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**Personnel
Strategies
Need
Integrity**

**Civilian Staff
Need Support**

June 2014

Preface

NIPSA wishes to play its part in re-building the confidence of the civilian staff who work within the PSNI. These staff have not been treated fairly by their employer for a considerable period of time. Indeed, when such treatment was raised, NIPSA representatives found themselves “crying in the wilderness”, facing hostility for doing so and being obstructed in trying to uncover the extent of inappropriate activity within the PSNI’s recruitment policies. Our position and the facts it was built upon has now been vindicated in the wider public domain having been highlighted by, inter alia, the Audit Office in 2012, the Criminal Justice Inspectorate in 2013 and most recently in March 2014 by the Public Accounts Committee. The evidence and recommendations from all these reports present an indictment of how matters were dealt with in the past and offer a checklist of what is needed in the future.

Merely saying “we told you so”, however, gets us nowhere. With 2014 seeing major changes in terms of new appointments at a senior level, there is an urgent need to build personnel structures and relationships within the PSNI that are founded on a democratic, strategic, transparent and negotiated approach. This can only be done by resisting any approach that lacks integrity, and the necessary political and financial control. In short, the future approach must resist any “quick fix”. Furthermore, given the PAC report’s statement that the PSNI “needs to maintain robust, central oversight”,¹ it must not surrender it to the toxic false promise of privatisation (facilitating the exploitation of zero hours contracts) that would subvert it.

The time is right to move on. NIPSA will play its part in doing so - determined to protect its members in this area who are doing an essential job and providing an accountable public service.

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General Secretary, NIPSA

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Introduction

NIPSA represents over 1200 police support staff, many with long service gained in difficult and challenging circumstances. Despite their skills, experience and role as the engine of the Police Service of Northern Ireland (PSNI), these employees feel that when the PSNI is discussed, despite the civilianisation of many policing roles, their contribution is ignored, their career development overlooked and their posts the first in line for cuts.

This feeling has been deepened by the long-standing way in which the PSNI management have dealt with staffing issues – particularly outsourcing (the privatising of previously in-house public sector jobs, that are managed via a recruitment agency and a ‘Managed Service Contract’) and ‘civilianisation’ (the transfer of duties, that do not need to be carried out by police officers, to civilian staff).

Escalating Privatisation

These concerns were heightened further when the PSNI Management announced a new Human Resources Strategy in January 2012. This signalled the intention to outsource one thousand posts that deliver police support functions. It was envisaged that the contract for this work (worth £180 million) would last up to seven years, during which time recruitment to permanent posts within the PSNI would be severely limited. NIPSA mounted a legal challenge to this plan in order to challenge the authority of the Chief Constable to outsource roles other than those contained within the constrained circumstances set out by Sections 30 and 31 of the Police (NI) Act 2003. The case was heard in June 2013 and, in a decision published in February 2014,

it was determined that the Chief Constable was not restricted to enlisting support from civilian staff only and had the right to contract out for these services without requiring the express authority of the Policing Board. However this may not be the last word on the issue as it is currently subject to appeal.

It remains the case, however, that no 'value for money' business case was presented to the Policing Board in relation to this Managed Services Contract. Indeed in an acknowledgment of this failing, the PAC's report on the issue² was explicit that mechanisms be "established within PSNI to ensure that suitable and proportionate business cases are prepared to justify contracts of this scale and, where appropriate, these are submitted to the Department and Policing Board for robust scrutiny and challenge".³

The Managed Services Contract listed the potential functions as follows: Security Guarding, CCTV Monitoring, Custody Detention Officers, CPU Driving Services, Associated Services (Station Enquiry Assistant, Call Handling, Transport Co-ordinators), Safety Camera, Fixed Penalty Processing, DCU Property Management, Courier Services, Dispatch & Controller.⁴ PSNI Human Resources also made it explicit that "the intention is that the scope of the contract will be wide-ranging"⁵ and that this "is deliberate".⁶

The fact that the latter point is stressed has worried the civilian staff in the PSNI as it allows for the possibility that it can be extended into as yet unidentified functions. In other words, the increased deployment of outsourcing and even the risk of a staff transfer. While 'reassurance' has been offered re TUPE protection and the unlikelihood of compulsory redundancy, it appears that this 'comfort' for civilian staff is only in the context of an outsourced future. While NIPSA is of course keen to avoid a redundancy

scenario, we cannot agree to the wholly inappropriate prospect of staff protection being 'bought' by handing over a £180 million ransom to the private sector. Worse still the 'protection' is based on a false promise. That is, given the probability of further company changes in the staff's private sector destination, the PSNI is not in any position to predict civilian staff's future employment "safety" in the private sector.

