

# NORTHERN IRELAND POLICING BOARD

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**POLICY ON THE APPOINTMENT  
OF INDEPENDENT MEMBERS  
TO POLICING AND COMMUNITY  
SAFETY PARTNERSHIPS (PCSPs)**

## **POLICY ON THE APPOINTMENT BY THE POLICING BOARD OF INDEPENDENT MEMBERS TO POLICING AND COMMUNITY SAFETY PARTNERSHIPS (PCSPs) AND DISTRICT POLICING AND COMMUNITY SAFETY PARTNERSHIPS (DPCSPs)**

### **1. The Department of Justice (DOJ) Code of Practice on Appointment of Independent Members to the PCSPs and DPCSPs**

This policy has been developed in order to implement the requirements of the DOJ Code of Practice on the Appointment of Independent Members to the PCSPs and the DPCSPs. The Code issued in March 2015 gives guidance to District Councils and the Policing Board on their respective roles in the nomination and appointment of Independent Members to PCSPs and DPCSPs.

### **2. Legislative background relating to the appointment of Independent PCSP/DPCSP Members**

Paragraphs 4(2) and 4(3) of Schedule 1 to the Justice Act (Northern Ireland) 2011 relate to PCSPs and state:

*4(2) - Appointments of Independent Members shall be made by the Policing Board from among the persons nominated by the Council.....*

*4(3) – In appointing Independent Members the Policing Board shall so far as practicable secure that the members of the PCSP (taken together) are representative of the community of the district.*

Paragraphs 4(1) and 4(2) of Schedule 2 to the Justice Act (Northern Ireland) 2011 relate to DPCSPs and state:

*4(1) - Appointments of Independent Members shall be made by the Policing Board from among the persons nominated by the Council.....*

*4(2) – In appointing Independent Members the Policing Board shall so far as practicable secure that the members of the DPCSP (taken together) are representative of the community in the DPCSP’s police district.*

### **3. Representative of the Community**

The duty on the Board in appointing Independent Members is that:

*the Policing Board shall so far as practicable secure that the members of the PCSP (taken together) are representative of the community of the district.*

The appointment panel should take account of the fact that the statutory duty is to be representative of the community of the district. In support of this the panel will be provided with a profile of the district, more detail of which is to be found at section 5 below. The nine categories detailed at Section 75 of the Northern Ireland Act, 1998 have been used to define representativeness, however, these categories are common across all districts and the requirement on the Board is to ensure that PCSP is representative of “the community of the district”.

In making a PCSP representative of the district the Board’s panel(s) will also wish to consider the balance of skills, qualities and experience of independent members in the context of securing community confidence in the Partnership. In doing this the Board’s panel(s) will consider the information provided by candidates in relation to their engagement and active interest in the community, or local policing or community safety issues.

The Panel, in appointing Independent Members, will take into account that PCSPs’ and DPCSPs’ remit relates to policing and community safety. In dealing with these issues the Appointment Panel must decide which of the candidates are best suited to fulfill this role. The Appointment Panel should seek to avoid the position where a

PCSP or DPCSP is representative in terms of gender, age, sexual orientation etcetera but is deemed by the community to be weak because those appointed are not seen as having a strong connection with the community in the district to which they have been appointed.

To help address this issue the Board's Appointment Panels, when appointing the Independent Members, should actively consider the following questions:

*Based on the proposed appointments:*

- 1. Are the members of the PCSP or DPCSP (taken together) as representative as possible of the community in the district given the pool of candidates from which to make the appointments?*
  
- 2. Will the community have confidence in the PCSP's or DPCSP's ability to carry out its duties in an effective manner?*

#### **4. The Purpose of the Appointments**

In appointing Independent Members to the PCSPs and DPCSPs, the Appointment Panel will take account of the duties to be undertaken by the Policing Committee of each partnership.

Each PCSP and DPCSP will have a Policing Committee which comprises the political and Independent Members. It is their duty to:

- provide views on policing matters to the relevant district commander and the Policing Board;
- obtain the co-operation of the public with the police in preventing crime and enhancing community safety in the district; and
- monitor the performance of the police against the policing plan for the district.

The Appointment Panel will also take account of the duties placed on the full PCSP or DPCSP to:

- consult and engage with the local community on issues of concern in relation to policing and community safety;
- identify and prioritise the particular issues of concern and prepare plans for how these can be tackled; and
- deliver a reduction in crime and enhance community safety in their district, directly through their own interventions, through the work of their delivery groups or through support for the work of others.

