



Northern
Ireland
Office

Consultation Paper

**POLICE (NORTHERN
IRELAND) ACT 2000 –
REVIEW OF TEMPORARY
RECRUITMENT
PROVISIONS**

30 October 2009

FOREWORD

Last month marked the tenth anniversary of the publication of the Report of the Independent Commission on Policing in Northern Ireland (the “Patten report”). This report was the basis of a fundamental transformation in policing in Northern Ireland. One of the most significant changes has been in the composition of the PSNI.

At the time of the report Catholic composition within the Royal Ulster Constabulary stood at just 8.3%. Since the introduction of the temporary provisions in November 2001, the Catholic composition has risen to 27.58%. This represents tremendous progress towards a more representative police service. However, we still have a little distance to go before we achieve our target of 30% Catholic representation. That is why we are seeking a final renewal of these provisions.

I recognise that some people have misgivings about this policy and have been vocal in their opposition to it. However, we firmly believe that these temporary measures have been effective in achieving a more representative police service which commands confidence across the community.

We introduced these provisions to ensure we had a police service which was representative of the community, within a specified period of time. But we have repeatedly given the commitment that the provisions will lapse when we reach 30%. Indeed, Annex B of the St Andrews Agreement states that “The 50:50 recruitment arrangements to the PSNI will lapse when the Patten target for Catholic officers has been achieved”.

The PSNI’s 15th recruitment campaign was launched in March 2009. Appointments from this campaign will continue to be made after the current renewal order expires on 28 March 2010. There may also need to be a further small scale campaign depending upon the numbers leaving on severance and forthcoming decisions on force strength; these will become clearer later in the year. We would want to ensure that appointments following these campaigns are made under the temporary 50:50 provisions.

I want to make it absolutely clear that we are seeking to renew the provisions for a final year and when I am satisfied that we will reach our target 30% I will return to Parliament to end these temporary provisions. It is anticipated that this may well be prior to the end of March 2011.

This final renewal order provides us with the opportunity to fully deliver on Patten’s recommendation and ensure we have a police service which is truly representative of the community it serves and which enjoys the support of the whole community in Northern Ireland.

I look forward to receiving your comments.



The Rt. Hon. Paul Goggins MP
Minister of State for Northern Ireland

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POLICE (NORTHERN IRELAND) ACT 2000

REVIEW OF TEMPORARY PROVISIONS

INTRODUCTION

The purpose of this paper is to provide information on the temporary provisions in place in Northern Ireland regarding the appointment of police officers and police support staff. It aims to demonstrate the progress which has been made towards securing that membership of the police is representative of the community in Northern Ireland.

2. The paper also provides an overview of the gender and ethnic minority composition of the PSNI. However, the focus is on the need to address the imbalance of community background in the composition of the PSNI as highlighted by the Report of the Independent Commission on Policing for Northern Ireland and as legislated for in the Police (Northern Ireland) Act 2000.

3. The Government is committed to achieving the target of 30% Catholic composition. **This will require the temporary provisions to be renewed for one final year.**

4. In deciding whether the provisions should be renewed, the Secretary of State is under a statutory requirement to have regard to progress made towards securing that membership of the police and police support staff is representative of the Northern Ireland community.

5. This consultation paper therefore reports on the changing composition of the PSNI since the introduction of the temporary provisions in 2001. You are invited to provide your views on the effectiveness of the provisions and your thoughts on taking forward another renewal order for one further year.

6. The deadline for responses to issues raised in this consultation is 22 January 2010. Further details on responding to this consultation are set out at paragraphs 56-59.

BACKGROUND

7. The Report of the Independent Commission on Policing for Northern Ireland (the Patten Report), published in 1999, observed that only 8.3% of the RUC was Roman Catholic. The Commission noted that it was the imbalance between the number of Catholics/Nationalists and Protestants/Unionists which was the most striking problem in the composition of the RUC.

8. The Commission recommended (recommendations 120 and 121) that all candidates who wished to join the police service and who reached a specified standard of merit in the selection procedure should be placed in a pool from which an equal number of Protestants and Catholics would then be drawn for appointment. Paragraph 15.10 of the Patten Report specifically envisaged that one half of new recruits would be Catholic and one half "Protestant or undetermined". This arrangement is commonly known as '50:50 recruitment'. Using this model, Patten envisaged that the proportion of Catholic officers would quadruple within 10 years. Patten recommended that the provisions should remain for at least the ten years of the model, bringing us to 2011.