A history of staffing controversy

Before exploring the implications of this extension of privatisation within the PSNI, it is important to revisit the evidence about how the PSNI has 'managed' such staffing issues over the last decade. The reason this is vital is that not only has it left a legacy that taints current human resource decisions but also because there remain a series of unanswered questions in relation to the contracts which facilitated this process. It is also important to emphasise that the case NIPSA has been making for years has consistently been confirmed by a series of independent investigations, most recently by the PAC's March 2014 report.⁷ Irrespective of whether the Senior Officials who endorsed and/or oversaw such decisions remain in post, it is essential for future progress that any uncertainty is addressed and an appropriate, accountable personnel foundation is established.

From 2004 onward the PSNI recruited its staff largely through a single recruitment agency (Grafton)⁸ who were awarded this contract, without any competition. Furthermore, while between 2004-2008, £7.43 million was paid to Grafton, there has yet to be a publicly transparent itemised 'bill' for the services provided by them. That is, we still do not know: how many competitions they

were involved in or how many staff were permanently recruited as a result. If it is asserted that this was 'value for money', it is surely possible to prove it by comparing what it would have cost to carry out this process within the public sector. The PAC states that the 2004 contract worth £2m a year in fees was varied to increase spending to "£44m over the next four years".⁹ Furthermore a variation on this scale took place on advice that as "the bulk of this increase related to salary costs and, based on procurement advice obtained at that time, PSNI considered that these were not part of the contract costs so a competitive tendering exercise was unnecessary."¹⁰ Little wonder the PAC found this explanation astonishing. Similarly, the 2008 competitive tendering process for the provision of temporary staff was confirmed by the PAC to have "major failings".¹¹ Incredibly, an extension of this contract took place without competition as "the Chief Constable told the Policing Board that the PSNI did not have sufficient time to re-tender the contract due to the ongoing PAC inquiry".¹² In short, in this Alice in Wonderland world, the PSNI thought it appropriate to proceed with Personnel behaviours that had brought it to the attention of the PAC and make an "uncompetitive direct award", on the basis of the time constraints brought about by being under investigation by the PAC!

In addition, on the issue of awarding the contract in this manner, the Audit Office found that "although negotiations [on and subsequent to the agreed contract] secured significant savings in fees and charges, by awarding the work without competition PSNI cannot demonstrate clearly that it obtained best value in this procurement".¹³

After such an ill-judged start in the manner of choosing an agency, things did not get any better with the way that the PSNI went about procuring, appointing and managing temporary staff. This was found by the Audit Office to have *“not always met the high standards of governance and accountability expected of public sector bodies in Northern Ireland”*.¹⁴ It should also be noted that the first Recommendation of the PAC’s March 2014 report was “that PSNI should assess annually the value for money of the services provided. Any major changes to contracts should only be achieved through open competition, which is a fundamental principle of public sector procurement. This can result in significant savings and avoids any perception of impropriety”.¹⁵

A revolving door for ex-Officers

This process of damaging human resource decisions is captured in the detail and scale of temporary recruitment, including the re-recruitment of former Police Officers, during this time. In terms of key facts the Audit Office found:

- £102m was spent by PSNI on hiring agency staff between 2005 and 2012.
- 1.5m days of agency work was procured by PSNI between 2002 and 2012.
- 2,740 agency staff were hired by PSNI between 2002 and 2012.
- 1,071 Police Officers who retired under PSNI’s severance schemes were later re-employed as temporary civilian workers.



- 19 per cent of Police Officers who retired under the severance schemes were re-employed by PSNI as temporary civilian workers.
- 39 per cent of all temporary workers engaged since 2002 were former Police Officers who had retired under the severance schemes.
- 56 per cent of agency days worked since 2002 were undertaken by former Police Officers who had retired under the severance schemes.
- 136 days was the average length of assignment worked by temporary employees since 2002.
- 223 days was the average length of assignment worked by former Police Officers who had retired under the severance schemes.
- 7 per cent of total working days in PSNI were provided by agency staff between 2002 and 2012.¹⁶

In summary, the Northern Ireland Audit Office (NIAO) found that the use of temporary staff “failed to be properly controlled and managed until 2011”.¹⁷



Similarly the analysis and Recommendations from the PAC make clear the dramatic overhaul needed in relation to:

