the issues which they considered significant within the context of the terms of reference. In a spirit of candour, each participant was encouraged to reflect and ventilate on their individual and collective experiences over the past year in particular; while challenging themselves as to what learning could be gained in order to identify and agree themes and areas for improvement.

**1.4.7** This report seeks to capture the diversity of perspectives from those involved in the tripartite arrangements with the NIPB, PSNI and DOJ. The commentary and themes developed in this report are therefore based upon the aggregate of views expressed by those consulted, as well as my own observations and those of Dr. John Topping, the Independent Expert Advisor.

## **1.5 Acknowledgements**

**1.5.1** I want to express my sincere thanks to all those who agreed to engage with this review. Stakeholders welcomed the opportunity to engage in the review and gave their time generously. It was a privilege to gain from their insights and benefit from their candour. All have a deep appreciation of the criticality around policing along with a personal and professional commitment to enhancing policing in Northern Ireland. Likewise, my deep appreciation to the staff of the NIPB. The Chief Executive, Sinead Simpson, her senior team and John Wadham as the Human Rights Adviser to the Board have all been enormously helpful. Their commitment, professional expertise and experience is a major asset to the Board, a view consistently endorsed by those who contributed to this review.

**1.5.2** I also want to acknowledge the contribution of Dr. John Topping. John accompanied me to the vast majority of the meetings with key stakeholders. His breadth of knowledge in the field of policing and justice locally and internationally, and his practical experience of a range of topical policing matters brought focus to the interviews and the framing of this report.

## **2.0 Continuation of the Northern Ireland Policing Board**

**2.1** During many of the conversations with stakeholders, reference was made to other models of police oversight and accountability. This included the newly created Policing and Community Safety Authority in the Republic of Ireland; the Scottish Policing Authority; and the Police and Crime Commissioners in England and Wales. A question was posed, twenty-three years on since its establishment, as to whether the NIPB should be fundamentally reformed. With reference to those other models, consideration was given to the idea of reforming the NIPB, with a potential board comprised of eight or nine independents with expertise in human rights, policing and justice, organisational reform, etc. with no elected representatives. Would such an arrangement signal a maturing and normalisation of police oversight arrangements? Would this assist in de-escalating the political prominence attached to policing? As one interviewee commented: *'give police the space to police.'*

**2.2** There was however, virtually unanimous support for the continuation of the NIPB in its current form and acknowledgement of the significant role played by the Board in the evolution of the policing landscape, along with its capacity in assisting political developments generally in Northern Ireland. As noted by one stakeholder, *'This is a critical piece of police accountability architecture and must remain so'*. In particular, interviewees stressed the importance of having a diverse range of elected representatives on the Board and acknowledged their pivotal role in building community confidence in policing. This was very much seen as a strength to the NIPB above and beyond the other models noted due to the wide array of political and community sentiment political members could bring to the table.

**2.3** In a Public Session of the Board in March 2006, (then) Chair, Prof. Sir Desmond Rea, commented on the controversial issues Members had to deal with:

*'...one of the Board's most remarkable achievements is, perhaps, that it survived at all, and still accomplished what it was set up to do. If the Board had a maxim, it was and is, that regardless of the vicissitudes of the moment,*

*to get on with the business and this is what the Board has done and continues to do...'*<sup>6</sup>

**2.4** In my opinion as Reviewer, these comments remain equally valid today.

**2.5** Notwithstanding the overwhelming support for the continuation of the NIPB in its current form, those consulted did express a sense that the Board had reached a '*watershed moment*' in view of the significance and ramifications of the events in 2023; along with the acute financial constraints on the policing budget at present. Participants acknowledged that there is considerable scope to improve the effectiveness, standing and authority of the Board.

**2.6** And while the basic governance framework of the Board was considered to be 'sound', some of the current practices, processes, culture and leadership arrangements were deemed to be impeding and diminishing the Board's ability to strategically shape the future direction of policing in Northern Ireland. There was overall, a strong sentiment '*to consider better ways of doing things.*' To paraphrase the response of one consultee on this issue, the review shouldn't really be about whether the NIPB should exist or not – but rather how it should evolve and in what direction after twenty-three years of existence. The remaining sections of this report set out a range of development issues and themes, which subject to sufficient consensus, could bring about a gradual step change in the performance, effectiveness, and standing of the Board.

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<sup>6</sup> Rea, D. and Masefield, R., 2014. *Policing in Northern Ireland: Delivering a new beginning?*. Liverpool University Press, p.4



### 3.0 The Culture of the Northern Ireland Policing Board

3.1 None of the respondents to this review underestimate the challenge and complexity of providing an efficient and effective police service in the context of Northern Ireland. Achieving cohesiveness, common purpose and corporacy in a nineteen-person Board with ten MLAs representing five distinct political parties along with nine independent members will always be challenging. As simply articulated: *'it shouldn't work but it kind of does!'* The Board has found a way through some very difficult circumstances, mainly because principled Members of the NIPB have made a very deliberate and conscious effort to accept their responsibility *"to make the Board work"*, supported by a very professional and committed executive team.

3.2 The Patten Commission clearly stated that for the NIPB to command respect and credibility, it must have real power and responsibility, and that a majority elected membership would be essential to this objective. However, the Independent Members of the Board also play a critical role. Denis Bradley, the first Vice Chair of the Board reflects:

*'By this stage we had managed to create some coherency in the board. The group of nine independents was key to that coherence, stability and progress. They respected the mandate of the politicians, but they managed to coalesce in their concerns for good governance and for renewed and invigorated policing, and their votes, when necessary, would favour those aspirations rather than any perceived or assumed political bias. It was necessary and helpful in those early days to set down a few markers to the politicians that the independent votes were not to be taken for granted and that their nine votes held the balance of power.'*<sup>7</sup>

3.3 Current and former Board members, along with members of NIPB staff consistently remarked upon the respectful and cordial relationships between the elected representatives and Independent Members of the Board, along with equally good relationships between Board Members and staff. Nevertheless, several participants

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<sup>7</sup> Bradley, D. (2024) *Peace Comes Dropping Slow: My Life in the Troubles*. Newbridge: Merion Press

expressed concerns and frustrations in respect of what was deemed to be a (real or perceived) dominant political culture and *modus operandi* within the Board: *'it would be great if the party politics didn't predominate; this could lead to a more unified and corporate Board.'*

**3.4** This was evidenced by continuous reference to the appointment of the Chair and Vice-Chair being largely down to the patronage of the two largest political parties (see below). This has become in essence, a convention with a trickle-down effect whereby:

- the three major sub-committees of the Board are each chaired by an elected representative,
- the designation of the Performance Committee Chair at the behest of the largest political party,
- there is a research allowance provided to each political party on the Board but not independent members – either individually or collectively,
- the choreography of questions to the PSNI Chief Constable during the public sessions of the Board are prioritised and dominated by the political representatives and often focused on partisan or constituency issues,
- that the layout of the seating arrangements at public Board meetings itself signals a hierarchy within the Board akin to *'a Parliamentary Select Committee format'*,
- and at times elected representatives engaged with the media in a manner, inadvertently or otherwise, not fully in keeping with the spirit of Board corporocracy and the Code of Conduct of Board Members.

**3.5** There was also a sense of a *'Board within a Board'*, as an unofficial hierarchy with some Members seen as more equal than others. Or in other terms, a sense that the equilibrium between elected and Independent Members was out of alignment. Commentary around this was highlighted insofar as *'we have replicated a mini-Stormont culture'*. This in turn was deemed to be impeding the maturation of collective

responsibility, cohesion, common purpose and corporacy within the Board. As captured by one respondent: *'I quickly realised, it's not a board in the conventional sense, it's primarily a forum to get consensus and consent on policing'*. This stood in contrast with a general understanding that while NIPB staff worked as a singular unit, the Members did not.

**3.6** The Board is a fusion of those with a democratic mandate and a primary interest in the political accountability of policing; and those from civic society with backgrounds and expertise in areas such as human rights, the youth sector, IT, corporate governance, industry / commerce, and organisational change etc. Whilst respecting the mandate of elected representatives, Independent Members at times can feel overshadowed and find it challenging to significantly influence the culture or proceedings of Board and Committee meetings. This was captured by one consultee who stated: *'It's very difficult for independents to integrate and catch up with the institutional memory of politicians.'* As a result, the NIPB is viewed as performing sub-optimally through not fully capturing and nurturing the rich diversity of views and talent amongst all its Members.

**3.7** Furthermore, the frenetic pace, frequency and workload of the Board and Committee meetings provides limited scope for Board members to pause, engage and reflect. The Board needs space and time to address the group dynamics and relationship issues arising from the blend of Political and Independent Members, cultures, and ways of conducting business which have become established and ingrained insofar as: *'The way the governance framework is operated – it doesn't enable – it inhibits.'* All Board Members will want to re-double their efforts to be inclusive, build corporacy and collective decision making by fully reflecting the diverse perspectives of the Board.

**3.8** Similar to other corporate bodies, membership of the NIPB places very considerable responsibilities on the elected representatives and Independent Members to act at all times, in good faith and in the best interest of the Board; and in line with its strategic objectives. Members are required to respect the principle of collective decision-making and corporate responsibility, which in practice requires members not to use, nor

attempt to use, the opportunity of serving on the Board to promote their personal interests or those of any organisation with which they are connected.

**3.9** In the interest of the whole Board, steps could therefore be taken to bolster the role of Independent Members. This might include an enhanced induction and training programme; regular meetings of the independents as a ‘standalone’ group to strengthen their ability to act collectively; an inclusive process when appointing the Chairs of the major committees of the Board; and opportunities for one or two independent members to accompany the Chair, Vice-Chair and Chief Executive on scheduled meetings with the Justice Minister and/or the Chief Constable.

### **3.10 *Appointment of Chairperson and Vice-Chairperson***

**3.10.1** As set out in legislation, the first Chairperson and Vice-Chairperson of the Board were appointed by the Secretary of State in the Northern Ireland Office, with subsequent appointments having been made by the Board from among its members. Under the NIPB Standing Orders, candidates for election to Chairperson (and then Vice-Chairperson) each require a proposer and seconder. In practice, the two main political parties on the Board pre-determine their preferred candidates and secure the ratification of the Board. Appointments have been made from within the cohort of nine Independent Members. The positions are based on perceived community background, with those elected serving for a period of two years. In the subsequent election, the perceived community background dynamic is reversed. As described by one respondent, this practice had become so ingrained, they were told *‘that is just the way it is / how things work’*.

