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NORTHERN IRELAND OFFICE

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SECRETARY OF STATE
FOR
NORTHERN IRELAND

The Rt Hon The Lord Wakeham
Lord Privy Seal and Leader of the
House of Lords
Privy Council Office
Whitehall
LONDON SW1A 2AI

2 March 1994

Mr Swan

For info an PA on
my Police Structures W & file

Dear John:

In my letter of 10 December I set out the basis for my proposed reform of policing structures in Northern Ireland and attached a copy of a consultation paper which I proposed to publish. Change is essential to the administration of policing in Northern Ireland to improve the operational effectiveness of the RUC, to provide the best prospect of securing wider support for the RUC and to achieve the cost effective use of resources.

I have received some comments on the paper from colleagues; and have also been engaged in detailed discussions with the Police Authority for Northern Ireland. As a result of these discussions, the document has been adjusted to provide additional clarity on the principles behind my proposals and to take account of concerns expressed.

I have now achieved a broad measure of support for my proposals from the key participants in Northern Ireland and I am ready to take the issue into the public domain. I intend to publish the document in the week beginning 20 March and would be grateful for any final comments from colleagues by 17 March.



I am copying this letter to the Prime Minister, EDH
colleagues, the Foreign Secretary, the Secretary of State
for Defence, the Attorney General, and to Sir Robin Butler.

Jan Farn
14/11

cc: PS/SJS (L+B)
PS/Sir J Wheeler (L+B)
PS/PUS (L+B)
PS/Mr Fell
Mr Legge
Mr Lyon
Mr Steele
Mr Bell
Mr Blackwell
Mr Leach
Mr Marsh
Mr McMeel
Mr Bentley - HOLAB
Mr MacCabe
Mr Daniell
Mr Cornick
Mrs Collins
Mr Robinson
Mr Slean
Dr Rostborough
Mr Mills
Flatts

POLICING IN THE COMMUNITY

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1. INTRODUCTION

- 1.1 This paper proposes a strengthened framework for policing in Northern Ireland. The aim is to provide a structure in which there can be a more effective police service fully accountable to the whole community. The maintenance of law and order is a fundamental requirement of society, and responsibility of Government. This requires a police service which is efficient, effective and responsive to the needs of the community. Moreover, in Northern Ireland the arrangements for policing must take account of the particular problems of a divided community and many years of terrorist activity.
- 1.2 The Government believes that improvements need to be made to the structure of policing in Northern Ireland. The present arrangements for policing in Northern Ireland are based on a tripartite structure. Under it the Secretary of State for Northern Ireland is responsible for overall policing policy and security policy, for the provision of all funds and for the statutory and management framework for the delivery of policing; the Police Authority for Northern Ireland provides a range of services and all civilian personnel to the RUC using the funds provided by the Government; and the Chief Constable is responsible for police operations and the enforcement of the criminal law.
- 1.3 The Government is committed to the continuance of a tripartite structure of policing. It is committed to maintaining the operational independence of the Chief Constable and to the

avoidance of political direction of the police. It is committed to meeting the recommendations of the Hunt Report for "some body, representative of the community as a whole, to which he [the Chief Constable] can be accountable, and through which the wishes and fears of the community can be expressed".

- 1.4 The dedicated service of members of the RUC and the Police Authority over the last quarter of a century has transformed policing in Northern Ireland, strengthened links with the community and provided a high level of stability in the face of extreme pressures. But the present arrangements suffer from a number of shortcomings. These have made it difficult to address the objectives sought in Lord Hunt's report and to achieve the most efficient use of the substantial resources devoted to policing.
- 1.5 The Secretary of State, after discussions with the Police Authority and the Chief Constable, has concluded that substantial improvements can be achieved in the effectiveness and responsiveness of policing in Northern Ireland by strengthening and clarifying the tripartite structure.
- 1.6 Under the proposals set out in this paper, the responsibilities and the lines of accountability of the Secretary of State, the Police Authority and the Chief Constable will be defined in statute. The Secretary of State will continue to be responsible for security policy, the provision of all resources, and the statutory and management

framework for the delivery of policing, and he will establish and monitor overall objectives and priorities for policing in Northern Ireland. A new Police Authority will have statutory responsibility for establishing objectives and priorities for the provision of police services to the community, monitoring the performance of the RUC in meeting these objectives against the resources provided, and ensuring that the RUC is fully accountable to the community. The Chief Constable's operational independence will continue to be safeguarded in statute, and he will in addition have full responsibility for the provision, maintenance and efficient management of the resources provided for meeting the objectives set by the Secretary of State and the Authority.