- **Accountability - PAC Recommendation 8** - “The PSNI should cease the practice of employing anyone who is unaccountable to the Police Ombudsman”,¹⁸
- **Scrutiny of Contracts - PAC Recommendation 9** - “The Committee recommends that PSNI should ensure that mechanisms are established for the regular review of temporary posts. If the need is no longer short-term, then PSNI should consider awarding the job on a fixed-term contract on the basis of open and fair competition, with selection demonstrably based on merit. Only contracts which have the approval and authority of the Policing Board, and which have been subject to proper options appraisals and business cases, should be awarded in the name of, and on behalf of, the Policing Board.¹⁹; and
- **Transparency - PAC Recommendation 10** - “The Committee recommends that PSNI works constructively with the Policing Board to develop and agree long-term people strategies, ensuring that skills gaps are closed, civilianisation advanced, in line with Policing Board requirements, and the need for temporary staff minimised. This requires targets and timetables for progress which are subject to regular review and fully disclosable to the public. The relationship between civilian support staff, PSNI and the Policing Board should be transparent at all times”.²⁰

Damaging consequences

While the PSNI projects a strategy of R4 (the right person, in the right place, at the right time, doing the right job) it seems to have tolerated 'W4' – the wrong person in the wrong place at the wrong time doing the wrong job - for considerable periods of time. For example, as a consequence of these strategic staffing errors the PSNI found itself in a position of having 'temporary' staff being employed for more than five years, with the longest temporary assignment lasting seven and a half years. As the PAC comment "this makes the term 'temporary' meaningless"²¹ and "should have started alarm bells ringing".²² Furthermore, in terms of strategy, while temporary staff were employed in a variety of roles, some of which undoubtedly required policing skills, former Police Officers were employed in roles (41% of which) did not require any policing skills at all. (See the discussion of civilianisation, below).

Similarly, in terms of inappropriate prioritisation of public spending, there were the considerable sums involved in preparing individual Police Officers for their post-PSNI career and examples persist whereby PSNI divert public money towards training and developing private sector contractors. As we discuss below, this contrasts with the failure to take appropriate action (in terms of scale of strategic vision) to: stem the flow of Patten leavers; plan for the loss of such experience; suspend apparently unnecessary re-training or phase-in recruitment and training of permanent employees. In summary, it is clear as the PAC report "that the use of temporary staff has not been well-managed by PSNI and on occasion, the purpose of their use has been abused."²³

Lack of transparency

An additional problem with how the PSNI has handled its post-Patten recruitment is its lack of transparency. For example, at one point the PSNI even denied that they had any record of the past employment of civilian staff. When the information was eventually released it showed that at January 2012, of the 399 agency staff employed by the PSNI on temporary contracts, 304 of them were former RUC Officers.

This pattern of opaque recruitment practices was also evident in relation to fixed term contracts. Here again, there has been resistance to scrutiny in that initially incorrect information was given in response to an FOI request on this issue. When this was subsequently corrected, it was found that the PSNI had filled senior positions on a permanent basis without any public advertisement, application process, sift or interview.

Nothing arouses suspicion like excessive secrecy, nothing confirms that suspicion like persistent denial and a determined refusal to release the information that would dispel it. This has been the experience of NIPSA and the civilian staff we represent in the PSNI. Given our experience of trying to battle this secrecy, therefore, NIPSA called on the Public Accounts Committee to investigate this matter further. It is clear to any reasonable observer that what the PAC also faced in response to their queries and the quality/timeliness of data provided to them was objectively obstructive on the part of the PSNI. The PAC itself makes the point that “access to good quality management information is a prerequisite for any organisation to adequately monitor the performance of a contract...the lack of data continues to weaken PSNI’s ability to manage and challenge performance and the [PA] Committee expects to see this rectified.”¹²⁴

Over-stating the savings

The Audit Office findings on the PSNI's use of agency staff vindicated the stand NIPSA has taken on this issue for over a decade. It also **independently** exposed a "jobs for the boys" culture within the PSNI's personnel practice. One part of the PSNI's defence of such practice involves a claim of a saving to the public purse by the pursuit of temporary rather than permanent recruitment. While in headline terms, they state this delivered a 'saving' of £22m, this claim deserves challenge.

For example, as the PSNI admit, with the jobs the agency workers were doing not properly evaluated, this will inevitably include overpayment. Furthermore the overall figure of £22 million 'savings' does not have the cost to the public purse of training and vetting agency workers deducted from it. For example, NIPSA has been given a figure of circa £650k spent by PSNI on training Resource staff. However, without an independently validated, itemised breakdown of expenditure/savings the claimed financial benefits of temporary recruitment are extremely dubious.

Such claims of savings fit into a wider pattern seen within the public sector as a privatisation/outsourcing process is initiated. That is, the initial sell of any such initiative is of projected savings usually stated without use of either a properly costed analysis of what is already publicly provided or a similar analysis of a forecast, re-configured, in-house option. In short, privatised 'savings' are promises made without any meaningful/appropriate comparator or the effort to re-imagine what could be done with existing expertise, employed strategically for the long-term with appropriate terms and conditions.

