



House of Commons
Northern Ireland Affairs
Committee

**The Functions of the Northern
Ireland Policing Board: Responses
by the Government and the
Northern Ireland Policing Board
to the Committee's Seventh
Report of Session 2004–05**

**Seventh Special Report of Session
2005–2006**

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The Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Northern Ireland Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel).

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Committee staff

The current staff of the Committee are Mr James Rhys (Clerk), Hugh Farren (Attached Second Clerk), Dr Aileen O'Neill (Committee Specialist), Paul Derrett (Committee Assistant), Julia Kalogerides (Secretary), Jessica Bridges Palmer (Media Officer), Jim Lawford (Senior Office Clerk).

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Seventh Special Report

The Committee published its Seventh Report of Session 2004-05 on 10 March 2005. The Government's response from the Ian Pearson MP, Parliamentary Under Secretary of State for Northern Ireland, was received in the form of a memorandum on 4 April 2005. The response from Professor Sir Desmond Rea, Chairman, Northern Ireland Policing Board was received in the form of letters and memoranda dated 11 July and 11 October 2005. The responses are published as appendices to this report.

Appendix 1

GOVERNMENT RESPONSE

In July 2004 the Northern Ireland Affairs Committee announced its intention to hold an inquiry into the functions of the Northern Ireland Policing Board

The Government welcomes the inquiry as a useful examination of the important part that the Policing Board plays in the new policing accountability arrangements. The Northern Ireland Office provided written evidence to the Committee on behalf of the Government and the Minister, Ian Pearson MP, gave oral evidence to the NIAC on 19 January 2005.

The NIAC published its report on 10 March 2005. The Government has considered the NIAC's report carefully and the enclosed paper sets out the Government's response. For ease of reference the paper responds to each of the recommendations (in bold type) in turn.

Conclusions and Recommendations

The Northern Ireland Policing Board has made solid progress in establishing and developing its role, and its achievements since 2001 in establishing a framework of accountability for policing in Northern Ireland have been significant. The Board has put in place mechanisms to monitor and assess the performance of the Chief Constable and the PSNI, including a human rights monitoring framework, human resource and training strategies, and a code of ethics for police officers. It has made difficult decisions successfully in a complex political environment (Paragraph 39).

The Government notes the committee's comments and would agree with the committee's conclusions. The committee rightly acknowledges that the Policing Board is now an important part of the new policing accountability arrangements in Northern Ireland.

We welcome the constructive relationship that has developed between the Policing Board and the senior management of the PSNI (Paragraph 40).

The Government too welcomes the constructive relationship that has developed between the senior management of the PSNI and the Policing Board.

We believe that in order to be effective, the Policing Board must cooperate fully with the Office of the Police Ombudsman. We have already noted the difference of opinion between the Board and the Ombudsman over what constitutes appropriate frequency of contact. We call on both organisations to put in place a structure for communication acceptable to both without delay (Paragraph 41).

Though this is a matter for the Policing Board and the Ombudsman, Government would wish to see appropriate arrangements in place to facilitate effective communication between both organisations.

We were told that Policing Board members were not always aware of the detail of policing policy and practice. This is of concern as a sound understanding of the police and its role is fundamental to the effective operation of the Board's oversight function. We do not doubt that most Board members are well informed and conscientious. However, the Board collectively must take full responsibility for ensuring that all its members are equipped with the information and expertise necessary to fulfil their statutory functions. We hope not to hear such complaints repeated when we next scrutinise the Board (Paragraph 42).

The Government would support any action the Board would take to ensure Board members are fully briefed and aware of the detail of policing policy and practice.

It is important to the effective functioning of the Board that its committee structure permits a targeted oversight of the activities of the PSNI. The existing structure does not have a committee focused solely on crime operations, a highly significant area of PSNI activity. We recommend that the Board considers its present committee system carefully in the light of the PSNI's review of its own corporate governance arrangements to ensure their structure is wholly appropriate. (Paragraph 45)

The Government would support any changes to the Board Committee system to ensure that it allows for more effective monitoring of the PSNI.