While some of the PCSP and DPCSP duties could be undertaken with little by way of community understanding or involvement this is not the case with regard to the central issue of ensuring that the police and the community work well together. This duty is set out at paragraph 21(1)(d) of the Justice Act (Northern Ireland) 2011:

“... obtaining the co-operation of the public with the police in preventing crime and enhancing community safety in the district”.

While seeking to achieve representativeness the Appointment Panel will appoint Independent Members, who in its view, are most capable of fulfilling the full range of PCSP and DPCSP duties.

In order to achieve an equitable outcome the members of the Appointment Panel will have to exercise their discretion in order to establish what they consider to be the most representative and effective PCSP or DPCSP for the district. In doing this members will be aware of the constraints placed upon them by the small number of appointments to be made in each area and by any limitations of the pool of candidates from which appointments can be made.

## **5. Achieving a PCSP or DPCSP that is Representative of the Community**

In order to assist panel members in the appointments process each panel will be provided with a profile of district taken from the most recent Census data for which the appointments are to be made.

This profile details community background, gender, and age across the district and takes account of the political members already appointed to serve on the PCSPs and DPCSPs. A comparison of these two elements indicates those places to be filled by Independent Members if the PCSP or DPCSP is to be representative of the district.

When considering each appointment, Members should use this profile solely as a guideline as it can only be of use in helping to achieve representativeness. Members will have to exercise their discretion in order to appoint Independent Members that will carry the confidence of the community with them as well as being deemed to be representative of the community.

## **6. Information Available to the Policing Board Appointment Panels**

Before the Board's Appointment Panel considers the list of suitable candidates the list will be anonymised with each candidate being referred to by a unique reference number.

In order to assess candidates for appointment the following information, in relation to each candidate, will be available to the Policing Board Appointment Panels:

- Candidate reference number together with a copy of candidate's anonymised application form in order that the Appointment Panel may assess the extent of their community involvement as referred to in section 3 above.
  
- The following information will be provided for each candidate
  - Community Background,
  - Gender,
  - Age,
  - Sexual Orientation,
  - Race, Marital Status,
  - Occupation,
  - Whether the candidate has a disability or dependants
  - The candidate's nearest town

- Scores of candidates who are considered to be equally suitable for appointment on the basis of representativeness as referred to in paragraph 3.63 of the Code of Practice.
- conflict of interest details, (if any)
- convictions , (if any)

## **7. Limitations in the use of Section 75 in an Appointment Process**

In reaching a decision with regard to achieving representative membership of the PCSP or DPCSP the panel should be aware of the limitations of some of the information that will be available to them. While Section 75 of the Northern Ireland Act is of use when developing policy or when organising public consultation, it has drawbacks when used as part of an appointments process. The major drawback is that consistent and accurate data does not exist for many of the criteria that are listed in Section 75. With the exception of ethnic groups, no reliable data exists, at a council level, relative to the Section 75 categories illustrating the diversity within society.

Members will, however, be aware that the appointment process is not a statistical exercise that can be carried through solely on the basis of an analysis of the demographics of the district; it is about appointing the right people capable of carrying out an important role as set out in legislation. In light of this panel members will be required to exercise their discretion and to satisfy themselves that the appointment enhances the representativeness and the effectiveness of the PCSP or DPCSP.

## **8. Consistency within the Appointment Process**

All decisions will be made within the context of individual council districts and, in the case of DPCSPs, individual districts in Belfast. The panel must ensure the integrity of the process within each district, for example the membership of the Appointment Panel must remain consistent, unless extraordinary circumstances require a substitution to be made, until all Independent Members have been appointed in the council area for which they are making appointments.

## **9. The Role of the Policing Board**

The DOJ Code sets out the detail of what the Board is required to do to fulfill its responsibility to appoint Independent Members. The primary responsibilities for the Board are as follows:

- The Board has to ensure consistency of approach in the appointments process across all council districts.
- The Board's Chief Executive is responsible for establishing Appointment Panels to appoint Independent Members to the PCSPs and DPCSPs.
- The Board should establish Appointment Panels to be made up of at least two Board Members and an independent panel member appointed from the CPANI list. So far as practicable these panels should be representative in terms of gender and community background.
- The Board must appoint a secretary to each Appointment Panel whose responsibility will be to document the process for future reference if required.