**3.10.2** On so many levels this is a flawed process. Firstly, applicants are assessed at interview on competencies related to the post of being an Independent Member only – and if appointed, agree to a time commitment equivalent to four days per month with a remuneration of £15,000 per annum. The post of Chairperson requires a distinctive skills set and depth of experience – and is based on a time commitment equivalent to three days per week and a remuneration of £50,000 per annum. It is highly improbable that all nine Independent Members would envisage themselves taking on the role of Chairperson

or Vice-Chairperson. In reality, the positions are therefore filled from an even narrower pool of potential candidates from within the nine.

**3.10.3** A clear view expressed was that if you are not perceived to be unionist or nationalist and / or perhaps perceived as somewhat sympathetic or aligned to one of the two main parties, there would be a limited chance of being elected as Chairperson or Vice-Chairperson in the first instance. This does a great disservice to those who accept the posts out of a sense of public duty, taints the process with real or perceived partisanship, and diminishes the stature and agency of the posts. Without prejudice to those who have honourably served as Chairperson and Vice-Chairperson, this is a wholly inadequate process relative to the significance and demands of the posts.

**3.10.4** The single most consistent issue highlighted during the course of the discussions with key stakeholders was the criticality of putting in place a more robust and fit-for-purpose process to appoint the Chair and Vice-Chairperson. This was particularly so for some who referred to the posts as one of the most important public appointments in these islands. To paraphrase responses - if you do only one thing to enhance the effectiveness of the Board, do this. Those interviewed spoke of needing a Chair with proven authoritative leadership abilities – as a ‘force of nature’ capable of driving the change that is necessary. This included a wide range of commentary from stakeholders on the need for an experienced leader who can spearhead the challenge and accountability functions of the NIPB, but also champion the advocacy and support role when it came to policing and PSNI; for someone with the authenticity and authority to lead from the front in building public confidence in policing and enhancing the corpocracy and credibility of the Board.

**3.10.5** It was additionally noted there existed a perception the general public only hears from the Chairperson of the Board in moments of crisis or negativity. The positive messaging on the work of the Board and policing generally, was further defined by its absence. Or as summarised by one consultee: *‘Without leadership, the headline becomes the truth’*. The post requires someone who can, to a significant degree, set the

whole tone for police accountability and effectiveness, provide visible leadership on the positive achievements of policing, and ‘front-up’ when mistakes have been made.

**3.10.6** The characteristics and requirements for the posts of Chairperson and Vice-Chairperson should be set out in job descriptions and specifications. This will include:

- A proven record of strong leadership skills and experience.
- The ability to make informed strategic decisions.
- High levels of emotional intelligence and political acumen.
- The ability to influence across a diverse stakeholder base.
- Exceptionally well-honed communication and presentational skills.

**3.10.7** The scale and significance of these posts therefore requires a bespoke public appointment process. An executive search agency may be required to generate a sufficient pool of candidates. The remuneration for the posts should have sufficient flexibility to secure the necessary calibre of individuals required. Appointments should be for a minimum term of four years with a re-appointment of a further three-year term subject to performance. Ideally, the postholders will have contrasting but complementary skills and experiences.

**3.10.8** Political consensus will be required in deciding on the lead responsibility for running the competition and making the appointments to the post of Chairperson and Vice-Chairperson of the Board. Those interviewed alluded to various options, for example:

- In keeping with the spirit of the Patten Commission the Board could retain responsibility but based on a fundamentally different process to the current practice. This would entail a rigorous public appointment process within the framework set by the Commissioner for Public Appointments. As a corollary, the Justice Minister would appoint seven as opposed to nine independent members to the Board.

- The Justice Minister could run two separate competitions – one to appoint seven independent members and one to appoint the Chairperson and Vice-Chairperson.
- The First Minister and Deputy First Minister acting jointly with the Justice Minister could assume responsibility for appointing the Chairperson and Vice-Chairperson following a public appointments competition.

**3.10.9** To reinforce the importance attached to policing at the highest level of government, and the pivotal role policing can play in the achievement of the Executive's Programme for Government, I would recommend the option of the First Minister and Deputy First Minister acting jointly with the Justice Minister appointing the Chairperson and Vice-Chairperson of the NIPB. If there is sufficient consensus to proceed along these lines, there will be a requirement to amend the relevant legislation.

## **4.0 The *modus operandi* of the Northern Ireland Policing Board**

**4.1** As might be expected from an organisation in existence for twenty-three years, the governance and accountability framework of the NIPB is well established. However, concerns have been expressed as to how that broad framework is operationalised. The most striking observation from the review is the sheer volume of workload within the NIPB. In 2023, when the Board was required to respond to an exceptional set of circumstances, this included seventeen Board meetings (at least nine incorporating a public session and a number of unscheduled meetings to respond to events); and thirty Committee meetings. By any standards, a colossal amount of effort is therefore being expended in preparation and support of Board and Committee meetings, including comprehensive reports and presentations.

**4.2** This activity is extremely resource intensive and the frequency of meetings hugely demanding on participants, all of whom have a premium on their time. Interviewees used terms such as '*overload*', '*excessive*', and '*burdensome*'. One interviewee, in a self-deprecating context suggested '*that we do everything and yet we do nothing*'. The context is one whereby the NIPB feels compelled to be fully appraised on virtually all aspects of PSNI and policing, described as '*a desire to have a grasp of everything for fear of being seen to drop the ball.*' However, this level of intensity across so many areas of NIPB business is often at the expense of sustained follow-up on policing matters, strategic focus and direction, or achieving tangible outcomes, noted as '*we are skimming everything instead of focusing on a small number of key issues.*'

**4.3** Reference was made to the volume and density of reports and presentations, described as '*analysis paralysis*' or being '*anesthetised by data*'. It was acknowledged that the staff of the NIPB make every effort to assist Board Members by reviewing papers, analysing data and seeking to distil the key issues, risks and actions required. The inhibiting factor is simply the sheer volume and expanse of workload, along with a tendency to commission supplementary reports – all requiring a huge amount of additional research and analytical work.



**4.4** Many interviewees also alluded to the specific phrase of *'the hamster wheel'* – used to describe the general *modus operandi* of the Board, whereby the majority of the Board's bandwidth or capacity is so consumed with process, topical issues, and standing agenda items that it limited the organisation's focus on outcomes, with virtually no time or space to pause, reflect and engage in what might be described as 'thought leadership'. This suggests the need to shift towards a leaner and smarter operating model grounded in *'less is more'*.

**4.5** As a first step, the NIPB should rationalise its workload, change the format of meetings and reduce the number and frequency of Board and Committee meetings. The legislation currently requires the Board to hold a minimum of eight meetings per annum in public session. Consideration should be given to amending the legislation to require the Board to hold a minimum of six meetings per annum in public. This will free-up valuable staff resource time and enable the Board to evolve from a focus on *operational* accountability to *strategic* accountability.

**4.6** The leadership challenge of the Board is to set strategic priorities and give strategic direction. Yet as articulated in various ways: *'We have an overly politicised, overly engaged Board focused on micro-operational matters rather than asking challenging searching questions on the strategic challenges and risk of modern-day policing.'* It was similarly noted that:

*'The Board's approach to overseeing the performance of policing is to focus on operational issues with an inability to aggregate up the identified issues, assess and analysis what this means for the strategic direction of policing and the inherent strategic risks.'*

**4.7** The suggestion that the NIPB make a strategic shift in its operating model has been highlighted in previous reviews. In 2011 KPMG was of the view that *'the Board currently lacks clear, coherent strategic leadership and direction and as a result is often too focused on internal or 'operational' rather than 'strategic' matters.'* The report stated:

*'As a result of the deficit in strategic thinking there is an overall lack of a 'sense of corpocracy' and sense of direction throughout the NIPB.'*<sup>8</sup>

**4.8** Business Consultancy Services (BCS) conducted a board effectiveness review of the NIPB in 2019, commenting that: *'The Board and committees should strive to focus more on strategic issues rather than day-to-day operations, guided by the Corporate Plan and Business Plan.'* BCS observations of meetings also indicated:

*'that on occasion an inordinate amount of time was spent discussing operational level details. It was observed that some time was being spent asking questions on operational rather than strategic matters and that this diverted the focus from the agenda and/or led to further requests for more detailed information.'*<sup>9</sup>

**4.9** Consistent with those KPMG and BCS reviews, a prevailing theme from those consulted centred on a need for the NIPB to strive towards a more strategic focus. By way of illustration, there was a broad consensus that the Board should have a relentless strategic focus on:

- Delivery of the Policing Plan and related performance framework.
- The PSNI service operating model and related baseline budget.
- The PSNI transformation programme.
- Each year, a small number of thematic issues related to the above, with commensurate resources to enable deep dives into these themes with the aim of achieving insight and improvements.

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<sup>8</sup> KPMG (2011) *Organisational Review of the Northern Ireland Policing Board – Final Report*. On file with authors

<sup>9</sup> Business Consultancy Services (2019) *Northern Ireland Policing Board: Board Effectiveness Review*. On file with authors

## **5.0 The Definition and Management of Organisational Boundaries and Respective Roles and Functions, Drawing on Recent Experience, Including but not Limited to, the Scofield Judgement**

**5.1** Clearly, the circumstances surrounding the Scofield judgment undermined public confidence in the police oversight and accountability arrangements of Northern Ireland. Incidents of this nature are perceived to ‘*repoliticise policing*’ and require those responsible for police accountability to have a heightened and disciplined appreciation of the clear delineation around respective roles, responsibilities and boundaries.