The latter point emphasises how, in addition to the question of forecast cost, the PSNI's use of Managed Service Contracts is problematic for flying in the face of an important principle. This is that, in terms of **'natural justice'**, everyone charged with delivering public services should have the pay, pensions and terms and conditions of those they work alongside who are in an identical post.

Furthermore, in relation to tax justice, it is wholly inappropriate that the NIAO could find "over 60 temporary staff engaged by PSNI...paid through limited companies, which can be a means of minimising personal tax obligation".²⁵ These arrangements, as the PAC re-emphasised, "are expressly forbidden in Managing Public Money".²⁶ It is ironic that those making "austerity" cuts driven by a narrative of a "shortage of money" are facilitating the very tax avoidance that is at the root cause of why reduced money is flowing into the Treasury – those who can most afford to pay their tax avoiding their ethical duty to do so.

The true scale of agency use

Another point that needs to be emphasised is that the extent of 'temporary' staffing has been deliberately downplayed by its expression as a percentage of all staff rather than a proportion of civilian staff. In this way, given that there is no such thing as an agency or temporary Police Officer, agency staff represent 7% of all PSNI staff. Excluding the Policing posts, however, the true scale of agency use is shown by the fact that at one point, such staff comprised **29% of the PSNI's civilian workforce**. This was dramatically different from the percentage of agency staff in the public sector which is 4%. While the figures may have changed, it

should be noted that over 1000 Resource staff amounts to 10% of all policing functions and 33% of 'civilian' staff.

A failure of strategic planning

NIPSA has on a number of occasions been told how the loss of 5,500 officers over the last 10 years has meant that agency workers and more recently "associates"²⁷ have been necessary. It is a fact however, that these Officers did not all leave on the same day or year. The prolonged use of temporary staff, therefore, cannot be attributed to a 'sudden' crisis driven by the uniqueness of the changes required by the Patten recommendations. In short, there was enough time for sufficient planning to take place in order to minimise the need for continued 'short term' measures. Furthermore, while the Deputy Chief Constable was quoted by the PAC as stating "with such a seismic change programme, it would have been a miracle if we had got through it with perfection",²⁸ it was not 'perfection' that was sought, merely the basics of strategic planning be achieved professionally within an appropriate period of time. As the PAC rightly points out "good succession planning becomes even more vital when such a large body of experienced staff leaves an organisation. Critical posts must remain filled by appropriately skilled staff long enough for them to transfer sufficient knowledge to their replacements. Succession planning was undoubtedly a huge challenge during a period of significant disruption and upheaval, but it should not have been such a low priority".²⁹

While it might have been reasonable to observe some use of temporary staff at the outset of the post-Patten process, it appears that the PSNI failed to make appropriate preparation for

the staff losses that natural wastage alone would have generated, irrespective of Patten. For example as the attrition rate for Police Officers averages 300 per year, we can assume that over the 10 year period approximately 3000 Officers would have left due to natural wastage such as medical and normal retirements. Additionally, during this period estates would have closed, districts merged and economies of scale would have been realised. Furthermore, the argument that the re-recruitment of former employees was necessary to prevent loss of expertise is also illogical given that the PSNI had the ability (secured in post-Patten legislation) to prevent such 'indispensable' Officers leaving should the retention of their expertise be essential.

The acknowledgment that such re-recruitment was something to avoid, on financial grounds alone, is shown by the fact that legislation was introduced in 2003 ensuring that a Police Officer who left the Police Service with an enhanced Patten package would have to repay their lump sum if they returned to the Police Service within five years. The belated attempt to close the "stable door" was, of course, subverted by the fact no such requirements applied if the individual's return to the Police Service was in a civilian capacity.³⁰

This has meant that instead of appropriate, strategic workforce/succession planning, with some temporary personnel adjustments, the PSNI instead tolerated such practices as: Officers being approached before leaving the PSNI and able to avail of PSNI resources to enhance the skills they would register with the recruitment agency from which they would return to work in the PSNI.

‘Freeing up’ Officers for front line duty?

One of the common claims about the purpose of outsourcing in the policing context is that it ‘frees up’ Officers for front line work. It is NIPSA’s experience that the reverse is the case with Officers regularly having to fill gaps left by a downsized civilian staff complement and inadequate private sector agency replacement. This leads to a vicious circle: civilian staff face cuts as the private sector is brought in; Police Officers are not freed up; the service is tarnished by the political controversy that such staffing decisions have on the reputation of the PSNI; a lesser service is offered to the general public and this then further damages the morale of existing staff.