We were pleased to learn that there have been no recent 'leaks' from the Policing Board of sensitive information. The importance of maintaining the confidentiality of sensitive information provided by the PSNI to the Board cannot be overestimated. Both the PSNI and the Police Ombudsman told us that past breaches of confidentiality have eroded their trust and confidence in the Board. We expect the Board, and its staff, to act at all times in a fully professional manner. This means that sensitive information provided to the Board in the course of its work must never be divulged to third parties. Such gross breaches of trust are entirely unacceptable and must not be repeated if the reputation of the Board is to be maintained. At present, the Board has a voluntary Code

of Conduct which includes a confidentiality provision. In addition, Board members' terms of appointment letters state that members should respect the sensitivity of "some of the issues" they will be dealing with. We invite the Secretary of State to consider whether, in the light of past breaches, this is sufficient, or whether maintaining strict confidentiality about all information received by the Board should be a formal condition of appointment. (Paragraph 49)

The Government notes the Committee's conclusions and will take them into consideration when drawing up terms of appointment for the Policing Board members when it is reconstituted in October this year.

We commend the Board for holding more than the minimum number of public meetings in 2003/04. These are opportunities to promote public confidence in the work of the Board, facilitate greater transparency, and engender a more inclusive approach to policing, as envisaged by the Independent Commission on Policing for Northern Ireland. More needs to be done to encourage public participation and develop a genuine exchange between the Board and the public. This is not a simple matter, and progress will be incremental. However, we are convinced of the usefulness of this aspect of the Board's operations and we expect it to take the lead in creating all reasonable opportunities for public participation. (Paragraph 52)

The Government would wish to encourage as much public participation in the work of the Policing Board as possible.

It is our experience of the organisations we scrutinise that the annual reporting exercise is sometimes approached as a necessary chore. While we accept that achieving excellence is time consuming and difficult, the creation of a fully comprehensive and transparent annual report is a vital part of the presentation of any organisation's activities to the public and must be taken seriously. The presentation of the Board's performance data in the annual report is insufficiently transparent and comprehensive. The annual report must set out clearly the Board's progress on key objectives in a simple, attractive and consistent format, year on year. This level of presentational excellence has yet to be achieved by the Board. We appreciate that while the Board must report on the PSNI's performance in its annual report, the major focus must rest clearly on the Board's own performance and its principal activities. We welcome the willingness of the Chief Executive to consider improvements, and we are confident that the Board will take immediate steps to improve the presentation of its annual report. (Paragraph 55)

The Government notes the Committee's comments and also welcomes initiatives to improve annual reporting arrangements for the Policing Board.

While we appreciate fully the scale and complexity of the appointments process for independent members of the District Policing Partnerships (DPPs), we were alarmed by the extremely high cost of the 2003 process and, in particular, by the projected higher cost for 2005. There will be approximately 226 independent members of DPPs appointed in 2005 at an estimated cost of £950,000. We were assured by the

Minister that value for money had been achieved in 2003, and that the normal rigorous checks on public expenditure had been followed. However, we welcome the Board's decision to review its approach to the recruitment process, and expect that now the DPPs are established, membership appointment costs will fall. We expect the government to support the Board in achieving this good value for money goal. (Paragraph 61)

As the Committee noted in its report the Board has reviewed its approach to the 2005 recruitment exercise for Independent DPP members. The Board has accordingly submitted a revised business case which has a significantly reduced cost of £449k. Having scrutinised the case to ensure value for money Ministers have approved this amount. It should be noted that in accordance with the financing of DPPs [Paragraph II of Schedule 3 to the Police (NI) Act refers] the Board will be recouping 25% of the total of these costs from local government.

The DPPs are an integral part of local policing accountability structures and it is particularly important at this early stage that the Board provides them with full support. We were concerned to learn about the delay by the Board in settling DPPs' budgets, and the perception among some DPPs that the training provided by the Board was inadequate. We hope that these problems are 'teething difficulties' only, but, in any case, we expect the Board to ensure that there is no recurrence. We therefore welcome the Board's commitment to ensuring that the DPPs' budgets for 2005 are settled in a more efficient manner, and we shall follow this up to monitor any increases in efficiency. (Paragraph 65)

The Government understands that procedures are now in place to ensure that DPP budgets are settled in a more timely way.

There is significant overlap between the functions of CSPs and DPPs which has led to a duplication of work and wasted resources. This may be because the roles of the two networks are insufficiently defined, or because there has been a failure to publicise their roles clearly. There must be no confusion in this area. The government needs to give further consideration to the functions of CSPs and DPPs, whether there is scope for rationalisation, and, if not, how best to ensure that the roles of these organisations are presented effectively to dispel perceived duplication. (Paragraph 69)

Government notes the recommendation and officials in both the Community Safety Unit and the Policing Board have met to discuss a range of inter-related issues to facilitate more effective working. Government is awaiting the outcomes of both the Board-led review of DPPs and the inspection of CSPs by the Criminal Justice Inspectorate to assist in the further consideration of the two partnerships.

