

An Chartlann Náisiúnta
National Archives

Reference Code:	2023/154/17
Creator(s):	Department of the Taoiseach
Accession Conditions:	Open
Copyright:	National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

07/06 '00 WED 13:03 FAX
FROM Ss noted + filed
8 - JUN 2000

(TUE) 06. 06' 00 17:22/ST. 16:56/NO. 3580082557 P 1/14

T Ahern 2
8/6/00

SEEN BY TAOISEACH

SPEECH BY SECRETARY OF STATE FOR NORTHERN IRELAND

Hs Griffin 21 P
12.6.00

PETER MANDELSON MP

SECOND READING OF PATTEN REPORT

HOUSE OF COMMONS

TUESDAY 6 JUNE 2000

©TSCH/2023/154/17

I beg to move that the Bill be now read a second time.

This Bill paves the way for the most complex changes in policing practice and culture ever attempted and one which, if successful, will provide as good a model for policing as can be found anywhere in the world.

The philosophy, size, structure, composition, training, accountability, human rights ethos, planning and information systems and community base of Northern Ireland's police will all change if this Bill is enacted.

It is hardly surprising that such a complex task should spark controversy.

As well as setting out a radical vision of modern civic policing – one that is rooted in the whole community and will draw its legitimacy and strength from its support in all parts of the community – the Bill seeks to create a police service that combines:

- entrenched respect for human rights without compromising its effectiveness;

- And one that offers full accountability to the public without denting its operational efficiency.

The achievement of such goals will generate considerable debate in this Chamber and in Committee.

I intend to approach that debate with an open mind. I readily accept that the Bill will require fine tuning as we proceed.

Nevertheless, I contend strongly that as people turn from the generalisations to the detail of what we are proposing, and when they

©TSCH/2023/154/17

study the reality of the Bill's contents as opposed to some of the rhetoric and the hyperbole that has surrounded it recently, they will recognise that, in spirit as well as letter, we are implementing the Commission report that has given rise to the Bill, named after its chairman, Chris Patten, to whom I pay tribute.

Of course such reports inevitably set objectives without always specifying how these are to be achieved, while not every aspect needs legislation for its implementation.

[The House will wish to know that I am today publishing in Belfast a detailed plan setting out the Government's implementation of each of Patten's recommendations. Copies will be available this evening.]

The important thing is to ensure that the principles for policing originally laid down in the Good Friday Agreement have been fulfilled and I firmly believe they will be.

It is as well to recall these as they go to the heart of the cross-community support that our reforms are seeking and which is vital for the new beginning we want.

The Agreement wanted a police service which:

- is professional, effective and efficient, fair and impartial;
- is accountable, but is free from partisan political control;
- is representative of the society it polices and conforms with human rights norms;

©TSCH/2023/154/17

- is capable of maintaining law and order - including responding effectively to crime and to any terrorist threat and to public order problems;

- is capable of delivering a policing service, in constructive and inclusive partnerships with the community at all levels; and

- has the maximum delegation of authority and responsibility.

We are fulfilling all these principles in the Bill and in doing so we are creating a unique opportunity for policing in Northern Ireland to move forward.

The RUC has led the world in counter-terrorist policing.

We now want it - as Northern Ireland passes into a peaceful environment - to lead the world in normal community partnership policing.

But I would add one further principle to those I have listed.

The principle that a police service, and the public it serves, should honour not denigrate its members, especially those who have made sacrifices in the course of their professional duties which the rest of us wouldn't dream of having to make in the course of our entire lives.

For this, the RUC, rightly, received the signal honour of being awarded the George Cross by Her Majesty the Queen.

And no one will now take that honour from those who have served during this terrible period of conflict.

©TSCH/2023/154/17

Of course, policing in Northern Ireland has been controversial.

For some people the police can do no wrong.

For others they can do no right.

That is an inevitable source of division.

I don't want to dwell on the past except to say this.

In the terrorist war NI has experienced, injury, fatalities, indignity and suffering were routinely incurred.

We will not forget those who have borne the brunt of this pressure. For those RUC officers who have paid dearly, their legacy will endure, their memorials will be maintained, and the permanent RUC George Cross Foundation for which this Bill is making provision, will keep their name alive.