In addition, despite the assurance that with the introduction of the managed service contract, Police Officers would not be carrying out administrative work, this continues to happen. There needs, therefore, to be a full examination of the number of ‘back-office’ jobs still being performed by Police Officers. It is NIPSA’s belief that while under the R4 initiative, approximately 200 Officers were physically returned from administrative operational police roles, this is far from the 700 Officers returned to operational police roles to which the Chief Constable has previously alluded. Possibly this is a matter of definition in relation to roles, but absolute clarity is needed on this issue - particularly where such figures can be used, as discussed above, in the debate on outsourced “savings”.

Civilianisation

A report³¹ from the Criminal Justice Inspectorate Northern Ireland (CJINI) on current and future resourcing issues within the PSNI argued that with “the voluntary severance programme now completed...there is less of an argument for employing Police Officers to support operational delivery”.³² The personnel strategy discussed above, however, of work outsourced via a recruitment agency and “new” employees largely comprising ex-police officers, has had serious repercussions for the necessary transition to such new, civilian arrangements.

Furthermore, there is a tension between the importance of civilianisation from a delivery/confidence point of view and the fact that, as alluded to above, such ‘civilians’ are the most easily and quickly affected by austerity cuts. In this way, despite the strategic aspiration of Patten in terms of workforce composition, there has been an actual reduction in the % of civilian staff in the PSNI from 28% in 2007 to 24% in 2013. This has been noted by the CJI who state:

The benefits of civilianisation, such as better skills to organisational needs, a redeployment of Police Officers to front line operational roles and long-term cost savings can be demonstrated in functions such as scientific support services, file preparation and submission and call management. There have however been a number of road blocks caused in addition to the response to efficiency (i.e. it is easier to cut civilian roles), resistance to the civilianisation of some roles (for example, dispatch functions in call management), reverse civilianisation and a lack of uptake on roles already graded as civilian”.³³

The Criminal Justice Inspectorate (CJI) also found that “the current approach to workforce planning within the PSNI was based on the historical allocation of resources.”³⁴ This leaves it ill-prepared to deal with or unwilling to deal with the move towards greater use of civilians within PSNI staffing. In terms of the “road block” of re-employing former Police Officers and the use of currently serving officers in non-security related roles, this is exemplified by the fact that in relation to temporary posts, *“41% of roles which were filled by returned officers had not required any policing skills.”*³⁵ In addition, the CJI found a reluctance to extend duties relating to intelligence, investigation and call management.

The CJI also found that “the PSNI’s largest dispatch centre in Belfast has 131 Police Officers and 91 staff. All dispatch personnel were either serving officers or ex-Police Officers working under agency contract; posts within the force, which were graded as fit for civilian employees...also asked for experience which favoured those with a policing background”.³⁶

In this context it is important to note how significant damage to confidence, in the appropriate long-term human resource decisions being taken, can be done by an individual decision. For example the CJI found that “a decision by one senior officer to replace Station Enquiry Assistants (half of whom were agency staff) with Police Officers had been *“counter-productive from a skills and value for money perspective”*.³⁷ As acknowledged by the PAC “there remains considerable scope for further civilianisation within PSNI”.³⁸ Given this need, an individual decision of such strategic import should not have happened in the past nor be allowed to happen in the future.

Equality considerations sidelined

NIPSA has previously called for an Equality Impact Assessment (EQIA) to be carried out on the use of temporary workers. We repeat that call. This is all the more pressing given the fact that evidence from the Deputy Chief Constable to the Policing Board in October 2012 was explicit on the disadvantage this process had brought about to Protestant females who “predominated in the junior ranks and grades in [the] existing staff cadre.”³⁹ In addition the PSNI has failed to meet their own compositional change targets in relation to police staff.

It is not only NIPSA who have drawn attention to the equality considerations. In its discussion of civilianisation, for example, the CJI stress the need for “strengthened contract management arrangements including the monitoring of equality and diversity issues”.⁴⁰ In addition concern about the effect on gender equality of the PSNI’s re-hiring policy has also been of sufficient import for it to be referred to the United Nations Committee on the Elimination of all forms of Discrimination against Women (CEDAW) in relation to the UK’s “compliance with the Convention [on the Elimination of All Forms of Discrimination against Women] inasmuch as it applies to Northern Ireland”.⁴¹

The failure on the part of the PSNI to fulfil its equality obligations as regards equality of opportunity is also highlighted in the PAC report where it is noted that “at any point since July 2004 the contract required Grafton to collect equal opportunity monitoring data and to make it available to the PSNI to monitor its use of temporary staff in line with the good practice established by the Equality Commission. In the view of the [PA] Committee, it is a matter of some concern that this has not taken place.”⁴² Like the