We were surprised that the remit of the Chief Inspector of Criminal Justice does not extend to cover the Policing Board. The Policing Board is the disciplinary authority for

senior officers of the PSNI and, as a result, examines public complaints against such officers. This appears to us to be an executive function, and we recommend, therefore, that the government gives further consideration to extending the Chief Inspector's remit to include the Policing Board. (Paragraph 72)

Government notes the recommendation. The Criminal Justice Inspectorate is able to inspect the Policing Board under Section 47(4) of the Justice (NI) Act 2002 with the Board's agreement. This is the provision enabling the Secretary of State to order an inspection of some aspect of the criminal justice system which might cut across a number of organisations – a so called thematic inspection. If that touched upon the activities and responsibilities of the Board then the Inspectorate would be able to undertake such an inspection. Though open to reviewing the list of organisations at Section 46 that the Inspectorate must inspect, Governments present view is that there is no reason to include the Policing Board on that list.

We queried whether there was any formal provision within the Policing Board's Complaints Policy for appeals from the Board. The Chief Executive gave us his view that complainants did have the opportunity to appeal to the Secretary of State. However, the Minister clarified later that there is no formal right of appeal set out in the Board's policy. (Paragraph 73)

It is important that individuals who have a complaint against the Policing Board, and remain dissatisfied with remedies arising from approaches to the Board itself, understand clearly what further scope for appeal exists.

There is a formal structure in place for appeals from the Police Ombudsman and, in our view, there should be similar arrangements for appeals from Policing Board decisions. We recommend that the government and the Board bring forward appropriate proposals quickly. (Paragraph 74)

Government notes the Committee's recommendation. Officials from both the Northern Ireland Office and Policing Board will be meeting shortly to consider the Committee's recommendation.

Appendix 2

THE NORTHERN IRELAND POLICING BOARD RESPONSE

I am writing to update you on the actions that the Northern Ireland Policing Board (the Board) is taking in response to the findings of the above Committee's Report, following their Inquiry into the Functions of the Board.

As you can see, a number of the conclusions/recommendations are noted (where no specific action was indicated); a number have been actioned already; and the remainder are the subject of discussion with the NIO (where the recommendation was/is for the Secretary of State's consideration, rather than action by the Board itself).

One other outstanding issue (although not one that featured as a conclusion/recommendation in the Committee's final report) was around performance monitoring – namely, the need for clear *performance indicators* to be set relating to the Board's performance (as opposed to PSNI performance). In relation to this point, I enclose a copy of the Board's Corporate Plan, recently published¹. The *performance indicators* in this Corporate Plan were designed to take on board the Committee's representations to that effect.

I shall be more than happy to provide any further information your Committee would find helpful on any of these matters.

Might I also extend an open offer of assistance, should any new Committee members appointed require any information about the Board's work. Moreover, the Board would be more than happy to welcome any new or existing Committee members should they wish to visit the Board at their convenience when in Belfast.

Conclusions and Recommendations

The Northern Ireland Policing Board has made solid progress in establishing and developing its role, and its achievements since 2001 in establishing a framework of accountability for policing in Northern Ireland have been significant. The Board has put in place mechanisms to monitor and assess the performance of the Chief Constable and the PSNI, including a human rights monitoring framework, human resource and training strategies, and a code of ethics for police officers. It has made difficult decisions successfully in a complex political environment. (Paragraph 39)

To note and welcome the NIAC conclusion.

We welcome the constructive relationship that has developed between the Policing Board and the senior management of the PSNI. (Paragraph 40).

To note and welcome the NIAC conclusion.