**5.2** This is a challenge confronting all police services. His Majesty’s Inspector of Constabulary, Fire and Rescue Service (HMICFRS) recently reported on the extent to which police involvement in politically contested matters in England and Wales may be having an impact on operational policing, through influencing policy, priorities and practices.<sup>10</sup> The report explores how the police deal with politicised and contested matters and examines whether the police allow politics or activism to unduly influence them. Two quotations from the report are particularly pertinent:

*‘Politicians should be cautious when becoming involved in operational decisions. After the event, their political influence could become public knowledge and affect judicial proceedings. Political influence can have long-lasting and far-reaching consequences.’<sup>11</sup>*

*‘The convention of operational independence requires everyone; police and politicians alike, to undertake and respect their roles, and to vigorously maintain the boundaries between their roles. In doing so, they defend and uphold the principle of policing by consent.’<sup>12</sup>*

**5.3** While it was envisaged in the Patten Report that politics would be taken out of policing, it is clear that over two decades on, policing in Northern Ireland continues to

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<sup>10</sup> HMICFRS (2024) *An Inspection into Activism and Impartiality in Policing*. Available at: <https://hmicfrs.justiceinspectors.gov.uk/publications/activism-and-impartiality-in-policing/>

<sup>11</sup> *Ibid.*, p.6

<sup>12</sup> *Ibid.*, p.56

involve contentious and emotive issues, requiring police officers to navigate some extremely complex and politicised issues.

**5.4** The core policing principles set out in section 31A of the Police (NI) Act 2000 requires police officers, guided by the code of ethics, to carry out their functions with the aim - *(a) of securing the support of the local community, and (b) of acting in co-operation with the local community*. It is, therefore, unequivocally vital for the Chief Constable and their senior officers to proactively engage with elected representatives. This will include real-time critical incidents or operations, and occasions when the Chief Constable is in the invidious position of balancing the needs of individuals and groups who have opposing views, whilst simultaneously upholding everyone's rights.

**5.5** The Chief Constable will invariably have regard to insights and advice proffered without prejudice to his/her impartiality and operational independence. Indeed, there may be occasions when the Chief Constable may be called upon to respectfully challenge what they consider to be improper pressure or interference from political and/or civic leaders.

**5.6** Membership of, or employment with, the NIPB places a responsibility on those concerned to carefully manage the boundaries between the operational independence of the Chief Constable, and the scrutiny and accountability role of the Board. Public confidence in police governance arrangements relies on NIPB Members and employees not placing themselves in a position where there is a conflict of interest (actual or perceived) in respect of their roles and responsibilities.

Some of the most significant roles of the NIPB include:

- The appointment of the Chief Constable and his/her senior officers.
- Overseeing complaints against senior officers.
- Disciplinary processes in respect of senior officers.

- The power to call upon any senior officer to retire in the interests of efficiency or effectiveness.
- To issue and revise a code of ethics laying down standards of conduct and practice for police officers.
- The power to require the Chief Constable to submit a report to the Board on any such matter connected with policing in Northern Ireland.
- The power to cause an inquiry to be held under Section 60 of the Police (NI) Act 2000.

**5.7** Obviously, the Board will want to be informed in a timely manner on key policing decisions and operational activities, and this regularly happens on a formal and informal basis through a variety of channels. In the aftermath of a critical incident and/or high-profile policing operations it is to be expected that the NIPB will want to reflect and consider how the event was policed and what the community impact was. The role of the NIPB is to hold the Chief Constable to account “after the fact”, and to challenge and seek clarification when in command of all the facts.

**5.8** If a Board Member or employee inserts their presence in a live critical incident, a ‘red flag’ policing operation, ongoing investigations or judicial proceedings, it blurs the lines of responsibilities and boundaries in respect of operational independence and could seriously compromise the duty to hold senior police officers to account. Likewise, elected representatives on the Board have a heightened responsibility to carefully consider the risk of making public statements on policing matters which could have unintended consequences.

**5.9** It is unreasonable to expect that members of the public will differentiate between a Political Member of the Policing Board speaking on behalf of their respective political party as opposed to their Policing Board role. Likewise, the media seldom make this differentiation in their reporting of Policing Board matters. But as apparent from this review, the practice of Political Members speaking to the media on policing matters as

Members of the NIPB – but outside the authority or knowledge of the Chairperson to do so – has to some extent, become normalised.

**5.10** To remove any real or perceived conflict of interest, to safeguard the reputation and standing of the Board, and to enhance public confidence in police governance and accountability arrangements, it is recommended that:

- No Member or employee of the Board will insert their presence in a real time police critical incident or ‘red flag’ operation, ongoing investigations, or extant judicial proceedings.
- That apart from the Chairperson, Members of the Board refrain from making public statements on such matters, cognisant that this doesn’t inhibit political parties commenting out with the Board.
- That should the need arise to comment on matters of this nature, the Chair of the Board will act as the sole spokesperson for the Board. To facilitate this, a protocol should be formulated setting out how the Board will respond immediately following a critical incident that raises serious concerns about police effectiveness and delivery.

**5.11** If there is sufficient consensus to support this recommendation, this can readily be reflected in revisions to the Code of Conduct for NIPB Members and the employment contracts of NIPB employees.

**5.12** With reference to the HMICFRS report into activism and impartiality in policing, one of the recommendations is that by 31<sup>st</sup> July 2025, the Home Office, in consultation with the National Police Chiefs’ Association and the Association of Police and Crime Commissioners, should publish guidance for the term “operational independence”. This stems from the fact the concept of operational independence is not specifically defined in

statute, and as HMICFRS has stated, by its nature is fluid and context driven.<sup>13</sup> The NIPB will have a keen interest in the formulation and publication of this guidance.

**5.13** In due course it could provide the basis for drafting comparable guidance for policing arrangements in Northern Ireland, with a view to developing a bespoke policing protocol that sets out the respective roles, responsibilities, and boundaries regarding the appropriate interface between a Chief Constable's operational independence – and the role of political and civic leaders in expressing community sentiment and impact.

**5.14** With a view to avoiding high profile public incidents, such as those which gave rise to the Scofield judgement in the future, and to safeguard the principle of PSNI's operational independence, it is recommended that the Policing Board, working together with the Chief Constable, formulate a bespoke Policing Protocol (*perhaps drawing upon the 'Policing Protocol Order 2011', in England and Wales*).<sup>14</sup> The protocol will have applicability beyond the Policing Board. It should explicitly state that the establishment and maintenance of effective working relationships is fundamental to enhancing policing for local communities; and that this is more likely to be achieved where there is clarity, mutual understanding and respect for roles, responsibilities and boundaries.

**5.15** The core elements of a Policing Protocol for Northern Ireland could include:

- Article 31A of the Police (NI) Act 2000, requiring police officers to “(a) *secure the support of the local community, and (b) of acting in co-operation with the local community*”.
- The Chief Constable is accountable to the law for the exercise of powers; accountable to the Policing Board for the delivery of efficient, effective, and impartial policing; and is open to investigation and scrutiny by the Police Ombudsman.

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<sup>13</sup> The concept of police 'operational independence is generally derived from R. v. Commissioner of the Police of the Metropolis *ex parte* Blackburn [1968] 2QB 118

<sup>14</sup> See <https://www.legislation.gov.uk/ukxi/2011/2744/made>

- The Chief Constable will enforce the law without preference, fear or favour.
- On occasions the Chief Constable will see the merit in providing prima facie “protected briefing” on sensitive issues or incidents, by way of keeping the Policing Board informed, but it will be clearly understood that responses will be policing led not politics led.
- The Chief Constable is charged with the impartial direction and control of all police officers and staff within the PSNI.
- The Chief Constable will have due regard to advice and insight proffered in respect of policing, but this will not fetter his/her operational independence.
- Such advice and insight, in relation to critical police incidents and ‘red flag’ operations, will be recorded in police journals and minutes, discoverable, and may be replicated in affidavits required in judicial proceedings.
- Police accountability will be after the fact – retrospective as opposed to reactive and observe due diligence and due process.
- It is expected that the principles of goodwill, professionalism, openness, transparency and trust will underpin the Policing Protocol and that all concerned will do their utmost to uphold the protocol.

**5.16** It is important to state that any of the suggested elements to such a protocol are not exhaustive or definitive. Nor is any proposal around a protocol a judgment on specific cases or instances which might broadly be viewed as high profile public incidents in line with the terms of reference. Rather, the intention is to enhance channels within which positive engagement between the NIPB and the PSNI exist (whether formal or informal). But also to narrow the space within which actual or perceived interfaces between the NIPB and PSNI (particularly in the public arena) could be construed as blurring the boundaries between the NIPB’s role in holding the PSNI to account – and PSNI’s operational independence. In turn, it might be expected that a protocol could also help to unify the corporate ‘voice’ of the NIPB around public-facing police matters.



## 6.0 Tripartite Arrangements

**6.1** Based on my previous professional experience, managing tripartite arrangements and relationships involving a sponsor department, an oversight regulatory body, and a delivery body can be challenging and complex. This is doubly so in the context of policing in Northern Ireland and the tripartite involving the DOJ the NIPB and the PSNI. The operation of the tripartite is set within a highly sensitive political context; a complicated web of interrelated legislation and statutory duties; the unique governance arrangements between the NIPB and PSNI as contained in the Police (NI) Act 2000; and public expenditure constraints which have reduced annual funding to the PSNI by 20% between 2010/11 and 2019/20 (around £200m in real terms) which now poses a significant risk to the future resilience of policing.<sup>15</sup>

**6.2** A number of consultees expressed their frustrations on how they perceive the operation of the tripartite. One stakeholder stated that *'I see no evidence of a shared collective vision – a shared direction – a unified front'*. Another noted it *'Feels like three separate entities which PSNI can negotiate very effectively'*. Additional, similar commentary was also put forward: *'It's a two-legged stool (DoJ and PSNI), not a three-legged stool'*; and *'It's a parent-child relationship [between DoJ and NIPB].'*

**6.3** Part of the challenge is that the overarching concept (who is responsible for what) and the relationships therein, were not readily or easily understood. On a more positive note, however, all parties to the tripartite fully acknowledge the importance of enhancing their relationships with one another, and a number of steps are being taken to address this.