9. Paragraph 15.17 of the Patten Report also noted that, whilst the proportion of Catholics in the senior ranks of the police service was higher than in the service as a whole, it was nevertheless not reflective of community composition. It recommended (recommendation 127) that the recruitment agency should seek to identify and contact Catholic police officers from Northern Ireland serving in police services elsewhere, particularly those in more senior ranks, and encourage them to apply for positions in the Northern Ireland police. This arrangement is commonly known as 'lateral entry'.

10. The Police (Northern Ireland) Act 2000 (the 2000 Act), Sections 44–47, gives effect to the Patten Report's recommendations and the temporary provisions.

LEGISLATION

11. The temporary provisions of the Police (Northern Ireland) Act 2000, the Race Relations (Northern Ireland) Order 1997 and the Fair Employment and Treatment (Northern Ireland) Order 1998 were last renewed in 2007 by the "2007 Renewal Order"¹. Legislation allows the Secretary of State to further renew the provisions, either in their entirety, or in part, in consultation with the Policing Board. The 2000 Act does not provide for the provisions to be amended. The 2007 Renewal Order which came into operation on 28 March 2007 is due to expire on 28 March 2010.

12. The temporary provisions are as follows:-

- Sections 44(5) to (7), 45 and 46 of the Police (Northern Ireland) Act 2000;
- Article 40A of the Race Relations (Northern Ireland) Order 1997; and
- Article 71A of the Fair Employment and Treatment (Northern Ireland) Order 1998.

13. With the exception of section 45 of the 2000 Act, the temporary provisions give effect to the 50:50 recruitment arrangements for police trainees and police support staff. Section 45 provides for the appointment to the PSNI of external candidates at the ranks of sergeant and above i.e. lateral entry.

50:50 Recruitment

14. Section 44(5) of the 2000 Act requires that applicants who meet the qualifying standard for appointment as police trainees should form a pool (commonly known as 'the merit pool') of applicants for the purposes of section 46(1).

15. Section 44(6) of the 2000 Act requires that applicants for appointment as police support staff should form a pool of applicants for the purposes of section 46(5).

16. Section 44(7) of the 2000 Act provides that section 44(6) is relevant, only where there are six or more posts of similar nature and level to be filled at about the same time.

17. Section 46 of the 2000 Act requires that, in making appointments of police trainees and police support staff, the Chief Constable shall appoint an even number of persons from the pool, one half of whom are treated as Roman Catholic, and one half of whom are not.

18. Section 46 also provides for the Secretary of State to make orders in Parliament to adjust the 50:50 ratio for recruitment of police trainees in two sets of circumstances:

¹ Police (Northern Ireland) Act 2000 (Renewal of Temporary Provisions) Order 2007 No 214

(i) Set-aside

Where there is an insufficient number of candidates of either community background to meet the number of trainees which the Chief Constable requires to be appointed on that occasion, the Secretary of State may make an order to 'set aside' 50:50 (Section 46(2) and (3)); and

(ii) Aggregation

Where at least one such set aside order has been made in the previous three years, the Secretary of State may make an order to 'aggregate' the quota, subject to a maximum of 75% (i.e. no more than 75% of those appointed from the pool may be of the one community background), for the purpose of redressing, or partly redressing, any imbalance which has arisen as a result (Section 36(3) and (4)).

19. With the exception of the aggregation provision, these arrangements also apply to recruitment of police support staff as per sections 44(6) to 44(7) and 46 of the 2000 Act.

20. Before making any such order, the Secretary of State has a statutory duty to consult the Policing Board. To date, no such order has been required due to the high level of interest and application rates from both sides of the community (paragraph 25 refers).

21. Article 40A of the Race Relations (Northern Ireland) Order 1997, and Article 71A of the Fair Employment and Treatment (Northern Ireland) Order 1998 ensure that the application of the 50:50 selection procedures does not conflict with these elements of anti-discrimination legislation. Separately the Government obtained an exemption from European Directive 2000/78/EC on employment equality, to allow for these exceptional recruitment arrangements.

Lateral Entry

22. Whilst lateral entry already happens between UK police forces, section 45 of the 2000 Act provides the basis for a wider degree of lateral entry, including from An Garda Síochána. It makes provision for the Policing Board (for senior officers) and the Chief Constable (for officers other than senior officers), to encourage suitably qualified external candidates to apply to the PSNI.

OPERATIONAL PROGRESS

23. When considering whether the temporary provisions should be renewed for a further period, not exceeding three years, the Secretary of State will have regard to the progress made since the 2000 Act came into force.