1.7 The Government believes that this strengthened and clearer structure will provide a more effective framework for policing Northern Ireland, and a police force more fully accountable and responsive to the concerns and priorities of those it exists to serve.

1.8 This paper uses, throughout, the term Police Authority to describe the body with the new powers and responsibilities it has identified. It is for consideration whether a new title is needed to reflect these new powers and responsibilities.

2. THE ORIGIN OF THE PRESENT SYSTEM

- 2.1 The present framework for the management of the police service is contained in the Police Act (Northern Ireland) 1970. But the circumstances in Northern Ireland today are radically different from those envisaged at the time of drafting the 1970 Act. The resilience of that framework has since been severely stressed.
- 2.2 The 1970 Act enshrines in legislation a tripartite structure for the administration of policing. The three parties which form that structure are the Secretary of State for Northern Ireland (originally the Minister for Home Affairs), the Police Authority for Northern Ireland and the Chief Constable.
- 2.3 The system was set up following the publication of the report of the Hunt Committee in 1969. The Committee drew attention to the lack of clarity in the legal relationship between the Government and the police, and the perception of the RUC as representing only part of the community. Lord Hunt recommended the creation of a police authority responsible for the provision of policing, and representative of the community as a whole, to which the Chief Constable of the RUC could be accountable, and through which the wishes and fears of the community could be expressed. This was part of a series of recommendations to civilianise and professionalise policing, and was based on the premise that terrorism (if it recurred) would be a short-lived phenomenon, best tackled by military, rather than police, means.

- 2.4 The setting up of a Police Authority for Northern Ireland represented the extension to Northern Ireland of the English model of policing, where there was a long history of Police Watch Committees and Police Authorities. The responsibilities of the new Authority were closely modelled on those given to police authorities in England and Wales in the Police Act 1964, despite the fact that Northern Ireland circumstances were not closely comparable to English ones and that the funding arrangements of the Authority were to be very different.
- 2.5 Policing in Northern Ireland is wholly funded by central Government, by way of a grant to the Police Authority. Overall expenditure on the police service for 1993/94 is approximately £600 million. There is no history of local government involvement or local provision for police funding, at the county or borough level, usual in England and Wales.
- 2.6 The history of Northern Ireland and the experience of violence has created an environment in which sections of the community have felt unable to give unqualified support to the police service, or even to participate fully in the work of the Authority. The Authority's work has been seen as principally providing support services to the police, and as a result the role envisaged by Lord Hunt of representing the concerns and needs of the community to the police, and of holding them to account, has been obscured. Of necessity the Authority's routine work is not disclosed to the

public. The Government believes it is highly desirable that all sections of the community should be involved in the structures for policing in Northern Ireland and that there should, as far as security considerations permit, be more openness and publicly available information about policing policy.

3. THE PRESENT SYSTEM

- 3.1 This section describes in detail the three elements of the current structure.

Secretary of State

- 3.2 The Secretary of State is responsible, and accountable to Parliament, for overseeing the statutory and management framework for the delivery of policing in Northern Ireland. He also has a special responsibility for security policy. This involves establishing the overall policy for tackling terrorism which is implemented by the security forces, including the police.
- 3.3 One of the recommendations of the Hunt Report was that the Minister for Home Affairs (now the Secretary of State) should be empowered to require that the force should be inspected by Her Majesty's Inspector of Constabulary (HMIC). This power was established by the Police Act (Northern Ireland) 1970. HMIC provides an annual report to the Secretary of State which identifies good practices and any areas of concern within the RUC, as well as making recommendations for improvements. The inspection gives an independent, professional and comprehensive examination of the efficiency of the service provided to the public, and of the organisation and management of the force. In order to provide greater public awareness, the 1993 and succeeding reports will be published.
- 3.4 The Secretary of State approves the level of expenditure on policing, and provides the requisite

funds. His approval is required for any increase in numbers of police officers. In addition, the Secretary of State makes regulations which govern the pay and conditions of service of police officers. His approval is required for the appointment, by the Police Authority, of senior police officers. The Secretary of State can call for a report from the Chief Constable on any matter. There are very few specific statutory expressions of the Secretary of State's responsibilities for security policy; these are confined to a number of executive responsibilities under emergency legislation.