**6.4** A framework document has been drafted codifying the operating arrangements for the relationship between the DoJ, the NIPB, and the PSNI in carrying out their respective roles and responsibilities for the governance of policing. In addition, the Justice Minister initiated a proposal in October 2022 to convene biannual meetings involving the Chair

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<sup>15</sup> Northern Ireland Audit Office (NIAO) 2020 *Reducing Costs in the PSNI Report*. Available at: <https://www.niauditoffice.gov.uk/files/niauditoffice/media-files/235182%20NIAO%20Reducing%20the%20costs%20in%20the%20PSNI.pdf>

and Vice-Chair of the Policing Board, the Chief Constable and the Minister. The aim would be to have regular, strategic discussions as a way of reviewing progress against the long-term policing objectives. The Minister, the Chair and Vice-Chair of the NIPB and the Chief Constable have agreed to hold tripartite meetings twice per year, with agendas developed in advance along with a strong emphasis on lines of communication. I understand that all are keen to schedule these regular meetings for 2025 and beyond.

**6.5** By way of next steps, the framework document should be finalised and formally adopted; and the tripartite meetings involving the Minister, the Chair and Vice-Chair of the Policing Board, and the Chief Constable should be scheduled on a biannual basis commencing as early as possible in 2025.

**6.6** The detailed accountability arrangements are currently set out in respective Management Statement Financial Memorandum (MSFM) documents issued by the DOJ to the NIPB and PSNI. The MSFM is based on a pro-forma framework compiled by the Department of Finance (DoF). In order to rebalance relationships and a move towards fostering true partnership working arrangements between government departments and arm's length bodies, in March 2019 the DoF launched the *Partnership between Departments and their Arm's Length Bodies: NI Code of Good Practice*.

**6.7** The objective has been to replace existing MSFMs with bespoke partnership agreements. A premium is placed on departments and arm's length bodies achieving a shared vision and taking responsibility for effective leadership that will provide inspiration, instill confidence and empower their respective teams to deliver good outcomes. Consultees to this review expressed a strong desire and ambition to recalibrate relationships within the tripartite and strive towards a model based on effective partnerships. Under this Code of Good Practice departments and arm's length bodies are encouraged to assess how effective their partnerships are at regular intervals – to assess the 'health' of their continuing relationship and pick up any concerns at an early stage.

**6.8** The DOJ is committed to replacing the existing PSNI and NIPB MSFMs with the new Partnership Agreement framework. DOJ officials have advised that a lack of

resources has inhibited this transition. Herein lies the problem within the tripartite – depleted resources, the pressures of responding to immediate pressures, excessive workloads with no quality time to re-design, repurpose and improve processes. It is clear that tripartite arrangements in their current form are sub-optimal for the three organisations concerned. There exists a strong desire to put these arrangements onto a more mature and ultimately more productive footing. DoJ officials have advised that a dedicated staff resource was appointed at the end of 2024 to develop a Partnership Agreement with the NIPB. It is the Department’s intention to have this work completed in 2025.

**6.9** To illustrate the source of current frustrations and the case for moving towards a partnership approach, I make the following observations. The DoJ has responsibility for the resource baseline for policing. The Chief Constable is the PSNI Accounting Officer. The Policing Board has responsibility for holding the Chief Constable to account and for ensuring that policing is delivered in an efficient and effective manner. However, among the tripartite there is currently no commonly understood resource baseline for policing nor commonly understood operating model for delivering policing. Part of the explanation for this stems from the complexity of policing, which unlike many other public services, doesn’t easily lend itself to quantification and validation. Or in policing parlance, beyond basic metrics of crime levels and arrests, the question of ‘how do you measure something that never was’, remains crucial.

**6.10** Significant steps are being taken to address these issues. The Chief Constable has submitted a Workforce Recovery business case to the DOJ seeking to recover and grow police officer and staff numbers. All business cases will be assessed by the DOJ and any budgetary uplifts will ultimately be a decision for the NI Executive and ratification of the NI Assembly. Aligned to the establishment of a revised resource baseline is the work being undertaken by the PSNI Service Executive Team (SET) to develop a new service operating model and related transformation programme. Ultimately, the Policing Board will rely heavily on the service operating model and transformation programme as a means of ensuring that policing is delivered efficiently and effectively.

**6.11** In my opinion, the tripartite arrangement could be enhanced if the preparation of resource baselines (and related business cases), along with the service operating model and transformation programme could be collectively advanced on a partnership model rather than “*detached silos*”.

**6.12** Related to this, a particular question is also raised as part of the review – does the NIPB have the expertise, capacity and capability to discharge its statutory function to hold the Chief Constable responsible for the efficient and effective use of resources? Based on responses to this review the answer is only partially so. The Patten Commission envisaged:

*‘...a substantial strengthening of financial accountability, including: a fully costed Annual Policing Plan; a strong audit department within the Policing Board, staffed by experts in budgeting, financial management and value for money programmes; and a more systematic use of the Audit Office to study police resource management, either at the behest of the Policing Board or on its own initiative.’<sup>16</sup>*

**6.13** The NIPB does have a Directorate with responsibility for finance, strategic planning and governance, people and organisational development and emerging priorities. I have no doubt that it's a well-led and professional team. However, it is heavily preoccupied by servicing the excessive routine workload of the NIPB as identified earlier in this review; and limited in capacity relative to the scale and complexity of the policing budget and operating model. As a result, the Board isn't sufficiently equipped to effectively scrutinise, support, and challenge the performance of the PSNI. Consultees referred to this situation as somewhat of ‘*an elephant and mouse relationship*’; that the NIPB were ‘*reliant on the information the PSNI selected to provide*’; and that the NIPB were themselves ‘*data rich but insight poor.*’

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<sup>16</sup> The Report of the Independent Commission on Policing for Northern Ireland (1999) *A New Beginning: Policing in Northern Ireland*. Belfast: HMSO, p.39, para.6.46

**6.14** The 2020 report by the Northern Ireland Audit Office (NIAO) *Reducing Costs in the PSNI Report*<sup>17</sup> which examined reductions in PSNI funding between 2010/11 – 2019/20 cautioned that the focus on short-term cost reductions resulted in the PSNI storing-up problems for the future, itself creating a significant risk to the future resilience of policing. The report criticised the methodology called Priority Based Resourcing (PBR) as the approach to allocating resources for the longer-term. PBR did not deliver the anticipated strategic change within the PSNI, and the focus turned very quickly to simply reducing headcount. The NIAO recommended that: *'Future cost reduction or efficiency programmes should be built upon a strong, strategic and evidence-based understanding of how resources are used across the organisation, in order to support innovation that can lead to performance improvement and greater efficiency.'*<sup>18</sup>

**6.15** The Policing Board *de facto* appoints and employs the PSNI SET. The structure of the SET in recent years has been significantly revised, partly to address the underdeveloped nature of the allocation of resources, organisational development, strategic planning, and transformation functions within the PSNI. This has included the introduction of several new (non-police) SET roles, including the appointment of a Chief Operating Officer (COO) from March 2021. The expertise for formulating the service operating model and the transformation programme resides within the SET.

**6.16** Rather than being in the position to 'second guess' the efficacy of the service operating model, the NIPB should proactively redefine its relationship with the PSNI SET. This will engender a more mature relationship based on mutual respect, openness, transparency and common purpose through a partnership (executive/non-executive) approach. Here, the NIPB would entrust the PSNI SET to optimise available resources in their service operating model and to implement a transformation programme that modernises and equips the PSNI to meet the police and community safety needs of the future.

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<sup>17</sup> Available at: <https://www.niauditoffice.gov.uk/publications/reducing-costs-psni-report>

<sup>18</sup> *Ibid*, p.5 Recommendation Two

**6.17** In a partnership manner, based on constructive and shared responsibilities, Board Members will wish to engage with the PSNI SET to gain a deeper understanding of the rationale underpinning the service operating model and the transformation programme. Board Members should also engage directly with the Strategic Transformation Board chaired by the COO, and the Strategic Performance Board chaired by the Deputy Chief Constable. This will enable the Policing Board Members to exercise their constructive challenge role in holding the SET to account for their resource management of the PSNI budget.

**6.18** The formulation of the service operating model and the transformation programme is a work in progress. The Board will want to take an early opportunity to assure itself, by independent validation, that the service operating model and transformation programme are robust and capable of producing the intended benefits and outcomes. This is quite a niche and specialist area of work. It requires a comprehensive knowledge and understanding of the policing context in Northern Ireland and interdisciplinary expertise in *inter alia* police workforce modernisation planning, organisational development and change, asset optimisation, fleet management strategies and digital transformation.

**6.19** In a similar manner to the way in which the NIPB embedded the centrality of human rights to the new beginning to policing by appointing high calibre individuals as Human Rights Advisers, the Board should appoint a suitably qualified independent validator to assess the efficacy of the PSNI service operating model and transformation programme. The independent validator should also be commissioned to create a framework for setting and monitoring performance measurements in terms of the anticipated tangible strategic outcomes from the PSNI transformation programme. This framework should ideally be co-designed with the PSNI SET.

**6.20** Whilst various HMICFRS inspections have assessed aspects of police performance in Northern Ireland, and the NIAO have annually assessed the Board's Performance Plan, there is no independently validated assessment of the efficiency and effectiveness of PSNI as a whole. In 2014 HMICFRS introduced their police efficiency, effectiveness and legitimacy (PEEL) inspections, which assess the performance of all 43

police forces in England and Wales.<sup>19</sup> The PEEL inspections are conducted biennially. However, the unique characteristics of policing in Northern Ireland do not easily lend themselves to benchmarking. Some of those characteristics include:

- The enormous workload, resource and controversy surrounding legacy cases.
- The threat of terrorism.
- The fact PSNI is the only routinely armed police service in the U.K. requiring additional training and equipment.
- The deployment of officers in 'double patrols'.
- The range of significant, additional functions not provided by police forces in England and Wales, such as serving court summons.

**6.21** In the prevailing fiscal environment, all public bodies need to evidence, more than ever, that they are providing value for money, transforming and becoming more productive. Undoubtedly, an independently validated assessment of the efficiency and effectiveness of the PSNI as a whole would help to underpin the compelling case for increased investment in policing. Yet in reality, the NIPB and the Chief Constable's immediate priority is to secure the essential increase in the baseline budget to put policing on a more financially secure footing. Commissioning and facilitating a comprehensive efficiency and effectiveness assessment at this time would impede the single-minded focus on achieving financial resilience within the PSNI.