24. In this review of progress, we note the application rate, the overall Catholic composition and the Catholic composition across the ranks. Mention is also made of the number of officers recruited since November 2001 who have been promoted. Looking forward, we note that the temporary provisions need only apply for a further year, which will deliver the target 30% Catholic composition.

Police Officers

25. Fifteen recruitment competitions for regular officers have been run to date under the 50:50 arrangements. Prior to 2007, two recruitment competitions were held annually (each for 220 places), since then one annual competition has been held for 440 places. The table below shows the total applications received in each competition, together with the percentage of Catholic applications for each.

Competition (Launch Date)	Applications received by closing date	% Catholic applications
1 (March 2001)	7518	34.8
2 (Sept 2001)	4915	38.5
3 (March 2002)	4674	35.1
4 (Sept 2002)	4410	33.6
5 (March 2003)	6044	36.2
6 (Sept 2003)	5419	35.2
7 (March 2004)	4977	34.3
8 (Sept 2004)	5695	34.8
9 (March 2005)	6106	33.8
10 (Sept 2005)	7690	37.0
11 (March 2006)	7859	36.0
12 (Sept 2006)	7734	40.4
13 (June 2007)	7418	44.3
14 (March 2008)	8363	42.0
15 (March 2009)	9825	38.2
TOTAL	98647	36.9%

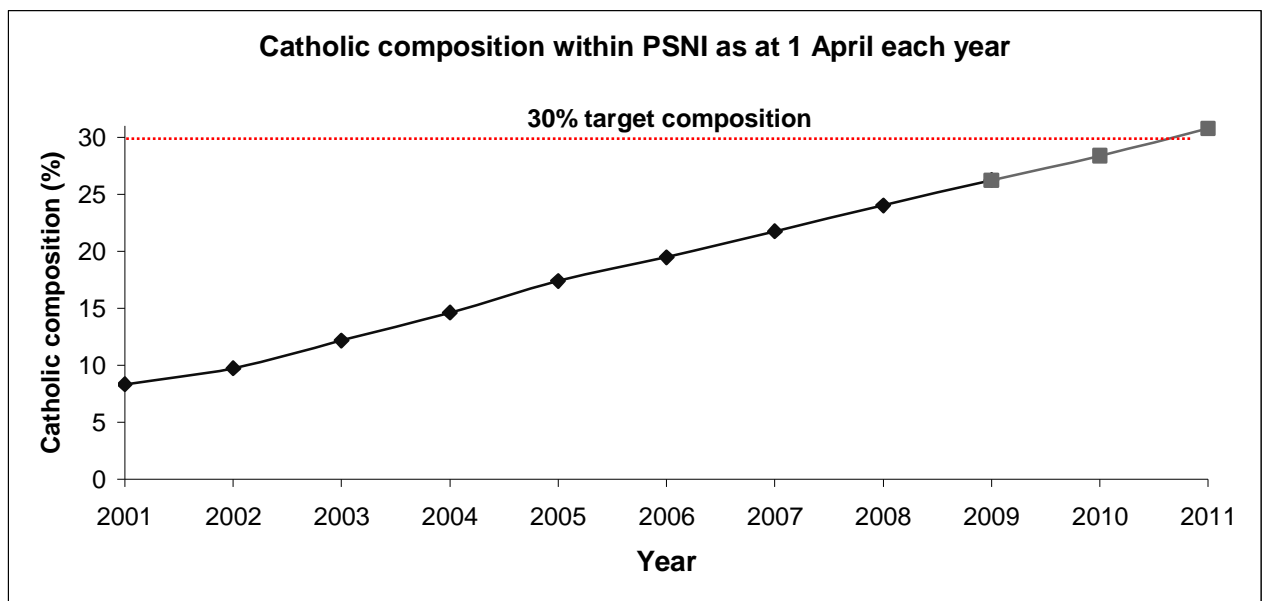
26. In his nineteenth (and final) report in May 2007, the Oversight Commissioner noted that contracting out the recruitment process had been very successful. He stated that “all recruits are considered fully capable and qualified to perform the duties of a police officer.” He observed that each campaign has produced merit pools sufficient to meet the requirements to appoint on a 50:50 basis.

27. As at 4 October, 3703 officers had been recruited under the temporary provisions. All officers recruited have demonstrated that they meet the required UK standards.