PAC we welcome “the PSNI’s recent engagement with the Equality Commission and the Policing Board to review its entire human resource strategy” and endorse the PAC view that “this should address the issues of policy screening and equal opportunities monitoring...recommendations...should be taken forward as a matter of priority...and progress reported to the Committee. PSNI and the Policing Board must engage as soon as possible in order to establish an agreed action plan designed to ensure a fully representative Police Service which is compatible with fair employment laws.”⁴³

Accountability

In terms of debating the question of the employment of ex-Police Officers, this is not a comment on their former employment. It is about the principle that no employer should condone or be seen to condone recruitment practices that are not transparent nor facilitate the employment of staff “outside the standard recruitment process” who are therefore not subject to *appropriate* scrutiny. By recruiting in the manner it has done, in breach of these principles, the PSNI has placed “these [recruited] individuals beyond the reach of important accountability mechanisms”.⁴⁴

While this principle applies to any employer, the added dimension for any human resource practice in the PSNI is that it has to be and be seen to be beyond reproach due to the controversial nature of the policing debate in Northern Ireland. The PSNI, therefore, should not continue to put itself in the position that, by its personnel practice, it can be accused of engineering “political policing” by another means and/or engage in cronyism in terms of appointment. NIPSA has no material interest in this ‘political’

debate on policing nor does it want its members' rights tainted by it. Furthermore, it is wholly inappropriate that some politicians have "spun" the staffing debate, claiming it is "about the RUC" in order to defend the dominant indefensible personnel practices. In so doing they also ignore the fact that senior ex-RUC officers themselves have called for transparency and inquiry in relation to recruitment to the PSNI.⁴⁵

As a Union NIPSA has had a long-standing commitment, and fights daily, across all sectors, to ensure that all employers operate on the basis of Equality of Opportunity. In addition as part of the wider Trade Union Movement we have fought for the establishment of and defence of processes based on Human Rights legislation. In this context it is vital that the personnel practices of the PSNI in the re-recruitment of ex-RUC Officers and their subsequent deployment in highly sensitive areas, without appropriate Policing Board approval or scrutiny, does not facilitate a breach of fundamental principles. It should not, in the words of the Committee on the Administration of Justice (CAJ), lead to a position where "state agents – whose previous role potentially involves them in matters related to those under investigation [become] involved in these investigations. If they are, this effectively equates to the practice of former police investigating themselves".⁴⁶

It is this concern, among others that leads the CAJ to conclude that the Historical Enquiries Team is "not presently capable of complying with the requirements of the European Convention on Human Rights Article 2".⁴⁷ This fear has proven to be justified with an Her Majesty's Inspectorate of Constabulary (HMIC) report of July 2013 stating that "the HET treats state involvement cases differently as a matter of policy and this appears to be based on a

misinterpretation of the law. This is entirely wrong, and has led to state involvement cases being reviewed with less rigour in some areas than non-state cases...as a result, HMIC considers that the HET's approach to state involvement cases is inconsistent with the UK's obligations under Article 2 ECHR.⁴⁸ Without discussing motive in any of these matters, it is sufficient to comment that it is quite a journey from at best expedient personnel decisions to a breach of a Human Rights Convention.

In addition to the points made by the PAC on Equality of Opportunity, NIPSA also welcomes its call for the strengthening of accountability mechanisms in relation to temporary staff, its comments that "there must not be a void in accountability in the use of agency staff"⁴⁹ and their Recommendation that "the PSNI should cease the practice of employing anyone who is unaccountable to the Police Ombudsman".⁵⁰

Privatisation and loss of control

The loss of control in any privatisation is always crucial in that the further outsourced the service, the further away is the accountability and leverage of the main paymaster – in this case the taxpayer. While the current Justice Minister may take the view that "the awarding and management of contracts by the PSNI is an operational matter for the Chief Constable, for which he is accountable to the Policing Board",⁵¹ what level of control does the Chief Constable have in relation to the contractor and sub-contractor? In the context of inadequate "delivery" he/she may possess the crude threat to withhold/cancel payment to them but this is unlikely to be swift given likely legal challenge. Furthermore, given some of the players involved, embarrassment is hardly going

to be a factor. For example, why does the Department of Justice or the PSNI imagine that a company such as G4S (a major player in the English Courts and Tribunal system) who can fail to be ready for the 2012 Olympics, will be concerned about regular failure at a local police station that is not being filmed for a global television audience? In addition, the importance of this issue demands that it is not based on the stated hope or public confidence of any here today, gone tomorrow politician or Senior Police Officer – it is about the best, long term, accountable civilian support for the Police Service of Northern Ireland.