**6.22** Furthermore, the implementation and benefits realisation of the new service operating model and transformation programme will require a number of years to crystallise. In the interim the Board can take assurance that the SET is striving to ensure that PSNI's service operating model adopts and aligns to national best practice where possible; and that the transformation of its service operating model will reflect national

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<sup>19</sup> See: <https://hmicfrs.justiceinspectorates.gov.uk/peel-assessments/what-is-peel/>

work being undertaken by the Police Productivity Review Team.<sup>20</sup> Furthermore, the SET have developed a detailed ‘bottom-up’ assessment through its service management statement, which will enable PSNI to show how it will provide value for money and allocate resources to meet demand and community needs. This is similar to the forces management statement in England and Wales which helps the forty-three police forces to operate more efficiently and effectively. Each of the forty-three forces are required to submit their force management statements to HMICFRS. In 2023/24 the PSNI undertook its second self-assessment exercise to identify and assess the issues of demand, capacity and capability adapted from HMICFRS force management statement process.

**6.23** Taking the above into account, the NIPB should establish a tripartite working group with the aim of undertaking a scoping exercise to ascertain the expertise, capacity, methodology and cost entailed in:

- appointing, in the short-term, an independent validator to assess the efficacy of the PSNI service operating model and transformation programme, and;
- commissioning, in the medium-term, a comprehensive assessment of the efficiency and effectiveness of the PSNI as a whole.

**6.24** In the first instance, the working group will want to seek advice and input from the HMICFRS, the CJINI, the NIAO, the College of Policing, the Association of Police and Crime Commissioners and the work of the National Police Chief’s Council in leading on the Police Productivity Review Team. It would also be helpful to engage with the Scottish Police Authority, the Policing and Safety Authority in the Republic of Ireland, and one or two comparable police forces in England and Wales.

**6.25** In making this recommendation I am conscious of the costs likely to be entailed in appointing an independent validator (short-term) and commissioning an efficiency and

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<sup>20</sup> Home Office / National Police Chiefs’ Council (2024) *The Policing Productivity Review*. Available at: [https://assets.publishing.service.gov.uk/media/655784fa544aea000dfb2f9a/Policing\\_Productivity\\_Review.pdf](https://assets.publishing.service.gov.uk/media/655784fa544aea000dfb2f9a/Policing_Productivity_Review.pdf)



effectiveness review of the PSNI (medium-term). However, this must be seen as prudent expenditure relative to the scale of the PSNI overall budget.

**6.26** Section 28 of the Police (NI) Act 2000 requires the Board to

*'...make arrangements to secure continuous improvement in the way in which its functions, and those of the Chief Constable, are exercised, having regard to a combination of economy, efficiency and effectiveness.'* The Act also specifies that *'...the Board, shall, in making arrangements which relate to the functions of the Chief Constable, involve him in making those arrangements.'*

**6.27** In establishing the tripartite working group to scope the appointment of an independent validator and the commissioning of an efficiency and effectiveness review (and in keeping with the legislation), the NIPB will want to fully engage the Chief Constable to avoid any misconception that these steps are “being done to” as opposed to “being done in conjunction with”.

## 7.0 The Scope to Rationalise Scrutiny Arrangements

7.1 The Patten Commission cautioned that the Policing Board should ‘... *avoid a confused proliferation of scrutiny into the policing service*’.<sup>21</sup> A common theme identified by those consulted related to the excessive amount of external scrutiny to which PSNI are subject and the “*industry*” involved in servicing it. Interviewees spoke of having the most scrutinised model of police oversight in the world, and questioned the utility of this level of scrutiny, particularly almost twenty-five years on from the Patten Report. Consultees expressed frustration at the sheer volume of extant recommendations from previous reports, all requiring to be actively monitored. This was further compounded in responses whereby some described recommendations and reports as contradictory or duplicative in nature, while expectations of being implemented into the foreseeable future were unrealistic due to inadequate resources and limited capacity of the NIPB for follow-up. One respondent questioned why such a ‘culture of micro-accountability’ had become an embedded way of doing business for the NIPB.

7.2 Several external bodies already have a role in overseeing and reporting on policing in Northern Ireland - and no doubt many of those reports have played a pivotal role in assisting the NIPB to carry out its statutory functions. However, the effort and resource that goes into processing the volume of reports would benefit from a more collaborative and streamlined approach. In recognition of this a Strategic Oversight Group has been established comprised of senior executives from the NIPB, the Office of the Police Ombudsman for Northern Ireland, the Criminal Justice Inspection for Northern Ireland, and HMICFRS. The purpose of the group is to meet biannually (on an informal basis) to discuss matters of mutual interest in relation to policing and to attempt as far as possible, to ensure that the oversight and inspection of regimes for PSNI minimise unnecessary bureaucracy and duplication of effort.

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<sup>21</sup> The Report of the Independent Commission on Policing for Northern Ireland (1999) *A New Beginning: Policing in Northern Ireland*. Belfast: HMSO, p.33, para.6.23

**7.3** In keeping with the expressed desire to “*re-set and reboot*” the Policing Board, a number of consultees saw merit in undertaking an audit of all the outstanding recommendations in respect of police oversight. The purpose would be to identify and prioritise the key recommendations which if addressed, would have a significant and immediate impact on police performance and efficiency.

**7.4** Conversely, it was also suggested this would allow for a ‘purge’ of those outstanding recommendations which are desirable but not essential; or which either have little prospect of being addressed in the short to medium term because of depleted resources to implement or have been overtaken by the passage of time. In this context, such an exercise might well stem a sentiment expressed by stakeholders that many of the recommendations produced by the NIPB and other bodies ‘simply disappear into the wilderness’. It is understood as part of this review that the majority of recommendations directed at PSNI are already held on PSNI’s ‘Overview’ system. This rationalisation of outstanding recommendations should be signed-off by the Strategic Oversight Group.

**7.5** On a related point to this ‘reset’, it was also considered that in moving to a place of ‘maturity’ regarding NIPB’s oversight role, some level of comfort could also be drawn from the fact a multiplicity of policing oversight is already provided by local and national bodies, along with NGOs and academics. Indeed, it is outside the remit of this review to comment on the functions of those other bodies. But in a similar vein to the points noted above, it was contended that if some of those outputs or recommendations from outside the NIPB could be harnessed and fed into strategic planning, it might help to alleviate some of the burden placed upon the NIPB. In turn, with the NIPB being assured that many of the operational-type issues related to PSNI were already being monitored, it might allow the NIPB space to concentrate on more strategic oversight and accountability matters.

**7.6** As part of this review, it is also understood that in Scotland for example, there are well developed links between Police Scotland, the Scottish Police Authority and local universities through the Scottish Institute for Police Research (SIPR).<sup>22</sup> If such a model

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<sup>22</sup> See the operation and priorities of SIPR at: <https://www.sipr.ac.uk/strategic-research-priorities/>

could be developed in Northern Ireland, in the medium to long-term, it could provide a mechanism to more fully develop partnerships between the NIPB and academic expertise to examine strategic trends and issues as they relate to policing. In turn, this could also act as an opportunity to reduce the burden of work on the NIPB to generate knowledge on policing and non-crime matters, providing the organisation with more space to focus upon its own strategic priorities. So too adopting such a collaborative model should be seen beyond the narrow lens of 'costs' to simply commission research, as with the SIPR.

## **8.0 Administration of the PSNI Injury on Duty Scheme and Related Regulations**

**8.1** The Board has various statutory responsibilities and obligations set out in a suite of police pension and injury on duty regulations. The regulations are as follows: Royal Ulster Constabulary Pensions Regulations 1988, Police Pension (NI) Regulations 2009, Police Pension Regulations (NI) 2015 and PSNI and PSNI Reserve (Injury Benefit) Regulations 2006.

**8.2** In 2020 the NIAO published a report on the Injury on Duty (IOD) Schemes for officers in the PSNI and Northern Ireland Prison Service.<sup>23</sup> For the purposes of this review, comments are restricted to the PSNI scheme only. The report concluded that the scheme providing payments to former police officers who sustained injuries whilst on duty is not fit for purpose and that substantial changes are necessary if the scheme is to be affordable in the future. The NIAO called for a fundamental review of the PSNI scheme.

**8.3** The report referred to the costs of the scheme soaring over the previous five years, with £33.9m spent by the PSNI in 2018-19, and total liabilities estimated at £488m for the PSNI. The scale of claims in Northern Ireland is significantly greater than in England. During the period of the report the Policing Board received an average of 12 claims per week whereas the Metropolitan Police Service, with over 30,000 officers, received around 20 applications each year. No police service in England had more than 650 IOD awards in payment, while there were more than 2,800 in Northern Ireland. Set against a wider frame of reference, at the time of writing it is understood that approximately 4% of PSNI as an organisation is looking at some form of IHR compared to 0.7% of police services in England and Wales.<sup>24</sup>

**8.4** Absence from work by PSNI police officers increased from an average of eight days in 2010/11 to fourteen days in 2018/19, and the number of officers on restricted duties more than doubled. In year ending 2023/24 the average number of working days

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<sup>23</sup> <https://www.niauditoffice.gov.uk/publications/injury-duty-schemes-officers-police-service-northern-ireland-and-northern-ireland>

<sup>24</sup> IHR figure provided by PSNI and reiterated by the Chief Constable at the NIPB Public Meeting on 5<sup>th</sup> December 2024

lost had increased to 21.91, and PSNI attributed this increase to the number of officers going through the Ill Health Retirement (IHR) process whereby: *'The IHR process is taking longer to complete with the consequence being that officers are absent from work through ill health for longer periods of time.'*<sup>25</sup> Clearly, there are a range of systemic issues at the core of this.

**8.5** It is fully recognised that there is a need for the IOD scheme to provide an appropriate level of support to officers (or officer's families) where that officer has suffered an injury on duty or death while performing their duty. But it is also accepted that the Scheme cannot be sustained in its current form, as highlighted by the NIAO report. This has relevance for this review in that the PSNI is responsible for the budget, the DOJ is responsible for the legislative framework and the co-ordination of medical appeals, and the NIPB is responsible for the overall administration of the Scheme.