Police Authority

- 3.5 The Police Authority is responsible for appointing the Chief Constable and other senior officers, subject to the approval of the Secretary of State. It obtains police resources from the Secretary of State and plays a direct part in the management of police resources, including buildings, vehicles and equipment. It is the employer of civilian staff for the force. Since 1990 it has had a statutory responsibility for consulting the community about policing matters (a reform introduced by the Police and Criminal Evidence Order 1989). The Authority may call for reports from the Chief Constable; and the Chief Constable is also required to provide the Authority with an annual report which is passed on to the Secretary of State, who lays a copy before both Houses of Parliament.

- 3.6 All Members of the Police Authority are appointed by the Secretary of State. The Authority consists of a Chairman, a Vice Chairman (both appointed by the Secretary of State), and between 14 and 20 persons to be as representative as possible of the community in Northern Ireland, including the interests of local authorities and other public bodies, the legal profession, trade unions, commerce and voluntary organisations.

Chief Constable

- 3.7 The Chief Constable is charged with the direction and control of his force and has responsibility for the even-handed application of the criminal law. He has a duty to uphold the law - as does every police officer - and is answerable in law for the discharge of that duty. He is operationally independent, and cannot be given instructions - either by the Police Authority or by the Secretary of State - about police operations. All police officers hold the office of constable. Because of the security situation, at present the police require military support in certain areas, but the police retain the primary responsibility for the prevention and investigation of all crime, including terrorist crime. The Chief Constable advises the Secretary of State on security policy.

4. THE NEED FOR CHANGE TO POLICING STRUCTURES

- 4.1 In England and Wales thirty years after the Police Act 1964 was passed, the Government has found that, the roles and responsibilities of the three parties - Secretary of State, police authorities and chief officers of police - require to be redefined and updated. The proposed changes were set out in a White Paper (Cm 2281) and are to be implemented in the Police and Magistrates' Courts Bill which has now been introduced in Parliament.
- 4.2 The position in Northern Ireland over the last 25 years has been very different, but experience over that time has demonstrated a number of shortcomings in the current structure. Some of these shortcomings have also been experienced in England and Wales. But many are unique to Northern Ireland, either because of the particular funding arrangements for the RUC, the absence of a significant history of local involvement in policing, the nature of the divided community, or the special demands arising from the security situation. Some particular deficiencies are set out below.
- 4.3 The Police Authority has responsibility for making arrangements to obtain the views of local people about policing, but it has little power to ensure that those views are reflected in the strategic direction of the force. It does not raise revenue or have ultimate control over the provision of resources for the police, and therefore it is not in a position to exercise its authority through decisions about the level of resources to be made

available for policing. Other ways must be found for the Authority to give substance to its responsibility for monitoring policing policies, and for holding the police accountable.

4.4 Because of reservations about the effectiveness of the Authority to influence policing in Northern Ireland, at present some important groupings in the community are unwilling to accept appointment to the Authority. The Government is determined to put in place structures which will command the support and confidence of all sections of Northern Ireland's divided community.

4.5 The Chief Constable directs police officers within the force but he is not the employer or manager of the civilian staff who work alongside them. Nor is he responsible for providing or managing the wide range of support services on which much of his operational effectiveness depends. He has to make a case to the Police Authority, and rely on it, to provide him with equipment and other resources. This creates bureaucracy and inhibits the most effective management of resources, with costly duplication of effort.

4.6 There is a lack of clarity about the Secretary of State's responsibilities for policing. The 1970 Police Act was written in the context of a Stormont Parliament, and the detailed policing duties of the Secretary of State contained therein do not fully reflect his responsibilities.

- 4.7 Responsibilities for police finance, for security and for community issues are shared between the three elements of the structure. This entanglement of responsibilities leads to uncertain lines of accountability. It can also lead to slow decision making and a wasteful duplication of resources.

5. THE WAY FORWARD

5.1 The Government has considered the matter carefully in consultation with the Police Authority and the Chief Constable, and has concluded that the current system needs to be changed; both to ensure that the RUC is best placed to tackle terrorism and other crime, and to be more responsive to the needs of the community on policing.

5.2 The Government is committed to the continuance of a tripartite structure of policing in Northern Ireland, involving representatives of the community, the Government and the police. Each element has an essential part to play in providing a relevant, balanced, effective and acceptable policing service. But the roles and responsibilities of each need to be more clearly established in a way which reflects their distinctive contributions. In line with the principles of the Citizen's Charter, a clearer structure is required to ensure that the police are more attuned to the needs of the people of Northern Ireland, building on the commitments made in the RUC Charter.

5.3 Accordingly, the Government intends to bring forward legislation to improve the present structure of policing in Northern Ireland by

- clarifying the respective roles of the Secretary of State, the Police Authority and the Chief Constable; and
- defining lines of accountability between all three parts of the tripartite structure.