¹ This document is not re-printed in the Report

We believe that in order to be effective, the Policing Board must cooperate fully with the Office of the Police Ombudsman. We have already noted the difference of opinion between the Board and the Ombudsman over what constitutes appropriate frequency of contact. We call on both organisations to put in place a structure for communication acceptable to both without delay. (Paragraph 41)

Members have discussed this matter in detail, to ensure that there is in place the appropriate contact and communication between the Board and the Ombudsman, which now includes:

- regular attendance by the Ombudsman/her senior officials at meetings of the Board's Human Rights & Professional Standards Committee, to discuss complaints statistics. Additional work on collating details of Section 20 reports fed through from the Ombudsman to the Board is now in place, so as to identify trends or patterns, and further regular discussions between the Board and the Ombudsman/her senior officials is scheduled for future meetings of this Committee
- joint planning & campaign initiatives (such as joint commissioning between the Board and the Ombudsman of a survey into the views of young people)
- regular strategic level meetings between the Board's Chief Executive and the Ombudsman's Office's Chief Executive
- regular meetings between the Ombudsman & the Board Chairman & Vice-Chairman
- annual formal meeting between the Ombudsman and the full Board
- attendance at both member/Ombudsman and senior official level at respective organisations' strategy launches etc.
- ad-hoc conversations and meetings at official and Board member-Ombudsman level.

The Board and the Ombudsman's office are, at official level, developing a protocol addressing communication between the two organisations. In addition, the Board has resolved that one of the two meetings each year between the Police Ombudsman and the Board's Human Rights and Professional Standards Committee should be opened up to all Board Members and a broader agenda of issues for discussion should be facilitated.

We were told that Policing Board members were not always aware of the detail of policing policy and practice. This is of concern as a sound understanding of the police and its role is fundamental to the effective operation of the Board's oversight function. We do not doubt that most Board members are well informed and conscientious. However, the Board collectively must take full responsibility for ensuring that all its members are equipped with the information and expertise necessary to fulfil their statutory functions. We hope not to hear such complaints repeated when we next scrutinise the Board. (Paragraph 42)

As this recommendation/conclusion from the NIAC appeared to be generated by comments made by the Ombudsman and the PSNI during the course of the NIAC Inquiry, the Board wrote to both the Ombudsman and the Chief Constable to tease out any particular areas of concern over Board member knowledge of particular areas of policing policy and practice. The Ombudsman and the Chief Constable have helpfully suggested a range of such areas, such as firearms usage, less-lethal weaponry usage, deaths in custody procedures etc. The Board has a series of briefings already arranged for members over the coming months (e.g. on Police Community Support Officers, tasers etc.) and will factor in the representations made by the Ombudsman and the Chief Constable into the design of an induction & training package for new Board members.

It is important to the effective functioning of the Board that its committee structure permits a targeted oversight of the activities of the PSNI. The existing structure does not have a committee focused solely on crime operations, a highly significant area of PSNI activity. We recommend that the Board considers its present committee system carefully in the light of the PSNI's review of its own corporate governance arrangements to ensure their structure is wholly appropriate. (Paragraph 45)

Members agreed a revised Committee structure for the Board at the June 2nd Board meeting which (amongst other changes) addresses these concerns – making clearer the routine reporting arrangements for different PSNI branches – each into a specific, named Board Committee (e.g. Crime Operations Branch having a direct reporting line into the revised Corporate Policy & Performance Committee). This new Committee structure is scheduled to be introduced in October 2005, subject to consideration of any recommendations made by the Independent Review Panel established by the Board to consider its operation & practices.

We were pleased to learn that there have been no recent 'leaks' from the Policing Board of sensitive information. The importance of maintaining the confidentiality of sensitive information provided by the PSNI to the Board cannot be overestimated. Both the PSNI and the Police Ombudsman told us that past breaches of confidentiality have eroded their trust and confidence in the Board. We expect the Board, and its staff, to act at all times in a fully professional manner. This means that sensitive information provided to the Board in the course of its work must never be divulged to third parties. Such gross breaches of trust are entirely unacceptable and must not be repeated if the reputation of the Board is to be maintained. At present, the Board has a voluntary Code of Conduct which includes a confidentiality provision. In addition, Board members' terms of appointment letters state that members should respect the sensitivity of "some of the issues" they will be dealing with. We invite the Secretary of State to consider whether, in the light of past breaches, this is sufficient, or whether maintaining strict confidentiality about all information received by the Board should be a formal condition of appointment. (Paragraph 49)

The Board accepts that this recommendation is for consideration by the Secretary of State (in relation to Members' terms of appointment). The Board has discussed this issue in some detail, accepting the importance of respecting the confidentiality of various items of information shared with it in the course of routine business. The Board is of the view that the situation around leaks has improved significantly over recent months and years, and

that, at worst, this is in practice only a limited problem, and does not warrant external action.