**8.6** Whilst it is not within the competency of this review to comment on how the IOD Scheme can be substantially changed, those consultees with knowledge of the scheme were unanimous in their view that it was inappropriate for a police oversight body to have administrative responsibility for the processes associated with Police Injury on Duty awards and Police Ill Health Retirement. On the one hand, it is clear the administrative process is complex, time-consuming and unwieldy. And on the other hand, while the NIPB has found that dealing with the high volume of claims and backlogs can be overwhelming, there is also a real or perceived inherent conflict of interest in a police oversight body discharging an administrative/delivery role of this nature on behalf of the PSNI and the DOJ.

**8.7** On this point, consultees commented that it was never envisaged the NIPB would have this function. It was in fact deemed to be little more than a historic 'quirk' that the NIPB inherited function from the former Police Authority for Northern Ireland (PANI). They commented that this was a distraction to the core functions of the NIPB. This is set

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<sup>25</sup> PSNI (2024) *Annual Report and Accounts for the Year Ended 31<sup>st</sup> March 2024*, p.102. Available at: <https://www.psni.police.uk/sites/default/files/2024-09/Police%20Service%20of%20Northern%20Ireland%20-%20Annual%20Report%20and%20Accounts%20for%20the%20year%20ended%2031st%20March%202024.pdf>

against a context that approximately 15 of NIPB's current staff of c.50 are solely involved in serving IOD/IHR matters – or nearly one-third of the workforce. Additionally, it was clear there is a high degree of dissatisfaction among former and serving police officers regarding the Scheme and often this inadvertently impacts on the workload of the NIPB, with one respondent noting they were '*at times swamped with freedom of information requests related to IOD claims*'. This can be seen through the sheer volume of Freedom of Information (FOI) requests serviced by the NIPB as they related to IOD/IHR matters – with approximately 50% of all FOIs published by the NIPB in 2024 relating to IOD/IHR alone.

**8.8** To address NIAO recommendations, the DOJ established an IOD Steering Group and a IOD Sub-group, with the NIPB represented on both groups. The DOJ consulted on nine key changes to the IOD Scheme. The consultation closed in July 2024 and an analysis of the responses is underway. The necessary legislative amendments and changes to the administration of these processes can only be taken forward by the DOJ acting jointly with and implemented thereafter by the PSNI SET. The NIPB do not have any authority to change any aspect of these processes – they simply act as administrators.

**8.9** My understanding is that the IOD Steering Group hasn't met for several months, largely due to the workloads and depleted resources within the DOJ and diary clashes. Given the sheer scale of financial exposure and associated risks, in my opinion much greater priority should be accorded to making the necessary changes to these processes, including the prioritisation of the necessary legislative amendments. This should include a 'task and finish' work stream that prioritises the transfer of the administration of these processes to the PSNI SET. The NIPB should have no further role in the administration of these processes, but may, in due course assume an appeals function on behalf of the DOJ.

## **9.0 The role of the Northern Ireland Policing Board as an Employer**

**9.1** The NIPB has responsibility for the employment of Policing Board staff, the Chief Constable and the PSNI SET. As a general observation, consultees had a limited appreciation of the respective roles and responsibilities regarding these employment arrangements. Under the Police (NI) Act 2000 the NIPB delegates responsibility to the Chief Constable to undertake a range of specific functions which includes directing and controlling senior and other employees, along with all other powers and duties of the Board as an employer, other than the power to appoint and dismiss senior employees.

**9.2** Undoubtedly, the nature and extent of the employment obligations of the NIPB were *'stress tested to the limit'* in the circumstances surrounding the resignation of the Chief Constable in September 2023 and the absence thereafter of the Deputy Chief Constable through illness. The NIPB found itself in *'uncharted waters'* and was largely reliant on the provision of external HR consultancy expertise. The related employment issues are not examined in detail as part of this review. But suffice to say, in light of this experience a number of consultees expressed the need to review the policies, practices and procedures regarding the employment obligations of the NIPB towards the Chief Constable and the PSNI SET.

**9.3** Some suggested the drafting of a scheme of delegation setting out the nature of the Board's delegation to the Chief Constable on employment matters in respect of the SET. This was not motivated by a desire to fetter the Chief Constable's powers to direct and control the SET on behalf of the Board. But as noted, *'yes we can appoint and dismiss but it's what happens in between that counts.'*

**9.4** Several consultees were also keen to gain a deeper understanding of the dynamics within the SET and to strengthen relations between the SET and the NIPB. In particular, and based on the experience of past year, several respondents suggested putting in place appropriately discreet arrangements whereby the Chief Constable, by exception, will draw to the Board's attention any significant performance issues within the SET.



**9.5** The Board should engage with the Chief Constable with the aim of preparing a draft scheme of delegation detailing the nature of the employment arrangements between the Board and the Chief Constable and the employment arrangements delegated to the Chief Constable in respect of the PSNI SET. The draft scheme of delegation should draw upon any relevant lessons and experiences to be gained from the events surrounding the Chief Constable's resignation in September 2023. A working group, comprised of human resources, legal and human rights expertise within the NIPB and PSNI SET could be tasked to undertake the preparatory work and draft an outline scheme of delegation for review by the Board.

**9.6** Following a comprehensive review in 2019, the NIPB agreed to a major restructuring of the PSNI SET to include the appointment of a number of business and operational senior officers. The objective was to broaden the skills set to enable the SET to respond to future strategic and operational challenges. The new structure was implemented from 2021 and clearly represented a significant cultural change within the PSNI. Partly in response to the events in September 2023, the Board commissioned a review of the PSNI SET and *Heads Together Consultancy Limited* submitted their report to the Board in May 2024 (*Post Project Evaluation of the PSNI Service Executive Team*). It will be important for the Policing Board to fully reflect on the findings of this report in conjunction with the PSNI SET.

**9.7** As an observation, it is noteworthy that the leadership within the PSNI SET is comprised of senior leaders who have been appointed relatively recently and who will shortly be joined by a number of colleagues following competitions for substantive posts, including the newly appointed Deputy Chief Constable and three new Assistant Chief Constables at the time of writing. The future shape and culture of policing in Northern Ireland, and its ability to evolve and innovate in response to criminogenic and community need is heavily reliant on this new generation of leaders. Their ability to act collegiately and drive performance is of paramount importance, particularly for *'the criticality of policing over the next 5-10 years'* as highlighted by one stakeholder. Encouragingly, I was struck by the professionalism, commitment and motivation of the SET to deliver the best possible service for all.

**9.8** My understanding is that the Chair and the Chief Executive of the NIPB are currently seeking to improve the process whereby the Chair on behalf of the Board undertakes the annual appraisal of the Chief Constable. This includes the canvassing of views from among Board members on their assessment of the Chief Constable's annual performance. With the aim of strengthening and deepening relationships between the PSNI SET and the NIPB, it would be helpful if the Chief Constable took the opportunity to canvas the views of the SET on their experiences of working directly with the Board and convey this to the Chair as part of the annual appraisal process.

**9.9** Regarding the annual appraisal of the Chief Executive of the NIPB, the assumption remains that this will be conducted by the Chair. However, as with the Chief Constable's appraisal, there is a desire for Board Members to have an opportunity to input to this process and be more fully informed on the outcome of the annual appraisal. In this regard, the Chair may also see merit in canvassing the views of the Chief Constable, other members of the SET and senior officials within the DOJ.

**9.10** The nature and scale of the employment obligations of the Board could place too heavy a burden on the Chair acting alone. But given the sensitivities and significance of some of the employment issues, neither would it be appropriate for the whole nineteen-person Board to be engaged routinely on employment matters. The Board may see merit in remitting these issues, including the annual appraisals of the Chief Constable and the Chief Executive, to a small group comprised of the Chair, the Vice-Chair and one other Board Member.

**9.11** As part of the review, I consulted with the Police Federation for Northern Ireland, the PSNI NIPSA representative, the Chief Officers' Staff Association and the Superintendents' Association of Northern Ireland. Not surprisingly, they all expressed helpful suggestions on lessons to be learned from the experiences in early Autumn 2023 regarding human resources and employment matters. They also expressed a desire to strengthen and deepen their engagement with the NIPB.

## **10.0 Chief Executive of the Northern Ireland Policing Board: Grading the Post**

**10.1** The Chief Executive post of the NIPB was initially set at a salary scale of Civil Service Grade 3 – the equivalent of a departmental Deputy Secretary. The organisation also appointed a Deputy Chief Executive. The KPMG report in June 2011 recommended that the Chief Executive post should be downgraded from Grade 3 to Grade 5, the equivalent of a departmental Assistant Secretary, while also recommending the post of Deputy Chief Executive should be removed. This was partly in response to the need to deliver savings by reducing operating costs and partly based on benchmarking the NIPB organisational structure with then comparable bodies in Scotland and England. The post of Deputy Chief Executive was subsequently removed, and the post of Chief Executive is currently set at a salary scale of Civil Service Grade 5.

**10.2** Those consulted as part of this review expressed both praise and admiration for the professionalism and dedication of the NIPB staff. Similarly, they singled out for highest commendation the leadership, resilience and judgement of the current Chief Executive. Many referred to the critical importance of the Chief Executive's leadership qualities in tackling the unprecedented set of circumstances confronting the NIPB, the PSNI SET and the DOJ during 2023. I fully concur with their assessment.

**10.3** However, I wish to focus on the core competencies and grading of this post rather than the current postholder. Whilst the NIPB is itself a relatively small organisation with an annual budget of c.£6m and a staff of c.50, its sphere of societal influence and impact is immense. In recognition of this status, it is vitally important the NIPB has the capacity to recruit, motivate, reward and retain the highest calibre of leadership. Likewise, the position of NIPB Chief Executive should be viewed as a challenging, rewarding and fulfilling career opportunity. Based on the feedback from this review, I am convinced that the post of Chief Executive presents one of the most significant leadership challenges in the public sector of Northern Ireland.