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Responsibilities of Secretary of State

5.4 The distinctive policing responsibilities of the Secretary of State will be clarified and, where appropriate, set in statute. This will provide for greater openness about policing policy and the use of policing resources. Specifically the Secretary of State's responsibilities will include:

- overall responsibility for policing policy, security policy and the statutory framework of the policing system;
- establishing the province-wide objectives and priorities of policing in Northern Ireland, including security policy objectives;
- allocation of resources for the provision of policing in Northern Ireland and responsibility to Parliament for the use of policing resources;
- appointment of a Police Authority, representative of the community in Northern Ireland.

Responsibilities of Police Authority

5.5 The new structure will ensure that the new Police Authority has clear responsibilities and the means to give them effect. It will clearly be tasked with representing the community to the RUC, identifying the community's priorities within available resources, and holding the RUC to account for an efficient and effective delivery of its agreed objectives.

[not "resources"]

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Specifically the responsibilities of the new Authority shall include:

- appointing senior police officers subject (as at present to the approval of the Secretary of State and also to any regulations made by him in respect of such appointments);
- establishing objectives and priorities for the provision of police services to the community within available resources provided by the Secretary of State;
- consulting in the community and building on the work of Community Police Liaison Committees;
- holding the Chief Constable to account for the quality and delivery of policing services to the community in Northern Ireland;
- oversight of the operation of the complaints process;
- publication of an annual report;
- advising the Secretary of State on any aspect of policing affecting the community.

Responsibilities of Chief Constable

5.6 The Chief Constable will have more control over police resources so as to ensure their most effective deployment in the delivery of policing services, in line with objectives set by the

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Secretary of State and the Authority. He will continue to have operational independence, in directing and controlling the operations of the RUC in the enforcement of the law. These changes will allow the RUC to benefit from the best techniques in modern management and ensure the most efficient use of police resources.

Specifically, the Chief Constable will have responsibility for:

- operational management of his force;
- management of civilian staff, and for the buildings, equipment, vehicles and services employed by the RUC;
- advice to the Secretary of State on security policy.
- enforcement of the criminal law, with the support of the armed forces, where necessary.

5.7 These new responsibilities will require, in part, a civilian management structure to discharge financial and other resource responsibilities and to oversee the welfare of civilian staff.

Lines of Accountability

5.8 This section sets out the ways in which the lines of accountability from the RUC to the Authority and the Secretary of State will in practice be strengthened and improved under the new structure.

Appointments

5.9 The Government believes that the community as a whole needs the utmost confidence in senior officers of the RUC. Present responsibilities for senior police appointments (including the Chief Constable) and discipline will remain: the Authority appoints senior officers, subject to the approval of the Secretary of State. To enhance clarity and openness, however, the appointment process will be subject to regulation, so that the objective criteria to be applied to the appointment of those seeking high office in the RUC are publicly known and understood. The appointment of senior police officers is already subject to equal opportunities legislation. The importance of accountability for the power of appointment will be enhanced by the introduction of fixed term appointments for senior police officers, as announced by the Government in response to the Sheehy Report.

Objectives and Priorities

5.10 The Secretary of State and the Police Authority will have distinct statutory responsibilities for identifying objectives and priorities for the police. Those established by the Secretary of State will relate to overall Province-wide policing objectives, including in particular those concerning security policy. Those established by the Police Authority will relate to particular objectives identified by communities throughout Northern Ireland. These may or may not be Province-wide. The Authority's objectives will

be prepared against information from the Secretary of State on the availability of resources for policing. The Authority will wish to prepare its objectives and priorities in conjunction with the RUC - but any differences between the RUC and the Authority, or between the Authority's objectives and those of the Secretary of State, will need to be resolved by the Secretary of State. If the Secretary of State is unable to accept any priority or objective proposed by the Police Authority, he will be required by law to give the Police Authority reasons for his decisions.

Resources

5.10 The Chief Constable will prepare annually a costed police plan, in the context set by the public expenditure planning process, which would set out the means of achieving the agreed objectives and priorities, and set out detailed costings and supporting justification. This will be submitted for the approval of the Police Authority, before it is passed to the Secretary of State for his approval.

Monitoring

5.11 The costed police plan will form a central part of the RUC's accountability to the Police Authority and also to the Secretary of State. The RUC will provide monthly reports to the Police Authority and to the Secretary of State on the achievement of the plan and on the deployment of resources under it. The Police Authority will discuss these reports with the Chief Constable in respect of its objectives and

priorities, and seek such further information from the Chief Constable in respect of his decisions as was relevant to its functions. It will be open to the Chief Constable to seek the agreement of the Police Authority to any change in its objectives during the period of the plan, or to any proposal to reallocate or seek an increase in allocated resources relating to those objectives. For his part the Secretary of State would monitor expenditure and receive any requests from the Chief Constable for additional resources.