We commend the Board for holding more than the minimum number of public meetings in 2003/04. These are opportunities to promote public confidence in the work of the Board, facilitate greater transparency, and engender a more inclusive approach to policing, as envisaged by the Independent Commission on Policing for Northern Ireland. More needs to be done to encourage public participation and develop a genuine exchange between the Board and the public. This is not a simple matter, and progress will be incremental. However, we are convinced of the usefulness of this aspect of the Board's operations and we expect it to take the lead in creating all reasonable opportunities for public participation. (Paragraph 52)

The Board notes and welcomes this conclusion, which is being addressed by the Board as part of its Communication Strategy. In relation to the particular issue raised, the Board remains committed to holding at least 8 meetings in public each year (with a target of ten, subject in any particular year to restrictions around election periods). The Board is further committed to holding two of these meetings each year outside of Belfast – with successful and well-attended meetings having already taken place in Omagh, Armagh, and most recently Derry/Londonderry. The Board also arranges other external events with various different target audiences, such as a successful Conference on the Night Time Economy recently in Derry/Londonderry.

It is our experience of the organisations we scrutinise that the annual reporting exercise is sometimes approached as a necessary chore. While we accept that achieving excellence is time consuming and difficult, the creation of a fully comprehensive and transparent annual report is a vital part of the presentation of any organisation's activities to the public and must be taken seriously. The presentation of the Board's performance data in the annual report is insufficiently transparent and comprehensive. The annual report must set out clearly the Board's progress on key objectives in a simple, attractive and consistent format, year on year. This level of presentational excellence has yet to be achieved by the Board. We appreciate that while the Board must report on the PSNI's performance in its annual report, the major focus must rest clearly on the Board's own performance and its principal activities. We welcome the willingness of the Chief Executive to consider improvements, and we are confident that the Board will take immediate steps to improve the presentation of its annual report. (Paragraph 55)

The Board too notes and welcomes the NIAC's conclusions on Annual Reporting requirements, the detailed comments of which are being incorporated into the planning for the next publication. The Board has recently published an informal, user-friendly *Annual Review* publication (220,000 copies circulated in newspapers on Friday June 10th) which was designed and written explicitly to reflect this recommendation. The Board has put relevant performance indicators in its annual Business Plan to monitor implementation of this recommendation.

While we appreciate fully the scale and complexity of the appointments process for independent members of the District Policing Partnerships (DPPs), we were alarmed by the extremely high cost of the 2003 process and, in particular, by the projected

higher cost for 2005. There will be approximately 226 independent members of DPPs appointed in 2005 at an estimated cost of £950,000. We were assured by the Minister that value for money had been achieved in 2003, and that the normal rigorous checks on public expenditure had been followed. However, we welcome the Board's decision to review its approach to the recruitment process, and expect that now the DPPs are established, membership appointment costs will fall. We expect the government to support the Board in achieving this good value for money goal. (Paragraph 61)

As addressed in the NIO response, the Board has indeed significantly reduced the budgeted cost for the forthcoming DPP recruitment round, following the approach adopted by the Board at its meeting held on 3 February 2005, and currently underway.

The DPPs are an integral part of local policing accountability structures and it is particularly important at this early stage that the Board provides them with full support. We were concerned to learn about the delay by the Board in settling DPPs' budgets, and the perception among some DPPs that the training provided by the Board was inadequate. We hope that these problems are 'teething difficulties' only, but, in any case, we expect the Board to ensure that there is no recurrence. We therefore welcome the Board's commitment to ensuring that the DPPs' budgets for 2005 are settled in a more efficient manner, and we shall follow this up to monitor any increases in efficiency. (Paragraph 65)

The Board can confirm the successful implementation of the assurance given to the NIAC in relation to speeding up DPP budget resolution. Members are asked to note that the Board commenced the processes for agreeing 2005/06 budgets in November 2004, and that twenty three DPP offers of grant were sent out within the agreed timeframe. The outstanding DPPs were: Belfast (reviewing their staffing structure and not in a position to agree a budget for 2004/05 at the planned time of budget offer); Magherafelt (who had not responded to requests for information from the Board within the agreed timescale); and Lisburn (who had not responded to requests from the Board for a letter of assurance for the DPP grant within the timeframe). All of these outstanding issues were resolved some time ago, with every DPP now having their budget fully agreed.