We should think of doing no less, however much we wish to concentrate – as this Bill does – on creating a police service for the future, rather than on raking over the coals of the past.

I earnestly believe this is what the police themselves want.

They want to draw a line.

They want a fresh beginning in the conditions of peace and normal policing that the new situation offers.

But they want to move forward without dishonouring the past.

©TSCH/2023/154/17

And I am determined that it should happen in this way.

Civic Based

What, then, is the future for policing envisaged in this Bill?

The Patten Report is clear, that policing is a matter for the community as a whole, and not simply for the police.

The police will undoubtedly remain the principal actors, but they should work in partnership with the community and other agencies.

This new civic-based concept is embodied in the Bill's provisions for:

- community policing;
- the restructuring of the police service into more autonomous district commands;
- the creation of new District Policing Partnerships; and
- the provision of consultative forums between the police and the community at local level.

Accountability

The Report made sweeping recommendations to improve police accountability.

©TSCH/2023/154/17

This Bill provides for the Chief Constable to be publicly accountable to a strong and independent Policing Board.

The Board will set policing objectives, priorities and performance targets and will be able to obtain explanations from the Chief Constable for his operational decisions while these will remain, rightly, his alone.

The Board, in other words, will be regulator to the Chief Constable's service provider.

In addition, the new office of Police Ombudsman is being created and will become operational in October, with enhanced powers to investigate complaints about police conduct.

I believe I am right to resist the suggestion that the Ombudsman should also have powers to review the policies and practices of the police service although if, in the course of investigating individual complaints, she wishes to raise wider issues, she may do so.

Human Rights

The Bill will lay the foundations for a human rights based approach to policing.

There will be a new oath affirming commitment to fundamental human rights and according equal respect to the legitimate and democratic beliefs and traditions of all individuals.

A new Code of Ethics will lay down standards of conduct and practice to which current and future members of the police service will sign up.

©TSCH/2023/154/17

Finally, there will be a new training, education and development strategy for the police service.

Should not be limited to Foundation as it seems to be

Human rights training for all officers will be a fundamental requirement of the new strategy.

Parts of the Bill

The House will appreciate just how far reaching are the provisions of the Bill.

I want briefly to highlight the different parts of the Bill:

Part 1 creates the new Policing Board, as I have already described, which will replace the current Police Authority.

Part 2 makes provision for district and community policing arrangements.

The new partnerships will serve as consultative forums between the community and the police.

We will examine whether they should have power to purchase services on top of normal policing following the outcome of consultation on the Criminal Justice Review but, for now, I do not believe it is advisable for the partnerships to have an executive or expenditure role as this would risk undermining the police service's local operations.

Change to the pattern

Part 2 also provides for the restructuring of the police service into District Commands.

This is essential for the development of community partnership policing.

©TSCH/2023/154/17

The District Commander will issue a local policing plan setting out arrangements for the policing of the district.

These plans will be drawn up in consultation with the district policing partnership.

Part 3 reforms the police planning process in accordance with Patten's recommendations.

The Board, not the Secretary of State, will have the lead role in the planning process.

It will agree and issue the annual policing plan, prepared by the Chief Constable.

Part 4 places a duty on the Policing Board and the Chief Constable to secure 'best value' in the way in which their functions are exercised – in terms of the economy, efficiency and effectiveness of expenditure.

It has been argued that the Board will have a narrower function in these matters than the present Authority. This is not the case. The Board will have much greater powers and responsibility than the Authority – in terms of planning and objective setting for policing; monitoring police performance; and holding the police to account.

Part 5 deals with the functions of the Chief Constable and the police service.

It requires all officers in carrying out their functions to have regard to the code of ethics to be issued by the Chief Constable.

©TSCH/2023/154/17

This will bring the new focus on human rights into all aspects of policing.

Part 5 also provides that the police service shall be under the direction and control of the Chief Constable, as Patten insisted.

This is a fundamental principle: the police must retain operational responsibility.

But they must also account for their actions.

Part 5 also makes provision for the recruitment of police officers and police service support staff, although I should stress that, notwithstanding an element of independent validation of recruitment, the Chief Constable will be the final arbiter of who is admitted, based on merit.

This part includes special measures to change the religious composition of the police service, the so-called 50:50 recruitment.

The Bill makes provision for periodic review of the need for this measure.