Reports

5.12 Both the Secretary of State and the Police Authority will have the right to call for reports from the Chief Constable in relation to the exercise of their responsibilities. The Chief Constable and the Police Authority will produce annual reports for publication. The annual costed police plan and the report of HMIC to the Secretary of State on the efficiency of the police service will be published - subject to any necessary security excisions.

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6. A NORTHERN IRELAND POLICE COMMISSION?

- 6.1 The substantial redefinition of the role of the Police Authority and the fact that the new structure will be unique to Northern Ireland poses the question as to whether the change in its nature and responsibilities should be reflected in a new title. One suggestion is a Northern Ireland Police Commission. The Government would welcome comments and suggestions.

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7. MAKING THE CHANGE

- 7.1 The Government recognises that a change of this significance to policing structures in Northern Ireland is of great importance to the entire community. It cannot be implemented without new legislation. The Government is minded that when legislation is introduced in Parliament to implement these changes, it should be by means of a Bill rather than an Order in Council.
- 7.2 The Government's aim is to create, by means of these revised arrangements, a new and stronger partnership between the police, the community and the Government, which is better able to serve the whole community of Northern Ireland.

Comments

- 7.3 Comments on the contents of this paper are welcome, and should be submitted by [date]. They should be sent to

Police Division
Northern Ireland Office
Stormont
Belfast BT4

(1470/93)

RM 429.

no - 4/19 to 5/19 - Police
Structure

M: ANITA BHARUCHA
Police Division
28 February 1994

cc Mrs Collins
Dr Rosborough
Mr McCready/Mr Robinson
Miss Thompson
Mr Mills
File - P56/93

MR McCARTNEY
MR MILLER
MR WALKER
MR CORNICK
MR HUTCHINSON
MR McMEEL

Done PA 2/14
Mr Sloan

*For info and PA on my Police
Structures WG file re*
Ann 4/3

WORKING GROUP ON POLICE STRUCTURES: VISIT TO THE MET

On 7 February, Mr Cornick, Miss Thompson, Mr Mills and I visited the MET to examine the role of the Receiver. The personnel and financial structures which exist in the MET provide a useful background for us in the reform of policing structures.

2. The visit was co-ordinated by Mr Alan Smith (Receiver's Office) and Ms Caroline Havill (F9, Home Office). Our first meeting was with the Receiver, Mr Graham Angel. A number of points were discussed:

- Metropolitan Police Committee - the White Paper proposed the setting up of a new body independent of the Home Office to help the Home Secretary to oversee the performance of the Metropolitan Police. Appointment will be by the Home Secretary. The precise functions of the Committee have not yet been established but they will include local objective setting; the Committee will have no resource provider role and will be non-statutory.

Position of the Receiver - Mr Angel explained that the somewhat ambiguous relationship between the Home Secretary, the Commissioner and the Receiver was often a benefit. The Receiver is part of the Commissioner's management team but is also distanced by his status as senior civilian. Mr Angel said that the Receiver's right of access to the Home Secretary in the event of a disagreement with the Commissioner had never been used: it was possible to resolve differences of opinion by, for example, sound financial argument without resorting to this. However, having a statutory role meant that he could never "be told to go away". The receiver is also the precenting authority of the London Boroughs (see Halsburys Laws on the Receiver).

- Budget Setting - Mr Angel explained that responsibility was delegated down as far as possible. Responsibility for a block of resources gave an incentive for efficiency, made prioritisation necessary and encouraged good management practice. The essential ingredient for success was giving budget holders a choice, for example, between overtime and vehicles not handing down something along the lines of, 'here's what you have to spend on overtime, don't exceed it'.

3. We next met Mr Tom Roberts (Finance Department) and Mr Dave Gobey (Personnel Department). The system of budget setting was discussed further. Divisional Chief Superintendents hold their own delegated (there are about 70 such units) budgets. Budget holders have some freedom to vire funds which encourages more efficient management of resources and has been found effective in controlling overtime. Resources cannot be switched from pay to non-pay although limited delegation is being introduced in this area as is some delegation of personnel pay budgets. Performance pay is allocated centrally and there are central targets for civilianisation though care is taken to allow budget holders the benefit of pushing civilianisation. This has been an ongoing process for around 8 years.