There is significant overlap between the functions of CSPs and DPPs which has led to a duplication of work and wasted resources. This may be because the roles of the 2 networks are insufficiently defined, or because there has been a failure to publicise their roles clearly. There must be no confusion in this area. The Government needs to give further consideration to the functions of CSPs and DPPs, whether there is scope for rationalisation, and, if not, how best to ensure that the roles of these organisations are presented effectively to dispel perceived duplication. (Paragraph 69)

The Board strongly endorses the NIAC recommendation/conclusion in this respect, has written separately to Ministers to set out the Board's arguments for reform in further detail, and is arranging a face to face meeting over the issue with the Security Minister. The Board considers very strongly that the current arrangement is inefficient, and ineffective, and thus unsatisfactory. The Board will continue to urge Ministers to address the situation.

We were surprised that the remit of the Chief Inspector of Criminal Justice does not extend to cover the Policing Board. The Policing Board is the disciplinary authority for

senior officers of the PSNI and, as a result, examines public complaints against such officers. This appears to us to be an executive function, and we recommend, therefore, that the government gives further consideration to extending the Chief Inspector's remit to include the Policing Board. (Paragraph 72)

The Board has established its own externally-validated review mechanism, with a panel led by Sir Keith Povey (former HMIC), and including Graham Gordon (retired Chief Executive of Cheshire Police Authority), Rotha Johnston (businesswoman), Professor John Mackie (Theologian) and Maurice Manning (President of the Human Rights Commission, Dublin). The Board will consider the NIAC recommendation/conclusion further following this current review, but in the interim, shares the NIO view that there is no pressing need to extend the Criminal Justice Inspectorate's remit to specifically include the Board.

We queried whether there was any formal provision within the Policing Board's Complaints Policy for appeals from the Board. The Chief Executive gave us his view that complainants did have the opportunity to appeal to the Secretary of State. However, the Minister clarified later that there is no formal right of appeal set out in the Board's policy. (Paragraph 73)

[considered alongside]

It is important that individuals who have a complaint against the Policing Board, and remain dissatisfied with remedies arising from approaches to the Board itself, understand clearly what further scope for appeal exists. There is a formal structure in place for appeals from the Police Ombudsman and, in our view, there should be similar arrangements for appeals from Policing Board decisions. We recommend that the government and the Board bring forward appropriate proposals quickly. (Paragraph 74)

The Board has considered this issue in detail, including through its Human Rights & Professional Standards Committee. The Board respects the general principle that an interested party should enjoy a transparent process for their grievance to be considered, with an appropriate appeal mechanism if they remain dissatisfied (either through resort to law, and/or through a specified and appropriate appeals route).

The Board has a number of such complaints mechanisms (& subsequent appeals processes) in place, for its range of functions and duties.

Principally, the Board has in place a robust complaints mechanism (for when an individual feels, for instance, that they have been treated unfairly or rudely by Board staff) and this complaints procedure already includes a specified appeals process. The Board also has appeals mechanisms in place over certain of its defined statutory functions – e.g. a police pensioner dissatisfied with certain decisions taken in relation to Injury on Duty claims under delegated authority by a Board Committee has an ultimate right of appeal to the Secretary of State. There are, however, no specific appeals procedures in place for interested parties to dispute a decision of the Board, taken in line with its statutory powers (for example, over the disposal of land) or on a matter of policy within the Board's remit (e.g. the Board's decision to support the Chief Constable's decision to phase out Full Time

Reserve Officers or to support his decision to introduce Attenuated Energy Projectiles). In such cases, an aggrieved interested party does nonetheless retain their right to resort to law (such as seeking a Judicial Review).

On balance therefore, and notwithstanding the NIAC's recommendations/conclusions, the Board does not feel that there is any overwhelming argument for the Government to introduce any additional appeals mechanism in relation to such statutory duties/matters of policy (either to the Secretary of State, or to any other body). The Board has reached this view not least because the impact of second-guessing the Board's proper statutory functions would be to undermine the Board by such a process – particularly if it were established that any/all such Board decisions appealed under any new system would be stayed or delayed pending that appeal. The Board has balanced this consideration against its natural inclination to respect the right of an interested party to see a transparent route of appeal – but feels that this fundamental right is sufficiently well-safeguarded by the existing available appeals mechanisms in place, and resorts to law.