I have listened to concerns about the provision which will cause it to fall absolutely after 10 years and I accept this time limit will be unnecessary if the system is being regularly reviewed. I also believe it is desirable to aggregate out the balanced recruitment we want over a period of years if it falls short in a particular year.

Part 5 enables regulations to be made to enhance pensions and gratuities for officers leaving the police service under voluntary severance arrangements.

©TSCH/2023/154/17

The Government has made clear that we will be sympathetic and generous in our approach to officers leaving, whether regulars or reserves.

This provision enables me to do this. It also makes provision requiring members of the police service to register their interests and associations.

Finally, Part 5 will enable me to regulate the emblems and flags of the police service and to issue guidance on the use by members of the police service of equipment designed for use in maintaining or restoring public order.

Naturally I am obliged to consult before doing so.

In Part 6 are to found enhanced powers for the Policing Board to require reports from the Chief Constable on any matter connected with the policing of Northern Ireland.

And a new power for the Policing Board to initiate an inquiry into any aspect of the police service.

Patten felt the Policing Board needed this power to enable it effectively to hold the Chief Constable to account.

The Government agrees.

At the same time, Patten acknowledged that this was an extreme power.

He ranked it alongside the Board's ability to call on the Chief Constable to retire.

©TSCH/2023/154/17

For that reason the Government has included safeguards on the exercise of the power.

I have listened to a wide range of opinion which argues that the Government has set too many limitations on its use.

I am prepared to strike a different balance on this but I will be concerned to protect the police from the risk of vexatious, repetitive or capricious behaviour by the Board in initiating inquiries and reports.

Part 7 deals with changes to the powers and functions of the Police Ombudsman.

I believe she is broadly happy with these but she will want to be assured that she has all the papers and information necessary to do her job and I am sympathetic to this need.

Part 8 deals with a number of what are termed miscellaneous and supplementary provisions – including the establishment of the Royal Ulster Constabulary GC Foundation.

I am delighted that this provision has met with a very wide measure of approval in Northern Ireland because I think it is essential that, as I have said, we honour the sacrifices and the achievements of the Royal Ulster Constabulary whilst preparing the police for the new beginning they need.

Oversight Commissioner

Madam Speaker, all these reforms present a very radical agenda.

We need help in implementation.

©TSCH/2023/154/17

I was pleased last week to be able to announce the appointment of the independent Commissioner who will oversee the reforms. The appointment of Tom Constantine – a widely respected former head of the US Drug Enforcement Agency - has been widely supported in Northern Ireland.

I have listened carefully to representations made to me that the Office of Oversight Commissioner should be put on a statutory basis in the Bill.

I have been persuaded by the arguments and intend this to happen.

I want, last of all, to address the question of the name of Northern Ireland's police which in Patten's and the Government's view is strongly linked to the new start we want.

There are many people in Northern Ireland - and I mean largely, but not exclusively, Unionists – who have never set their face against change, who accept the case for reform so as to recruit from all parts of the community but equally, are determined to protect the good name, honour and record of the RUC and, in particular, make clear that the RUC is not being denigrated or disbanded.

I believe the final form of the Bill will achieve this.

I said in the House on 17 May, in reply to a question from my Hon friend for North East Derbyshire, that I believed that the sensible way forward is to provide a legal description in the Bill which incorporates the Royal Ulster Constabulary – in effect the title deeds of the new service – making clear that disbandment is not taking place, while at the same time

©TSCH/2023/154/17

Introducing a new name – the Police Service of Northern Ireland – that will be used for all working and operational purposes.

That remains my preferred option. It corresponds to what Patten said in paragraph 17.7 of the report that "the link between the RUC and the new Police Service should be recognized".

Conclusion

The Bill is intended to lay the foundations for a new beginning to policing in Northern Ireland.

I have already said that it may not yet be perfect and my Rt Hon Friend the Minister of State and I will consider constructive changes.

But they must be aimed at creating a more modern, efficient, representative and accepted police service.

I am not prepared to assist those who are more interested in constraining the police service than strengthening it, or who are keener to look backwards to old scars and disputes rather than forwards to the new era we are trying to create.

That is what the Good Friday Agreement called for, it's what Patten is about and what this Bill, I am confident, will achieve.

On this basis, I commend the Bill to the House.

©TSCH/2023/154/17