## **10. Suitability and Eligibility for Appointment**

The basic principle in considering applicants with a conviction, which does not automatically disqualify them, is that it should not be taken into account unless it is materially relevant and incompatible with the position of an Independent Member of a PCSP or DPCSP. In applying this principle the Appointment Panel will follow best practice as established by the ACCESS NI Code of Practice, CIPD's Guide to employing people with criminal records and OFMDFM's report on recruiting people with conflict related convictions. The onus on proving material relevance is on the Policing Board's appointments panel.

When the Panel has identified those candidates to be appointed it will consider any details of a candidate's convictions, plus details of any potential "conflict of interest".



This information will be used by Appointment Panel to decide if any candidate should be removed from the process at that stage.

### *Conflict of Interest*

Using the information provided by the candidate, the Appointment Panel must consider any potential conflicts of interest declared on an application form, and come to a view as to the extent to which these would cast doubt on the public's confidence in the applicant's ability to fulfil his/her duties as a member of the PCSP or DPCSP.

### *Criteria disqualifying a candidate from being appointed*

The Board will ensure that a candidate is disqualified under the provisions of Paragraph 9 of schedule 1 or paragraph 9 of schedule 2 to the Justice Act (Northern Ireland) 2011. Under this legislation a person is disqualified for being a political or Independent Member of a PCSP or DPCSP if that person is:

- (a) a police officer;*
- (b) a member of the police support staff;*
- (c) a member of the Policing Board; or*
- (d) an employee of the council,*

*A person is disqualified for being an Independent Member of a PCSP or DPCSP if- (a) that person has been convicted in Northern Ireland or elsewhere of any offence and a sentence of imprisonment or detention has been passed on that person, and*

*(b) the relevant period has not ended.*

*The relevant period is the period of 5 years beginning with the person's discharge in respect of the offence.*

Councilors are excluded by law, under the Local Government Act 2014 with effect on 1 April 2015, from being independent members of PCSPs or DPCSPs.

On receipt of applications the Policing Board will check to ensure that the applicant is not disqualified from becoming an Independent Member of a PCSP or DPCSP. If an applicant is disqualified under this legislation their application will be removed from the process and they will be informed as to why their application is not proceeding.

Candidates identified for appointment by the Boards' panels will be requested to initiate an Enhanced Access NI check. Convictions that have not been previously declared and which require further consideration will be returned to the original Appointment panel to decide whether the conviction is such that requires the applicant to be rejected at the appointment stage.

In the case where rejection is agreed, the Appointment panel will nominate a suitable replacement from the reserve list (see paragraph 13) where possible. All decisions taken by the panels will be documented and communicated to the Board.

## **11. Appointment Process**

The Board will appoint Independent Members from a list of nominees, received from district councils, of persons deemed suitable to be considered for appointment.

Training will be provided, by experienced trainers, for all those involved in shortlisting/interviewing and specific training will be provided for Chairs of the shortlisting and interview panels.

Training will be provided for Board Members and Independent panel Members before sitting on an Appointment Panel.

### *Lists of nominees*

Following interview the Council will send to the Board an alphabetical list of those candidates deemed suitable for nomination, together with their scores.

## **12. Interviews by the Policing Board as part of the Appointment Process**

It is not expected that the Appointment Panel will find it necessary to conduct interviews, however, should the Panel decide to do so, it will ensure that all candidates are treated in a consistent way. Any interviews will be carried out in line with the guidance on public appointments issued by the Commissioner for Public Appointments. The Impartial Assessor should oversee the process.

## **13. Reserve Lists**

Appointment Panels should identify further potential appointees whose names will be held in reserve to fill positions where offers of appointment are not taken up or where vacancies arise in the future.

## **14. Letters of Appointment**

Once the Appointment Panels have decided, for all districts, who should be offered appointment as Independent Members the Policing Board will notify successful candidates, reserve appointees, and unsuccessful candidates. The Board will issue letters of offer to those candidates selected by the Board asking them if they are willing to serve. The Policing Board will subsequently notify the Councils and write to the successful applicants with their terms of appointment. Those being offered appointment should be asked to confirm, in writing, their acceptance of the terms of appointment.

## **15. Publishing the Appointments**

The Policing Board will publicise the composition of each PCSP and DPCSP through a press release.

**Approved by the Board: 6<sup>th</sup> February 2020**

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## DOCUMENT TITLE

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**Northern Ireland Policing Board  
Policy on the Appointment of Independent members  
to Policing and Community Safety Partnerships (PCSPs)**

## ONLINE FORMAT

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