28. It is encouraging that the Catholic application rate has risen from the 23.33% in the last campaign before the introduction of the temporary provisions. However, to achieve the 30% target composition within the timescale envisaged by Patten and to make the remaining appointments from the latest recruitment campaign on the same basis it is necessary to continue with the temporary provisions.

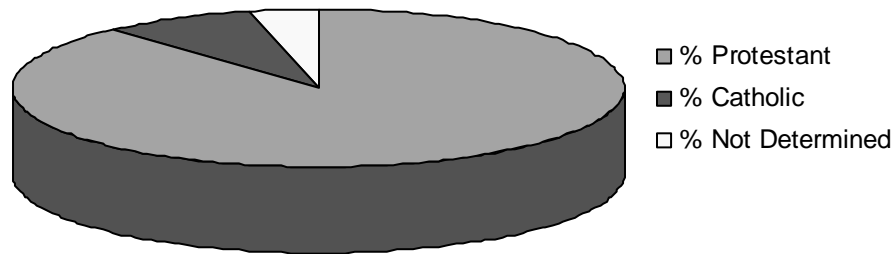
29. The change in composition of the PSNI since the introduction of the temporary provisions is highlighted in the table below. The accompanying chart clearly shows steady progress towards the target 30% Catholic composition. The predicted compositions for 2010 and 2011 are shown to illustrate that we anticipate reaching the target before a further renewal order would expire on 28 March 2011. The Catholic composition within the PSNI currently stands at 27.58% (as at 4 October 2009).

	Catholic composition (%)
1 April 2001	8.34
1 April 2002	9.73
1 April 2003	12.2
1 April 2004	14.64
1 April 2005	17.42
1 April 2006	19.49
1 April 2007	21.77
1 April 2008	24.04
1 April 2009	26.26

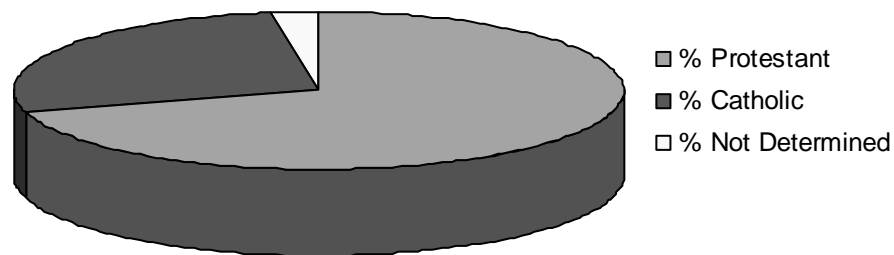


30. The pie charts below clearly illustrate the change in composition between 1 November 2001 (before the first appointments were made under the 50:50 provisions) and 1 June 2009.

Community Background breakdown - as at 1 November 2001



Community Background breakdown - as at 1 June 2009



Composition across ranks

31. While it is at Constable level that the biggest change has been seen in composition, it is also interesting to look at composition across all ranks. The table below compares the relative compositions in 1 November 2001 (before the temporary provisions commenced) with those at 1 June 2009.

	01 November 2001			01 June 2009		
	Protestant	Catholic	Not Determined	Protestant	Catholic	Not Determined
Senior Off	84.22	7.89	7.89	77.42	16.13	6.45
Supt	82.09	16.42	1.49	84.31	9.80	5.88
Ch Insp	89.31	7.63	3.05	77.66	12.77	9.57
Insp	87.11	9.79	3.09	82.00	14.50	3.50
Sergt	90.32	7.85	1.83	82.34	14.86	2.81
Con	87.96	8.18	3.87	67.98	29.94	2.09
Student Off				46.89	51.67	1.44
OVERALL	88.24	8.28	3.48	70.59	27.02	2.39

Promotion

32. Of the 3659 officers appointed to date under the temporary provisions 154 have been promoted to Sergeant. 72 of these are Catholic, 80 Protestant and 2 not determined. Over time the proportion of Catholic officers at all ranks will increase.

Police Support Staff

33. The agent responsible for police support staff recruitment has run twenty-nine competitions to date on a 50:50 basis. The details showing the declared number of vacancies and the total number of candidates appointed on a 50:50 basis are set out in the table below.