**10.4** The management of the relatively small administration budget of the NIPB is inconsequential when compared with the need of the Chief Executive to achieve outcomes through its delivery partner, the PSNI, with an annual resource budget of

c.£880m, approximately 9,000 staff and a complex service operating model. The Chief Executive is required to analyse complex and often ambiguous data in respect of policing and provide clarity and direction to the NIPB as a whole.

**10.5** In terms of partnering and collaboration, the Chief Executive is also required to engage and influence peers within the DOJ and the PSNI SET – all operating at Grade 3 levels or above. The postholder is required to navigate and balance the diverse range of political perspectives in Northern Ireland while building consensus and collegiality within the Board itself. The Chief Executive is additionally required to network effectively while negotiating and influencing an extremely diverse range of external partners and stakeholders which includes government departments, local councils and the voluntary and community sector.

**10.6** Looking to the future, the Chief Executive of the NIPB will play a key role in positioning effective policing at the heart of the NI Executive's Programme for Government; influencing the systemic and sustainable change envisaged within the PSNI transformation programme; and enhancing the corpocracy, performance and reputation of the Policing Board.

**10.7** I am aware that the NIPB recently asked DOJ if the NICS Job Evaluation and Grading Support (JEGS) process could be used to assess the post. This exercise was undertaken by the Department of Finance. I have been given privileged access to engage with the key stakeholders charged with the leadership and oversight of policing arrangements in Northern Ireland. On the basis of evidence garnered, along with my professional knowledge and experience, there is a compelling case to reinstate the original grading of this post to that of Grade 3. This is a matter which the NIPB will want to give further consideration and thereafter, engage with senior officials within the DOJ. As a starting point, the NIPB should commission the preparation of a business case.

**10.8** This issue of the Chief Executive's post should also be read in conjunction with the recommendations related to the appointment of the Chair and Vice Chair of the NIPB. Strengthening the position of Chief Executive in and of itself – and as they sit within the

tripartite – would provide an additional ‘pillar’ of leadership for the NIPB to provide the necessary momentum required to improve their strategic capability over the medium term.

## **11.0 Advocacy and Support for Policing: The Role of the Northern Ireland Policing Board**

**11.1** Consultees generally expressed a view that, notwithstanding major challenges largely related to unresolved legacy issues, policing has been transformed in Northern Ireland over the past twenty-three years. To maintain and intensify the essential levels of public support, the NIPB and the PSNI need assistance from all sections of society. Speaking at the first meeting of the NIPB in November 2001, the Chair said:

*'The Northern Ireland Police Service and the Board will be seeking the whole-hearted support of the whole community. The Police must be free to police with all our communities, and we will be judged by the ability of officers to live with the people they serve.'*<sup>26</sup>

**11.2** Consultees spoke of the need to make every effort to ensure that people who join the PSNI are drawn from the widest possible pool of talent in society. This is especially the case for communities who are under-represented in the PSNI workforce and where trust in policing is historically low. As noted from one consultee:

*'It's not the role of the police to crave to be liked or popular...we should be respected for our professionalism and what we deliver for communities, but we need strong voices to support us, especially in those areas where we are not trusted.'*

**11.3** Another consultee opined:

*'It isn't always obvious that the Policing Board appreciate the role they should play in supporting policing; police officers on the ground; and to raise public awareness and support for the police function.'*

**11.4** In practice, the oversight and accountability role of the NIPB has been more prominent than their leadership role around advocacy and support for policing. The sheer

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<sup>26</sup> Rea, D. and Masefield, R., 2014. *Policing in Northern Ireland: Delivering a new beginning?*. Liverpool University Press, p.73

workload of the NIPB is undoubtedly a factor. However, consultees also acknowledged the challenge of getting political agreement on external communications and messaging. Consultees spoke about the process of getting an agreed Board position as being laborious *‘with the core message often diluted by the time the Board is able to speak with one voice.’*

**11.5** As highlighted in various forms by respondents: *‘Advocacy and support can be a difficult space when politics gets in the way’; ‘that support and advocacy by the NIPB needed to be more than conditional’; ‘I had aspirations to do the advocacy and support role, but there simply wasn’t enough time’; ‘Advocacy has been discussed at length with the Board; you get agreement and then it unravels.’* Consultees expressed frustration that occasionally the public sessions of the Board can default to “a lightning rod” or “weathervane” for politics, which can have a particularly polarising impact on those communities where trust in policing is lowest.

**11.6** The public sessions themselves were seen by consultees as the outward facing ‘definition’ of the NIPB and its work – and laterally advocacy. For the general public and sections of the media public sessions are the only lens through which they view the NIPB. More opportunities should be taken to convey the positive work of the Policing Board committees and the positive engagement between Board members and the PSNI Service Executive Team. As summarised:

*‘The public session is often the entry point for the media, this shapes behaviours. This could be turned around if there was a deliberate attempt to present a coherent, authentic and easily understood message about the nature of the policing function – the successes and the challenges – take the theatre out of the public meetings.’*

**11.7** So too as part of NIPB’s advocacy role, some stakeholders compared their role to that of the Police and Crime Commissioners in England and Wales who were seen to ‘fight for good policing’. Many respondents were also able to see beyond what was

described above as 'conditional support' for policing. As detailed: *'the battle lines of legitimacy issues had shifted beyond old boundaries.'* In this vein, it was further articulated that the NIPB should be much more active, for example, in advocating for support around community safety, non-crime demand on PSNI, while acting as a more visible vehicle for recruitment, BAME and related issues.

**11.8** Some acknowledged that out of necessity, the NIPB had become more inward looking *'hunkered down and in crisis mode'*; and that the events of last year had diminished the standing and credibility of the NIPB. The Board's external communications in respect of these matters were clearly challenging insofar as it was noted: *'We get hammered in the press and we don't go out on the front foot and defend ourselves.'* Yet at the same time, it was simply stated by one respondent on the issue of advocacy: *'If you get advocacy right, you also earn the right to be critical too'*.

**11.9** It was generally acknowledged that the NIPB has a crucial role to play in building confidence in policing. One interviewee spoke of *'the need for the Board to communicate and uphold an inspiring purpose and vision.'* Consultees referred to the many positives associated with policing in Northern Ireland. However, it is difficult for the PSNI to be seen to 'self-promote' and are largely reliant on the NIPB to communicate the positive aspects of policing. As noted, *'We need to be out there shaping the narrative on modern policing'; 'Yes, the Board has to advocate, but we need the basis to advocate, we need the evidence of good policing practices and successes that are easily communicated.'* Equally important is the role of the NIPB in 'fronting-up' when mistakes have been made. In this regard, consultees commended the PSNI for becoming more open and transparent about learning from shortcomings in their policing practices and a culture of responding constructively to media queries involving difficult cases.

**11.10** It was commonly expressed too that *'the Board needs to assert its good authority.'* Policing is highly political in Northern Ireland and beyond, while confidence in policing will ebb and flow depending on the state of politics. But it is the role of the NIPB to rise above



the politics of the moment: *'If we want the Policing Board to drive change, we need to set out the compelling vision of how our police service will develop over the next 5-10years.'*

**11.11** Those consulted were highly supportive of the leadership role played by the PSNI in respect of major societal issues, such as the inter-agency collaboration on violence against women and girls, mental health and homelessness issues. In this regard, there is a strong desire to position the PSNI at the heart of the delivery of the NI Executive's Programme for Government. By way of showcasing these examples of good policing practice some consultees saw merit in the NIPB hosting an annual conference on contemporary police and community safety issues. Likewise, some consultees mentioned in passing that it would be an appropriate opportunity for the NIPB to take charge and mark the twenty-fifth anniversary of the Patten Report. This would be in a similar vein to the ten and fifteen year anniversaries held at Ulster University and QUB respectively in regard to the evolution of policing in Northern Ireland.

## 12.0 Northern Ireland Policing Board Confidentiality

**12.1** In 2005 when providing oral evidence to the Northern Ireland Affairs Committee (NIAC), it was Prof. Sir Desmond Rea who said: *'it is very difficult to enforce confidentiality when members believe that it is their democratic duty to make certain issues public knowledge'*.<sup>27</sup> Yet in nearly 20 years since, it is therefore disappointing that issues of confidentiality were characterised as *'Nothing short of shameful'* by one consultee in reference to confidential NIPB matters being leaked to the press.

**12.2** There was consensus that confidentiality was of paramount importance and that a failure to observe the confidentiality of the NIPB was a serious breach of corporate responsibility, for which there should be consequences and sanctions. Some alluded to confidentiality been breached at times of *"red flag"* issues or matters of *"high politics"* when the corpocracy of the NIPB on these matters is doubly important but often tested.

**12.3** The NIPB in fact has robust arrangements in place to support a disciplined approach to confidentiality. These include:

- A focus on confidentiality as part of the induction of new members.
- The Code of Conduct document.
- Annual reminders on the criticality of confidentiality.
- The requirement to sign a non-disclosure memo in advance of receiving particularly sensitive documents.

There have also been fairly robust discussions at Board meetings on the importance of respecting confidentiality.

**12.4** Crucially, concerns were raised about respecting confidentiality insofar as it may inhibit the PSNI from sharing particularly sensitive information with the NIPB while

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<sup>27</sup> Northern Ireland Affairs Committee (2005) *The Function of the Office of the Police Ombudsman for Northern Ireland. Fifth Report of Session 2004-05*. London: TSO. p.88 / Q.70. Available at: <https://publications.parliament.uk/pa/cm200405/cmselect/cmniaf/344/344.pdf>

damaging the relationship between the organisations. For the Board to fully hold the PSNI to account, it will occasionally be necessary for the Board to request or receive protected briefing from the Chief Constable. Any compromising of confidentiality will obviously diminish the ability of the NIPB to receive protected briefings.

**12.5** Some consultees expressed concerns about the NIPB's collective responsibility to respect confidentiality, citing 'live leaking' and media interviews given by political members which often made the handling of an already difficult situation worse. But in general, it was observed that political members have become more circumspect in their relationship with the media on policing matters, and that there had been a marked improvement in observing the confidentiality of Board matters over the past year.