Given the failings of privatisation/outsourcing, including within the Criminal Justice system, are so well publicised⁵² and ‘market-driven’ solutions, decades-old, the PSNI has an opportunity to stop the headlong rush into inappropriate solutions. The history of privatisation and outsourcing shows that “costs go up, services get worse; private companies are not accountable and staff are undermined”,⁵³ who believes that the PSNI personnel approach using Managed Service Contracts will be the exception to this well documented rule?

To pursue such a strategy, therefore, is blind faith in the market rather than evidence based policy making. The current approach is driven by a search for short-term savings, predicated on hostility to the appropriate, positive, progressive, terms and conditions (maternity pay, sick pay, annual leave, pension etc.) of permanent staff. The recruited staff without these benefits may be seen as ‘cheap’, but the contractual arrangements under which they are employed certainly are not. In this way, we all pay a considerable price in terms of quality of service, lack of transparency, etc. – for a series of human resource ‘quick’ fixes. The only winners

throughout are the shareholders of private companies who are gifted this business.

A future based on supporting Staff

In terms of the future, we expect that all recruitment is open and transparent, incorporates best practice as outlined by the Labour Relations Agency and is in-line with the best practice requirements of the Equality Commission. It should also be subject to systematic, rigorous reporting to the Policing Board.

We must move away from past practice of staff being undermined by 'temporary' workers being adopted into roles without full, transparent consideration of the availability of internal permanent staff who could be offered the opportunity to fill vacancies.

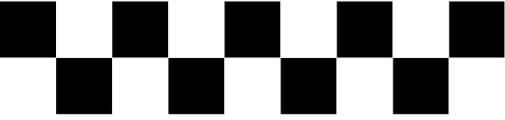
It also needs to be stated that in terms of future practice, staff need protection. The Policing Board, therefore, need to ensure that staff representatives are treated appropriately long before the question of 'whistleblowing' and its protections are invoked. This too needs a rigorous monitoring and scrutiny from the Policing Board for Northern Ireland (PBNI) so that all matters of strategic, long-term importance are not advanced without the full PBNI debate and consent that will allow long-standing problems to be addressed and prevent current mistakes entrenching further long-term damage.

The temporary arrangements have clearly served their purpose and it is now time to fund posts in the PSNI on a permanent and sustainable basis. In addition, consideration should be given to the pros and cons of the permanent recruitment processes being informed by the Patten recommendation (Para 15.7) that there should be "lay involvement, including community representatives,

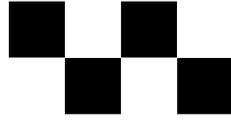
on recruitment panels.”⁵⁴ In addition, NIPSA would urge the PAC to examine the potential benefits of the public advertisement of any post which has been filled on a temporary basis for more than 6 months.

This is not about jumping on a band wagon, political opportunism or witch-hunts; it is about personnel services in a highly sensitive area needing to be beyond reproach on all matters. The PSNI state as one of their guiding principles that they “*challenge the status quo, keeping red tape to a minimum, always at the forefront of value for money and effective practice*”.⁵⁵ If this is to be fulfilled there needs to be a fully inclusive discussion about the next 20 years of permanent civilian staff assisting police delivery. We need a ‘thinking gap’ which allows us all to plan a way forward which is sustainable, gives everyone confidence and secures the support of staff, the Policing Board and the public.

For this to happen the current and future leadership need to open the books and review all contracts for the provision of agency workers, associates and managed services. It must accept that there are others with a genuine commitment to delivering a great service who need to be heard. The alternative to such an approach will be more uncertainty, more internal strife, a less reliable service and unjustifiable public expense, picked up, no doubt, in future critical reports from the Audit Office, Criminal Justice Inspectorate and Public Accounts Committee. NIPSA would rather the issue is put right now, than we are proved right in the future when such scrutiny again takes place. **Personnel Strategies need integrity, the civilian staff in the PSNI need support.**



Endnotes

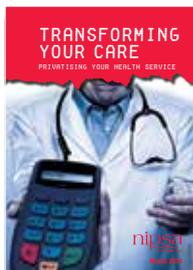


1. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf> 26/3/14, p. 11
2. (Endnote - [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf> 26/3/14
3. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf> 26/3/14, Recommendation 3, p. 3
4. Letter from PSNI Deputy Director of Resources to NIPSA, 9/2/13.
5. Ibid.
6. Ibid.
7. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf> 26/3/14, Recommendation 3, p. 3
8. When the provision of temporary staff was subject to competitive tendering in 2008 Grafton Recruitment won the competition.
9. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf>, 26/3/14 p. 7
10. Ibid.
11. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf>, 26/3/14 p. 8
12. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf>, 26/3/14 p. 9
13. [On Line] Available: http://www.niauditoffice.gov.uk/index/publications/report_archive_home/2012/psni_final_report.pdf
14. Ibid.
15. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf>, 26/3/14 p. 3
16. [On Line] Available: http://www.niauditoffice.gov.uk/index/publications/report_archive_home/2012/psni_final_report.pdf
17. Ibid.
18. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf>, 26/3/14 p. 10
19. Ibid.
20. Ibid.

21. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf>, 26/3/14 p. 14
22. Ibid.
23. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf>, 26/3/14 p. 15
24. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf>, 26/3/14 p. 11
25. [On Line] Available: http://www.niauditoffice.gov.uk/index/publications/report_archive_home/2012/psni_final_report.pdf
26. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf>, 26/3/14 p. 10
27. This term acknowledges the now contractual status and changes to the pay and working conditions that have arisen as a result of the Agency Workers Regulations (Northern Ireland) 2011.
28. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf>, 26/3/14 p. 16
29. Ibid.
30. Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (full-time) (Severance) Regulations 2003.
31. [On Line] Available: <http://www.cjini.org/TheInspections/Inspection-Reports/Latest-Publications.aspx?did=2482> May 2013.
32. Ibid, p.v.
33. CJI (2013), Op.Cit., (pp. viii-ix).
34. Chief Inspector of Criminal Justice comment from 9/5/13 press release accompanying CJI May 2013 report.
35. [On Line] Available: <http://www.thedetail.tv/issues/203/cji-inspection-of-psni/cji-raises-concerns-over-police-still-filling-civilian-roles-in-psni> 9 May 2013.
36. Ibid.
37. Ibid.
38. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf>, 26/3/14 p. 16

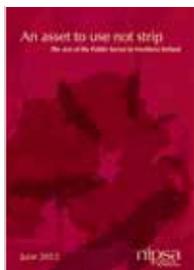
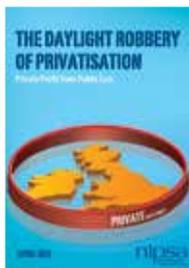
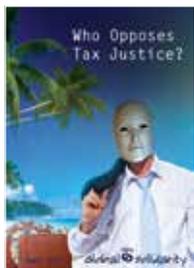
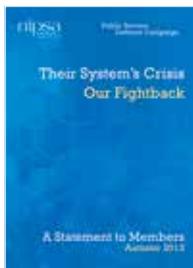
39. Evidence to the October 5 2012 meeting of the Policing Board.
40. [On Line] Available: <http://www.cjini.org/TheInspections/Inspection-Reports/Latest-Publications.aspx?did=2482> May 2013 p.v
41. [On Line] Available: http://www.caj.org.uk/files/2013/06/26/S411_CAJs_Submission_to_United_Nations_CEDAW_June_2013.pdf June 2013.
42. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf>, 26/3/14 p. 12
43. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf>, 26/3/14 p. 13
44. Director of the Committee on the Administration of Justice (CAJ) letter to PSNI Deputy Chief Constable, 24th January 2013.
45. [On Line] Available: <http://www.bbc.co.uk/news/mobile/uk-northern-ireland-16782157>, 30 January 2012.
46. Director of the Committee on the Administration of Justice (CAJ) letter to PSNI Deputy Chief Constable, 24th January 2013.
47. Ibid.
48. [On Line] Available: <http://www.hmic.gov.uk/publication/hmic-inspection-of-the-historical-enquiries-team/> 3 July 2013.
49. [On Line] Available: <http://www.niassembly.gov.uk/Documents/Reports/Public-Accounts/9699.pdf>, 26/3/14 p. 13
50. Ibid.
51. Letter from Justice Minister to NIPSA.
52. See NIPSA overview of the damage done by and daylight robbery of privatisation and outsourcing - [On Line] Available: [http://www.nipsa.org.uk/NIPSA-in-Action/Policy-and-Research/The-Daylight-Robbery-of-Privatisation-\(1\)](http://www.nipsa.org.uk/NIPSA-in-Action/Policy-and-Research/The-Daylight-Robbery-of-Privatisation-(1)) April 2013.
53. [On Line] Available: <http://weownit.org.uk/privatisation>
54. The Patten Report - [On Line] Available: <http://cain.ulst.ac.uk/issues/police/patten/patten99.pdf>
55. [On Line] Available: <http://www.psni.police.uk/about-us.htm>

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