Competition Title	Number of declared vacancies	Total number appointed on a 50:50 basis
Press Officer	8	14
Driving Instructor	6	6
IT Specialist	16	28
Trainee Police Analyst (Comp 1)	18	22
Trainee Police Analyst (Comp 2)	20	20
Trainee Police Analyst (Comp 3)	10	10
Business Manager	14	30
Personnel Manager	14	8
Telecommunications Engineering Technician	14	14
Project Manager	6	8
Project Manager (fixed term)	6	8
Programmer Analyst	14	16
Systems Analyst	12	12
Armourer	6	4
Crime Scene Investigator	6	16
Finance Administration Officer (Comp 1)	10	8
Finance Administration Officer (Comp 2)	10	8
Administrative Officer	60	142
Firearms Instructor	6	16
Training Support Officer	6	10
Station Enquiry Assistant (Comp 1)	60	92
Station Enquiry Assistant (Comp 2)	50	30
Station Enquiry Assistant (Comp 3)	20	8
Enquiry Officer – Firearms	28	48
Exhibits and Disclosure Officer	20	22
Head of Human Resources	6	2
Financial Investigator	8	10
Head of Business Services	6	6
Administrative Support Assistant	80	58 *

* Competition still ongoing

34. The composition of Catholics within police support staff was 12% at the time of the Patten report. This has now increased to **17.65%** (as of 1 October

2009). The table below demonstrates the change in Catholic composition since the introduction of the temporary provisions.

	Catholic composition (%)
1 January 2001	12.85
1 January 2002	12.55
1 January 2003	13.25
1 January 2004	14.08
1 January 2005	14.51
1 January 2006	14.79
1 January 2007	17.12
1 January 2008	17.36
1 January 2009*	17.67

* As of 1st October 2008 all Police Staff became permanent employees of the Northern Ireland Policing Board, under the direction and control of the Chief Constable. Prior to this, police staff consisted of direct recruits to the PSNI and NI Civil Service staff seconded to the PSNI.

35. The increase in Catholic composition in support staff posts is not as advanced as that of regular officers as 50:50 only applies to those recruitment competitions where there are six or more vacancies of a similar nature to be filled at or about the same time.

Lateral entry

36. This aspect has been taken forward as part of a package of measures on North/South policing co-operation. An Intergovernmental Agreement on policing co-operation was signed by representatives of both the British and Irish governments on 29 April 2002. Protocols have been developed between the two police services on various aspects of policing co-operation, including lateral entry with selection based on open competition and merit, as Patten recommended. The arrangements are broadly reciprocal.

37. Developments have also been made to facilitate appointments through training, especially at senior level to develop interchange and co-operation. The Secretary of State has given the Chief Constable administrative approval to waive the probationary period of an officer who joins the PSNI from any other police force, including An Garda Síochána.

38. The 5-Sided Project Board for North-South Cooperation on Policing (made up of representatives of the Police Service of Northern Ireland, An Garda Síochána, the Policing Board, the Northern Ireland Office and the Department of Justice) met in April 2009. At that meeting it was noted that pensions remain the key disincentive to lateral entry, given the complexities of transferring pensions from one jurisdiction to another. Although this is not just an issue for police officers (it is wide spread across the civil service and public sector) it was decided that a sub group will be set up to discuss the matter in

more detail with a view to bringing it to an acceptable close for both An Garda Síochána and the PSNI.

Female and ethnic minority composition

39. The 50:50 policy addresses the imbalance of community background in the composition of the PSNI, as this was what Patten found to be the most striking problem above issues of gender and ethnic minority composition, which the Commission acknowledged were important. A side benefit of increasing recruitment to the PSNI has been an increase in both the female composition and the ethnic minority composition.

40. At the time of the Patten report, the female composition stood at just 12.6%. Today, it is 24.58%.

41. There are currently 32 officers in the PSNI from an ethnic minority background, this includes Chinese, Pakistani and Indian. This represents 0.44% of the regular officers, a figure which is comparable with the overall level (0.48%) of the working age ethnic minority population in Northern Ireland.

WHAT DOES A FURTHER RENEWAL ORDER MEAN?

42. The Government understands the mixture and depth of feeling that these temporary provisions invoke in the community. It is clear however, that they are achieving their aim of correcting an acute historical imbalance in the composition of the PSNI.

43. As the composition has changed, confidence in the police has increased. Confidence and engagement figures from the Northern Ireland Crime Survey (the method by which the NIO measures performance) show a significant rise in the percentage of respondents who think the PSNI treat both communities equally in Northern Ireland as a whole.

44. Against a baseline of 72% in 2003/04¹ the percentage of respondents who felt PSNI treat both communities equally increased to 82.2% for 2008/09. This represents an increase of 10.2 percentage points.