**12.6** In terms of additional steps that might be taken, it was articulated that '*you can't legislate for bad behaviour*'. But equally, reference was made to:

- Reviewing the relevant section in the Code of Conduct to strengthen the working in regard the criticality of confidentiality.
- Exploring a tariff of sanctions that could be imposed when a member is found, after due process, to have breached the Code of Conduct in respect of confidentiality. This could range from suspension for a period of time to removal from the Board. In the case of removal from the Board, the principle of this should be agreed in advance with the Department of Justice in respect of independent members and the nominating officers of the political members.
- Enhancing the Board's ability to reach a consensus on difficult live issues and to be fleet of foot and proactive in communicating the Board's position 'ahead of the narrative developing'.

## 13.0 Northern Ireland Policing Board Development

13.1 Several consultees spoke of this being a “watershed moment” for the Policing Board, as an opportunity to “look up and out”, to “re-set and re-boot”. The Board needs time to reflect and focus, and yet this is difficult to schedule given the current excessive workload of members as evidenced in this report. Importantly the Board organises an annual ‘away-day’ and I understand that the next one is scheduled for the end of January 2025. Based on the consultative exercise underpinning this report, a number of development themes for inclusion in a Board development away-day might include:

- What is the core purpose of the Board; is there common agreement on this basic question? Are we a purpose driven or process driven organisation? Can we bring about a sharper focus on the purpose of the board – how it operates – its leadership? Can we build a more coherent Board, with a clear focus on what we want to achieve, how we will achieve it, and what processes and resources do we need to achieve it?
- The Board plays a key role in setting the tone and culture of the organisation. The Board needs to spend sufficient time understanding and shaping the culture of the organisation. This includes the “softer” dimensions such as understanding the group dynamics of the Board, ways of working, building relationships, corporacy, cohesion – a “One Board” mentality.
- Reflecting on the nature and management of the tripartite relationships can the Board play a lead role in moving from a transactional approach to a partnership approach?
- What steps are required to move the Board – PSNI SET relationship onto a more mature partnership (executive/non-executive) model?
- In addition to a sharper focus on the policing plan, service operating model and transformation programme, can the Board annually agree the 2-3 strategic topics

that are materially significant to improving policing, and secure the resources needed to examine the agreed topics in detail?

**13.2** The Business Consultancy Services' *Board Effectiveness Review of the NIPB* in 2019 recommended that the Board and its committees should undertake an annual self-evaluation, and a self-evaluation supported by external facilitators every 3 years.<sup>28</sup> I understand that a number of committees have undertaken a self-evaluation exercise. Mindful of the pressures on Board members' time, perhaps a 360 feedback questionnaire could be introduced to annually receive feedback from Board members, Board staff, the PSNI SET and DOJ departmental officials.

**13.3** Membership of the NIPB is one of the most demanding and significant roles in the public sector. It requires members to have a range of skills and experience, and an inquisitive mindset as to the dynamics of modern policing. Membership should also be an energising and fulfilling experience. By enhancing their strategic scope and adopting a more confident appreciation of their good authority and leadership role, the Board will undoubtedly enhance their effectiveness and standing. All successful Boards invest significant time in developing board members to help maximise their effectiveness. Policing Board Members should identify their learning and development needs and put in place a plan for addressing these. This will be particularly helpful when compiling an induction and training programme for new members.

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<sup>28</sup> Business Consultancy Services (2019) *Northern Ireland Policing Board: Board Effectiveness Review*. On file with authors

## Stakeholder Engagement meetings

ROLE	MEETING DATE (2024)
NIPB Chief Executive	16 <sup>th</sup> September 23 <sup>rd</sup> September 30 <sup>th</sup> September
NIPB Inaugural Chair	18 <sup>th</sup> September
Former Vice Chair NIPB	19 <sup>th</sup> September
NIPB Chair	19 <sup>th</sup> September
Chief Constable	20 <sup>th</sup> September 22 <sup>nd</sup> November
NIPB Director of Resources	27 <sup>th</sup> September
NIPB Head of Partnerships	30 <sup>th</sup> September
NIPB Human Rights Adviser	30 <sup>th</sup> September
NIPB Director of Performance	1 <sup>st</sup> October
NIPB Board Member	1 <sup>st</sup> October
NIPB Director of Police Pensions & Injury Benefits	1 <sup>st</sup> October
CJINI Chief Inspector	3 <sup>rd</sup> October
OPONI Chief Executive	4 <sup>th</sup> October
NIPB Board Member	4 <sup>th</sup> October
NIPB former Vice Chair	7 <sup>th</sup> October
NIPB Board Member	7 <sup>th</sup> October
Former Chief Constable	8 <sup>th</sup> October
NIPB Head of Communications	8 <sup>th</sup> October
NIPB Board Member	9 <sup>th</sup> October

<b>NIPB former Board Member</b>	<b>9<sup>th</sup> October</b>
<b>(then) Justice Committee Clerk</b>	<b>10<sup>th</sup> October</b>
<b>NIPB former Board Member</b>	<b>10<sup>TH</sup> October</b>
<b>Special Adviser to Justice Minister</b>	<b>10<sup>th</sup> October</b>
<b>NIPB Board Member</b>	<b>14<sup>th</sup> October</b>
<b>Former Permanent Secretary, DoJ</b>	<b>14<sup>th</sup> October</b>
<b>Chair of the Police Pension Board</b>	<b>15<sup>th</sup> October</b>
<b>HMICFRS</b>	<b>16<sup>TH</sup> October</b>
<b>Former Justice Minister</b>	<b>16<sup>th</sup> October</b>
<b>NIPB former Chair</b>	<b>16<sup>th</sup> October</b>
<b>NIPB inaugural Vice-Chair</b>	<b>17<sup>th</sup> October</b>
<b>PSNI - Service Executive Team</b>	<b>18<sup>TH</sup> October</b>
<b>NIPB Board Member</b>	<b>21<sup>st</sup> October</b>
<b>NIPB Board Member</b>	<b>22<sup>nd</sup> October</b>
<b>NIPB Board Member</b>	<b>22<sup>nd</sup> October</b>
<b>NIPB Board Member</b>	<b>22<sup>nd</sup> October</b>
<b>NIPB Board Member</b>	<b>22<sup>nd</sup> October</b>
<b>SDLP Researcher</b>	<b>22<sup>nd</sup> October</b> <b>23<sup>rd</sup> November</b>
<b>Police Federation Chair</b>	<b>22<sup>nd</sup> October</b>
<b>NIPB former Vice Chair</b>	<b>23<sup>rd</sup> October</b>
<b>NIPB Board Member</b>	<b>24<sup>th</sup> October</b>
<b>NIPB Vice Chair</b>	<b>24 October</b>
<b>NIPSA representative</b>	<b>28<sup>th</sup> October</b>
<b>NIPB former Chair</b>	<b>29<sup>th</sup> October</b>

<b>NIPB former Chief Executive</b>	<b>29<sup>th</sup> October</b>
<b>NIPB Board Member</b>	<b>31<sup>st</sup> October</b>
<b>ACC PSNI, Chief Police Officers Staff Association (subsequently appointed DCC)</b>	<b>1<sup>st</sup> November</b>
<b>T/DCC PSNI</b>	<b>1<sup>st</sup> November</b>
<b>NIPB Board Member</b>	<b>1<sup>st</sup> November</b>
<b>Head of Legal Services, PSNI</b>	<b>4<sup>th</sup> November</b>
<b>T/ACC PSNI, subsequently appointed ACC</b>	<b>4<sup>th</sup> November</b>
<b>NIPB former Board Member</b>	<b>4<sup>th</sup> November</b>
<b>Permanent Secretary, DoJ</b>	<b>5<sup>th</sup> November</b>
<b>Director, Safer Communities, DoJ</b>	<b>5<sup>th</sup> November</b>
<b>T/ACC PSNI, subsequently appointed ACC</b>	<b>6<sup>th</sup> November</b>
<b>ACO for People and Organisational Development for the PSNI</b>	<b>7<sup>th</sup> November</b>
<b>T/ACC PSNI, subsequently appointed ACC</b>	<b>7<sup>th</sup> November</b>
<b>NIPB former Board Member</b>	<b>8<sup>th</sup> November</b>
<b>COO for the PSNI</b>	<b>8<sup>th</sup> November</b>
<b>ACO for Strategic Planning and Transformation for the PSNI</b>	<b>8<sup>th</sup> November</b>
<b>ACO Corporate Services PSNI</b>	<b>8<sup>th</sup> November</b>
<b>Independent Reviewer of Justice and Security (NI) Act 2007</b>	<b>11<sup>th</sup> November</b>
<b>Superintendents Association of NI</b>	<b>11<sup>th</sup> November</b>
<b>Superintendents Association of NI</b>	<b>11<sup>th</sup> November</b>
<b>NIPB former Board Member</b>	<b>12<sup>th</sup> November</b>
<b>NIPB former Chair</b>	<b>12<sup>th</sup> November</b>
<b>NIPB Board Member</b>	<b>15<sup>th</sup> November</b>
<b>Deputy Director, Policing Policy and Strategy Division, DoJ</b>	<b>20<sup>th</sup> November</b>



<b>Deputy Director, Finance Services Division, DoJ</b>	<b>20<sup>th</sup> November</b>
<b>Minister of Justice</b>	<b>26<sup>th</sup> November</b>
<b>NIPB Members &amp; Senior Staff</b>	<b>28<sup>th</sup> November</b>

## Biographies of the Independent Reviewer and Independent Expert Advisor

### *Independent Reviewer*

**Paul Sweeney** retired from the Northern Ireland Civil Service in 2017 having held a number of senior positions including Permanent Secretary in the Department of Education from 2010 to 2017, Permanent Secretary in the Department of Culture, Arts and Leisure from 2006 to 2010, and Under Secretary in the Office of the First Minister and deputy First Minister from 2001 to 2006.

### *Independent Expert Advisor*

**Dr John Topping** is senior lecturer in criminology at QUB and an internationally recognised expert in policing with over fifteen years' experience working with the statutory policing institutions in Northern Ireland on a variety of research, advisory and consultancy roles. He is based in the School of Social Sciences, Education and Social Work, and is also a fellow at the Senator George J. Mitchell Institute for Global Peace, Security and Justice. You can find his full [academic and expert profile here](#).