45. The policy, as set out in the St Andrews Agreement, is that we are firmly committed to achieving a progressive increase in the Catholic representation in the police service. Our aim is to increase Catholic representation to 30%, which should be achieved by March 2011.

46. Of course, there is no doubt that immense political progress has been made since Patten completed his report including Sinn Féin's decision to support policing and the restoration of the Northern Ireland Assembly. However, we still have a short distance to go before we have a police service which is representative of the community. The continuation of the 50:50 provisions for another year will help achieve this.

47. Recruitment following Campaign 15 is under way. Some appointments from that campaign will be made after March 2010. There may also need to be a further small scale campaign depending on the numbers leaving on severance and forthcoming decisions on force size. Renewal of the provisions for a further year, to March 2011, will ensure that appointments from these campaigns are made under the temporary 50:50 provisions.

48. When the target 30% Catholic composition has been achieved an order will be made to amend the expiry date and thereby end the temporary provisions.

¹ Baseline figure sourced from April 2004 Omnibus Survey. Figures exclude don't know and refusals.

EQUALITY SCREENING

49. Under section 75 of the Northern Ireland Act 1998, public authorities are required to have due regard to the need to promote equality of opportunity between:

- People of different religious belief, political opinion, racial group, marital status or sexual orientation;
- Men and women generally;
- People with disabilities and those without;
- People with dependants and those without.

50. In addition to this obligation, public authorities are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. These obligations are designed to ensure that equality and good relations considerations are carefully considered as part of the policy development process and that consultation can take place with those on whom the policy will impact most.

51. We acknowledge that the provisions are discriminatory and that the policy has had an adverse impact on a small number of individuals. However, the purpose of the policy is to ensure that the police have the support of the whole community in Northern Ireland.

52. It is our belief that the measures are proportionate to the objective being pursued and are proportionate only because they are temporary. We are therefore committed to ending the provisions when the 30% target is achieved.

CONSULTATION

53. In considering whether to renew the provisions, the Secretary of State must take account of progress towards securing that membership of the police and the police support staff is representative of the community in Northern Ireland. An Order under Section 47(3) of the 2000 Act, to renew all or any of the provisions, will be subject to affirmative resolution in both Houses.

54. Before bringing such an Order, the Secretary of State is statutorily obliged to consult with the Policing Board. However to ensure the views of interested parties are taken into consideration, this three month consultation, is also being extended to seek views from a wide range of organisations.

55. Having had regard to the progress towards securing that membership of the police and the police support staff is representative of the whole community in Northern Ireland, you are invited to submit your views on the temporary "50:50" recruitment provisions.

Responding to this consultation

56. This consultation will run for 12 weeks and responses are therefore requested by **22 January 2010**. Comments on the temporary recruitment provisions should be sent by post to:

Policing Policy and Strategy Division
Northern Ireland Office
Room A4.16
Block A Castle Buildings
Stormont Estate
BELFAST
BT4 3SG

Email responses should be sent to consultation5050@nio.x.gsi.gov.uk. Responses can also be faxed to (028) 9052 0063. Please call (028) 9052 3458 for queries in relation to this consultation. The NIO textphone number is (028) 9052 7668.

57. This consultation document is available on the NIO website: <http://www.nio.gov.uk/index/public-consultation/documents.htm> Printed copies of this consultation document may also be obtained free of charge from the above address. You may make additional copies of this document without seeking permission. This document can also be made available on request in different formats, for individuals with particular needs.

58. If you are responding on behalf of a group or organisation please make this clear. The NIO is committed to publishing a list of those organisations that comment on this review and to making available, to anyone who asks for it, a copy of the comments and our response to them. **If you do not wish your comments to be published in this way, you must make this clear in any response you submit.**

59. If you have any concerns or complaints about the consultation process you should contact the NIO's consultation co-ordinator, Donna Knowles on (028) 9052 7015, or email Donna.Knowles@nio.x.gsi.gov.uk or by post:

Donna Knowles
Central Management Unit
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Consultation criteria

60. The Government's general consultation criteria are:
- To consult widely throughout the consultation process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy;
 - To be clear about what its proposals are, who may be affected, what questions are being asked and the timescale for responses;
 - To ensure that the consultation is clear, concise and widely accessible;
 - To give feedback on the responses received and how the consultation process influenced policy;
 - To monitor the Department's effectiveness at consultation, including the use of a designated consultation co-ordinator; and
 - To ensure that consultation follows better regulation best practice, including carrying out a regulatory impact assessment, if appropriate.